

THE
Duke University
FACULTY HANDBOOK



This edition of the Duke University Faculty Handbook contains policies and procedures pertinent to faculty at Duke University as of June 2018. Because of the range of subject matters and authority for them, these policies and procedures are subject to change at any time. Revisions to the Faculty Handbook will be incorporated periodically. Duke faculty are responsible for checking the website <http://provost.duke.edu/faculty-resources/faculty-handbook/> to keep abreast of alterations and additions.

Reading the Handbook requires the Acrobat Reader available free from Adobe. Printed copies of the Handbook are no longer distributed, but it can be printed from the Acrobat reader. The Faculty Handbook is available in alternative media upon request to the Office of the Provost (919-684-2631). Questions about this publication and its contents should be addressed to Faculty Handbook, Box 90005, Duke University, Durham, NC 27708-0005.

Duke University is committed to encouraging and sustaining a learning and work community that is free from prohibited discrimination and harassment. The university prohibits discrimination on the basis of age, color, disability, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status in the administration of its educational policies, admission policies, financial aid, employment, or any other university program or activity. The university also makes good faith efforts to recruit, employ and promote qualified minorities, women, individuals with disabilities, and veterans. It admits qualified students to all the rights, privileges, programs, and activities generally accorded or made available to students.

The university does not tolerate harassment of any kind. Sexual harassment and sexual misconduct are forms of sex discrimination and prohibited by the university. Duke University has designated Dr. Benjamin D. Reese, Vice-President for Institutional Equity, as the individual responsible for the coordination and administration of its nondiscrimination and harassment policies.

Questions or comments about discrimination, harassment (including sexual harassment and sexual violence), domestic violence, dating violence, and stalking can be directed to the Office for Institutional Equity, (919) 684-8222. Additional information, including the complete text of the discrimination grievance procedure and the harassment policy and appropriate complaint procedures, may be found by contacting the Office for Institutional Equity or visiting its website at www.duke.edu/web/equity/. Questions or comments about discrimination, harassment (including sexual harassment and sexual violence), domestic violence, dating violence, and stalking committed by a student may also be directed to the Office of Student Conduct at (919) 681-6938; additional information, including the complete text of the policy and complaint procedure for such misconduct, may be found at <http://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix>.

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CHAPTER 1: THE UNIVERSITY

Excellence, Diversity and Inclusion **A statement by the faculty, Provost, and President**

To achieve our mission and meet the needs of a rapidly changing world, Duke strives to create a climate of collaboration, creativity, and innovation within and across disciplines. Our success depends upon the robust exchange of ideas - an exchange that flourishes best when the rich diversity of human knowledge, perspectives, and experiences is heard. We nonetheless acknowledge that our policies and practices have often failed to ensure equality of participation within our community. Our renewed commitment and responsibility to one another is articulated in the following statement.

Duke University Community Commitment

Because diversity is essential to fulfilling the university's mission, Duke is committed to building an inclusive and diverse university community. Every student, faculty, and staff member—whatever their race, gender, age, ethnicity, cultural heritage or nationality; religious or political beliefs; sexual orientation or gender identity; or socioeconomic, veteran or ability status—has the right to inclusion, respect, agency and voice in the Duke community. Further, all members of the University community have a responsibility to uphold these values and actively foster full participation in university life.

Governing Documents

The governing documents of Duke University (mission statement, bylaws, charter, and indenture of trust) can be found at <https://trustees.duke.edu/governing-documents>

Senior Administration

Administrative Officers

Responsibilities and duties of the trustees and administrative officers of the university are provided in the bylaws of Duke University (see link above). However, the functions of the trustees and officers are described briefly below.

The Board of Trustees

The board consists of thirty-six elected members and the president, ex officio, and the board has vested in it as a group the final authority for the operation of the university. It regularly meets four times a year but may call special meetings. Its Executive Committee acts for the board between meetings and normally convenes five times each year.

The board elects from its membership a chair and vice chair and organizes itself into both standing and ad hoc committees. The former include the Executive Committee, Academic Affairs Committee, Audit, Risk and Compliance Committee, Facilities and Environment Committee, Business and Finance Committee, Human Resources Committee, Institutional Advancement Committee, Medical Center Academic Affairs Committee, and Undergraduate Education Committee. Both standing committees and ad hoc committees may undertake other functions as are delegated to them by the trustees. However, in all cases the powers and duties of committees are subject to the direction and approval of the board.

President

As chief educational and administrative officer of the university, the president is responsible to the Board of Trustees for the supervision, management, and government of the university, and for interpreting and carrying out the policies of the board. The president, or someone designated by the president, presides at meetings of the university faculty. Under the bylaws the president may overrule the decisions of the faculty after stating reasons for

such action. The president is responsible for recommending to the trustees persons to hold the other offices of the university.

Provost

The provost is an executive officer of the university, responsible for all educational affairs and activities, including research. The provost has powers and duties as assigned by the president. The provost is a member of the faculty of each college and school, and an ex officio member of each committee (other than committees of the Board of Trustees) or other body concerned with matters for which the provost is responsible. The provost also receives recommendations developed by the faculty and educational officers for consideration and recommendation to the president.

Chancellor for Health Affairs, President and CEO of the Duke University Health System

The chancellor for health affairs has powers and duties as assigned by the president and is responsible for all operations of the Medical Center and Health System. The chancellor for health affairs serves as chief academic officer of the Medical Center that includes the Schools of Medicine and Nursing.

Executive Vice President

The executive vice president is the university's chief financial and administrative officer. The executive vice president directs the university's financial operations and oversees all central administrative services and capital projects.

Vice President and University Counsel

The vice president is the legal adviser to the university and is responsible for all matters of a legal nature concerning the university and the Medical Center, including litigation and the preparation or approval of all contracts, deeds, conveyances, or other legal documents.

Vice President and University Secretary

The vice president maintains the official records of the university and also oversees 1) relations with and operations of the Board of Trustees; 2) university ceremonies; and 3) searches and reviews of senior officers of the university, and performs other duties as assigned by the president.

Treasurer

The treasurer directs the preparation of the annual statement of the university's assets, liabilities and operating results; serves as the university's primary liaison with external debt rating agencies; manages the university's external debt and the related reporting and payment requirements associated with external debt compliance matters; and is responsible for the university's banking relations.

Academic Organization

Each college and school of the university has its own faculty, which in each case includes the president, the provost, and the university secretary.

Trinity College of Arts and Sciences and the Pratt School of Engineering confer undergraduate degrees. Each is administered by a dean who is responsible for its academic affairs.

Vice Provost for Undergraduate Education

The vice provost for undergraduate education is responsible for coordinating all academic and co-curricular aspects of undergraduate life, working closely with the vice president for student affairs and senior administrators responsible for undergraduate affairs in Trinity College, the Pratt School of Engineering, the Sanford School of Public Policy and the Nicholas School of the Environment. The vice provost for undergraduate education works to realize the special potentials of a research university devoted to undergraduate teaching and to further develop Duke's vision of an integrated undergraduate experience designed to prepare students to lead successful and engaged lives in the 21st century. The vice provost for undergraduate education is the principal spokesperson on Duke undergraduate education to students, faculty, other campus constituencies, and external audiences. Specifically, the vice provost for undergraduate education leads, coordinates and oversees curricular and pedagogical undergraduate programs that encompass all schools, such as DukeEngage and the Global Education Office for Undergraduates;

leads program development for new undergraduate facilities; and assures that residential, recreational, dining, other campus services, as well as athletics, support Duke's philosophy for undergraduate education.

Faculty of Arts and Sciences

This body is composed of the dean of Arts and Sciences; dean of academic affairs, Trinity College of Arts and Sciences; dean of the humanities; dean of the natural sciences; dean of the social sciences; and the members of the faculty whose primary Academic Council constituencies are the humanities, social sciences, and natural sciences.

Faculty of the Pratt School of Engineering

The School of Engineering faculty is composed of the dean and all members of the university faculty who hold a primary or secondary appointment in that school.

Sanford School of Public Policy

The dean of the Sanford School is advised on administrative and academic matters by an Executive Committee. The regular-rank faculty serve as the governing body for faculty appointments and matters affecting curriculum, programs, and academic standards.

Graduate Education

The Graduate School is administered by the dean who, with the advice of the Executive Committee of the graduate faculty, is responsible for coordinating the graduate offerings of the various departments of Arts and Sciences, the nonprofessional degree programs of the professional schools, the basic science departments in medical and allied health education, and certain professionally oriented graduate programs as well. The faculty of the Graduate School, which is represented by the Executive Committee, consists of those members of the general faculty who have been designated by their departments and approved by the dean. In departments, schools, and programs where graduate degrees are offered, the dean of the Graduate School appoints a director of graduate studies who works closely with the Graduate School and the graduate students in his or her area.

Professional Education

Each of the eight professional schools at Duke University has a separate faculty and academic administration and is administered by a dean who is the chief administrative officer of the school.

Fuqua School of Business

The dean of the Fuqua School of Business is advised on administrative and academic matters by an executive committee and members of the faculty.

Divinity School

The faculty is composed of the dean and of those holding regular faculty appointments and is composed of four divisions: Biblical, Historical, Theological, and Ministerial.

Pratt School of Engineering

The dean and the four department chairs are responsible for the administration of the Engineering School. The academic programs offered in the school are determined by its faculty.

Nicholas School of the Environment

The Faculty Council of the Nicholas School of the Environment, consisting of the dean and four other faculty members, develops recommendations in the areas of planning and long-range policy.

School of Law

The policies affecting the admission of students, curriculum, and academic standards in the school are determined by its faculty. The dean appoints faculty members to the standing and ad hoc Law School committees.

Medical and Health Professions Education

The Chancellor for Health Affairs is the Chief Academic Office for all health professional education programs. All medical and allied health education programs are administered by the dean of the Medical School, through the vice dean of education with advice from the relevant faculty committees and faculty in constituent instructional

groups including physical therapy, physicians' assistants, and other health professions programs. The vice dean of education is jointly responsible to the dean of the Medical School and the provost for all academic activities in the Medical Center exclusive of the School of Nursing. He or she is charged with deciding on student admissions policies and procedures, curriculum content, educational activities and teaching facilities of the Medical Center. The dean maintains consistency between university and Medical School academic policy.

School of Nursing

The School of Nursing is administered by the dean. The faculty is composed of those faculty members holding regular academic appointments and those faculty holding non-regular rank faculty appointments in the School of Nursing.

Departments

The department is the basic academic administrative unit in Arts and Sciences, the Pratt School of Engineering, and the School of Medicine. In some cases programs or sections function like departments; in this chapter "department" refers to all three kinds of units.

Each department will maintain bylaws, approved by the department's faculty, endorsed by the dean of the school, and approved by the provost.

Each department is administered by a department chair, who is the official link between the department and the dean, presenting the department's needs, objectives, and evaluations of achievement to the dean. Chairs nominate directors of undergraduate studies to their dean and directors of graduate studies to the dean of the Graduate School. They lead the department in planning, recommend allocation of space to their dean, and are responsible for budget preparation and surveillance, annual faculty evaluations, evaluations of faculty for promotion and tenure, assignment of academic and nonacademic staff, assignment of teaching loads and student advising, and adherence to departmental bylaws.

Selection of Department Chairs

In general, chairs in Arts and Sciences and the Pratt School of Engineering are on term appointment of three years if appointed from within the department, and five years if appointed from without. Chairs do not automatically rotate but are reviewed early in the last academic year of the term. The review procedure begins with a letter from the appropriate dean to each member of the department concerned asking advice regarding the next chair's term. Each individual is invited to write to the dean directly. These letters are reviewed by the dean and are discussed with the dean of the Graduate School. These deans recommend appointment to the provost who, after reviewing the departmental letters, will confer with the president. After approval is obtained, the dean of Arts and Sciences or the dean of the School of Engineering will send the letter of appointment.

When the dean, with the approval of the provost, decides that a chair should be appointed from outside the university, the dean will appoint a search committee to undertake a search and recommend one or more qualified persons for consideration. Search committees have representatives from the department faculty and at least one faculty member from another department or school in the university. They may also have members from outside the university.

After the search committee has made its recommendations, the dean will seek the approval of the provost who, in turn, will confer with the president. The appointment as chair is usually for five years.

The selection of a chair for a basic science or clinical department within the medical school is initiated when a search committee is appointed by the dean of the School of Medicine. The committee is composed of faculty members and, when appropriate, medical and/or graduate students or house staff from Duke University Hospital, and occasionally representatives from DUHS administration. Candidate recommendations are solicited from a wide variety of sources, and announcements and advertisements are placed in various publications. Specific attention is given to addressing unconscious bias in the search process and to identifying a diverse candidate pool. At the end of the interview process, the search committee obtains input from interviewers and from the department (faculty, trainees and staff). After reviewing the input and discussing the candidates in detail, the committee informs the dean of the Medical School of the candidate(s) they endorse. After final selection of the preferred candidate, the dean of the Medical School makes his or her recommendation to the provost and the president of Duke University.

Interdisciplinary University Institutes and Centers

The university institutes and centers (UICs) are non-departmental, university-wide bodies which contribute interdisciplinary teaching, research, and service. University institutes have the opportunity to develop curricular programs (e.g., certificates, majors) and appoint non-tenure track, regular rank faculty through established processes. The university institute is the basic unit, and centers may affiliate within an institute. University institutes are initially approved through a peer-review, strategic planning process. UICs are normally approved for five years at a time, and then undergo a formal review. Each UIC will maintain bylaws, approved by the institute's faculty body (the majority of whom are tenured or tenure-track faculty), endorsed by the vice provost for interdisciplinary studies, and approved by the provost. Each university institute is administered by a director, who reports to the provost or vice provost for interdisciplinary studies. Directors of university institutes which are jointly funded by the provost and School of Medicine also report to the senior vice chancellor for health affairs or dean.

Selection of Institute Directors

UIC directors will generally be appointed for a five-year period, with annual performance reviews. In year four of the five-year term, the provost begins a more formal appointment and review process by appointing a special committee to evaluate the performance of the director. The committee will conduct interviews and invite comments from all relevant people and units, and will present the provost with a written report. At the end of the fourth year of a director's term, the provost should recommend reappointment or initiate selection of a new director.

When a new director is sought, the UIC faculty body will be polled by the provost for nominations. The provost, after reviewing the letters, may appoint an internal candidate or launch an internal or external search. If a search is chosen, the provost will appoint a search committee, comprised of at least three representatives from the UIC faculty body and at least one faculty from another university department or school. Search committees may also contain members from outside the university. The search committee will seek qualified individuals from inside and/or outside the university, depending on the search scope, and make recommendations to the provost. The provost will then make a recommendation to the Board of Trustees, which has final responsibility for the director's appointment.

For UICs with dual reporting structures to the provost and School of Medicine, the senior vice chancellor or dean and provost will jointly initiate and direct the process.

Interdisciplinary School-based Centers

Other units of an interdisciplinary nature, not otherwise designated as UICs, may be designated as school-based centers. Each school is responsible for maintaining and applying regular approval and review processes for school-based centers, and for reporting annually to the provost's office on the centers.

Continuing Education

Duke Continuing Studies sponsors programs throughout the year for local, state, national, and international adult and youth audiences. Adult learners intending to pursue an undergraduate degree receive academic advising and enter Duke through the academic studies unit of the office. Non-degree course work at the undergraduate and graduate levels and the auditing of Duke classes are arranged through this office. Special reduced tuition rates are available for faculty and other Duke employees who enroll for academic credit or audit in undergraduate coursework numbered from 1-699 (special rates do not apply to engineering coursework). The Osher Lifelong Learning Institute is a membership organization offering over 330 noncredit courses per year and linking older adults with university resources and needs. Youth Programs sponsors a variety of summer academic enrichment experiences for middle and high school students, while Duke Management Training provides consulting and training services to business and corporate clients. The office also offers professional development certificate courses of study in face-to-face and/or online formats in nonprofit management, nonprofit leadership, human resources management, global human resources, certified financial planning, technical communications, paralegal studies, event development, business communication, digital media and marketing, data and statistical inference, and cloud computing. For detailed information see <http://www.learnmore.duke.edu/>.

All continuing education programs are open to faculty members and their families.

The director of Continuing Studies reports to the dean of academic affairs of Trinity College and to the dean of Arts and Sciences. As a rule, professional schools separately administer their individual continuing education programs.

Summer Session

Summer session is a part of the twelve-month academic offerings of the university and reflects the same academic standards as those of the fall and spring semesters. While a number of the professional schools offer summer coursework, virtually all offerings in arts and sciences are at the undergraduate level. Each school and department is responsible for selecting its courses and faculty, subject to consultation with and approval of the director of the Summer Session. Special reduced tuition rates are available for faculty, other Duke employees, and their children who enroll for academic credit in coursework sponsored by Arts and Sciences. The Global Education Office for Undergraduates and the Marine Lab also sponsor summer coursework. The director of the Summer Session reports to the dean of academic affairs of Trinity College and ultimately to the dean of Arts and Sciences.

Libraries

The university librarian and vice provost for library affairs administers all libraries except those in the Divinity School, the School of Law, the Medical Center, and the Fuqua School of Business, which are under the direction of their respective deans.

The Library Council, established in 1929 by action of the faculty of the university, advises the university librarian and the provost on matters relating to general policy. In addition, it acts as a sounding board for proposed major changes and serves as a communication link between the library and the faculty. The council is composed of nine faculty members nominated by the Executive Committee of the Academic Council and appointed by the provost for three-year terms and one librarian and two students who serve one-year terms. The university librarian and members of the library's Executive Group are also members of the Library Council.

University and Medical Center Archives

The Duke University Archives is the official archival repository of the university and is administered through the university's Perkins Library System. The Archives collects, preserves, and administers university records having continuing administrative or historical value in accordance with policies approved by the president and the Board of Trustees. For information concerning access, collection, and transfer to the Archives, go to <http://library.duke.edu/uarchives/> or call 660-5820.

Medical Center Archives is the official archival repository for Duke Health including the School of Medicine, the School of Nursing, Duke University Hospital, and Duke University Health System departments and divisions and other programs and administrative units. The Medical Center Archives collects and preserves administrative records and documents, including images and oral histories, that capture the history of the medical center. The archives staff assists departments in records retention, as well as with locating documents and images for special events, publications, and exhibits. For more information call 919-383-2653, or visit online at <http://archives.mc.duke.edu/>.

Administrative Services

The executive vice president oversees the Administrative Services Division, which is the group of offices and operations that provide the central administrative support for the university: accounting (budgeting, sponsored programs, endowment/investment), campus police, environmental health and safety, facilities management, human resources, procurement, the treasurer, and the university architect.

The Office of Internal Audits reports to the Audit Committees of the Board of Trustees, Duke University Health System, and DUMAC, Inc.

Division of Student Affairs

The Division of Student Affairs comprises a wide array of departments, programs and services, mostly focused on students. Some areas such as Duke dining and Event and Production Services also provide services to visitors and members of the Duke community. Departments in Student Affairs are critically engaged in all aspects of students' lives – housing, feeding, healing, challenging, counseling, and educating from the time students accept their offers to attend Duke to the time they arrive on campus until the time they leave and beyond. Student Affairs manages the DukeReach program that directs faculty and others to resources to help a student in need (www.studentaffairs.duke.edu/dos/dukereach). Other resources for faculty may be accessed by visiting www.studentaffairs.duke.edu/faculty-staff or calling the Office of the Vice President for Student Affairs at 919-684-3737.

Office for Institutional Equity (OIE)

The Office for Institutional Equity (OIE) directs the university's harassment prevention, non-discrimination, equal opportunity, and diversity and inclusion programs. It monitors and works to insure an inclusive and respectful learning and work environment. The Vice-President for Institutional Equity, Dr. Benjamin D. Reese, has been designated as the individual responsible for the coordination and administration of the university's nondiscrimination and harassment policies generally. Howard Kallem, Director of Title IX Compliance, has been designated as the University's Title IX Coordinator; Title IX is a federal law that prohibits sex discrimination. Dr. Reese and Mr. Kallem may be contacted at Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Durham, NC 27708, and by telephone at (919) 684-8222.

Diversity, Equity & Inclusion

Staff provide consultation, needs assessment, strategy design, coaching and a range of educational workshops and learning solutions, all designed to enhance skill development and optimize diversity and inclusion across the Duke environment.

Equal Opportunity and Affirmative Action

This program implements and monitors the Equal Opportunity Policy and Affirmative Action across the institution in order to guide us in our commitment to diversity, inclusiveness and fairness. OIE is responsible for monitoring, tracking progress and offering guidance and consultation in staff and faculty personnel matters for equity and regulatory considerations.

Harassment Prevention and Gender Equity

This area is a resource for faculty, students and staff concerning issues of harassment, discrimination and gender equity. Questions, concerns or complaints that might implicate policies regarding harassment, non-discrimination, Title VII (discrimination or harassment in employment based on race, color, national origin, age, sex, or religion), the Age Discrimination in Employment Act, Title IX (sex discrimination or harassment in employment and education), Title VI (race, color, and national origin discrimination or harassment in education), and Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act (disability discrimination or harassment) can be directed to this OIE program area. Another important component of the program is providing education, training and support services to encourage and sustain work and learning environments that are inclusive and free from harassment or prohibited discrimination. Individuals with concerns regarding any of these topics should contact OIE at (919) 684-8222.

Accommodating Persons with Disabilities

The vice president for institutional equity is the designated compliance officer for the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. For more information on the University's commitment to equal access to qualified individuals with disabilities, please contact the Director, Disability Programs at (919) 684-8231.

Disability Management System

Disability Management System--Student Disability Access Office

Pursuant to the Rehabilitation Act, the Americans with Disabilities Act (ADA) and the ADA Amendments Act; Duke University through the Student Disability Access Office is prepared to explore possible coverage and reasonable academic adjustments and accommodations to graduate, professional and undergraduate students. Students who wish to request to be considered for reasonable accommodations should contact the director of the Student Disability Access Office at (919) 668-1267.

Disability Management System--Employment and Public Accommodations

Faculty members wishing to explore possible coverage and reasonable accommodations under the ADA should contact the Program Director, Employment and Public Reasonable Accommodations at (919) 684-8247. Faculty members with concerns, questions or complaints involving discrimination based on disability may contact the Office for Institutional Equity at (919) 403-3284.

Web Accessibility Initiative

The Web Accessibility Initiative provides training on how to make web content accessible to people with disabilities and how to meet Duke's Web Accessibility Guidelines. For more information visit <https://web.accessibility.duke.edu/> or contact web-accessibility@duke.edu or (919) 613-4811.

Office of Information Technology

The Office of Information Technology (OIT) is committed to supporting and enhancing teaching, research, and community service at Duke University through the effective management of information technology resources; and to collaborating with departments, groups, and individuals from the university community. OIT provides the university community with academic and residential computing resources; teleconferencing services; digital audio/video content recording and distribution; computer classrooms and advanced technology spaces; wireless and wired computer networks; research and high-performance virtual computing environments; email, calendaring, and instant messaging; technology innovation; and technology training. Through its website, knowledgebase and Service Desk, OIT provides direct customer support. To learn more, visit the OIT website (<http://oit.duke.edu/>). To get help with OIT's services, contact the OIT Service Desk by calling (919) 684-2200, by submitting a help request, or participating in a live chat session from oit.duke.edu/help, or by walking up to the service counter at The Link in Perkins Library.

Duke University Information Technology Security Office

The Duke University IT Security Office (ITSO) provides leadership in the development, delivery and maintenance of an information security and risk management program to safeguard the university's information assets and the supporting infrastructure against unauthorized use, disclosure, modification, damage or loss. The ITSO supports a comprehensive university-wide risk management program that encompasses implementation of IT security technologies and processes, education and awareness training, monitoring for IT security related events, threat and vulnerability management, and incident management. The ITSO collaborates with campus departments and business units on a wide variety of IT security-related issues and practices. The IT Security Office reports directly to the University's Chief Information Officer. Duke has several security policies and standards intended to protect Duke data, which may be found online: <https://security.duke.edu/policies-procedures>. Important policies include Duke's Acceptable Use Policy, Security Requirements for Duke-owned Computers, and Data Classification Standard. To learn more about how to protect your data and online presence, or if you need to report a security incident, please visit <https://security.duke.edu> or contact the Security Office at security@duke.edu.

Office of Public Affairs and Government Relations

The Office of Public Affairs and Government Relations leads Duke's relations with many of the university's publics, including the media – local, national, and international - and both government and the broader public at the local, state and federal levels. The staff works with administrators, faculty, staff and others across the university to

communicate the programs, people, policies and accomplishments of the university to a wide range of audiences. It also manages and establishes policies for the university home page (<http://www.duke.edu/>) and top-level web pages, including “Duke Today” and the events calendar. In addition, the office provides counsel and information to institutional leaders on internal and external communications and related issues, as well as on a broad range of government matters. The combined staffs of the offices of the vice president for public affairs and government relations, Federal Relations, News and Communications, and Duke Photography also undertake special projects for university constituencies. In addition, the Office of News and Communications sets and maintains university policies on media, communications and related matters. Those policies can be found at <https://newsoffice.duke.edu/>.

Office of Durham and Regional Affairs

The Office of Durham and Regional Affairs (DARA) seeks to use knowledge in service of society, as highlighted in Duke’s strategic plan, “Making a Difference.” The office works to broaden the university’s role as an advocate and partner for economic growth, educational enrichment, and community development in Durham and the region.

DARA coordinates the university’s partnerships with Durham and the region, including but not limited to Durham Public Schools, local non-profits, local government, the Research Triangle Park, and area colleges and universities. By strengthening partnerships with local organizations and businesses, the office seeks to accelerate the economic renewal in downtown Durham and to help ensure future innovation and growth in the region. DARA works closely with Durham Public Schools to support the district’s mission of providing all students with an outstanding education, with a special focus on convening partnerships and resources in support of the community-wide priority of preK-3 literacy.

DARA oversees the Duke-Durham Neighborhood Partnership, formed in 1996 as the university’s flagship outreach program. The Partnership works to improve quality of life and educational achievement within the 12 neighborhoods surrounding Duke’s campus.

DARA also oversees the Community Service Center, which for more than two decades has served as a clearinghouse of volunteer opportunities for students and employees.

Learn more about DARA and its mission and programming at <http://community.duke.edu>.

Offices of Federal Relations (Duke University) and Government Relations (Duke Medicine)

The Office of Federal Relations (Duke University) and the Office of Government Relations (Duke Medicine) work together to inform the Duke community about the activities of the federal and state government that affect the university’s teaching and research missions that are of special interest to members of the university community. Both offices maintain productive relationships with policymakers and federal and state government officials, as well as work closely with faculty, staff, students, alumni and others to promote Duke’s priorities and interests. The Office of Federal Relations is responsible for national public policy issues related to the university, while the Office of Government Relations focuses on federal issues for the Duke University Health System as well as relations with the State of North Carolina policymakers for the University and Health System. The Office of Federal Relations reports directly to the vice president for public affairs and government relations, while the Office of Government Relations reports jointly to the vice president and the chancellor for health affairs.

Office of Research

Established in 1986 as the Office of Research and Development, this office has as its chief mission the enhancement and facilitation of the pursuit of research at Duke University. The office provides a centralized focus for the development of research activity, for the securing of research monies from federal, foundation, and corporate sources, and for the development and refinement of university policies which affect research and researchers. It draws on and coordinates the resources and expertise of the Office of Research Support, the Office of Research Administration, and the Office of Corporate and Venture Development, and works closely with the Office of University Development, the various deans’ offices, and the university counsel’s office. The office also works in concert with such university committees as the Research Policy Committee, and the Intellectual Property Committee.

Office of University Development

The Office of University Development is committed to fund-raising for Duke University's greatest needs and highest priorities. Fund-raising teams within University Development include Major Gifts and Special Initiatives, Principal Gifts Programs, Gift Planning (specializing in deferred gifts and complex gift plans), Foundation Relations, Trinity College and the Graduate School, and the Duke Annual Fund. University Development coordinates fund-raising efforts with senior administrators and with development personnel based in Duke's schools and units. University Development also provides central services in support of university-wide development efforts, through Donor Relations, which provides stewardship to endowment and building donors; Prospect Research, Management, and Analytics, which coordinates how donor relationships with Duke are managed; Development Services, Development Special Events, and Development Marketing and Communications. To learn more about fund-raising activities and priorities, visit <http://www.giving.duke.edu/>.

Office of Alumni Affairs – The Duke Alumni Association

The Duke Alumni Association's mission is to engage, connect and celebrate alumni and friends of the University. With a tagline of Forever Duke and the goal of lifelong engagement with the University, the Duke Alumni Association directs an array of programs, events, and publications for some 150,000 alumni. Offerings include more than 100 regional organizations in cities across the country and around the world, on-campus undergraduate reunions, alumni education and travel programs, career networking opportunities, alumni admissions-related programs, and other direct benefits and services. In addition, the Duke Alumni Association works with students in undergraduate, graduate and professional school programs to help them develop a lifetime association with Duke and to facilitate alumni-student interaction. *Duke Magazine* is sent five times each year to about 130,000 alumni and friends. The associate vice president for alumni affairs serves as an *ex officio* secretary-treasurer of the Duke Alumni Association, as co-publisher of *Duke Magazine*, and as secretary of the Duke Athletic Council.

Fiscal and Academic Years

As established in the bylaws, the university's fiscal year begins on July 1 and ends on the following June 30. The academic year, also established in the bylaws, starts on or about September 1 and ends one calendar year later.

The undergraduate and graduate bulletins and the bulletins of the professional schools contain the academic calendars as approved by the provost.

DUMAC, INC

DUMAC, Inc. is a separate non-profit support corporation organized and controlled by Duke that invests Duke's assets across domestic and international asset groups, principally through investment advisory firms and partnerships.

Accreditation

Duke University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award baccalaureate, masters, doctorate, and professional degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Duke University.

CHAPTER 2: THE UNIVERSITY FACULTY AND ITS ORGANIZATION

Faculty Rank and Responsibilities

As defined in Article XXIII of the university bylaws, the university faculty consists of the officers of the university as elected by the Board of Trustees, the registrar, the university librarian, all deans, all regular rank faculty, and all other full-time members of the instructional staff and other persons designated by the president and approved by the Executive Committee of the Board of Trustees or by the Board of Trustees. For special purposes, such as participation in faculty benefit programs or membership in the graduate faculty, the composition of the faculty may be defined differently.

The bylaws of the university also provide that each college and school in the university may have a faculty of its own, which shall be composed of the president, the provost, appropriate university administrators, and all members of the university faculty in the particular college or school. Each such faculty shall function under the president and other officers of academic administration and subject to the regulations of the university faculty.

Rank and Title

The conventional designations of full-time members of the regular rank tenure track faculty are assistant professor, associate professor, and professor. Only full-time members of the faculty who hold tenure track appointments in an unmodified rank of assistant professor, associate professor, or professor, without a qualifying term such as research, of the practice of..., adjunct, clinical, consulting, or visiting, are eligible to earn time toward or to hold tenure. Service as a faculty member in a modified rank (i.e., service in a rank other than the three tenure track ranks of assistant professor, associate professor, or professor, without a qualifying term), does not entitle the member to tenure. Time spent in a modified rank does not count toward the continuous service of a tenure track faculty member who served previously in such a position.

The group of faculty who hold regular rank tenure track titles and regular rank non-tenure track titles (Appendix C, p. 9) coincides with that group of faculty who meet the criteria for Academic Council voting privileges. Regular rank tenure track faculty titles are described above. At present, the following titles constitute the regular rank non-tenure track faculty: professor of the practice of, associate professor of the practice of....., assistant professor of the practice of ..., research professor, associate research professor, assistant research professor, clinical professor, associate clinical professor, assistant clinical professor, lecturer, and (in the Medical Center) associate. Additional information about regular rank non-tenure track faculty may be found in Appendix C of this handbook, and information about eligibility to vote in Academic Council elections may be found in the bylaws of the university faculty (Appendix B of this handbook). The following addition to the university's regular rank non-tenure track titles was approved by the Academic Council on May 8, 2014 and the Board of Trustees on May 9, 2014: Senior Lecturer.

Listed below is the set of modified faculty titles for non-tenure track faculty, as approved by the Academic Council on December 15, 1988, and reaffirmed by the Board of Trustees on September 27, 1996: professor of the practice of..., associate professor of the practice of..., assistant professor of the practice of..., lecturer (associate in the Medical Center), research professor, associate research professor, assistant research professor, clinical professor, associate clinical professor, assistant clinical professor, adjunct professor, associate adjunct professor, assistant adjunct professor, senior lecturing fellow, lecturing fellow, consulting professor, associate consulting professor, assistant consulting professor, consulting associate, clinical associate, senior research scientist, research scientist, senior research scholar, research scholar, research associate, artist in residence, instructor, professor (honorary), scholar in residence, and visiting (which may modify any other Trustee-approved faculty title).

The following changes to the School of Medicine regular rank non-tenure track titles for Clinical departments were approved by the Academic Council on April 20, 2006 and the Board of Trustees on May 13, 2006: Medical Instructor (replacing non-tenure rank of Associate); Professor of [Department] – Track IV; Associate Professor of [Department] – Track IV; Assistant Professor of [Department] – Track IV; Professor of [Department] – Track V; Associate Professor of [Department] – Track V; Assistant Professor of [Department] – Track V. These changes do

not involve new principles regarding faculty titles and do not affect the tenure process for faculty in the School of Medicine.

Individuals involved principally in research or principally in instruction hold titles selected from the group of non-regular rank titles. One of these, the adjunct title, may be used in schools to indicate a person who contributes to the instructional program of a school or department on a part-time basis. Persons holding adjunct titles may or may not be paid.

Titles containing the phrase “part-time” normally do not earn time toward tenure.

When an administrative or professional staff member has a regular rank faculty title and appointment, the regular rank faculty title predominates, and the employment provisions will be governed by the Faculty Handbook.

When an administrative or professional staff member also receives a non-regular rank faculty appointment and title, the administrative or professional appointment predominates, and the staff employment policies will govern the employment of the individual.

Faculty Appointments

Appointment to the faculty is the most important decision a university can make, for it is the faculty who determine the quality of an institution. Accordingly, faculty appointments are made with care and consideration for the mutual obligations such appointments entail. Faculty appointments at Duke are no exception. Tenure is made only with Board of Trustees approval and by units offering credit toward a degree. Units authorized to make such appointments include schools (Fuqua School of Business, School of Law, Divinity School, Sanford School of Public Policy, School of Nursing), departments (Trinity College of Arts and Sciences, Pratt School of Engineering, School of Medicine), divisions (Nicholas School of the Environment), and other units of an interdisciplinary nature so authorized by the Board of Trustees (sections, institutes and, in rare cases, centers or programs). In addition to the specific departments and divisions designated above as having been explicitly authorized by the Board of Trustees to hire faculty at the regular ranks, a maximum of 10 faculty, all of whom will have been approved in accordance with University policy for award of an endowed named University Professorship, may be appointed with their primary appointment and their tenure residing at the school level for the following four schools where tenure otherwise would reside within a department: Trinity College of Arts and Sciences, Nicholas School of the Environment, Pratt School of Engineering, or the School of Medicine. In the sections below, all of the entities authorized to make regular rank faculty appointments are referred to as "hiring units."

Joint Appointments and Secondary Appointments

While faculty members may hold appointments in or receive pay from several hiring units, it is the unit of primary appointment that initiates recommendations for promotion, tenure, or appointment renewal, and salary.

The phrase “joint appointment” refers to appointments in which both academic units agree to share in financial remuneration, and the phrase secondary appointment to appointments in which the unit of secondary appointment does not share in financial remuneration. This last distinction does not affect academic titles.

Joint or secondary appointments of faculty members are not unusual. Such appointments are especially appropriate for faculty members qualified in two areas of teaching and research, as for example the member of medical and allied health education faculty who has both a Ph.D. and M.D. degree. Joint or secondary appointment procedures normally will be initiated by an academic unit in which the appointment is to be made. When a joint or secondary appointment is recommended, letters of concurrence setting forth the terms of the appointment are required from the heads of the academic units (e.g., the dean[s], department chair[s], and director[s]) involved. Recommendations made by the academic units situated within schools (e.g., departments or divisions) must have the approval of the appropriate dean(s) or the dean of the School of Medicine/vice chancellor for medical center academic affairs and subsequently of the provost.

Upon the approval of the provost, the dean shall write the letter of appointment.

All joint or secondary appointments require that one academic unit be designated as responsible for the primary appointment. This responsibility includes any action in regard to academic advancement, termination, and determination of salary level. However, it will be up to the academic unit in which the secondary appointment is to be held to recommend the rank of the joint or secondary appointment, which shall be no higher than the primary rank.

In the case of joint or secondary appointments in medical and allied health education, the designation of a primary appointment is also the determinant of clinical practice privileges.

The academic unit responsible for the joint or secondary appointment may by agreement share the individual's work commitments--including research and teaching responsibilities (and financial remuneration in the case of joint appointments)--either equally or in a variety of patterns of distribution. The primary academic unit whose faculty is composed of members of the scholarly scientific discipline with which the individual as a professional is primarily identified will usually be the unit of primary appointment.

Ordinarily a faculty member may not hold more than three academic titles. Faculty members who hold an administrative position or a joint or secondary appointment in more than one academic unit carry both titles (e.g., dean of the School of Law and professor of law; associate professor of psychology and associate professor of biology).

Responsibilities

The responsibilities of the members of the faculty are defined in Article XXIV of the bylaws of the university as follows:

The university faculty shall be responsible for the conduct of instruction and research in the various colleges and schools in the university. It may also consider and make recommendations to the president regarding any and all phases of education at the university. The university faculty shall approve and recommend to the Board of Trustees the persons it deems fit to receive degrees or other marks of distinction, and the establishment of any new degree or diploma.

Meetings

As defined in the bylaws of the university faculty (Appendix B), the university faculty members meet as a body annually, at a date set by the Executive Committee of the Academic Council, and at other times at the call of the president, or the provost, or upon the written request of either the Executive Committee of the Academic Council or fifty members of the faculty.

Faculty Governance

Academic Council

In addition to defining the membership and functions of the faculty, the university bylaws state that "the university faculty may organize and exercise its functions through appropriate councils, committees, or other bodies." Therefore, in addition to transacting business as noted above, faculty members also participate in the affairs of the university through the Academic Council. The Academic Council consists of the president, the provost, and the chair of the council, all ex officio; and approximately 100 members elected for two-year terms by the faculties of their respective divisions and schools. The size of the body varies slightly with the size of the faculty as outlined in the bylaws of the university faculty (Appendix B).

The Academic Council elects its own chair. Responsibility for planning the work of the council is vested in an Executive Committee consisting of the chair and seven additional members elected from the membership of the council. The Executive Committee selects a vice chair and a faculty secretary from this seven member group.

In addition, the Executive Committee serves as a committee on committees for both the university faculty and the Academic Council. In that capacity, it nominates persons to serve as official faculty representatives to four broad types of committees: standing committees of the university, standing committees of the trustees with faculty participation, committees of the Academic Council, and ad hoc committees appointed to undertake and complete a specific task, after which they are discharged. The latter may be council committees or committees reporting to specific members of the university administration. A current list of committees is included as Appendix Q of this handbook.

Except in emergencies, all major decisions and plans of the administration that significantly affect academic affairs are submitted to the Academic Council for an expression of its views at some time before implementation or submission to the Board of Trustees. The council's views are transmitted, along with the administration's proposals, to the trustees when the board considers the plans and decisions.

The bylaws of the university faculty and of the Academic Council appear as Appendix B.

Arts and Sciences

The faculty of Arts and Sciences shall elect representatives to the Arts and Sciences Council from the departments and other authorized academic units in the humanities, the natural sciences, and the social sciences. The council shall express the will of the faculty in matters of planning, programmatic organization, personnel policy, research policy, and curriculum. Policies controlling the organization and activities of the faculty of Arts and Sciences are contained in Appendix D; policies controlling the council are contained in Appendix D.

Pratt School of Engineering

The Engineering Faculty Council (EFC) of the Pratt School of Engineering is composed of two representatives of each of the departments of the Pratt School of Engineering, with the dean of the Pratt School of Engineering as an ex officio member. The EFC normally meets monthly during the academic year. It elects its own chair and secretary, the latter serving also as secretary of the faculty of the school.

The Engineering Faculty Council functions as a steering committee for the faculty; its responsibilities include the establishment of ad hoc committees to consider and report on matters of concern to the faculty. In addition, the EFC has the authority to approve new courses and course changes, except those at the graduate only (700-999) level, for which no action beyond departmental faculty recommendation and Graduate School approval is needed.

Graduate School

The Executive Committee of the graduate faculty, composed of elected members of the graduate faculty, advises the dean of the Graduate School on various matters.

The Executive Committee consists of the dean and the associate dean, serving ex officio, and four representatives each from the humanities, biological sciences, physical sciences, and social sciences. The Executive Committee elects its own chair and vice chair on an annual basis. Division members are elected by their respective divisions for staggered two-year terms. The committee normally meets one or two times per month during the academic year. The faculty of the Graduate School, which meets on call, depends upon the Executive Committee for the formation of policy with respect to graduate education, for the review of the academic quality of all graduate programs, and for the approval of any significant changes in graduate programs in the university.

Divinity School

The governance of the school is the shared responsibility of the dean and faculty. In the exercise of this responsibility the faculty convenes, as appropriate, as the tenured full professors, as the tenured faculty, in executive session, and in plenary session, in accord with the Divinity School's bylaws (Appendix F of this handbook).

The committees of the school are differentiated by composition and function. A few are composed only of regular faculty. Some include faculty and administrative staff. Others include students or participant members, designated according to the committee bylaws. The faculty is organized into academic divisions, and each division elects its own chair.

Nicholas School of the Environment

The Faculty Council of the Nicholas School of the Environment meets with the dean in an advisory capacity on general policies of administration and governance. Further, the council is charged with advising the dean on the equity of the criteria and the procedures to be followed in determining annual faculty evaluations and compensation. The Education Committee is charged with developing and monitoring all academic programs in the School; it also serves as a liaison for faculty and students. All matters related to courses and curriculum are considered by the Education Committee. The Admissions and Awards Committee considers all candidates for admission and recommends to the dean the distribution of awards.

Sanford School of Public Policy

The governance of the Sanford School of Public Policy is the shared responsibility of the dean and the regular-rank faculty. The Executive Committee is chaired by the dean and includes seven elected faculty representatives and the senior associate dean of faculty. The Executive Committee advises the dean on planning, faculty development, governance, and other matters. Other faculty committees are described in the Sanford School's faculty bylaws (Appendix T of this handbook).

Fuqua School of Business

The governance of the Fuqua School of Business is the shared responsibility of the dean and the faculty. The dean's Advisory Council is composed of five elected faculty representatives, the secretary of the faculty, the associate dean, and the dean. The council advises the dean on policies of administration and governance. Faculty representatives also serve in an advisory capacity to the dean as members of the other committees described in the Fuqua School's faculty bylaws (Appendix H of this handbook).

School of Law

The governing body of the School of Law is the faculty. Faculty committees are appointed by the dean and may make recommendations to the faculty. In some cases, such as admissions, the faculty delegates its responsibilities to a committee. Elected student representatives serve as voting members of some committees but do not attend faculty meetings.

Duke University Medical Center: Medical, Nursing and Allied Health Education

The chancellor for health affairs is the executive officer and chief academic officer responsible for the operation of Duke University Medical Center. Reporting to the chancellor for health affairs are the deans of the School of Medicine and the School of Nursing. The administrative procedures of medical, allied health and nursing education are influenced by the accreditation requirements of the various entities as well as the accreditation requirements of Duke University Hospital.

The Medical Center Executive Committee plays an important role in the governance of the Medical Center. This committee is composed of the deans of the School of Medicine and the School of Nursing, the chairs of the Medical School departments, and center directors. It also meets for special purposes.

School of Medicine: Basic Sciences Division, the Medical School

The Basic Science Faculty Steering Committee is the representative body of the basic science faculty participating in major decisions and plans of the Medical Center and university. The Basic Science Faculty Steering Committee serves as a committee on committees for the basic science faculty, nominating faculty representatives to serve on committees of special interest to the basic science faculty, such as the Appointment, Promotions, and Tenure Committee, or search committees for department chairs or section heads. The Basic Science Faculty Steering Committee does not usurp the function of the Academic Council Executive Committee when broad university concerns are to be met, but may transmit views from the basic science faculty to the Academic Council.

The Basic Science Faculty Steering Committee is elected at large and must contain one faculty member from each of the basic science departments or sections and an additional three at-large faculty members, but no more than two from any single unit. Members are elected for two-year terms. This committee meets regularly and when necessary for special purposes.

School of Medicine: Clinical Sciences Division

The Clinical Sciences Faculty Council on Academic Affairs provides a mechanism for faculty input into debates and decisions involving the interests of the clinical sciences faculty and for transmission and dissemination of ideas and issues between the Medical Center administration and the clinical sciences faculty.

The council consists of one representative (and one alternate) elected from each clinical department and four at-large members selected by and from the clinical sciences representatives to the university-wide Academic Council. All members of the council serve two-year terms. Any faculty member eligible to vote in the university's Academic Council elections and with a primary appointment in a clinical sciences department--other than the chair of that department--is eligible to be nominated and elected as its representative to the council.

School of Nursing

The faculty members of the School of Nursing meet regularly to consider issues relating to the academic affairs of the school. Recommendations on policies concerning admissions standards, the curriculum, academic progression, graduation, and other matters affecting the academic environment are presented by committees on which faculty members and students serve. The dean serves as an ex officio member of all committees. The Chair of the Faculty Governance Association presides at meetings of the faculty.

Bylaws of the Professional Schools

There are no faculty bylaws in the School of Law. The Rules of the Law School related to Appointment, Promotion, and Tenure are included in Appendix I. A complete copy of the Rules of the School of Law is available in the dean's office and on the Law School website at <https://law.duke.edu/about/community/rules/>. The bylaws of the Pratt School of Engineering are contained in Appendix E, those of the Divinity School in Appendix F, those of the Nicholas School of the Environment in Appendix G, those of the Sanford School of Public Policy in Appendix T, those of the Fuqua School of Business in Appendix H, and those of the School of Nursing in Appendix K. Bylaws relating to the Basic Sciences faculty and Clinical Sciences faculty in the School of Medicine can be found in Appendix J and Appendix L, respectively. There are no faculty bylaws in medical and allied health education.

CHAPTER 3: FACULTY APPOINTMENT, PROMOTION, AND TENURE

Introduction

The following section on appointment, promotion, and tenure is applicable to the faculty of Arts and Sciences, the Pratt School of Engineering, the Nicholas School of the Environment, the Divinity School, School of Nursing, the Fuqua School of Business, the Sanford School of Public Policy, authorized university institutes, and the basic science departments in the School of Medicine. Details of procedures of each of these units may be found in relevant appendices. Procedures for the School of Law may be found in Appendix I, and for the School of Nursing in Appendix K. Bylaws related to the clinical sciences in the School of Medicine are in Appendix L.

The quality of its faculty is the most vital determinant of a great university. Further, the highest standards of appointment, promotion, and awarding of tenure are best achieved by a process of careful examination and review. Such review is most effectively accomplished by a collaborative process whereby the faculty itself, through highly respected representatives, provides its best judgment and advice to the responsible administrative officers.

Judgments of academic excellence are complex. They cannot be reduced to a quantitative formula nor can the considerations that must be applied in each individual case be completely described in general terms. At the same time, the criteria to be applied in all cases must represent excellence in the quality of the candidate's performance, especially as a teacher and as a scholar. Scholarly productivity must reflect a serious and sustained commitment to the life of scholarship.

Appointment, Promotion, and Tenure

All tenured members of the university's regular rank faculty are appointed or promoted by the Board of Trustees or the Executive Committee of the Board of Trustees upon the recommendation of the provost, with the approval of the president.

Appointment and Promotion without Tenure

Faculty appointments may be made without tenure either in a tenure track or a non-tenure track. The terms of that appointment shall be made clear to the faculty member at the time of appointment.

Tenure track positions are normally filled by faculty with the Ph.D. at the three regular rank tenure track titles of assistant professor, associate professor, or professor. In Arts and Sciences, regular rank faculty without the Ph.D. are commonly appointed at the non-tenure track rank of lecturer. When such an appointment is made, the faculty member will not begin to accrue time toward tenure until the degree is awarded and he or she has been given a tenure track appointment. Subject to variations in some schools, initial appointment to a regular rank tenure track position without tenure will be for a term of four years.

Faculty who do not hold tenure track positions will be given modified titles. The complete set of modified titles for non-tenure track faculty, approved by the Academic Council and affirmed by the Board of Trustees, appears in Chapter 2 of this handbook.

Term (non-tenured) tenure track appointments at the ranks of assistant professor and associate professor, and promotions to assistant professor or associate professor without tenure, shall be made by the provost, based on appropriate recommendations by the deans or the heads of trustee-authorized faculty hiring units in accordance with internal departmental or school procedures. Additional review by an advisory committee is not required.

Annual Reviews and Reappointment to a Second Term

Annual reviews of regular rank non-tenured tenure track faculty will be conducted by the director of a program, chair, or dean for the purpose of providing direction and advice to the faculty member regarding progress at Duke. In general, the advice of senior faculty in the unit will be solicited for this review. Renewal of the initial tenure track appointment for a second term which may extend through the end of the probationary period will be made only on the basis of a careful departmental or school review and of approval by the dean and provost. The purpose of this

comprehensive review is to develop a judgment as to the faculty member's probable suitability for tenure at Duke. Once approval has been granted for the second term appointment in a tenure track rank, the faculty member becomes eligible to apply for a junior faculty leave (see policy on leaves).

Appointment and Promotion with Tenure

Appointments or promotions of full-time faculty members to tenured rank are made upon recommendations originating in the academic units authorized to make such appointments (e.g., departments and schools) described in Chapter 2 of this handbook. Recommendations for appointments from the outside must take into account program, departmental, school, and university needs.

Tenure track faculty members who are currently on a Flexible Work Arrangements (FWA) plan, and who have served at least half of their tenure track time as non-FWA, are eligible to be considered for tenure. The same expectations for tenure as those for non-FWA faculty members will apply. Once tenured, it is the expectation that the faculty member will return to non-FWA within three years of achieving tenure.

This rule goes into effect in the 2013-14 academic year. Those already on FWA and untenured prior to that date should consult with their dean who will make recommendations to the provost regarding their tenure process.

Tenure at Duke University, whether awarded to a faculty member currently on the Duke faculty or offered to a scholar who is being recruited for the Duke faculty, should be reserved for those who have clearly demonstrated through their performance as scholars and teachers that their work has been widely perceived among their peers as outstanding. Persons holding the rank of associate professor with tenure are expected to stand in competition with the foremost persons of similar rank in similar fields and to show clear evidence of continuing excellence in scholarly activity in their years at the university. Good teaching and university service should be expected but cannot in and of themselves be sufficient grounds for tenure. The expectation of continuous intellectual development and leadership, as demonstrated by published scholarship that is recognized by leading scholars at Duke and elsewhere must be an indispensable qualification for tenure at Duke University.

Full professors play a critical role in determining the intellectual quality of the university. Thus the rank of professor should be reserved for those who have clearly met the criteria for tenure and have demonstrated their continuous intellectual development and leadership. It should be clear that appointment to associate professor does not necessarily imply eventual promotion to full professor. Promotion to full professor should be reserved for those who have an academic record documenting a continuous high-quality performance level in at minimum two of the following three required components of scholarly productivity--research, teaching and service--together with a good performance record in the third required component. Length of service alone should not produce an expectation for promotion.

Responsibilities of the Department, Program, or School

All Trustee-authorized faculty hiring units (e.g., departments, programs, and schools) must have a set of formal procedures to govern their internal evaluation processes. The deans, directors, and department chairs are responsible for submitting these procedures to the provost. The provost will review the procedures and assure that they are generally acceptable and consistent with the policies described herein. The deans, directors, and department chairs will be responsible for distributing these procedures, once endorsed, to all members of the department, program, or school and to new members of the faculty at the time of appointment.

Appointments

For appointments at the rank of associate professor with tenure or at the rank of full professor made from outside Duke University, the evaluation process can be initiated at any convenient time. Although the thoroughness and completeness of the process must not be compromised, sometimes the evaluation may pose problems in the recruitment process and must be conducted with delicacy and dispatch. The procedures to be followed are essentially the same as those for promotion described below and will be initiated whenever the outside scholar indicates a willingness to become a candidate and the authorized unit places his or her name in nomination along with a dossier (see section on dossier).

Promotion and Tenure

Reviews for granting tenure or for promotion to associate professor with tenure or to professor shall be conducted first in the basic authorized academic unit, be it the department (in Arts and Sciences or the Pratt School of Engineering), the section, division, program or institute, or the school. The head of the unit shall inform the

candidate of the review and indicate the approximate time in which the review process will be completed. Prior to requesting approval from the dean for the membership of the departmental review committee or inviting any faculty to serve on it, the head of the unit shall request from the candidate (providing a copy to the dean to inform the dean's required approval of the review committee and for inclusion in the dossier) a brief written synopsis of his or her intellectual interest, including a description of any factors – interdisciplinary or otherwise – that the candidate believes should be taken into consideration in establishing said review committee. Except in cases when a basic authorized academic unit has fewer than five tenured faculty eligible and available to vote (see below), whenever a tenured faculty member from another authorized academic unit is invited to serve on a candidate's review committee, said extra-departmental faculty member shall be added to the standard unit review committee for this instance. All members of the review committee shall have the right to vote on the report of the committee and to attend the discussion in the candidate's department regarding the case.

When candidates hold secondary/joint appointments and/or participate in interdisciplinary activities beyond the primary department, it is expected that such other academic units will be asked to provide a statement for the dossier about the level and quality of the candidate's contribution there. Furthermore, the dean shall be actively involved in determining the membership of the faculty review committee so as to assure an informed evaluation of the candidate's disciplinary or interdisciplinary contributions.

When the unit has completed its review, if it has reached a favorable decision the chair shall forward the recommendation along with the complete dossier (see section on dossier) of the candidate to the dean, and the dean, in turn, to the provost. Opinions from the chair and the dean will be added to the file, but even should such intermediate recommendations be negative, a dossier with a favorable recommendation from the unit must ultimately be forwarded to the provost. A recommendation for promotion and/or tenure is made by secret unsigned ballot of tenured faculty members, consistent with the unit's procedure. These recommendations should be forwarded along with a list of those present and the tally of the vote.

When the review by the basic authorized academic unit (generally a department) reaches a negative conclusion, the chair or director shall inform the dean and the candidate of the decision and the reasons for it. The faculty member may appeal this decision to the provost through the dean within two weeks of notification.

When a basic authorized academic unit has fewer than five tenured faculty available to vote, the provost, after consulting with the head of the unit (generally the chair or dean), shall add tenured faculty members from other authorized academic units who are considered knowledgeable in the candidate's area. In this way, the voting membership of those passing on the candidate's credentials will number at least five.

Schedule

Formal review procedures for promotion and/or tenure by the basic authorized academic unit (e.g., department or school) shall be initiated in the spring or summer of the academic year prior to that in which action by the Board of Trustees is required. Review schedules may vary slightly among the schools. It should, however, be noted that the work of the provost's Advisory Committee on Appointment, Promotion, and Tenure is conducted principally during the fall and spring semesters of the regular academic year. Faculty members will be notified of the provost's decision by April 1 when the recommendation of the department or school and complete dossier, including the dean's written assessment, are submitted to the committee no later than November 1 for promotion to full professor and December 1 for promotion with tenure.

Dossier

It is the responsibility of the recommending unit to assemble all the materials necessary for the review. The head of the unit initiating the recommendation (e.g., director of a program, chair [in Arts and Sciences or the Pratt School of Engineering], or dean) has the responsibility of insuring that the dossier sent on for review is as complete as possible.

The complete list of materials to be included in the dossier is provided to the deans by the Office of the Provost.

In Arts and Sciences, the Pratt School of Engineering, the Nicholas School of the Environment, and the Medical School, the dean will examine the dossier submitted by a department (or Trustee-authorized division in the Nicholas School of the Environment) for completeness and, if the dean considers it incomplete or inadequate, return it to the department or division for more preparation. In schools without departments (e.g., Divinity School, Sanford School of Public Policy, and Fuqua School of Business), the dean will examine the dossier for completeness. If the dean considers the dossier adequately presented and documented, it will be forwarded to the provost. However, the dean

may seek supplementary information to inform his or her recommendation. All such requests and the resulting information shall be added to the dossier and kept confidential. The dean shall present in writing his or her assessment of the candidate's scholarly credentials and suitability for appointment, reappointment, tenure, or promotion. For the purposes of the AP&T Committee's consideration, the dean should address only the candidate's scholarship, teaching, and service. If he or she so wishes, in a separate letter addressed only to the provost, the dean may also present in writing additional information about the school, its goals, needs, and the relation of the dossier to them; this institutional information is solely for the provost's consideration and is not germane to the considerations of the AP&T Committee. Such strategic considerations are not to be considered by the AP&T Committee or the provost in cases of internal promotion to tenure.

Responsibilities of Provost's Advisory Committee on Appointment, Promotion, and Tenure

All appointments and promotions that confer tenure and promotions to the rank of professor shall be considered by the Advisory Committee on Appointment, Promotion, and Tenure (AP&T), a group that advises the provost.

This committee is appointed by the provost and, in addition to the chair, consists of twelve full professors nominated by the Executive Committee of the Academic Council (ECAC) on the basis of scholarly distinction, aptitude for service on this demanding committee, and availability for the term involved. In making nominations, ECAC shall seek balance among divisions, schools, and academic disciplines within the faculty. Normally at least two members will come from the Arts and Sciences Division of Humanities, two from the Division of Social Sciences, two from the Division of Natural Sciences, one from the Pratt School of Engineering, one from the Fuqua School of Business, one from the basic medical sciences, and three from these or other units, subject to review. The chair shall be a faculty member nominated by ECAC and appointed by the provost. The chair will be appointed for a one year term, renewable. The president, the provost, and the dean of the Graduate School will serve as nonvoting ex-officio members of the committee.

The Advisory Committee on Appointment, Promotion, and Tenure is charged with evaluating the dossiers forwarded to it, consistent with standards enunciated in this document. If the AP&T Committee has questions about materials in the dossier, or if it lacks certain documentation, the committee will ask the chair, director of the program, or dean of the originating unit for clarification or additional materials. The AP&T Committee may supplement the outside letters received about a candidate with additional letters or reports from evaluators who are competent to judge the candidate's scholarship. Should the AP&T Committee decide, in its sole discretion, that it needs additional advice, it reserves the option to establish an ad hoc panel to review the dossier. This panel may gather additional information, if necessary, and will be asked to provide the AP&T Committee with a written evaluation. Panel members will be selected on the basis of their knowledge of the candidate's field and an overall balance of perspectives. One or more panel members may be Duke faculty, and it is typical to include at least one member from another institution. An AP&T Committee member normally will serve as liaison between the ad hoc panel and the AP&T Committee. In the case of current Duke faculty being evaluated for tenure the chair (or director) of the originating academic unit and dean will meet with the AP&T Committee to discuss significant issues raised in the course of the evaluation; in the case of external tenure candidates or internal candidates for promotion to full professor such interviews may be scheduled at the AP&T Committee's discretion.

Individual faculty members may write to the AP&T Committee (or to the provost, who will refer such letters to the AP&T Committee) with regard to any case being considered by that committee. Such communications will be added to the dossier and kept confidential.

The Advisory Committee on Appointment, Promotion, and Tenure must then formulate its own recommendations for presentation to the provost. In general, a quorum requires nine voting members unless a sufficient number of votes, affirmative or negative, has been cast to represent an absolute majority (seven) of the committee. A recommendation should be considered definitive only if it has been supported, affirmatively or negatively, by vote of an absolute majority (seven) of the AP&T Committee. In the event the AP&T Committee's recommendation is negative, the provost will review the dossier (prior to notification of the candidate or department) to determine whether all factors relating to the merit and value of the candidate, including ethnic, racial, and gender diversity, have been fully and adequately considered.

The provost will inform the AP&T Committee of his or her decision. Should the provost choose not to accept the recommendation made by the AP&T Committee, the provost shall so inform the committee in writing and indicate the basis for the decision.

The provost will communicate to the appropriate dean his or her decision and the major factors underlying it. The dean of the school is responsible for transmitting this information to the head of the originating academic unit (e.g., department chair), if there is one, and either the dean or chair will communicate this to the candidate. If the provost intends to render a negative decision on a case already considered by the AP&T Committee, or a case that has not received a positive recommendation from the department, the provost will inform the candidate, the departmental chair and the relevant dean. An appeal of the provost's impending decision, from any or all of these three parties, may then be made within the following two weeks, submitted through the Dean. The provost will also provide a copy of the official APT memo summarizing the case and the deliberations of the APT Committee, or of the chair's review summary. If the provost intends to act contrary to a positive recommendation from the APT Committee, the provost must provide the basis for this decision. On the basis of this appeal, the provost may then either refer the case back to the AP&T Committee, including the departmental appeal, and ask for reconsideration of its recommendation or make his or her decision without referral. On any one case the originating academic unit, school, and/or candidate is limited to one appeal.

Generally if a candidate's tenure dossier is forwarded by the academic unit, the AP&T Committee will consider the candidate only once. Thus, a faculty member whose tenure review is undertaken by the AP&T Committee during his or her initial contract term, and who is turned down for tenure by the University, shall be allowed to complete the term of the original appointment, but his or her tenure track appointment shall not be renewed or extended. However, a tenure track faculty member who has been turned down for tenure by the University may apply during an authorized national search for an existing non-tenure track position at Duke.

When the provost's recommendation is favorable, the provost shall consult with the president. With the president's approval, the provost shall submit the recommendation to the Board of Trustees for final action.

Records of each case shall be properly safeguarded and when the case is completed, retained or deposited under appropriate controls in the University Archives for a period to be determined by the university counsel.

Appointment, Reappointment, and Promotion of regular rank non-tenure track faculty for schools and institutes under the provost

The following text will supersede the language in Appendix C (C7-C10) of the Faculty Handbook for regular rank non-tenure track faculty for schools and institutes under the Provost.

The following guidelines apply to non-tenure track appointments within the Provost management center and are not directly applicable to the Schools of Medicine and Nursing.

Regular rank non-tenure track faculty members are integral to the intellectual life and teaching mission of the schools and several of the institutes at Duke, filling important roles, through the roles differ somewhat between units. It is the intent that these positions will have long term and an ongoing contractual relationship with the University (e.g. repetitive contract, participation in continuing research grants, etc.). As with tenure-track faculty, university rules and procedures governing the appointment, reappointment, and promotion of regular rank non-tenure track faculty are intended to uphold the highest standards of excellence. They also seek to honor the diversity of activities and service that regular rank non-tenure track faculty provide within various schools and institutes.

Guidelines for New Appointments in Regular Rank Non-tenure Track Positions

The dean of each school or director of each institute requests authorization from the Provost for each new regular non-tenure line faculty appointments. The dean or institute director establishes policy regarding whether a search is required for new appointments, with the expectation that (inter)national searches will normally be required for all new regular rank appointments. The dean or institute director, in collaboration with the faculty, defines the procedures for such a search.

The possible non-tenure track faculty titles include:

- Assistant/Associate/(Full) Professor of the Practice
- Assistant/Associate/(Full) Research Professor
- Assistant/Associate/(Full) Clinical Professor
- Lecturer/Senior Lecturer

Guidelines for Review of Regular Rank Non-tenure Track Positions

The intent of an ongoing contractual relationship is a requirement for all regular rank positions. Some regular rank non-tenure track positions may be connected to limited-term grants or specific instructional needs. Thus it is important to maintain a distinction between review and contract renewal. Whether the review is for an initial appointment, reappointment, or promotion of full-time faculty in regular, non-tenure track ranks, the review process will focus on evaluating an individual's qualifications for a specific faculty title. Successful review is not necessarily synonymous with contract issuance or renewal, since this may depend upon funding support or curricular need. Before authorizing a review, the dean or institute director should consider carefully the intention for an ongoing contractual relationship between the faculty member and the University, and the availability of funding support to determine the ongoing status of the position. Contract periods should be synchronized with appointment periods. However, when funding is not ensured for the duration of the contract, the contract should make this clear. Furthermore, in the event of impending termination, faculty must be notified no later than one year before the termination. Termination of external funding will not result in termination of the Duke affiliation specified in the contract, but it may result in termination of compensation absent other sources of funding. Until a contract expires, the faculty member can apply for additional external funding as a Duke faculty member.

Annual formative reviews

Annual reviews of regular rank non-tenure track faculty will be conducted by the director or program chair, or dean or institute director, or an appropriate delegate for the purpose for providing direction and advice to the faculty member regarding their progress at Duke.

Periodicity of formal evaluative reviews

Initial appointments to regular rank non-tenure track appointments will be reviewed for reappointment (and, when appropriate, promotion) in the penultimate year of the current contract, except under conditions as requested by the dean and granted by the provost. Subsequent review will typically be conducted at least every five years. The dean or institute director may approve an interval as long as 10 years for a faculty member at the level of (full) Professor of the Practice, Research Professor, or Clinical Professor. Reviews for initial appointments, the first review after appointment, and reviews for promotion should be detailed; reviews for subsequent reappointment may be less detailed. For cases where annual reviews demonstrate that the faculty member clearly exceeds the standards required for reappointment the school or director may authorize an expedited review process for reappointment at the same rank. The dean or director of each school or institute, in collaboration with the faculty, shall determine what materials are required for an expedited or less detailed review, as well as any limitations or restrictions on when faculty are eligible for it.

Responsibilities of the Department, Institute, or School

Each unit with hiring authority, such as a program or department (in schools with departments) or school or institute is permitted—and expected—to establish criteria and procedural guidelines for evaluating candidates for appointment, reappointment, and promotion in regular, non-tenure track ranks, which are appropriate to its discipline. These criteria and guidelines must be generated in partnership between the faculty and the unit Chair, and be submitted in writing to the dean (for schools with departments), the governing faculty body of that School or institute, and provost for approval. Criteria should be more rigorous for each higher level of faculty rank and should be equally rigorous, though not identical to, those used for tenure track faculty. In the case where criteria differ among hiring units or departments, the dean or institute director is responsible for assuring that the criteria are equally rigorous for equivalent ranks in different departments. The provost is responsible for review of and approval of the guidelines assuring appropriate and equally rigorous criteria are applied in different schools and institutes. Criteria and guidelines for each department or school must be made readily available to faculty, preferably through posting on a unit website, and criteria will be consistent for similar cases within a given unit. Annual reviews will provide an opportunity to evaluate progress relative to these criteria.

Components of regular rank non-tenure track review process

1. Each school or institute will establish guidelines for the size and composition of the review committee that prepares the initial report on appointment, reappointment, or promotion.
2. While a general template of items to include in the review portfolio is provided by the provost's office, each school or institute will have some flexibility to reshape that list to fit the nature of the position being reviewed.

3. All qualified faculty in the hiring unit, including program or department (for schools with departments or hiring unit programs) or school or institute will be allowed to vote on the potential appointment, reappointment, or promotion of regular rank non-tenure track faculty, after consulting the review committee report.
 - a. On candidate for initial appointment at any regular non-tenure track rank, all regular-rank faculty are eligible to vote, regardless of the rank proposed for the candidate.
 - b. On candidate for reappointment to the same regular non-tenure track rank, all regular rank faculty, who hold the same rank as the candidate or a higher rank are eligible to vote.
 - c. On regular non-tenure track candidates for reappointment with promotion, all regular rank faculty, who hold either the same or higher rank than the proposed promotion shall be eligible to vote.
4. In cases receiving a favorable program or departmental or school or institute recommendation, the dean or institute director will decide whether to proceed with the initial appointment, reappointment, or promotion, and will forward the decision to the provost, who will take it to the Board of Trustees for approval. In cases where the program or departmental recommendation is unfavorable the candidate may appeal the decision to the provost within two weeks of the notification date.
5. Finally, at the point of their decision to support or decline the relevant action, the dean or institute director will notify the candidate of the decision.

Continuance after an unfavorable review

In the event of an unfavorable review, regular rank non-tenure track faculty members will be allowed to continue in their position to the end of their current contract.

Confidentiality Policy

Pursuant to university custom and policy, all documents contained in the dossier with the exception of the materials directly submitted by the candidate are considered confidential, as is the identity of all external reviewers. The total dossier is made available only to those individuals officially responsible for recommendations and/or decisions on the candidate's status. These individuals include (1) the voting members of the departmental faculty in cases of appointment; (2) tenured departmental faculty of rank higher than the candidate in cases of reappointment, promotion, and tenure within the university; (3) the departmental chairs and administrative assistants of the chairs; (4) the appropriate deans, the provost, the provost's Advisory Committee on Appointment, Promotion, and Tenure, and related committees; (5) the president; and (6) the Board of Trustees. All individuals participating in the APT process are expected to adhere to this statement regarding confidentiality.

Ad hoc panels and/or individual additional external reviewers may be consulted by any of the above listed university administrators or faculty bodies with the expectation that the privacy and confidentiality of the dossier is protected.

Academic Council
March 31, 1988
Revised September 2001
Revised June 2017

CHAPTER 4: PROFESSIONAL AFFAIRS OF THE FACULTY

Academic Freedom and Academic Tenure

Duke University has a long tradition of guarding responsible academic freedom for its entire instructional staff, and the university itself cherishes and guards against incursions upon its own essential academic freedoms.

Academic tenure may be achieved for a specified period of time in the case of term appointments, or indefinitely in the case of continuous academic tenure appointments. Such appointments may be terminated for misconduct or neglect of duty, or because of a change in the academic program made with the advice of the appropriate body or bodies of the faculty, as a consequence of financial exigency or for any other reason which discontinues or reduces a segment of the university's research or educational program.

A faculty member may request--on any question involving termination for misconduct or neglect of duty, tenure status, alleged violations of academic freedom, or alleged violations of due process in decisions with respect to renewal of term appointments, granting of tenure, or promotion in --an investigation by the faculty ombuds and, should the ombuds' attempt at conciliation fail, by the Faculty Hearing Committee. The procedures are described in Appendix N of this handbook.

A complete statement of policies and procedures with respect to academic freedom and tenure is attached to this handbook as Appendix C.

Advanced Degrees

Faculty members at the professorial rank are permitted to earn advanced degrees in disciplines other than their own, with the approval of both of the departments or schools involved and that of the provost.

Faculty members who wish to pursue another degree should submit a letter of their intention to their chair and dean with a copy to the provost or dean, School of Medicine/vice chancellor for medical center academic affairs.

Distinguished Professorships

The university bears special witness to its intellectual commitment through its program of distinguished professorships. Appointment to a named chair is the highest honor the university can bestow upon a member of its faculty. There are five types of distinguished professorships at Duke University: the James B. Duke Professorships, the Bass Chairs, the individually named chairs, the interdisciplinary University Professorships, and the University Distinguished Service Professorships.

The James B. Duke Professorships were created by a special grant of The Duke Endowment to honor well-established members of the Duke academic community, irrespective of field, who have also achieved singular distinction as creative scholars. The Bass Chairs, created in 1998, are intended to strengthen undergraduate education by recognizing some of Duke's most outstanding scholar-teachers. The individually named chairs also honor specific individuals who have achieved distinction as creative scholars; many are for specific fields designated by their donors. The interdisciplinary University Professorships are awarded to scholars distinguished by their ability to transcend disciplines; they are either in more than one school or department or their primary appointment and tenure will reside at the school level for the following four schools where tenure otherwise would reside within a department: Trinity College of Arts and Sciences, Nicholas School of the Environment, Pratt School of Engineering, or the School of Medicine. The University Distinguished Service Professorships were created to recognize exceptional service to the university as a whole, beyond achievements in the nominee's own discipline, typically in an administrative role in the University. Appointments to all distinguished professorships are made on recommendation of the provost and approval by the Board of Trustees.

Nominees for interdisciplinary University Professorships and other university-wide named chairs (e.g., James B. Duke Professorships, unrestricted endowed professorships, and unfunded eponymous professorships honoring administrators) are considered by the provost's Advisory Committee on Distinguished Professorships, which makes recommendations to the provost. The members shall be recommended by the Executive Committee of the Academic Council and approved by the provost. The committee will convene at the call of the provost to advise on the naming of the university-wide chairs including existing and new Distinguished Professorships and existing and new University Professorships.

Nominees for Bass Chairs are considered by the provost's Advisory Committee on Bass Chairs, which makes recommendations to the provost. This committee, nominated by the Executive Committee of the Academic Council and appointed by the provost, is composed of members selected from the Bass Society of Fellows, which includes both current and former Bass Chair holders.

Effective with academic year 2005/06, nominees for school-specific named chairs, joint school-specific professorships, and school-specific unfunded eponymous chairs are considered by the respective School Distinguished Professorships Committee, which makes recommendations to the dean, who in turn recommends recipients of specific named chairs to the provost. The provost must approve each school's proposed procedures and policies before they may take effect. Once approved by the provost, each individual school's procedures and policies document will be made available on the provost's website. In accordance with the school's written procedures, the dean will establish a School Distinguished Professorships Committee that is composed of either (1) all of the school's current tenured distinguished professorship holders or (2) members recommended by that school's faculty governance body and selected from among the school's current tenured distinguished professorship holders.

If questions arise as to whether any particular named professorship is university-wide or school-specific, the decision shall be made by the provost.

In cases where a faculty member is being considered simultaneously for an appointment at Duke and a distinguished professorship, the provost's Advisory Committee on Appointment, Promotion, and Tenure (or its equivalent in law, clinical sciences, and nursing) is asked to consider the appointment to a tenured full professorship before consideration of the case for a named chair by any Distinguished Professorships Committee. Rules for selecting distinguished professorships can be found at:

https://provost.duke.edu/sites/all/files/Distinguished_Professorships_Policy.pdf

Faculty Compensation

Several important policies govern faculty compensation. The policies discussed in this section do not govern compensation to faculty members for consulting outside the university. The university's policy on consulting and other outside activities is treated separately in Chapter 5.

Base Salary Determination for Term of Academic Appointment

Responsibility for faculty salary recommendations rests with the deans and directors reporting to the provost and with the dean, School of Medicine/vice chancellor for Medical Center academic affairs reporting to the chancellor for health affairs. Initial recommendations may be made by department chairs (or heads of analogous authorized faculty hiring units; see Chapter 2) in accordance with the organizational structure and budgetary practices of each school or unit. The recommendations of the deans, directors, and the vice chancellor for Medical Center academic affairs are approved by the provost or chancellor for health affairs, respectively. Approved salary recommendations become part of the budget proposal approved annually by the Board of Trustees. If the faculty member holds appointments in two or more units that contribute to his or her salary, the primary department shall be responsible for submitting the recommendation and coordinating joint approval with the additional unit(s).

Joint Funding of Academic Appointments

A program, school, department, or other academic unit requiring the services of a member of the faculty from another academic unit on a regular basis should negotiate for those services with the individual and the department head or dean of the school of the faculty member's primary appointment or with the dean, School of Medicine/vice chancellor for Medical Center academic affairs. Allocation of salary costs for the individual involved, and the resulting adjustment of departmental or school budgets, should be negotiated by the appropriate dean(s), department head(s), director(s), and/or the dean, School of Medicine/vice chancellor for Medical Center academic affairs, and

approved by the provost or chancellor for health affairs through regular budgetary processes as appropriate. (See also the section entitled Joint Appointments and Secondary Appointments in Chapter 2.) Occasional, as distinguished from regular, assistance across units should be provided without compensation as a service within the university community.

Schedule of Payment

Because the academic year runs from September through August, most faculty appointments outside the Medical Center begin in September. Thus, it has been policy in most of the units of the university to pay new faculty on nine-month appointments their initial one-twelfth (1/12th) of salary in September of their first year and to continue payment through August of their terminal year (except for retirements or resignations that occur at other times in the year). For various reasons, this policy is at times unsatisfactory. In cases where duties are to be assumed prior to September, arrangements may be made for the appointment to begin in July or August. The formal appointment letter provided for the provost's files must accurately reflect the appointment date. If the appointment commences in a month other than September, then the final payment in the faculty member's terminal year is adjusted accordingly. Regardless of the appointment term, all full-time, regular rank faculty receive their compensation in twelve (12) monthly installments.

Special Compensation in Addition to Base Salary

Outside the Medical Center, any pay for work performed in addition to the faculty member's normal duties as part of his or her regular academic and/or administrative appointment is considered special compensation by the university. The university recognizes two types of special compensation. Extraordinary pay is compensation for special assignments above and beyond the faculty member's regular work load (100 percent effort) for which he or she is already compensated through base salary. Supplementary pay is for assignments taken on (usually during the summer) that fall outside the faculty member's term of appointment, be it a nine-month, ten-month, or eleven-month appointment. In the extremely unusual situation where extraordinary pay is requested for an individual already receiving supplementary pay, both policies pertain. For additional information, please see the memo from the provost to the Deans and Directors in Academic Program Areas: <https://provost.duke.edu/sites/all/files/Special%20Compensation%20in%20Addition%20to%20Base%20Salary.pdf>

Extraordinary Pay

Normally, faculty members should not receive extraordinary pay, that is, remuneration for additional work performed during their regular appointment term, since they are already being paid for full-time service (100 percent effort). In unusual circumstances, however, particularly when a department other than the person's primary department is involved, a dean or director may request approval from the provost or the chancellor for health affairs to provide extraordinary pay. If the extraordinary pay is to be charged to a federal grant or contract, approval of the Office of Research Support is also required before any work may be performed in academic program areas and the Office of Research Administration for Duke Health entities. The provost and chancellor for health affairs from time to time issue guidelines for deans and program directors to follow in requesting permission to make extraordinary salary payments. Members of the faculty should work through their deans or the vice chancellor for Medical Center academic affairs in determining their eligibility for such payments. For Medical Center Management Center entities, please contact the SOM HR Management Center for details regarding its Extraordinary Pay Policy. For additional information, please see the memo from the provost to the Deans and Directors in Academic Program Areas:

<https://provost.duke.edu/sites/all/files/Special%20Compensation%20in%20Addition%20to%20Base%20Salary.pdf>

Supplementary Pay

Faculty members may receive supplementary pay for effort outside the term of their appointment according to the following guidelines (For additional information, please see the memo from the provost to the Deans and Directors in Academic Program Areas: <https://provost.duke.edu/sites/all/files/Special%20Compensation%20in%20Addition%20to%20Base%20Salary.pdf>

Nine-Month Appointments

The term of appointment for non-medical faculty on nine-month appointments consists of an eight-month core which corresponds to the academic calendar established by the president each year (usually September through April) and a one-month period outside of the academic calendar. Responsibilities for the one-month outside of the

academic calendar may be performed in any of the four remaining months provided that the timing of performance is such that commitments made on externally funded projects are met. Faculty members on nine-month appointments may receive summer supplements through the Duke University payroll system up to a maximum of three-ninths (3/9ths) of the base salary rate for the immediately preceding appointment term.

If the summer supplements are for University or other non-federally funded work such as summer session teaching, independent study, special programs, or administrative assignments requiring summer effort, compensation up to 100% of one-ninth of a faculty member's salary can be paid in any three of the four designated summer months: May, June, July or August.

However, if summer supplements are for federally-sponsored projects, they must be handled differently. While faculty with committed summer effort on sponsored projects may still be paid a total of three-ninths summer salary, they should not receive 100% of one-ninth in any one month. Two different procedures must be followed. First, the University caps compensation from federally-sponsored research in any given summer month at 75% or less per month over each of the four summer months: May, June, July and August. Second, compensation from federal funding is limited to two and a half ninths and the final half ninth must be paid from University or other non-federal funds.

For faculty having three months of summer salary budgeted on their federal grants, the last half month of effort and salary would no longer be spent on grants during the summer but would be committed, performed and paid during the academic year. This practice will create a salary savings pool in each school's budget. From this pool of school funds the entire half month's worth of salary and fringe benefits will be used to pay the extra half month of salary needed to achieve a full three months of summer salary.

Salary supplements for non-medical faculty may be earned in May, June, July, or August depending on when the ninth month of the appointment term is taken. Grant recipients are expected to comply with the conditions of the granting agencies. No faculty member may receive more than twelve (12) months of base compensation and supplementary pay in any fiscal year unless permission is granted by the provost or chancellor for health affairs for the individual to receive extraordinary pay, as outlined above.

Ten-month Appointments

Faculty members on ten-month appointments are eligible to receive up to two-tenths (2/10ths) of the base salary rate for the immediately preceding appointment term. The same conditions apply as stated above for faculty members on nine-month appointments.

Eleven-month Appointments outside the Medical Center

Faculty members outside the Medical Center on eleven-month appointments are eligible to receive up to one-eleventh (1/11th) of the base salary rate for the immediately preceding appointment term. The same conditions apply as stated above for faculty members on nine-month appointments.

Twelve-month Appointments in the Medical Center

Most faculty members in the Medical Center are on twelve-month appointments that resemble the twelve-month appointments of university staff. This means that compensation covers eleven months of effort and one month of paid vacation. One month of paid vacation is equal to 22 business days. Faculty cannot carry unused vacation days to the next year or receive compensation for unused vacation when terminating. Faculty members on twelve-month appointments in the Medical Center are not eligible to receive supplementary pay, but are eligible for extraordinary pay, as outlined above.

Vacation

Faculty members with nine-, ten-, or eleven-month appointments outside the Medical Center are paid only for work performed during the period of their appointment plus any additional effort they expend for which they receive supplementary compensation. As a result, neither the base appointment nor any time for which supplementary compensation is received includes allowance for vacation and none should be reported on the annual effort certification report. As indicated above in the discussion of twelve-month Medical Center appointments, Medical Center base salaries do cover one month of vacation and annual effort reporting should reflect this fact.

Faculty Hearing Committee

The Faculty Hearing Committee has two distinct functions. The first involves equal treatment in employment, without discrimination. Duke University prohibits discrimination and harassment, and provides equal employment opportunity without regard to race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex, genetic information, or age. We also make special efforts to recruit, employ and promote qualified minorities, women, individuals with disabilities and veterans. A faculty member who feels that an adverse employment action involved discrimination on such a basis may file a complaint with the ombuds or the Office for Institutional Equity. If the complaint is not resolved, and depending on the nature of the complaint, a hearing may be conducted followed by the opportunity for an appeal.

The second function of the Faculty Hearing Committee involves academic freedom and tenure. The ombuds and the Faculty Hearing Committee shall have jurisdiction to consider complaints from faculty concerning one or more of the following matters: dismissal for misconduct or neglect of duty; termination of appointment prior to its expiration date; disputed claims by a faculty member to the existence of tenure; allegations of violation of academic freedom; violation of academic due process with respect to an adverse employment or disciplinary action; and allegations of damaging instances of harassment directed against the complainant by other members of the university community after failure of a university officer or agency to resolve the matter.

Detailed descriptions of these functions are to be found in Appendix N of this handbook.

Faculty Recruitment

When a faculty or staff position becomes vacant in any school or authorized unit, with the exception of the Schools of Medicine and Nursing, the head of that unit (dean, director) shall consult with the provost. The dean of the School of Nursing is authorized to hire faculty and staff, and consults with the chancellor for health affairs on major revisions of the school's size and structure. The dean of the School of Medicine/vice chancellor for Medical Center academic affairs shall report to the chancellor for health affairs. After authorization to fill the position has been obtained, the dean shall follow school policies for filling the position. In all cases these policies shall be consistent with Equal Employment Opportunity (EEO) regulations and university guidelines for the recruitment of minority and women faculty. Final approval for all tenured appointments, after the provost's and president's endorsements, rests with the Board of Trustees.

Flexible Work Arrangement Policy for Regular Rank Faculty Members

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

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

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

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

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

After appropriate discussion, the faculty member submits a request for a flexible work arrangement in writing (see the Flexible Work Arrangement Request Form for Regular Rank Faculty, <https://provost.duke.edu/sites/all/files/Flexible%20Work%20Arrangement%20form%20-%20Editable.pdf>) to the department chair, if applicable, or the dean of the school. The approved request, including the agreed upon 1) modification in duties, 2) compensation, and 3) the proposed total time for which the flexible arrangement will be in effect, then goes from the department chair to the dean. Approved flexible work arrangements will then be sent to the provost for signature. The Provost's Office will monitor usage of this policy.

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

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

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

Leaves of Absence - Academic

Junior Faculty Research Leaves

Tenure track faculty who do not hold tenure but have been reappointed to a second term appointment, usually for four years, are eligible to apply for a junior faculty leave. The intent of this program is to give junior faculty in Arts and Sciences, Business, Divinity, Engineering, Environment, Law, and Public Policy the opportunity to develop their scholarly potential in advance of their review for tenure.

Qualifying faculty members who are interested in the leave program should submit research proposals to their dean with recommendations from the program director or department chair when appropriate.

Faculty members whose proposals are funded will be entitled to a one-semester leave with pay. This leave will not interrupt the tenure clock nor will it alter the individual's continuous service at Duke University. Faculty members who receive fellowships or grants may supplement their one semester research leave with an additional one-semester leave.

Leaves Without Pay/Non-Sabbatical Competitive Leaves

As an administrative policy, the university usually finds a way to grant leaves without pay to members of the faculty who have an opportunity to further their own research or scholarly interests, or otherwise to contribute to the academic program of the university. While the university's fringe benefit pool does not cover benefits for faculty members on leave without pay, professors who have received fellowships may ask their deans to provide, with the understanding that there may be adverse tax consequences to the faculty member involved, the university's contribution to benefits from operating budgets within the school. While it may not be possible for the school to cover the university's contribution in all cases, every effort will be made to do so when fellowships are inadequate. All such requests should be reported to the provost. Some schools may provide full or partial funding for academically justified leaves (other than sabbatical leaves) for a limited number of faculty selected through a competitive process instituted by the dean and approved by the provost. Leaves of absence from the university are limited to two years out of every seven except in extraordinary circumstances. Continuous service shall not be interrupted by approved leaves of absence, and time on leave will count as qualified time for tenure unless the provost determines otherwise when the leave is granted. However, time on leave without pay will not count toward sabbatical leave.

Procedures for applying for leaves without pay may be found under sabbatical leaves below.

Sabbatical Leaves

The primary purpose of sabbatical leave is to increase the value of the professor's further service both to his or her profession and to the university. Although there may be exceptions, such a purpose is ordinarily served by the pursuit of scholarship (e.g., for teaching abroad, study, research, or publication undertaken to further the solution of pedagogical and administrative problems). Sabbatical leaves are not to be used for purposes of recreation or general travel.

1. Each tenured member of the University Faculty shall be eligible for sabbatical leave after no more than each six years of active service to the University in faculty positions of regular rank. Active service provisions may be determined on a school by school basis. Such leave may be taken for a full year at half salary or a half year at full salary.
2. Individual schools, upon approval by the provost, may institute programs to enable eligibility for sabbatical leaves for tenured members of the University Faculty of the rank of professor, associate professor, or assistant professor after a period of active service to the University of less than 6 years but no less than 3 years.
3. Sabbatical leave may be granted upon the written recommendation of the dean of the appropriate college or school, and then approved by the provost and the president.
4. The year in which sabbatical leave is taken will not count towards eligibility time for subsequent sabbatical leave.
5. Time on approved paid medical and/or parental leaves will count toward eligibility for subsequent sabbatical leave.
6. Qualifying faculty who were appointed prior to September 1982 may count time spent as an instructor in their years of service.
7. When eligibility for sabbatical leave is not clearly established, the case should be discussed with the appropriate dean, provost, or the dean, School of Medicine/vice chancellor for medical center academic affairs.

Application Procedure for Sabbatical Leaves or Academic Leaves of Absence

The following procedure should be followed in applying for either a sabbatical leave or an academic leave without pay.

1. A letter requesting the leave should be addressed to the department chair and dean before December 1 of the year preceding the academic year for which leave is requested. In exceptional cases, a slightly later request will be considered. The letter should contain a statement by the faculty member explaining how he or she expects to use the leave, where he or she expects to be during the leave, and a clear statement indicating whether he or she is requesting a sabbatical leave of one semester at full pay, one year at half pay, or a leave of absence without pay for an indicated period.
2. The department chair will send a letter to his or her dean, stating whether he or she endorses the applicant's leave request and whether supplemental instructional funds may be needed to meet teaching obligations during the applicant's leave period.
3. Copies of these letters should be sent to the provost and, if appropriate, to the dean, School of Medicine/vice chancellor for medical center academic affairs.
4. The dean (department chair in the School of Medicine) will send a letter to the provost or dean, School of Medicine, vice chancellor for medical center academic affairs stating whether he or she endorses the requested leave and indicating whether the leave will necessitate provision for replacement of instructional time. Only when both the department chair and dean have endorsed the leave will the provost consider the request. Final responsibility for granting sabbatical leaves rests with the provost.
5. Upon return from leave, the faculty member is expected to give a full report in writing to his or her department chair, dean, and to the provost or dean, School of Medicine/vice chancellor for medical center academic affairs.

Granting of Sabbatical Leaves

Normally, a sabbatical leave is not granted if the applicant's request is for the purpose of accepting remunerative employment. This rule does not apply to the acceptance of fellowships and similar grants which serve the purposes outlined above. Furthermore, there may be other situations in which acceptance of a remunerative position may lead to a fulfillment of the primary purpose of increasing the value of the professor's further service to his or her profession and to the university.

Any person granted sabbatical leave is expected to return for at least one year's service following the leave. Sabbatical leave may be granted for a full year at half salary or for a half year at full salary.

Other Matters Relating to Leaves

1. Requests for sabbatical leaves and leaves of absence are due by December 1 of the year preceding the leave. However, some requests cannot be firm at that time, since leaves are often contingent on obtaining funds from outside the university, and notification dates may be in the spring. For planning purposes in the department or school as well as in central administration, in cases where the leaves are contingent on funding or on other factors, it is desirable that the request made before December 1 be, in effect, a letter of intent rather than a firm request. The chair or dean should endorse the leave at that time, implying approval of the leave if the contingency is satisfied. The faculty member should write again to the provost or dean when plans are firm, with copies to the chair and dean or the dean, School of Medicine/vice chancellor for medical center academic affairs as appropriate. The provost will then write the faculty member.
2. A faculty member who learns well after December 1 about an opportunity to take a leave during the following year may request the leave. Approval will depend heavily on whether the program can be adjusted to accommodate the absence of the faculty member. Such late requests are usually for leaves of absence rather than sabbaticals.
3. Information concerning eligibility status may be obtained by calling the appropriate dean's office or the Office of the Provost.
4. Since sabbatical leaves are for the purpose of enhancing the stature of the individual, there should be an opportunity for at least one year of service after taking a sabbatical. Non-tenured faculty members should therefore not request a sabbatical for the seventh year. In the event tenure is granted, every year of service in the unmodified rank of assistant professor, associate professor, or full professor is counted toward eligibility.
5. Questions arise frequently about the pay period (or absence of pay) in connection with leaves. The following dates apply:
 - a. Sabbatical for fall or spring semester--no change in pay.
 - b. Sabbatical for fall and spring semesters--half pay from July through June.
 - c. Leave of absence during the fall semester--no pay or benefits from July through December.
 - d. Leave of absence during the spring semester--no pay or benefits from January through June.
 - e. Leave of absence for fall and spring semesters--no pay or benefits from July through June.

These dates indicate that the pay period in connection with leaves for the fall semester is the six-month period beginning July 1, and the pay period in connection with leaves for the spring semester is the six-month period beginning January 1. Duke will continue to make university contributions to the Faculty and Staff Retirement Plan while on sabbatical leave based on actual pay received.

6. When a grant to the university is used to pay the other half of full-year sabbatical leave pay, or full or partial pay during a leave of absence, written authorization from the principal investigator is needed to charge such pay to the grant. Since fringe benefits are charged to the grant at the audited percentage of salary, it may be advantageous to a faculty member in some cases to receive a fixed sum grant or fellowship directly from the agency rather than through the university; in this way the full sum would be available for salary.

Government Service Leaves

A faculty member may be placed on leave to accept a temporary governmental position at a federal agency. These agreements are intended to enhance cooperation between universities and the federal government, to take advantage of unusual expertise, skills or talents, or to provide professional development opportunities. The federal government reimburses universities for the costs of salary and benefits for up to one year, renewable. Should the agency not reimburse at the faculty member's full salary and/or benefits, it is up to the discretion of the dean or director to adjust pay and/or benefits to the full amount. Such a leave is granted through the Intergovernmental Personnel Act (IPA) Mobility Program (US Office of Personnel Management, Enacted 27 May 1997, Intergovernmental Personnel Act of 1997.)

Leaves of Absence – Non-Academic Reasons

Family Medical Leave

As per the Family Medical Leave Act (FMLA), both regular rank and non-regular rank faculty members who have been employed at Duke University for at least 12 months (need not be consecutive), and have worked at least 1250 hours during the preceding 12 months, are eligible for this type of leave. This includes Military Family Leave as outlined below.

FML entitles eligible faculty to unpaid time away from work for up to a total of 12 weeks within a rolling 12-month period. Time off for FML may be taken in consecutive days or on an intermittent basis. FML may be taken for the following reasons:

- The care of a child following birth or the adoption or placement of a child with a faculty member for foster care;
- The care of a family member who has a serious health condition;
- Faculty with health conditions serious enough to cause disabilities in normal work performance.
- The care of a spouse, son, daughter, parent, or next of kin of a covered service member recovering from a serious illness or injury sustained in the line of duty on active duty (Military Family Leave).

Family Medical Leave should not exceed 12 weeks within a rolling 12-month period. Military Family Leave, in combination with all Family Medical leave, should not exceed 26 weeks within a 12 month period. "Intermittent leave" is understood as time off in increments shorter than 12 consecutive weeks. Intermittent leave may be taken for the care of a spouse, registered same-sex partner, child, or parent who has a serious health condition - or for a faculty member's own illness. Neither the care of a child following birth or the adoption or placement of a child with a faculty member for foster care may be taken intermittently. Parental Leave may only be taken on an intermittent basis if they are medically necessary.

Note: While FML is unpaid leave, it must be taken concurrently with other paid leaves such as Temporary Medical Leave or Parental Leave, where eligible.

For faculty members who have less than one (1) year of service or less than 1250 hours worked within the 12-month period, temporary medical leave and parental leaves may be available for an event that would normally qualify for FMLA. FML must be taken concurrent with either of these types of leave if the faculty member is eligible for FMLA and the absence is an FMLA qualifying absence.

Benefits will continue during FML and Duke will continue to pay the employer's share of the cost of health care premiums during the FML period (12 or 26 weeks) and during any other paid leave status. The faculty member should contact the Benefits Office at 684-5600 to determine the procedure for payment of his or her share under group insurance plans should he or she go on unpaid status. For additional information on FMLA eligibility, qualifying events and benefits, see the Duke HR website (www.hr.duke.edu.) See below for the process on requesting leave.

Military Leave

Military leaves of absence will be provided to regular rank and benefits-eligible faculty on multi-year appointments in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable North Carolina laws that protect individuals with military commitments from detrimental employment decisions based on those commitments. Military leaves of absence may be paid or unpaid leaves in accordance with the provisions of this policy.

Definition: "Military Leave" is any time off that is provided to faculty who are members of the National Guard or other reserve component of the United States Armed Services and who are called to active duty, attend scheduled reserve service, and/or temporary training duty.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) was signed on October 13, 1994. The Act applies to persons who perform voluntarily or involuntarily duty in the "uniformed services" - including the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA.

Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty (performed by the National Guard and reserve members), as well as the period for which a faculty member is absent from Duke for the purpose of an examination to determine fitness to perform any such duty.

Permanent Active Duty: Military Leave without pay should be granted upon a faculty member's submission of Department of Defense orders setting forth the commencement of military duty and its expected duration. During the period of Military Leave, faculty remain fully eligible to participate in the Group Life Insurance and health care insurance programs so long as their portion of the premium is paid.

Personal Leave

Faculty members may request a personal leave for unique and extraordinary reasons. For approval, such leave must be requested in advance and shown to be of mutual benefit to both Duke and the faculty member. Personal leave will be granted for a period of up to one year. Under special circumstances, the personal leave could be extended beyond one year.

Regular rank faculty may consider requesting a Flexible Work Arrangement rather than a personal leave for circumstances where they do not need to be away from all their professional duties for an extended period of time.

Temporary Medical Leaves

A regular rank faculty member shall be granted temporary medical leave with pay in the event of illness, injury, or other temporary medical restriction if the restriction will exceed four weeks. Temporary medical leave may be extended up to one year. If replacements for instructional time are needed, the salaries for those replacements will be paid from school or institute funds. The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary medical leave. A faculty member returning from a temporary medical leave must provide evidence from his or her physician that he or she is able to return to work.

Nothing in this policy shall be construed to preclude a part-time temporary medical leave if such a leave takes better account than a full-time leave of the particular nature of a faculty member's temporary medical restriction and the particular needs of his or her department. However, in no event shall a faculty member who has temporary medical leave be compelled to waive any part of the temporary medical leave to which he or she is entitled under this policy.

Time away under this policy counts as leave time under the Family Medical Leave Act. If the illness, injury, or other temporary medical restriction extends longer than three months, the Office of Benefits Administration should be contacted to determine if a Long-Term Disability Leave is more appropriate for the circumstances (see Long-Term Disability Leaves).

Temporary Parental Leaves – Regular Rank Faculty¹

A regular rank faculty member on a multiple-year appointment (regular rank faculty in the School of Medicine and School of Nursing²) shall be granted a one-semester, i.e., fall semester or spring semester, (up to three months for the School of Medicine and School of Nursing) leave with pay in the event of the birth of his or her child, the adoption of a child (under six years of age), or the birth of a domestic partner's³ child. The leave must commence within nine months of the date of birth or adoption (proximate to birth or adoption for the School of Medicine and

¹The parental leave policy becomes effective July 1, 2003. Time away under this policy counts as leave time under the Family Medical Leave Act. While consistent language is used with one child at a time being born or adopted, it is recognized that multiple births, or multiple-adoptions, will occur in some cases. These will not affect either the parental leave or the tenure clock relief policy.

² For the School of Medicine and School of Nursing, this benefit does NOT apply to regular-rank faculty who have received appropriate notice of intent not to renew their faculty appointment.

³ The term "domestic partners" specifies that the partners: (a) live in a committed family relationship; (b) share joint responsibility for one another's common welfare and basic needs; (c) are each other's sole spousal equivalent and intend to remain as such or as spouses indefinitely.

School of Nursing)⁴. In order for provision to be made by the academic unit for replacement of instructional time, requests for parental leave must be made within three months of confirmation of adoption or of pregnancy, or as soon as practicable once the adoption/pregnancy has been confirmed. The head of the academic unit (e.g., the department chair or dean) must indicate in writing to the dean and/or provost his/her clear understanding, after affirmation of the requestor, that the parent requesting parental leave will be the primary caregiver to the child, where primary caregiver is defined as the individual who has primary responsibility for the care of the child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. Outside of the provisions for temporary medical leave, only one paid parental leave per child per household will be granted to the primary caregiver (see definition above) of the child. If only one parent is a Duke faculty member, he or she must be the primary caregiver (as defined above) to qualify for the parental leave. In the School of Medicine, the department chair will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. In the School of Nursing, the department program director and executive vice dean, respectively, will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. The department chair (School of Medicine) or the dean (elsewhere) then will send a letter to the dean or vice chancellor for health affairs or the provost indicating whether the leave will necessitate provision for replacement of instructional time.

As above, if replacements for instructional time are needed, the salaries for those replacements will be paid from school or institute funds. The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary parental leave.

When a temporary parental leave is granted for non-tenured tenure-track faculty, an automatic one-year extension of the tenure probationary period will be approved (see Tenure Clock Relief section). It is understood that the faculty member may, nevertheless, choose to be reviewed for tenure at any appropriate time within the probationary period.

Temporary Parental Leaves – Non-Regular Rank Faculty¹

A full time, salaried non-regular rank faculty member shall be granted a six-week leave with pay in the event of the birth of his or her child, the adoption of a child (under six years of age), or the birth of a domestic partner's child. Moreover, six additional weeks of unpaid leave are allowed under the Family and Medical Leave Act, for a combined total of up to 12 weeks of leave. The leave must commence proximate to birth or adoption, with proximate being defined as reasonably related to the birth or adoption of the child. Outside of the provisions for temporary medical leave, only one paid leave per child per household will be granted to the primary caregiver of the child, where primary caregiver is defined as the individual who has primary responsibility for the care of the child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. If only one parent is a Duke faculty member, he or she must be the primary caregiver (as defined above) to qualify for the leave. In order for provision to be made by the academic unit for replacement of instructional time, requests for parental leave must be made within three months of confirmation of adoption or of pregnancy, or as soon as practicable once the adoption/pregnancy has been confirmed. The head of the academic unit (e.g., the department chair, dean, or director) must indicate in writing to the dean and/or provost his/her clear understanding, after affirmation of the requestor, that the parent requesting parental leave will be the primary caregiver to the child, where primary caregiver is defined as the individual who has primary responsibility for the care of a child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. In the School of Medicine, the department chair will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. In the School of Nursing, the executive vice-dean will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. The department chair (School of Medicine) or the dean (elsewhere) will include in the letter recommending leave to the dean of the School of Medicine or provost an indication whether the leave will necessitate provision for replacement of instructional time. If replacements for instructional time are needed, the salaries for those replacements will be paid from school or institute funds. The university will continue to pay the employer's share of the cost of fringe benefit

⁴ The Schools of Medicine and Nursing would allow for a delayed start if an infant spent time in the intensive care nursery.

programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary parental leave.

Leave request process for leaves for non-academic reasons:

To request a leave, the faculty members should either complete the form linked below or write a letter requesting any non-academic leave of absence. After appropriate discussion, the faculty member submits the written request to the department chair, if applicable, or the dean of the school or director of the institute. The approved request then goes from the department chair to the dean or institute director. Approved requests will then be sent to the Provost for signature.

In the case of FMLA, temporary medical leave or parental leave (when applicable), it should be accompanied by a physician's statement regarding the medical condition for the faculty member or his/her qualifying family member. Appropriate forms are available with the department administrator.

In the case of parental leave, the head of the academic unit (e.g., the department chair or dean) must indicate in writing to the dean and/or provost his/her clear understanding, after affirmation by the requestor, that the parent requesting parental leave will be the primary caregiver to the child, where primary caregiver is defined as the individual who has primary responsibility for the care of the child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. In the School of Medicine the department chair and in the School of Nursing the executive vice-dean in consultation with the associate deans for academic and research affairs will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean.

The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance or the Faculty/Staff Retirement Plan for a faculty member on temporary medical, parental or paid personal leave.

- Faculty who take leave for illness/injury must provide a physician's release to return to work.
- Duke does not pay a faculty member's share of Duke-sponsored insurance programs while the faculty member is on unpaid personal leave. The faculty member and covered dependents are eligible for continued coverage under COBRA.

A printable application form for these leaves is available at:

<https://provost.duke.edu/sites/all/files/Leave%20Application%20Form.pdf>

Long-Term Disability Leaves

In case of long-term disability (exceeding four months), the faculty member should contact the Office of Benefits Administration (Private Diagnostic Clinic for clinical faculty members of the PDC) for information regarding benefits under the university's long-term disability insurance program. A faculty member should notify the appropriate dean in writing, with a copy to the department chair and the provost, or, if appropriate, to the chancellor for health affairs, of the application for long-term disability. The department will be notified by the Office of Benefits Administration (Private Diagnostic Clinic for clinical faculty members of the PDC) of the approval/denial of the long-term disability insurance payments, the department should inform the dean, who will notify the provost about the status of the faculty member's application.

Liability Coverage

Legal Assistance to Participants in the Academic Peer Review

The academic peer review process is essential to the perpetuation of excellence at Duke. The university considers the participation of members of the faculty and professional librarians in the peer review process--both within and outside of Duke--to be part of their regular duties as Duke faculty members or librarians. Responsible participation in this important service to the academic community should not place individuals at personal risk because of their contribution to it. Accordingly, the university is prepared, to the extent permitted and in the manner provided by the North Carolina Nonprofit Corporation Act, to offer legal assistance and indemnification to the

faculty members and librarians who face the risk of legal involvement and associated financial expense arising from their service to Duke University as a participant in the peer review process.

Memberships and Dues

Each member of the academic community may belong to any number of professional organizations. However, personal memberships may not be paid by the university from regular departmental funds. In rare instances, it may be advantageous to have the university represented in a particular regional or international organization, and in such cases, special approval for university payment of dues must be requested from the appropriate university officer at the level of vice president. In other instances, a person may be expected to represent the university in a professional organization only because of the administrative position he or she holds at Duke University. Such requests may also be approved.

Nepotism

It is the intent of the university that employees not be involved in decisions affecting the faculty appointment of individual members of their immediate family (including spouse, same sex partner, children, parents, brothers, sisters, step-parents, step-children, step-brothers, and step-sisters) and extended family (including grandparents, parents-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunts, uncles, grandchildren, and great grandparents). In exceptional cases where the relative is clearly demonstrated to have unique and unusual skills necessary for the position and these skills are not readily available in the labor market, a waiver may be sought. When such conditions exist, a written request for a waiver must be submitted to the provost or his or her designee for approval prior to offering an appointment. Spouses or relatives may be employed, however, as collaborators in subsidized research projects where such collaboration has been specifically approved by the sponsoring agency.

In cases where a waiver has been approved, an individual may be in a position to effect personnel actions (such as retention, promotion, salary, and leaves of absence) affecting members of the individual's immediate and additional family. Prior authorization for these personnel actions must come from the individual's department chair, or in cases where the relative is that of the department chair, the provost or his or her designee.

For the policy regarding employment of relatives in biweekly positions, refer to the HR Policy Manual: Recruitment, Hiring, Transfer (Policy 02.05).

Non-Tenure Track Contract Extension

For a regular rank, non-tenure track faculty member on a multiple-year appointment, the same provisions as above shall apply to the extension of the term of their appointment.

Resignation

Faculty members are expected to follow the general code of ethics of American universities and should resign from the university prior to May 1 if the resignation is to become effective the next academic year. If possible, notification as early as March 1 is appreciated. A person wishing to resign should first inform the department chair and dean and then write a letter of resignation to the dean with a copy to the provost or write the dean, School of Medicine/vice chancellor for medical center academic affairs directly. The letter should include the date on which the appointment is to terminate.

Retirement

Faculty members' eligibility for full or partial retirement benefits is determined by the appropriate plan document. Discussions should be initiated with the chair of the department or director of the unit in which the faculty member serves at least one year prior to that in question. Tenured faculty members, upon retirement, relinquish privileges associated solely with tenured faculty status (e.g., voting rights with respect to Promotion and Tenure for tenure track faculty [see Chapter 3]).

Pre-Retirement Years

A faculty member wishing to reduce his or her Duke faculty responsibilities gradually prior to full retirement, should initiate discussions with his or her chair, or dean, or director. The Flexible Work Arrangements Policy (appears earlier in this chapter) was designed for use in these situations.

Retirement Planning Guide for Faculty

Please refer to the Benefits Office website for useful information to use while planning for retirement: <http://www.hr.duke.edu/benefits/retirement/planning/index.php>

Emeritus Status

By action of the Board of Trustees, and after recommendation by the dean and the provost and approval by the president, regular rank faculty members who retire at age sixty-five or over, or who have served the university for at least ten years, may receive the emeritus title of the same faculty rank they held at retirement. Along with this title go certain privileges, such as inclusion in faculty mailing lists and invitations to attend appropriate university functions. In addition, of course, are the financial benefits available to all eligible retired faculty.

Emeritus Faculty Services and Facilities Use

Athletic Facilities: Emeriti will have access to all Duke athletic and recreational facilities on the same basis as active faculty.

Computer Services: Emeriti will have free access to the use of central university computing services, including email and other services accessed through NetID authentication, and support from the OIT Service Desk through phone, live chat, email and service at the Link in Perkins Library (see <http://oit.duke.edu/help/> for more information and normal business hours).

Directory Listing: Emeriti shall be listed in the Duke Directory, which can be accessed at <http://oit.duke.edu/email-accounts/directories.php>.

Duke Chronicle and Duke Today: Emeriti can subscribe to a variety of Duke newsletters by visiting the website, <http://today.duke.edu/subscribe>. Emeriti regularly using a campus office can obtain copies of the Duke Chronicle and other official university publications (print and electronic) in the same manner as active faculty. Those wanting to receive the Chronicle at their home address should contact the Chronicle Business Office at (919) 684-3811. Emeriti are also encouraged to get daily news about Duke and the campus at Duke Today, an online electronic newspaper, <http://today.duke.edu/>. Emeriti faculty with Duke email addresses may also post classifieds in the Trading Post on the DukeList website, <http://dukelist.duke.edu/>. Emeriti faculty who have Duke email addresses also receive The Week at Duke, an electronic newsletter sent weekly by email.

Health Insurance: Emeriti faculty should check the benefits guide and/or contact the Duke Benefits Office to determine eligibility and access the necessary forms and procedures to follow. (919-684-5600, <http://www.hr.duke.edu/benefits/>)

Interaction with University Administration: Emeriti should submit inquiries and requests to their departmental chair or dean as the specific issue warrants. Emeriti can direct inquiries and requests that fall outside of departmental and/or school considerations to the designated Assistant for Emeritus Affairs in the Office of the Provost.

Identification Cards: Emeriti faculty may maintain their Duke identification cards as they will remain active. The Duke Identification Card can enable the emeriti faculty member to join the gym and check out library books.

Library Privileges: Emeriti will have full use of the Duke University libraries and library resources.

Mail: Mail services shall be provided by the department for emeriti.

Parking Privileges: Parking for emeriti will, with the exception of premium lots, be fully subsidized by the provost and dean, School of Medicine through June, 2019. This policy will be reviewed every two years.

Principal Investigator Eligibility: Participation as a Principal Investigator is conditional on the approval by the Dean and provost, and upon the availability of departmental and other necessary resources.

Space: While office space is not an entitlement for emeriti, they may request their dean to allocate such space to them. The dean, on the advice of the departmental chair, will weigh the request against alternative uses of the space in advancing the scholarly purposes of the university. If space is allocated, it will be for a maximum of two years with the option of renewing the space with subsequent requests. Laboratory space can be provided, subject to the same guidelines described above, for those individuals who maintain an active research program that is characterized by sufficient external funding to maintain their research activities and contributions to the discipline through the publication of the products of their research in relevant professional venues.

Tenure Clock Relief ⁵

A non-tenured member of the faculty shall be eligible for an extension of the tenure probationary period for life events that can reasonably be expected to markedly delay the research process. Extensions can be for either one or two semesters, where a semester is defined as six months in duration. For life events in category 1, there is no limit in the number of extensions that can be granted. For each of the life events numbered 2-6 below, a maximum of two extensions of the tenure probationary period will be granted for separate events. Excluding category 1 extensions, it is expected that in total, a three-year overall limit in tenure clock relief will not be exceeded. Life events that can be expected to markedly delay the research process are defined as these circumstances:

1. a child is born or adopted into the faculty member's household (one year relief; if both parents are untenured faculty members and both are significantly engaged in caring for the new child, then each parent in the household is eligible for one year of relief)
2. by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of a semester, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (one semester relief)
3. by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of her or his position (maximum two semester relief)
4. by reason of death of a parent, child, spouse, or domestic partner (one semester relief)
5. by reason of a catastrophic residential property loss (each faculty member in the household eligible for one semester relief)
6. by reason of other family or personal priority for which the faculty member has received approval for a Flexible Work Arrangement (three months relief for each year of approved Flexible Work Arrangement, rounded up if needed to match the next existing date – September 15th or December 1st – when tenure case materials are due in the provost's office)

If the birth of a child results in a serious health condition for either the birth mother or child (as in 2 or 3 above), an additional semester could be added to the tenure clock relief due to said serious health condition, thus making three semesters the maximum relief for the birth.

Extensions of the tenure probationary period will also be granted for the following reasons, and will not count toward the limit in the number of extensions specified above. However, it is expected that in total, a 3-year overall limit in tenure clock relief will not be exceeded. Extensions will be granted:

1. by reason of specialized experience or training approved by the department chair, when during such experiences, research publications and other tenure-related activities are expected to be significantly reduced or interrupted
2. by reason of significantly increased administrative duties that were unanticipated at the time of tenure-track appointment, e.g., serving as an acting division chief, or establishing a new, off-site program (School of Medicine and School of Nursing only)
3. by reason of an approved period of part-time status (tenure clock relief would be pro-rated to the percentage of effort during the part-time period)(School of Medicine and School of Nursing only)

⁵ This policy becomes effective July 1, 2003. Tenure clock relief will not be afforded retroactively for life events occurring prior to the effective date of this policy. Expansion of the tenure clock relief for parental leave to one year begins January 1, 2006. #6 under the life events that can be expected to markedly delay the research process becomes effective July 1, 2007. #1 under life events was revised effective January 9, 2013.

Requests for all extensions shall be made in writing to the chair as a first step where appropriate, and forwarded to the dean for final approval by the provost. Requests for extensions shall be made within 3 months of the onset of the life event, or as soon as practicable once the situation has been identified. Extensions of midterm reviews when appropriate will be granted upon request as well. Finally, invoking an extension does not commit the person to wait the full extent of the probationary period before requesting tenure review.

CHAPTER 5: RESEARCH - ORGANIZATIONAL STRUCTURE FOR SPONSORED PROJECTS AND RESEARCH RELATED POLICIES

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This chapter covers the following:

1. Administration - an introduction to the organizations responsible for overseeing research policies and procedures at Duke University.
2. Policies - an overview of the policies with which Duke researchers must comply.
3. "Campus Schools" referred to in this chapter include: Trinity College of Arts & Sciences, Divinity School, Fuqua School of Business, Graduate School, School of Law, Nicholas School of the Environment, Pratt School of Engineering, and Sanford School of Public Policy.
4. "Campus" refers to the above-listed schools, plus the centers and other organizational units of Duke University, other than those under the authority of the Chancellor for Health Affairs.
5. "Duke Health" referred to in this chapter includes the Schools of Medicine and Nursing. The discussion herein does not include Duke University Health System.

5.1 Organizational Structure

5.1.1 Policy, Administration and Compliance Offices

5.1.1.1 Animal Welfare Assurance

The [Office of Animal Welfare Assurance](#) (OAWA) assists researchers with animal care and use at Duke. Services provided by the OAWA include: animal use protocol guidance, administrative and review of protocols and amendments, assistance with [Institutional Animal Care and Use Committee](#) (IACUC) semiannual and PI-managed housing inspections, guidance and training for controlled substance registration application and management of controlled substances when used in research, service as a liaison between the IACUC and the Duke animal research community, and coordinating or providing for the training needs of the research community at Duke, including the Research Animal Coordinator Certification (RACC) program. The OAWA serves as the administrative support for the IACUC. In addition, OAWA provides assistance and support for the Duke Animal Care and Use Program and its leadership to ensure Duke maintains compliance with federal and state regulatory, oversight body (AAALAC Int.), granting, and local requirements. The OAWA is a contact with federal and state regulatory agencies. Under IACUC authority, OAWA, along with the Attending Veterinarian, is responsible for monitoring Duke's compliance with regulations governing animal care and use. Telephone questions may be directed to: Office of Animal Welfare Assurance at 919.688.6720.

5.1.1.2 Research Contracts

The Office of Research Contracts (ORC) supports Duke University School of Medicine and School of Nursing research and educational efforts by drafting, reviewing, negotiating, signing, and performing certain administrative functions regarding agreements with external industry, non-profit/foundation, and government entities for the funding and conduct of clinical and non-clinical research and CME and non-CME educational programs. ORC additionally supports all Duke faculty in establishing appropriate documentation for exchanges of research materials, confidential information, data, technical know-how, and equipment in support of research across the University.

ORC negotiates its research agreements to be consistent with academic standards and Duke Policies, NIH guidelines, applicable federal and state laws, and applicable IRS regulations relating to Duke's status as a not-for-profit organization. ORC advises faculty on matters arising from these agreements, particularly publication rights, intellectual property rights, confidentiality obligations, human subjects protections, and liability issues.

ORC includes four main functional groups: 1) Duke Site Based Research for agreements under which Duke will enroll subjects as a site in a clinical research study; 2) Basic Science and Pre-clinical Research for all SOM/SON pre-clinical and basic science research agreements and University-wide Material Transfer Agreements; 3) Research Program Collaborations for clinical research agreements (other than Duke as-a-site agreements), educational program agreements and clinical data transfer agreements; and 4) Government and Foundation Collaborations for Federal and State contracts, Foundation grants, and research agreements with other non-profit entities. ORC coordinates its activities with numerous other Duke offices, including the Office of University Counsel, Office of Research Administration, Office of Research Support, Office of Risk Management, Institutional Review Board, Duke Office of Clinical Research, Office of Licensing and Ventures, Office of Export Control and Office of Procurement.

5.1.1.3 Division of Laboratory Animal Resources

The [Division of Laboratory Animal Resources](#) (DLAR) is responsible for the daily care and welfare of all vertebrate animals on the Duke campus. DLAR is committed to programs of excellence in veterinary care and laboratory animal management practices for all species used at Duke in research, teaching, and testing endeavors. DLAR provides animal procurement, housing, veterinary care, assistance with experimental design, investigator training, and will conduct various technical services for researchers, etc. In addition, DLAR assists in the development of IACUC protocols, including professional pre-review of protocols and amendments, as well as veterinary consultation and review of protocols and amendments. Further information for available services and support of research studies as well as contact information may be found on the [DLAR website](#).

5.1.1.4 Export Controls

Compliance with export control regulations for both the Campus Schools and Duke Health is managed by the Director of Export Controls in the [Office of Export Controls](#).

The Director assists faculty, staff, and students with ensuring that exports comply with US export control regulations. This includes the transmission or shipment of items out of the United States AND the release of technology, data, or software to a foreign national, even if it occurs in the United States. The Director will assist in

determining if goods and/or technology are controlled under the Export Administration Regulations or the International Traffic in Arms Regulations for the intended destination and/or recipient. The Director will also determine the applicability of exemptions or licenses for the export.

In addition, the Director assists faculty, staff, and students planning to travel to any of the embargoed or sanctioned countries on the Treasury Department's Office of Foreign Assets Control lists. The Director will evaluate the controls as they apply to Duke funded travel.

Faculty, staff, and students may wish to consult the Director of Export Controls when giving speeches or conducting research overseas, as certain types of activities may be proscribed by various government regulations.

In particular, the Duke community should consult the Director of Export Controls prior to conducting business or research with foreign governments.

Commercially available goods may be export controlled and visual exposure of controlled articles to a foreign national may be regulated. This particularly applies to goods and technology that were designed, developed, or modified for military or space application.

The Director prepares and submits, on behalf of faculty, staff, and students, any applications for export or travel licenses.

5.1.1.5 Office of Audit, Risk and Compliance

Compliance Program: The Duke University Compliance Program in the Office of Audit, Risk and Compliance administers the compliance program for the entire University. Responsibilities and aspects of the program include:

- Has oversight responsibility for compliance activities across Duke University relating to federal and state laws and Duke Policies and procedures.
- Is led by a Risk and Compliance Steering Committee (RCSC), comprised of the President (as Chair), the Chancellor of the Health System, the Provost, the Executive Vice President, the Dean of the School of Medicine, the General Counsel and a Dean appointed by the President (currently the Dean of the Engineering School). The Executive Director of the Office of Audit, Risk and Compliance serves as the administrative lead of the committee.
- Proactively reviews compliance risk areas to identify areas of needed improvement and partners with the operational entities and the research community to address any identified deficiencies.
- Manages the Duke University Compliance and Fraud Hotline which is an anonymous reporting mechanism to report comments, concerns or questions related to compliance issues. (1-800-849-9793) and receives all university related concerns that may come in through the Duke Health Integrity line (1-800-826-8109).

The Duke University Compliance Program:

- Exercises oversight responsibility for compliance and ethics activities across Duke
- Provides oversight of compliance liaisons
- Ensures fulfillment of the federal standards for an effective compliance program
- Provides advice and guidance to senior leadership related to compliance risks
- Administers the Duke University Privacy Program
- Conducts proactive compliance reviews in the highest priority compliance risk areas; and
- Evaluates and responds to instances of noted noncompliance.

The Duke University Compliance Program works with the Office of Export Controls to provide assistance with activities in embargoed/sanctioned countries. Travel and/or financial transactions may be restricted in these countries. Please contact the Office of Export Controls before engaging in any activities involving these countries. <https://ors.duke.edu/orsmanual/embargoedsanctioned-countries>

The Duke University Compliance Program is responsible for compliance monitoring throughout the University, including the School of Medicine and School of Nursing. The Duke University Compliance Program is the Privacy

Office for Duke University. The Compliance Program also provides general oversight and guidance for research financial compliance, clinical trials billing, human subjects' research, conflicts of interest, and privacy as well as other regulatory risk areas. The Duke University Chief Ethics and Compliance Officer (Compliance Officer is an ex-officio member of the Audit, Risk and Compliance Committee of the Duke University Board of Trustees.

Internal Audit: The Office of Audit Risk and Compliance is responsible for evaluating the internal controls environment for financial transactions, operational activities, compliance objectives and information technology infrastructure. Our engagements include vertical reviews of specific business units or specialized activities as well as horizontal reviews for key business processes spanning multiple stakeholder entities and University-wide activities. The objectives of the internal audit function is to assist Duke University faculty and staff in their responsibilities by furnishing them with analyses, appraisals, recommendations, counsel, and information concerning the activities it reviews, and by promoting effective internal controls at a reasonable cost. This office has authorization for full and complete access to any of Duke University's records, either manual or electronic, as well as physical properties and personnel relevant to a review. The scope of work of internal audit is to determine whether Duke's risk management, internal controls, and governance processes, as designed and represented by management, is adequate and functioning in a manner to ensure:

- Risks are appropriately identified and managed
- Interaction with the various governance groups occurs as needed
- Significant financial, managerial, and operating information is accurate, reliable, and timely
- Transactions and business operations are in compliance with policies, standards, procedures, and applicable laws and regulations
- Electronic information and data is appropriately managed and secured
- Resources are acquired economically, used efficiently, and adequately protected
- Programs, plans, and objectives are achieved
- Quality and continuous improvement are fostered in Duke's internal control and risk management processes
- Significant legislative or regulatory issues impacting Duke are recognized and addressed properly
- Business processes and internal controls that support compliance with sponsor agreements and other contractual obligations

5.1.1.6 Human Research Protections Program

Definitions:

- "HRPP," or Human Research Protections Program, is the institutional program responsible for review, approval, and oversight of research with human subjects. An HRPP includes, but is not limited to, the Institutional Review Board (IRB), Conflict-of-Interest Review Committee, and Compliance Office.
- "Duke's Main Campus HRPP" means the HRPP for Duke University and all of its academic departments, excluding the Schools of Medicine and Nursing, but including the Global Health Institute; the Schools of Arts and Sciences, Law, Divinity, Environment, Engineering, and Public Policy; Trinity College; and all academic centers and institutes.
- "Duke Health HRPP" means the HRPP for Duke Health and all components of that legal entity, including the Schools of Medicine and Nursing.
- "FDA Regulated" means fall under the governance of US Food and Drug Administration regulations and guidance.
- "Medical Intervention" means administration of: (i) a drug, device, or biologic; or (ii) a medical test, evaluation, or sample collection that would normally be conducted in a clinical setting by a trained clinician.

Basic Criteria for Determining Where Review Should Take Place:

1. Protocols will be reviewed by the Duke Health HRPP when the research takes place at a Duke Health facility, including facilities that are not on site, such as Duke Regional Hospital.
2. Protocols will be reviewed by the Duke Health HRPP when a researcher proposes using Protected Health Information (PHI) held by Duke Health.
3. Protocols will be reviewed by the Duke Health HRPP when either: (1) the research is FDA-regulated; or (2) the research involves a Medical Intervention.
4. All other protocols will be reviewed by the Duke's Main Campus IRB.

Collaborative Research:

The following collaborations between Main Campus and Duke Health researchers may be reviewed by the Main Campus HRPP:

1. A Duke Health researcher is collaborating with an investigator from a non-medical unit, for example, the Department of Psychology and Neuroscience, when the research will not take place within a Duke Health facility and the researchers will not use PHI held by a Duke Health facility.
2. A graduate student or undergraduate student from a non-medical unit, such as Trinity College or the Divinity School, asks a researcher from Duke Health to serve as an advisor, the research will not take place at a Duke Health facility, and the protocol will not use PHI held by a Duke Health facility.
3. A researcher affiliated with a non-medical unit wants to access directories held by Duke Health of people who have expressed interest in participating in research studies, provided that no PHI will be disclosed.

5.1.1.7 Occupational & Environmental Safety

The [Occupational & Environmental Safety Office](#) (OESO) is committed to supporting the mission of Duke University (Campus Schools and Duke Health) to provide excellence in patient care, research, and teaching. In support of this mission, OESO ensures that the environment is in balance with all regulatory requirements, relevant community standards, and institutional resources. This balance is accomplished by identifying hazardous conditions, developing appropriate control measures, implementing controls through specialized training, and monitoring the effectiveness of the controls.

5.1.1.8 Ombuds

The Offices of the Ombuds address concerns about how and when to approach existing resources (Office of Institutional Equity, course directors, advisory deans, practice faculty, faculty mentors) if or when an individual feels mistreated or has a conflict with another member of the University community.

Three ombuds offices offer support to faculty, students and postdoctoral associates/scholars at Duke University:

- The Faculty Ombuds (<https://academiccouncil.duke.edu/ombuds>)
- The Student Ombuds
- The Medical Student, Allied Health, and Postdoctoral Associate/Scholar Ombuds

The responsibilities of the Offices of the Ombuds include:

- Providing neutral safe and confidential environment to talk
- Listening to concerns and complaints and discussing appropriate options
- Helping to evaluate those options
- Assisting faculty and students to resolve those options
- Mediating conflicts, convening meetings, and engaging in “shuttle diplomacy”
- Referring people to appropriate Campus or Medical School resources
- Providing information about University or Medical School resources

The Student Ombudsperson is also one of the university’s confidential resources for situations involving sexual misconduct, along with clergy members and staff in the Women’s Center, Counseling and Psychological Services, and Student Health acting as such in their professional role at Duke. The Student Ombudsperson is available to provide resources, support, and reporting options in situations involving student sexual misconduct. She is **the university’s sole confidential resource for sexual misconduct situations occurring in Duke programs taking place outside of North Carolina, including study abroad programs.**

The ombuds does not constitute notice to the institution with regard to grievances or complaints and does not:

- Adjudicate or participate in formal University grievances
- Determine guilt of any party in a dispute
- Get involved in any formal litigation or testify in court
- Provide legal advice
- Assign sanctions on individuals
- Replace any official University office, department or process

To contact an ombuds with a concern you would like to discuss, you may simply:

- email the Faculty Ombuds at Metzloff@law.duke.edu or call 919-613-7055
- email the Duke Student Ombuds at ombuds@duke.edu or call 919-684-6334 (office) or 919-257-0160 (mobile)
- email the Medical Student and Postdoctoral Associate/Scholar Ombuds at ombudsman@mc.duke.edu or call 919-668-3326

5.1.1.9 Research Administration and Research Support

The [Office of Research Administration](#) (ORA) and the [Office of Research Support](#) (ORS) serve as the pre-award research administration offices for Duke University, and also have responsibility for certain post-award functions, as detailed below. ORA is responsible for the institutional review and approval of externally sponsored research for Duke Health, outside of the School of Nursing (where review and approval are conducted by the SoN Center for Nursing Research), while ORS has this responsibility for the Campus Schools.

Specific functions of both ORA and ORS include the following:

- Reviewing and approving proposals to assure with best efforts that they comply with both sponsor and Duke guidelines; that budgets are accurate and consistent, with clear and concise justifications; that direct costs comply with 2 CFR Chapter II, Part 200; and that indirect costs are appropriately recovered. All Duke proposals fall under their purview, with the following exceptions: SoN proposals (as noted above); and fellowship proposals, when the sponsor does not require review or approval by any University office, *if* the funds are awarded directly to an individual *and* they do not require any University involvement during the proposal or award processes, such as certifications, representations, and financial reporting..
- Negotiating and accepting grants on behalf of the University
- Reviewing intellectual property agreements (IPAs), nondisclosure agreements (NDAs), memoranda of understanding (MOUs), and other agreements between the University and other entities
- Serving as the authorized institutional official and principal liaison between the University and its sponsors
- Approving programmatic and budgetary changes to sponsored projects (including the establishment of new fund codes and extending existing codes)
- Reporting Financial Conflicts of Interest to sponsors associated with federal funding
- Facilitating closeout documentation
- Working with the Vice Provost for Research and the Research Policy Committee to develop and implement research policies and procedures

ORA, for its part, has the following additional responsibilities:

- Overseeing and managing SOM faculty's effort (i.e., G90 review)
- Reviewing MOUs associated with faculty who have VA appointments
- Reviewing Extraordinary Pay requests, and, if appropriate, providing institutional approval
- Reviewing fund codes with a negative balance and determining whether or not the project is an "acceptable" or "unacceptable" Institutional Risk (UIR)
- Review and oversight of late Salary Cost Transfers (i.e., > than 180 days)
- Review and oversight of potential compliance issues re: the NIH Salary Cap
- Review and oversight of CAS charges under Uniform Guidance
- Review and oversight of Pre-award Codes extending beyond (180) days
- Updating Sponsored Effort System (SES) with sponsor approved effort and changes when presented. This includes providing final approval for Other Support documentation when required by sponsors.

ORS, for its part, has the following additional responsibilities:

- Negotiating and accepting contracts on behalf of Campus Schools
- Issuing subcontracts and subawards when appropriate and applicable for projects administered by Campus Schools
- Reviewing intellectual property agreements (IPAs), nondisclosure agreements (NDAs), memoranda of understanding (MOUs), and other agreements between the University and other entities for projects administered by Campus Schools
- Coordinating submissions for institutionally limited funding opportunities for both Campus Schools and Duke Health

- Disseminating funding information to both Campus Schools and Duke Health
- Administering the Institutional Review Board (IRB) for the Protection of Human Subjects in Non-medical Research (as noted below, Duke’s medical-research IRBs are administered by a dedicated IRB Office)
- Administering the Campus Compliance Program for conflict of interest, committed effort, subrecipient monitoring and training programs in the responsible conduct of research. Responsibilities include:
 - administering and monitoring the online conflict of interest disclosure form for individuals whose primary affiliation is with one of Duke’s Campus Schools.
 - overseeing potential conflicts of commitment, committed effort, subrecipient monitoring, past-due annual and final reports, responsible conduct of research (RCR) training, and other general compliance related matters.
 - providing training presentations and consultation on relevant topics.

5.1.1.10 Research Costing Compliance

The Office of [Research Costing Compliance](#) (RCC) supports the research compliance mission of the University in two ways. RCC serves as a compliance training resource for faculty and staff by providing multiple training venues, including mandatory training/education for principal investigators and grant managers. RCC offers several certificate programs, continuing education opportunities for business managers, CPAs, and those wishing to prepare for the national certifications. RCC also conducts comprehensive financial compliance monitoring for all sponsored activities at Duke University, and works closely with the University leadership in identifying and addressing compliance risk through policy and process development, system improvements, training, and outreach. RCC routinely monitors financial compliance risks, and reports on a regular basis to the SOM/SON and campus Management Centers, the Duke University Ethics and Compliance Office, (which in turn reports compliance activity to the Audit Committee of the Duke University Board of Trustees), and the Research Administration Continuous Improvement (RACI) leadership team.

5.1.1.11 Research Integrity Office (RIO)

The [Research Integrity Office](#) is housed in the School of Medicine but provides services to SOM/SON faculty, staff, internal Duke Offices, and external organizations including:

- Quality review, management, and reporting of research-related conflict of interest (COI).
- Oversight of institutional conflicts of interest across Duke University
- Advancing Scientific Integrity, Services, & Training (ASIST) through the provision of educational outreach, responsible conduct of research, and data provenance.
- Oversight of the research misconduct process for the School of Medicine.

5.1.1.12 Research Policy Committee

Chaired by the Vice Provost for Research, the [Research Policy Committee](#) is a standing committee of the University with representatives from the administration, faculty, and Legal Counsel. It is responsible for:

- Writing Duke University’s research policies
- Reviewing existing institutional research policies and procedures on a regular basis and proposing modifications, as necessary
- Ensuring that the research community is educated in the standards for the design, conduct, reporting, and supervision of research

5.1.1.13 Sponsored Programs

The [Office of Sponsored Programs](#) (OSP) exists to perform the post-award administration of sponsored projects for all Schools of Duke University (both Campus Schools and the Schools of Medicine and Nursing). OSP’s mission is to safeguard sponsored funds, maximize Duke’s cash flow position, maintain good relations with sponsors and Duke personnel, and to be viewed by principal investigators and departmental administrators as facilitating the progress of their sponsored projects. Specific responsibilities include:

- Preparing invoices, financial, and other non-scientific reports to sponsors on sponsored projects
- Paying subrecipients to Duke's sponsored projects
- Monitoring projects for compliance with sponsor and Duke requirements
- Assuring reimbursement of project expenditures
- Providing advice to departmental administrators

- Coordinating award documentation and approval processes with the Office of Research Support, Office of Research Administration, Treasury Billing Services, and other related Duke departments
- Coordinating the University's effort reporting system and related processes
- Answering questions and providing information to sponsors and Duke personnel

5.1.1.14 Vice Deans for Basic Science and Clinical Research

Within the School of Medicine, the Offices of the Vice Dean for Basic Science, Vice Dean for Clinical Research, and Senior Associate Dean for Clinical Research serve as liaisons between the Dean and the faculty engaged in research. These offices work with department chairs and faculty to implement School of Medicine strategic initiatives concerning basic/clinical research and education, including the oversight of shared resources, and multiple regulatory/advisory committees. The Vice Dean for Basic Science also serves as the administrative lead for the graduate program within the school, overseeing the School of Medicine Research Misconduct Committee, and is jointly responsible (along with the Vice Provost for Research) for the Office of Postdoctoral Services. The Vice Dean for Basic Science also oversees the programs for conducting animal research. The Vice Dean and Senior Associate Vice Dean for Clinical Research are administratively responsible for several aspects of research operations at the School of Medicine. Areas of oversight include the Institutional Review Board (IRB) for the protection of human subjects in clinical research, the Duke Office of Clinical Research (DOCR), the Research Integrity Office (RIO) including the Advancing Scientific Integrity, Services, and Training (ASIST) Office, and the Office of Regulatory Affairs & Quality (ORAQ).

5.1.1.15 Vice Provost for Research

The [Office of the Vice Provost for Research](#) (VPR) has overall responsibility for facilitating the research enterprise for Duke University's campus components (Trinity College of Arts & Sciences, Divinity School, The Fuqua School of Business, School of Law, Nicholas School of the Environment, Pratt School of Engineering, Sanford School of Public Policy, and University Centers and Institutes). The VPR works closely with the Provost's Office, its staff, and the deans on research policy. The VPR supervises the offices of Research Support (ORS), Export Controls (OEC), Postdoctoral Services (OPS), the Office of Faculty Research Mentoring and Recognition, the Campus Human Subjects Protections Program, and co-supervises the Office of Licensing Ventures (OLV). The VPR oversees the Campus Committee on Conflict of Interest, the University-wide Research Policy Committee, and also manages the Instrumentation and Research Fund. Other areas of oversight include misconduct in research involving non-medical personnel (however, please note that the Misconduct Review Officer for non-medical personnel is the Vice Provost for Academic Affairs). In addition, the VPR participates in the management and allocation of research funds allocated by the Provost. The VPR oversees Campus-wide research planning efforts. This includes working with the OLV to encourage and support the development and marketing of Duke's intellectual property. The VPR (through the Research Application Development (RAD) Group) is also co-responsible, along with the Vice Dean for Research (see above), for the [Conflict of Interest](#) (COI) reporting system and the [Sponsored Projects System](#) (SPS).

5.1.2 Technology Transfer

5.1.2.1 Office of Licensing and Ventures

The [Office of Licensing and Ventures](#) (OLV) serves Duke University (Campus Schools and Duke Health) and is a service unit composed of specialists responsible for licensing, business development, venture creation, and legal matters, and who are experienced in transferring technologies from the physical sciences, biological sciences, and information and computer sciences disciplines. Duke faculty, staff, and students must submit intellectual property disclosures to this office and should contact the office if individuals or groups outside of the University express interest in working with them and with Duke towards further development or commercialization of new technologies and inventions. Intellectual property and invention disclosure forms and answers to other FAQs are at the [OLV website](#). OLV's functions include:

- Maintaining a database of University inventions
- Identifying transferable technologies
- Developing and implementing marketing and commercialization strategies for both patentable and non-patentable intellectual property
- Pursuing commercialization opportunities through option and license agreements and through venture capital opportunities
- Providing resources and assistance for formation of new ventures to commercialize Duke intellectual property
- Managing, collecting and distributing revenue resulting from the licensing of Duke intellectual property

5.1.3 Sponsor Relations

5.1.3.1 Government Relations

The [Office of Government Relations](#) (OGR) represents the interests of the University's faculty, students and staff on matters of legislation and regulations before the federal government in Washington, DC. OGR tracks legislation regarding issues as wide-ranging as the federal budget, research and student aid funding, the reauthorization of relevant statutes (such as the Higher Education Act), visa and immigration matters, tax issues, technology transfer, intellectual property law and other areas of institutional interest. Additionally, the Office of Government Relations coordinates Duke advocacy efforts, positions the University as a resource for policymakers in Washington and assists Duke faculty members who are interested in applying their expertise to policy development. OGR also provides many resources to faculty, staff, and policymakers on its [website](#).

In addition to Durham-based staff, OGR has two permanent staff members based in the Duke in DC office, an academic and outreach center in Washington, DC. Located in the heart of downtown Washington, Duke in DC supports university business in DC by:

- Providing office, meeting, and event space;
- Hosting academic programs;
- Serving as a logistical and promotional resource to faculty and staff visiting DC; and
- Connecting Duke expertise and programs to thought leaders in DC through individual meetings, briefings, and public events.

Faculty and staff traveling to Washington, DC, on Duke-related business are encouraged to use the temporary office space, meeting space, and other office resources (printer, copier, wireless internet connected to the Campus network, landline, videoconferencing). More information can be found [here](#). The Office of Government Relations also encourages faculty and staff to consider Duke in DC as a venue to host briefings, roundtables, panel discussions, and other events to promote scholarship that would be relevant to a Washington audience.

5.1.3.2 Foundation Relations

The [Office of Foundation Relations](#) (OFR), housed within University Development, initiates and builds philanthropic relationships in support of Duke's teaching, research, and service mission. OFR's primary charge is to raise funds for priority programs and institutional initiatives. Working with administrators, faculty, and development staff, OFR's staff provides expertise, services, and tools to connect the University successfully with foundations. Please refer to the OFR website for more information: <https://foundationrelations.duke.edu>.

Services include:

- Developing strategies for working with foundations
- Identifying potential foundation funders
- Researching foundation programs and existing relationships with Duke programs
- Advising faculty on the development of program concepts and proposals
- Reviewing and approving proposals and budgets, and coordinating with Campus schools on construction and endowment proposals to foundations
- Assisting principal investigators with reporting to and stewardship of major foundations

Before contacting a foundation or submitting a proposal, campus personnel should contact OFR by calling the Assistant Director for Research and Stewardship at 919-681-0469 for additional information and approval to proceed. In addition, before submitting a proposal, campus personnel should contact the Office of Research Support at 919-684-3030 (see section 5.1.1.9, “Research Administration and Research Support,” above).

5.1.3.3 Corporate Relations

The Office of Corporate Relations initiates and coordinates relationships that support Duke's research, teaching, and service mission. Duke Corporate Relations works with Duke's faculty members, administrators, and staff to develop mutually-beneficial relationships with industry. The department works with companies to understand their goals and facilitate connections to the University's research, student talent, events, global programs, initiatives, employee development, strategic gift planning, and recruiting. The department can be reached through the general email address: corporaterelations@duke.edu.

The Office of Corporate Relations' services include:

- Researching and reporting on the historical connections between a company and Duke University
- Planning an engagement strategy with a company
- Synthesizing multiple pieces of information from constituents to create a common understanding of opportunities
- Identifying and matching the company's strategic needs and the University's strengths
- Facilitating conversations with corporate partners
- Organizing and hosting campus visits and conference calls
- Identifying opportunities for funding from corporations
- Reviewing and approving construction of proposals to corporations submitted by Duke University Campus Schools

5.1.3.4 Duke Health Foundation Relations and Corporate Giving

The [Office of Foundation Relations and Corporate Giving](#) supports priority Duke Health initiatives by serving as the interface between Duke Health faculty programs and projects and the grant-making organizations, including foundations and corporations, that support basic, translational, and clinical research, medical, nursing, and the PA and PT health education programs, and healthcare delivery. The office staff works with the full spectrum of philanthropic entities, from small family-based private foundations, to corporate philanthropic offices, to the nation's largest philanthropic organizations. As a component of Duke Health's Development and Alumni Affairs office, the Office provides the foundation and corporate fundraising expertise to the major gift officers and development directors who serve the research, service delivery, and educational missions of Duke Health. The Office also collaborates with colleagues across the Health System and University, including the Office of Licensing and Ventures and Duke University Office of Corporate Relations, to maximize strategic corporate partnerships. Services include:

- Identification of non-federal funding sources
- Strategic fundraising assistance
- Foundation background research
- Contact with, introduction to, and follow-up stewardship with funding sources
- Proposal development and/or guidance
- Proposal review

Before contacting a foundation or corporate foundation or submitting a proposal, Duke Health personnel should contact the Office by calling the Senior Associate Director of Foundation Relations at 919-385-3100 for additional information and approval to proceed.

5.1.3.5 Duke University Health and State Government Relations

The Duke University Health and State Government Relations office serves as the point of strategy development and implementation on health-related legislative and policy issues at the federal and state government levels for Duke University Health System, including Duke University Hospital, Duke Regional Hospital, Duke Raleigh Hospital, the Private Diagnostic Clinic (PDC), and Duke Health. The office is also responsible for all state-level legislative and policy issues affecting Duke University including the Campus Schools.

5.2 Research Related Policies

5.2.1 The Investigator

5.2.1.1 Final Reporting on Sponsored Programs

Because the University has ultimate responsibility for adherence to the terms and conditions of any accepted grant, cooperative agreement or contract, the actions of individual principal investigators (PIs) greatly influence the relationship between Duke and a sponsor, even creating a situation where a sponsor could refuse to support any Duke research regardless of the project or who is named as the PI.

Programmatic (financial, technical, progress, final, NIH Public Access, etc.) reports can only be prepared under the direction of a project's PI. Thus, the University is dependent on the PI to prepare and submit all programmatic reports on time and according to the sponsor's specifications. If a PI has not submitted a report for greater than thirty days after the report due date, Duke may suspend all new sponsored research activity associated with the respective PI or take other appropriate actions with agreement of the PI's dean/chair until the delinquent report is submitted according to the sponsor's requirements.

5.2.1.2 Principal Investigator Status

It is University policy that only those with whom the University has or intends to have an on-going employment or contractual relationship may serve as principal investigator or program director for projects, research or otherwise, supported by external funding sources. See [Appendix P](#), “Principal Investigator Status,” for details on how this policy is implemented on Campus and in Duke Health.

5.2.1.3 Responsible Conduct of Research (RCR) Training

To meet the requirements of the America COMPETES Act of 2007, all Duke University Ph.D. students, postdoctoral associates and scholars, and those masters students and undergraduate students who are supported by research funds from the National Science Foundation or by training funds from the National Institutes of Health, and certain awards through the U.S. Department of Agriculture are required to participate in training programs on the responsible conduct of research (RCR). The Duke University Graduate School has mandated RCR training as a formal, academic requirement of the Ph.D. degree in every department and program of study since 2003, and training is documented on official Duke University transcripts.

Under the direction of the Vice Provost for Research, the system for identifying individuals for whom RCR training is required and verifying their compliance is administered by the Assistant Director for Compliance in the Office of Research Support.

A series of educational programs has been designed for each of these constituencies.

For Undergraduate Students: The RCR certification requirement is satisfied by completing a set of two required [online tutorials](#) on Misconduct in Research and Data Management and a third elective. Five disciplinary tracks have been established and students are asked to pick the one that best fits the discipline of the project on which they are working:

- Social and Behavioral Research (sociology, economics, political science, psychology, history, cultural anthropology);
- Physical Sciences Research (physics, chemistry, computer science, mathematics, and statistical sciences)
- Engineering Research (civil, environmental, computer, electrical, and mechanical engineering);
- Arts & Humanities Research (religion, art history, classical studies, English, literature, music, philosophy); and
- Biomedical Research (biology, evolutionary anthropology, biomedical engineering, neuroscience).

For Graduate Students: The Duke University Graduate School requires that all enrolled Master’s degree and Ph.D. students complete training in RCR as noted on the Graduate School website (see <http://gradschool.duke.edu/rcr>). There are distinct RCR training requirements based upon degree program and academic division:

- Ph.D. students in the Basic Medical Sciences must complete 18 total contact hours of RCR training, including the 12-hour RCR Orientation (GS710A, see: <https://medschool.duke.edu/education/degree-programs-and-admissions/office-biomedical-graduate-education/professional-development/responsible-conduct-research-training/beaufort-ethics-retreat>), and a 4-hour follow-up training following the completion of Year Three in their program to fulfill NIH RCR training requirements; See <https://gradschool.duke.edu/professional-development/programs/responsible-conduct-research/rcr-requirements>
- Ph.D. students in all other departments and programs must complete 12 contact hours of RCR training, including the appropriate six (6) hour RCR Orientation (GS710) by academic division (Humanities & Social Sciences, or Natural Sciences & Engineering).
- Beyond RCR Orientation (GS710 or GS710A), Ph.D. students can fulfill the remaining RCR training requirements by attending annual RCR Forum events, preferably within the first three (3) years of their program of study (See http://gradschool.duke.edu/academics/degree_reqs/rcr/forums/index.php)
- Beginning in Fall 2013, entering Master’s degree students enrolled in Duke University Graduate School must complete a four-hour (4) RCR Orientation during Orientation Week that is focused on academic integrity, research policies, and campus resources.

Each RCR Orientation program covers a wide variety of subjects, and may include the following topics:

- Academic Integrity and Misconduct (plagiarism, cheating, etc.)
- Conflict of Interest and Commitment
- Inventions, Patents, and Technology Transfer

- Human Subjects
- Animal Subjects
- Data Management
- Intellectual Property
- Authorship, Copyright, and Scholarly Communications
- Fiscal Responsibility
- Social Impact of Research
- Collaborative Research
- Mentee and Mentor Responsibilities
- Harassment Prevention and Handling Complaints
- Diversity and inclusion in an academic environment

The RCR Forum Series includes more in depth information on the topics above, as well as workshops on emerging key issues such as Export Controls, FERPA or HIPAA, and others). Departmental RCR Forum events (GS712) must be pre-approved by the Graduate School but are encouraged. Contact the Graduate School with any questions at grad-rcr@duke.edu.

Postdoctoral Researchers are required to take one of two courses: The Federal requirement for RCR training can be satisfied by completion of the [RCR Orientation for Postdoctoral Researchers](#) provided by the Office of Postdoctoral Services and the Office of Research Support. The orientation includes a series of advanced lectures and case study discussions on:

- Research Misconduct
- Data Management
- Authorship
- Peer Review
- Mentor and Trainee Responsibilities
- Scientists as Responsible Members of Society

Postdoctoral researchers are then required to attend one of the [RCR Training Forum Series](#) workshops offered by the Graduate School each year for three subsequent years of their tenure at the University.

Alternatively, instead of participating in the [RCR Orientation for Postdoctoral Researchers](#), Postdoctoral Associates may participate in the [Trent Center's program on Bioethics, Humanities and History of Medicine](#) which provides an annual five-session training in the Responsible Conduct of Research (RCR). This course is open to recipients of NIH training grants and fulfills the requirement for RCR education. Each 1.75 hour session includes a half-hour lecture followed by an hour and 15 minutes of faculty-facilitated, small group case discussions. Session topics include:

- Introduction to the Responsible Conduct of Research
- Mentoring
- Research Misconduct
- Human Subjects in Research
- Publication and Authorship
- Intellectual Property
- Conflict of Interest

After completing either the [RCR Orientation for Postdoctoral Researchers](#) or the Trent Center program, postdoctoral researchers are then required to take one of the [RCR Training Forum Series](#) workshops offered by the Graduate School each year for three subsequent years of their tenure at the University.

Note: All students and postdocs doing research involving human subjects, vertebrate animals, or certain types of hazardous substances or equipment will be required to complete further ethical and safety training specific to the type of research in which they are involved.

A major component of the School of Medicine's efforts to promote a culture of scientific integrity is the collaboration between RIO's Advancing Scientific Integrity, Services & Training (ASIST) and the Trent Center for Bioethics to implement and maintain a robust RCR training program. Under the direction of the Senior Associate Dean for Clinical Research, the RIO-ASIST office will help Department Chairs and Center/Institute Directors to

identify individuals for whom RCR training is required (faculty and staff engaged in research) and provide compliance metrics on a regular basis. Educational programs including on-line modules and interactive workshops will leverage existing national and local resources with continuous review on a regular basis for reaffirmation or revision.

5.2.1.4 Roles and Responsibilities

While the University is ultimately responsible for fiscally compliant management of all sponsored projects, it is the principal investigator (PI) or program director (PD) who bears primary responsibility for directing both the research and administration of a grant, cooperative agreement, training or public service project, contract, or other sponsored project.

- The PI/PD is responsible for the completion, accuracy, and timely submission of all programmatic reports required by the sponsor.
- The PI/PD is responsible for ensuring that all financial aspects of the project are done in a timely manner so that financial reports can be submitted by the Office of Sponsored Programs (OSP) as required by the sponsor.
- In consultation with the department chair, the PI/PD ensures sufficient financial administrative oversight to manage the financial and other administrative functions related to the grant.
- In conjunction with the departmental financial administrator, the PI/PD ensures compliance with all applicable financial and administrative regulations and University policies and procedures.
- The PI/PD is responsible for validating his or her own effort certification report in accordance with Duke's General Accounting Procedures and for validating the effort certification for any staff who work under the PI/PD's supervision.
- The PI/PD is responsible for ensuring that the programmatic and financial management of subrecipients associated with his/her funded projects conduct assigned research and reporting appropriately and in a timely, accurate, and financially responsible manner.
- In conjunction with OSP, the PI/PD approves final payment to subcontractors.

5.2.2 Integrity

5.2.2.1 Authorship

The University has instituted authorship guidelines and dispute resolution procedures to supplement its policy on Misconduct in Research. Within the academic environment there is often some level of expectation regarding authorship or acknowledgement on the part of those contributing to a work. As a result, it is an appropriate practice to address questions of authorship at the earliest practical stage of a research project. Such communication can clarify roles, spur motivation, and minimize disappointments among the participants.

Disputes over authorship are best resolved at the local level by the authors themselves or in consultation with the laboratory chief, chair or head of department(s), or dean, as appropriate.

If resolution at the local level cannot be achieved, the matter can be referred to the Authorship Dispute Board in one of two ways. If the matter is taken to the Authorship Dispute Board with the unanimous agreement of all parties, the decision of the Board will be binding on all parties. If the matter is taken to the Authorship Dispute Board without the unanimous agreement of the parties, the decision of the Authorship Dispute Board is not binding, but the Board will make a written recommendation that will be provided to all parties of the dispute and can be made public by any of the parties involved.

Please refer to [Appendix P](#), "Guidelines for Authorship and Authorship Dispute Resolution" for details on how Duke addresses issues of authorship.

5.2.2.2 Conflict of Commitment

A conflict of commitment can be said to exist when a member of the University community has an outside relationship that requires a commitment of time or effort to non-University activities, such that an individual, either implicitly or directly, cannot meet her/his obligations to the University. In addition, the distribution of a faculty member's effort among, for example, research, teaching, committee responsibilities, and outside consulting may raise issues of conflict of commitment.

Any faculty member planning to do research for the government under a stipulation that a specified fraction of her/his effort will be devoted to the research should check with the Office of Research Support or the Office of Research Administration regarding procedures to ensure demonstrable compliance with the indicated requirements.

5.2.2.3 Conflict of Interest

Duke University is committed to ensuring members of its faculty, scholars, and staff are provided an open and productive environment in which to teach, care for patients, and conduct research. However, the ever-increasing complexity of our society and the various relationships between faculty, scholars, and staff and outside institutions require attention to ensure the avoidance of real or apparent conflict of interest issues.

A conflict of interest can be said to exist when a member of the University community (including her/his immediate family member(s)) has a relationship with an outside entity such that her/his activities on behalf of the University is or could be biased by that relationship.

Please refer to [Appendix O](#), “Financial Conflict of Interest Policy,” for details on how Duke addresses issues of financial conflict of interest.

In addition to Duke's policy, investigators must also adhere to regulations governing conflict of interest. For instance, investigators applying to the U.S. Public Health Service agencies, which include the National Institutes of Health (NIH), and other public sponsors, including the National Science Foundation (NSF) and the Department of Defense, as well private sponsors (e.g., the American Heart Association), require investigators to disclose at the time of proposal submission whether any significant financial interest that could directly and significantly affect the design, conduct, or reporting of the sponsored research.

5.2.2.4 Consulting/Outside Activities by Duke Faculty

Faculty and senior administrative staff members may spend up to four days per month in outside activities or consulting work, averaged over an annual period of service based on term of appointment (e.g., nine-months or eleven-months). Such activities are to be listed on an individual's financial conflict of interest disclosure form. All disclosed consulting relationships will be reviewed to determine if an overlap of interest exists that does, might, or appear to be, a conflict of interest that would require management.

5.2.2.5 Earmarks

Duke University is committed to excellence in research and hence to competitive peer review in the federal funding of research. Research funded by earmarks threatens to undermine national excellence in research by diverting resources from the peer review process. As a result, faculty and staff are prohibited from seeking, advocating, or accepting earmarks which benefit Duke or related entities except under extraordinary circumstances and with the express permission of the President of the University. Such extraordinary circumstances would include only those in which the President, in consultation with the senior administrative leadership of the University, determined that the proposed project involved inherently unique circumstances that could not be replicated elsewhere. When the case for an exception is considered, the strong presumption must be against the taking of earmarks.

5.2.2.6 Lobbying

Duke is required by law to submit detailed quarterly reports on state and federal lobbying activity by individuals employed, or acting on behalf of, the University or Health System.

Duke recognizes and supports the individual engagement of members of the University community as private citizens in public policy and the political process; nothing in this lobbying policy applies to such private interactions. Duke also encourages and supports the engagement of our faculty and staff with policy makers at the state and national levels in their institutional roles. In order to comply with the enhanced tax, lobbying, and ethics laws and rules that govern these relationships, we must gather specific information on the activities of all individuals at the University.

On a quarterly basis, a lobbying questionnaire is sent to all senior officers, deans, school and institute directors of the University to collect the appropriate information on individual activity in their areas of responsibility.

On an annual basis, all faculty are queried about their lobbying activities as part of their Conflict of Interest reporting.

Further information regarding the policy and other helpful documents for University employees can be found [here](#).

5.2.2.7 Misconduct in Research

Misconduct in research is defined as fabrication, falsification, or plagiarism. In addition, other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research may also constitute misconduct in research. These practices are covered by the Duke University

Policy and Procedures Governing Misconduct in Research (in [Appendix P](#)). As noted in that policy, "misconduct" does not include honest error or differences of opinion.

5.2.3 Intellectual Property

5.2.3.1 Intellectual Property Rights

Duke's primary mission lies in the creation and dissemination of knowledge in works of the intellect, in whatever medium (tangible or otherwise) they may be embodied or expressed. Duke's policy on intellectual property rights (see [Appendix P](#)) recognizes and acknowledges that these rights arise from time to time as a result of efforts by members of the Duke community. This policy addresses ownership with respect to such rights.

5.2.3.2 Inventions, Patents, and Technology Transfer

The creation of knowledge in the service of society is at the core of the Duke mission. When new inventions and patentable or copyrightable technology arise during the course of ongoing University research activity, researchers have a responsibility to disclose these new technologies and inventions to the [Office of Licensing and Ventures](#) for evaluation, protection, and potential licensing and translation. Duke's policy on inventions, patents, and technology transfer (in [Appendix P](#)) has been written to assure that intellectual property resulting from Duke research is used in a manner consistent with University policies and values. The policy is written to facilitate and encourage the appropriate protection strategy, development, and marketing of intellectual property, licensing, and new venture creation where appropriate.

5.2.3.3 Public Access Requirements by Funding Agencies

The National Institutes of Health (NIH) has had a policy in effect since 2008 which requires that the author's final version of any peer-reviewed journal article resulting from NIH-funded activities be submitted to the PubMed Central (PMC) repository, where it will be made available to the public at no cost no later than 12 months after the journal article is published. In 2013 the White House Office of Science and Technology Policy issued a directive that all US federal agencies with over \$100 million in annual extramural R&D budgets should develop similar public access plans for the results of research directly arising from their funds. The federal agencies include DOD, DOE, NASA, NSF, and several others. Since then many funding agencies, both public and private, have issued similar requirements for both publications and data resulting from funded projects. Failure to comply with these policies may result in loss of funding, eligibility for future awards, or other penalties. Principal Investigators should review the requirements for each grant, and develop plans early in the project for making their publications and data available via appropriate venues. General information about the policies of many funding agencies can be found [here](#). For assistance with NIH Public Access compliance, see this [guide](#) or contact the Duke Medical Center Library. For information or assistance with other funder access requirements, contact open-access@duke.edu or the relevant [subject specialist](#) in Duke Libraries, or visit [this Duke guide](#).

5.2.3.4 Research Records: Sharing, Retention, and Ownership

The University, its faculty, and its trainees have a common interest and a shared responsibility to assure that research is appropriately recorded, shared, and retained. Consequently, researchers have a responsibility to retain original research results, in whatever form they may take, for a reasonable length of time to protect intellectual property rights, support scholarly collaboration and publication, and answer any questions that may arise about the conduct of the research. The University likewise has an interest in, and shared responsibility for, assuring that research is appropriately recorded, archived, and available for review under appropriate circumstances. Consequently, in May 1994, the University adopted a policy on Data Retention and Access which was revised in January 2007 and renamed *Research Records: Sharing, Retention, and Ownership*. The complete text of the revised policy is available in Appendix P. For assistance with data management, sharing, and retention see [this guide](#) from Duke Libraries or e-mail askdata@duke.edu.

5.2.3.5 Policy on Open Access to Research

The Faculty of Duke University is committed to disseminating the fruits of its research and scholarship as widely as possible. In March 2010, the Academic Council adopted an open access policy, under which faculty authors grant to Duke University permission to reproduce and distribute their scholarly articles at no cost to readers via a repository maintained by the library. Authors may opt-out of this default policy, or may place an embargo on their works if needed. The complete text of the policy is available in Appendix P, and more information on the policy and how to make your scholarly articles more widely available can be found at <https://scholarworks.duke.edu/open-access>. For further information or assistance, contact open-access@duke.edu.

5.2.4 Academic Freedom

5.2.4.1 Classified Research

No research can be undertaken at the University that involves information, research, or results of research that are, or would be, classified by the sponsor or any third party. For example, research for the federal government under a subcontract which is classified as secret is *not* permitted. The University-Industry Guidelines (see 5.2.4.4 below) ensure researchers' rights to publish research results without unduly long delays, and to engage in scholarly discussion with their colleagues.

Faculty members may arrange on an individual basis to participate in projects involving such research through other institutions. Duke University does not have any level of institutional clearance, nor can it arrange clearance on behalf of its faculty. Clearance is secured on a need-to-know basis by the organization for whom the work is to be done.

5.2.4.2 Export Controls

It is the policy of Duke University to fully abide by federal and state laws and regulations, including the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and other bodies of export regulations. The export of material or technology to a foreign country may require a license or exemption prior to export. The release or disclosure of controlled technology or technical data to any foreign person, **whether it occurs in the United States or abroad**, is deemed to be an export, and may require either an export license, exemption documentation, or other form of legal authorization. For export purposes, U.S. persons are defined as U.S. citizens, U.S. permanent residents ("green card holders"), and certain individuals in the United States under refugee or asylum status. All other individuals are considered foreign persons, as well as U.S. person employees of foreign governments (e.g., US citizens working for a foreign Embassy) or entities which are not incorporated in the U.S. University research results may be exempt from export control laws under the "Fundamental Research Exclusion" by ensuring that it meets the definition of fundamental research: basic and applied research that is conducted with a clear intent to publish the results, and to do so without restriction or approval, and that the research does not have any national security restrictions, such as a restriction on the participation of foreign nationals.

The "Fundamental Research Exclusion" does not apply to assistance provided to a foreign government which may be used to support a military or space program even if the activity is limited to the use of public domain information. Such assistance requires authorization from the U.S. Department of State. The "Fundamental Research Exclusion" also does not apply to encryption technology or shipments of physical goods overseas.

When strictly adhered to, Duke policies ensure the "Fundamental Research Exclusion" and are broadly applicable to all sponsored research, regardless of the source of funding. These policies are articulated in the University-Industry Guidelines, as follows:

- A sponsor shall have the privilege to define broadly the topic of the research to be funded. The university principal investigator shall have final authority over the design and control of that research.
- Final determination of what may be published or not published, including the publication of computer programs, shall remain with the University. Exceptions may be granted by the Provost only after detailed review and upon the advice of the Research Policy Committee.
- A sponsor may, prior to publication, review materials resulting from research it has sponsored in those cases where possible intellectual property rights may be involved or where the University has been provided a sponsor's proprietary information. Such reviews should not delay publication for more than ninety (90) days, except with the approval of the Provost.
- It is also the responsibility of each individual researcher to protect freedom to communicate with colleagues and to refuse to enter into sponsored agreements that will restrict that freedom in unreasonable or unacceptable ways.

5.2.4.3 Faculty and Staff Travel Abroad

The University maintains a Duke Restricted Regions List of countries, regions, or areas that pose high risk. The [Restricted Regions List](#) is updated whenever conditions warrant by the Provost based on advice of the Global Travel Advisory Committee (GTAC), a joint faculty-administrative body appointed by the Provost. Faculty traveling with students must ensure that the students are in compliance with the International Travel Policy found at <https://travel.duke.edu> and, if traveling to a restricted destination, that they have received the appropriate waiver/release for the travel. Additionally, travelers must contact the Office of Export Controls prior to travel to embargoed or sanctioned countries as indicated on the Restricted Regions List. The United States government imposes

varying levels of restrictions regarding the travel to, import from, export to, or collaboration with entities from sanctioned countries which may require a license.

There are no Duke-imposed restrictions on faculty and staff travel to any country or location, but faculty and staff are expected to consult the Duke Restricted Regions List and the Office of Export Controls and to explore other sources of information in arriving at their own judgment with respect to the level of risk involved. No employee can be required to travel to a location on the Duke Restricted Regions List unless they were expressly hired to do so (i.e., agreed to travel to a specific country/region as part of their employment). Faculty and staff are strongly urged to register their travel plans on the [Duke Travel Registry](#) web site. The Registry will be the first source of information consulted in case of a health emergency, natural disaster, or a crisis of civil or political unrest in a foreign location that requires assistance or evacuation.

Per the University's '[Vaccination and Health Review](#)' policy, Faculty and Staff who travel on Duke related business will need to receive appropriate vaccinations and health review prior to their travel. The applicable Duke cost center or program will pay for direct costs associated with obtaining the necessary vaccinations that are recommended for travel to non-U.S. destinations when the assignment is "a requirement of, or directly related to, the faculty or staff member's current position at Duke." Employee Occupational Health and Wellness established its own travel clinic in 2011 to provide easy access and 'at cost' health services related to travel for employees who must go abroad on Duke related business.

Faculty and staff who travel internationally will be covered by Duke's international travel assistance services through International SOS and by the CIGNA Medical Benefits Abroad.

International travel involving fieldwork must comply with the [Fieldwork Safety Policy](#). (See section 5.2.6.9 of this document for more information.)

5.2.4.4 University-Industry Guidelines

Contracts received from private industry may include provisions that are contrary to University policy or that put the University at risk. Recognizing the potential conflict between the primary missions and interests of a university and those of private industry, the University has adopted a policy on industry-sponsored research. All research grants and contracts held by Duke University must conform to these University-Industry Guidelines (in [Appendix P](#)). Contracts will be negotiated by Office of Research Administration, Office of Research Support, or Office of Corporate Research Collaborations to assure that they do conform to these guidelines.

5.2.5 Protection

5.2.5.1 Animal Care and Use

All animal care and use must be conducted in observance of federal and state regulations, accreditation requirements, granting requirements, and local policies/SOPs. Program information is available at the animal program website: <http://vetmed.duhs.duke.edu>.

The Institutional Animal Care & Use Committee (IACUC) is mandated under federal regulation, funding agency requirements, accreditation requirements, and local policy to review, approve (or disapprove), and oversee all animal care and use activities that occur at Duke or under Duke-managed grants. The use of animals (vertebrate and select invertebrates) in research, teaching, and/or testing at Duke University or collaborating or subcontracted sites is reviewed and approved by the IACUC. Approved animal use protocols have a life-span of three years with a stipulation for annual progress updates and continuing training or skills validation. Post-approval, the IACUC provides continued oversight through a variety of mechanisms including a formal compliance monitoring process managed by the Office of Animal Welfare Assurance (OAWA) and the daily activities of the Division of Laboratory Animal Resources. IACUC members are appointed by Institutional Official, the Dean of School of Medicine. IACUC Members include veterinarians, scientists, non-scientists, and community representatives. The IACUC uses a central email address (IACUC@DUKE.EDU) for all correspondence with the committee. Telephone questions concerning IACUC procedures may be directed to the IACUC or the Office of Animal Welfare Assurance at 919.688.6720.

The Division of Laboratory Animal Resources (DLAR), under the direction of the Attending Veterinarian, is responsible for the daily care and welfare of all vertebrate animals on the Duke campus. See section 5.1.1.3 Division of Laboratory Animal Resources.

The Office of Animal Welfare Assurance (OAWA) provides assistance and support for the Duke Animal Care and Use Program and its leadership to ensure Duke maintains compliance with federal and state regulatory, oversight body (AAALAC Int.), granting, and local requirements. See section 5.1.1.1 Animal Welfare Assurance.

5.2.5.2 Use of Human Subjects in Research

In order to conduct research with human subjects, investigators at Duke must do two things:

1. Become certified to conduct research with human subjects.
2. Obtain approval for research protocols.

Both the certification of investigators and the approval of protocols are required of Duke by the federal [Office of Human Research Protections](#) and the [Food & Drug Administration](#). Pertinent policies are discussed in [Appendix P](#), in the section entitled “Protecting Human Subjects in Nonmedical Research.” For information regarding human subjects in medical research refer to the [Duke Health IRB](#) policies.

5.2.6 Safety

5.2.6.1 General

Duke specific safety requirements are published in the Duke University Safety Manual and the Duke University Laboratory Safety Manual at <https://www.safety.duke.edu/safety-manuals>.

5.2.6.2 Laser Safety

Lasers are a potential safety hazard in the laboratory, and Duke’s [Laser Safety Program](#) is designed to address that hazard, specifically for Class 3b and Class 4 lasers, which pose the most serious risks. Under Duke policy, a faculty member responsible for such a laser is called a Principal Laser User (PLU). The PLU is directly responsible for the safe use of the lasers under his or her control, and must complete the online [Laser Registration Form](#) for each Class 3b or Class 4 laser.

5.2.6.3 Radiation Safety

For radioactive materials and radiation-producing machines including X-ray units and clinical/research accelerators, use in research requires obtaining an authorization from the appropriate Institutional Radiation Safety Committee. To obtain an authorization, one must a) be a full-time member of the faculty, b) have training and experience commensurate with the types and amounts of radioactive materials you intend to use, and c) [submit an application](#) for review and approval by the appropriate Institutional Radiation Safety Committee.

5.2.6.4 Reporting Accidents and Injuries

Employees have the right (and responsibility) to report all work-related injuries and illnesses. Duke University is prohibited from discharging or in any manner discriminating against an employee for reporting work-related injuries or illnesses.

Accidents and injuries that occur on the job must be reported to a supervisor as soon as possible. Medical attention should be sought immediately from Employee Occupational Health and Wellness (EOHW) or, if the injury or illness is severe, from the Emergency Department. All incidents should be documented by completing the [Report of Work-Related Injury or Illness](#). All human blood or body fluid exposures should be reported immediately to the Duke University Exposure Hotline (115 from a campus phone; 919-684-8115 from other phones). This information is important in helping Duke evaluate the circumstances of the incident and develop strategies for prevention of reoccurrences. All injuries, illnesses, spills, escaped animals, or other accidents involving material containing rDNA must also be reported to the Biological Safety Division of OESO at 919-684-8822. Such incidents may also need to be reported to the NIH Office of Biotechnology Activities.

5.2.6.5 Safety Training Requirements

The Occupational and Environmental Safety Office (OESO) assigns training and other requirements to positions based on a risk assessment performed jointly by OESO and supervisors. Individual requirements are identified on the OESO on-line training page that can be accessed at <http://www.safety.duke.edu>. All identified requirements should be completed within the time frame specified on this page.

The general training provided by OESO does not cover project- or lab-specific hazards. Faculty are responsible for assuring that their staff and students are trained on specific hazards that they may encounter in the course of their work, along with appropriate control measures, emergency procedures, etc. Examples of specific hazards include hazardous materials (see below), physical hazards (such as exposure to electrical energy or hot surfaces), hazardous equipment, and environmental hazards (especially for studies involving field work).

5.2.6.6 Use of Hazardous Materials

All work involving the use of hazardous materials must comply with federal, state, and local regulations regarding the shipment, handling, and disposal of such materials. As with recombinant DNA (see 5.2.6.6 below), use of such materials may require the review and approval of the Institutional Biosafety Committee (IBC) or other institutional authority. Hazardous materials include infectious, radioactive, carcinogenic, teratogenic, mutagenic, toxic, reactive, corrosive, and flammable materials. A Principal investigator (PI) who uses hazardous materials and generates chemical and/or radioactive wastes must register as a waste generator with the Occupational and Environmental Safety Office (OESO) to assure proper management of regulated wastes. All PIs using chemicals will need to prepare a lab-specific chemical hygiene plan. PIs should provide a list of all chemicals used in the research to OESO to assure compliance with the Toxic Substances Control Act (TSCA) and to the notification requirements of the Emergency Preparedness and Community Right-to-Know Act. A Principal Investigator who uses and generates Medical (Infectious) Waste must comply with the NC Regulations and the Duke Medical Waste Policy (see <http://www.safety.duke.edu>).

Certain chemical are considered “Particularly Hazardous Substances” (PHSs). These include materials that are reactive, highly toxic, carcinogenic, or that affect human reproduction. Investigators using any of these materials are required to submit to OESO an inventory of the PHSs in their laboratories and to prepare and submit a written standard operating procedure that specifically identifies the methods of use as well as required protective measures. A full list of hazard classes and categories that are considered “particularly hazardous” is available on the [OESO website](#); it is the investigator’s responsibility to review available hazard information and determine which of their chemicals are PHSs..

5.2.6.7 Use of Recombinant DNA in Research

All research involving recombinant DNA must comply with federal regulations and guidelines and must be registered with the University (this applies to Campus Schools, Schools of Medicine and Nursing, and Health System investigators). Registration forms must be completed and submitted to the Biological Safety Division of the [Occupational and Environmental Safety Office](#) (OESO) for review and approval by the [Institutional Biosafety Committee](#) (IBC) in accordance with NIH rDNA Guidelines.

Work with viral vectors, human derived materials (including cell lines), or pathogens (Risk Group 2 or above) requires a written standard operating procedure (SOP). Recombinant DNA Registration forms and the SOP templates are found on the website <http://www.safety.duke.edu/biological-safety/recombinant-dnaviral-vectors>.

Experiments involving the deliberate transfer of rDNA into human subjects must also be reviewed and approved by the IBC, IRB, and the NIH [Office of Biotechnology Activities](#). The Clinical Research Pharmacy and Infection Control must also approve the clinical procedures when a biological vector is used in a clinical trial.

5.2.6.8 Use of Select Biological Agents and Toxins

The purpose of Duke University’s policy on the use of select biological agents and toxins <http://www.safety.duke.edu/biological-safety> is to ensure that “select agents or toxins” on Duke University campuses are handled safely, secured properly, and properly registered with the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) and/or the United States Department of Agriculture, Animal Plant Health Inspection Service (USDA). A list of all regulated ‘Select Agents or Toxins’ can be found on the website: <http://www.selectagents.gov/>. Small quantities of some Select Toxins are exempted from the rules.

Each principal investigator (PI) is held responsible for assuring that s/he register all possession, transfer, and receipt of Select Agents and Toxins with the CDC or USDA. S/he is also responsible for assuring that his/her laboratory fully complies with all prescribed safety policies and procedures. Consequently, all PIs must work closely with the Director of the Biological Safety Division of the Occupational and Environmental Safety Office (who serves as Duke’s Responsible Official, or “RO”) to assure compliance with this standard.

- The following are other duties of the PI under the Select Agent Program:
- The PI must develop a detailed standard operating procedure (SOP) for each Select Agent or Toxin used in the laboratory. The SOP must be approved by the Duke University Biological Safety Division (RO), the Duke University Institutional Biosafety Committee and accepted by the CDC or USDA during the registration process. The procedure should address each of the following at a minimum: 1) means of limiting access to the lab, 2) means of securing the agent and the laboratory, 3) types of personal protective equipment and ventilation controls to protect workers from exposure, 4) post-exposure procedures, 5) waste handling and disposal, 6) spill and decontamination procedures, and 7) recordkeeping methods.

- The PI must provide the CDC or USDA with a drawing of the laboratory in which the Select Agent or Toxin is used as part of the registration process. The drawing shall include 1) fumehood and/or biosafety cabinet, 2) storage refrigerator and/or freezer, 3) air supplies and exhausts, 4) emergency eyewashes and showers, 5) handwashing sink, and 6) autoclave.
- The PI shall oversee the day-to-day adherence to the SOP and that all personnel with access to the Select Agents or Toxins have received and comprehended the required training.
- All transfers or receipts of Select Agents or Toxins must be conducted through the Biological Safety Division (RO) in cooperation with the CDC or USDA. Exempt quantities of Select Toxins are ordered through the Select Agent or Toxins Ordering Site on the Safety website (<http://www.safety.duke.edu/>).
- The PI shall insure that all personnel with access to the Select Agents or Toxins have completed a Security Risk Assessment with the Department of Justice prior to work in the laboratory area, and have undergone a Pre-Access Personnel Suitability Review as required by the Select Agents or Toxins Rules.

5.2.6.9 Fieldwork Safety

Fieldwork activities such as those involving isolated or remote locations, extreme weather, hazardous terrain, harmful wildlife, or lack of ready access to emergency services can expose participants to significant risks to their health and/or safety. Faculty responsible for research, teaching, or clinical fieldwork activities must follow the Fieldwork Safety Policy and develop a Safety Plan (link goes to optional template) as required by the policy. The Safety Guidelines for Fieldwork may be consulted for guidance. For more information, please see <http://www.safety.duke.edu/laboratory-safety/fieldwork>.

5.2.7 Stewardship

5.2.7.1 Cost Sharing

Cost sharing has a significant financial impact on the department providing the funds and on the University as a whole. It is University policy to cost share only when it is required in writing by the external sponsor. Cost sharing can take a variety of forms: e.g., reduced F&A cost recovery rates (see 5.2.7.4 below), commitments of faculty effort, or the use of University funds for additional project support. Please note, however, regardless of sponsor or circumstances, all deviations from the University's official F&A rate require prior administrative review and approval.

Exceptions to inclusion of cost sharing on a sponsored program application must be approved by either:

- SOM/SON Management Center for proposals submitted by the School of Medicine (SOM) and School of Nursing (SON),
- Office of Research Support and/or Vice Provost for Research and/or designee for proposals by University/Campus departments.

The following criteria should be borne in mind when considering cost sharing:

- Any decision to cost share should reflect the University's overall priorities within the functions of research and education.
- Requests for cost sharing must be made - and the commitments must be documented - at the time of proposal submission. It is of special note that any quantifiable financial commitments included in any part of the proposal, not solely in the budget and/or justification, will be considered by the Federal Sponsor to be proposed cost sharing. Special care should be taken to not inadvertently commit to cost sharing in proposal documents.
- Cost sharing is not a method of covering unexpected project expenses, or of accommodating cuts in a proposal's budget.
- Retroactive cost sharing is generally not considered to be in the best interest of the University.

A detailed discussion of cost sharing policies and procedures may be found in Duke's General Accounting Procedures, GAP No. 200-140.

5.2.7.2 Effort Commitment Guidelines

Federally-funded (including Federal pass-through projects) sponsored research projects require that some level of "committed" effort is provided by the principal investigator, and typically by other named key personnel. In these cases, this committed effort needs to be reflected via the individual's payroll distribution. For other types of sponsored projects, a faculty member should have committed or uncommitted effort specifically associated with the project. In either case, in support of applicable federal regulations, all individuals need to ensure that their annual effort certification accurately reflects the prior year's activities, both sponsored and University. It should also be noted that the PI is responsible to ensure effort is expended on sponsored projects as committed and/or within sponsor guidelines.

5.2.7.3 Equipment Transfer Guidelines

All guidelines for Duke departmental property officers are based on this fundamental concept: assets are owned by Duke or the sponsor for use by particular departments of the University and its hospitals. It is the responsibility of every department to account for the assets it uses. This responsibility includes total accountability for disposal, changes, and transfers of assets, and a commitment to secure top value for all items sold or traded-in.

When an individual who has been working on a grant at Duke University moves to another institution, questions sometimes arise about the ownership of the equipment that has been purchased on the grant. In most cases, the equipment is the property of Duke or the sponsor. However, when the principal investigator's grant-funded research activity is transferred to another institution, and the principal investigator or the granting agency submits a request for certain equipment to be transferred, it has generally been the practice to release the equipment. Such requests should be submitted first to the principal investigator's department chair and then, with the chair's approval, to the Provost for Campus Schools or to the Dean's Chief of Staff for Duke Health entities.

All transfers of equipment obtained through a sponsored project must be reviewed by Plant Accounting and approved by the Office of Sponsored Programs. All disposals of government-owned equipment must be approved by the Office of Sponsored Programs.

5.2.7.4 F&A Cost Recovery on Grants and Contracts

It is the University's policy to *require* the inclusion of full facilities and administrative (F&A) cost recovery on all proposals for external funding, except for gifts and sponsors with a stated policy of limiting or excluding F&A cost recovery. In these instances the Duke policy may be waived.

Direct costs of externally sponsored grants and contracts may include the salaries and wages of personnel working on these projects, the cost of equipment, travel, supplies, materials, and other such project-specific expenses. In addition to these direct costs, the University incurs a significant amount of indirect costs that are associated with projects, referred to as F&A costs. F&A costs cannot be related precisely to any individual grant or contract, since they include such items as: 1) the cost of maintenance, heating, lighting, and cleaning in buildings where sponsored research is conducted; 2) the administrative costs to the University of such components as procurement, accounting, and other units that provide services to grant and contract recipients; and 3) central support services and facilities, such as the libraries. These costs are real and the collection of F&A costs ensures the maintenance of the University infrastructure necessary for carrying out sponsored research activity.

Sponsors - particularly the federal government - recognize the need to reimburse the University for the F&A costs associated with the projects they support. To facilitate this reimbursement, the federal government negotiates the F&A cost recovery rate with the University, based on a periodic review. This process utilizes data obtained from an annual calculation of Duke's F&A costs, applied on a pro-rata basis against certain direct costs charged to its grants and contracts.

In addition to the rate associated with most on-campus research, there are several other rates set by the federal government for Duke University, related to such things as off-campus research facilities, instruction, or DOD contracts/subcontracts. See the [F&A Agreement](#) for a full list of Duke rates.

5.2.7.5 F&A Distribution on Cross-School Grants and Contracts

In the spirit of cooperation and collaboration among all units within the University, all awards will be set up with subcodes and the appropriate identifying (BFR) code for each participating department or school in accordance with the policies and procedures of the PMAC and the SOM/SON Management Center. This practice will ensure distribution of the facilities and administrative (F&A) costs in accordance with the direct costs associated with each participating investigator, thereby providing support for departmental space and administrative costs.

5.2.7.6 Research Costing Compliance

As a responsible recipient of federal research awards, Duke University accepts full accountability to sponsoring agencies for financial compliance with appropriate federal and agency regulations. Each employee of Duke University who engages in sponsored projects administration has an obligation to ensure compliance with sponsor and University requirements for the appropriate management of sponsored funds.

Duke has addressed this responsibility, in part, by instituting a highly effective and comprehensive compliance program. A key component of this program includes mandatory training of staff and faculty with grant-related financial responsibilities, optional certificate training programs, continuing education opportunities and dedicated on-line resources.

In addition, The Office of Research Costing Compliance (RCC) conducts extensive monitoring of all applicable financial actions relating to grant and contract management. RCC identifies potential compliance risks, monitors risk areas, and works closely with the University management centers, pre- and post-award offices to address compliance issues.

RCC is also responsible for developing and communicating financial compliance policy and practice. Through a dedicated [website](#), regular updates to the campus community and continuous engagement with University leadership, RCC provides a comprehensive approach to financial compliance management.

CHAPTER 6: FACULTY RESPONSIBILITIES WITH RESPECT TO STUDENTS¹

Faculty Responsibilities to Students

The Duke faculty takes its teaching very seriously. Members of the faculty expect Duke students to meet high standards of performance and behavior. It is only appropriate, therefore, that the faculty adheres to comparably high standards in dealing with students. The following list of specific faculty responsibilities to students is predicated on the fact that students are fellow members of the university community, deserving of respect and consideration in their dealings with the faculty.

Class Attendance

In accordance with the Faculty Handbook, instructors are expected to attend all class meetings.

Course Content

Instructors will update their courses periodically to reflect the latest scholarship in the fields they teach.

Grading

Instructors will make clear on their syllabi at the outset how grades will be determined, what work in the course will be graded, and what standards will be applied.

Letters of Recommendation

Students depend upon faculty recommendations when applying for jobs or graduate school. If a faculty member agrees to write such a letter, it will be prepared promptly, accurately, and thoroughly.

Office Hours

Faculty members, including part-time faculty, will be available in their offices at least two hours per week. If unable to keep those hours, a faculty member will post a note to that effect.

Scheduling of Field Trips

Faculty may not schedule required field trips on days that other classes are in session. The dates and times of any field trips, whether required or optional, should be published in the course syllabus and made known to students on the first day of class.

Funding Field Trips

Faculty must receive approval from the Dean of Academic Affairs for any fee associated with a trip. If approved, the dean will help coordinate with the bursar's office and the financial aid office to charge and allocate funds back to the program.

Scheduling of Examinations, Papers, and Other Exercises

Examination schedules and deadlines for term papers will be established early in the semester and kept. Ideally, these should be published in the course syllabus.

Syllabi

At the beginning of each semester, faculty members will distribute course syllabi to their classes in order to provide students with a clear prospectus on their attendance and grading policies, and their schedules and deadlines for exams and term papers.

¹ This section contains information pertaining to various policies and regulations regarding student-faculty affairs. It is assumed that, unless stated otherwise, these policies are university-wide. For more details on a specific policy or regulation of a school or college, consult the appropriate university bulletin.

Textbooks

Per the Higher Education Opportunity Act of 2008, all institutions must post textbook and other course materials in the schedule of classes prior to the start of registration each semester. Faculty can provide this information directly to the bookstore via an order form or may enter this information through STORM. In either case it will then be processed by the bookstore and posted on the schedule of classes, and made available to all students.

Academic Integrity

Faculty members have a responsibility to promote a climate of academic integrity. This includes talking with students about the importance of academic integrity, role modeling for students, creating an environment that promotes trust and making clear expectations for the class, including appropriate attribution and the extent to which collaboration is permitted. (See [Appendix X](#): The Duke Community Standard, for further information.)

Exclusion of Disruptive Students – Trinity College and Pratt School of Engineering

The successful conduct of courses depends upon a basic spirit of mutual respect and cooperation among the participants. If a student disrupts a class in such a way that it seriously compromises the educational experience of the course for the students and/or prevents the instructor from accomplishing the goals of the course as outlined in the syllabus the instructor may require the student to leave the class meeting. The student's academic dean will be notified of this action. Subsequent to this action, as necessary and appropriate, the following process will be implemented.

1. It is expected that the instructor and the student will meet to discuss and agree in writing the conditions under which the student may return to the course. The student may not return to the course until the matter has been resolved. The student's academic dean will receive a copy of this written agreement. If the instructor and the student fail to reach an agreement, then the matter is referred to the student's academic dean who will begin the process of removing the student from the course. If the student is permanently excluded from the course, a grade of W will be assigned.
2. If an agreement is reached but the disruptive behavior continues, the instructor may again require the student to leave the class meeting and refer the matter to the student's academic dean who will begin the process of removing the student from the course. If the student is permanently excluded from the course, a grade of W will be assigned.
3. If the student wishes to appeal the decision of the permanent removal, an appeal is to be directed to the academic appellate officer of Trinity College or the Pratt School of Engineering. The decision of the senior associate dean in such a case is final.
4. In addition the academic dean may determine that the matter should also be referred to the Office of Student Conduct for consideration of formal charges in violation of university policies including "Classroom Disruption," "Disorderly Conduct," and/or "Failure to Comply."

Approved by the Arts and Sciences Council, September 14, 2006.

Academic Dishonesty

Students at Duke University are responsible for maintaining high standards of academic honesty and personal integrity in all matters, including reporting the results of their studies and research, and in taking quizzes, tests, and examinations.

Trinity College and Pratt School of Engineering

As of August 2003, Duke undergraduates are expected to adhere to the Duke Community Standard (revised in August, 2007) that states:

Duke University is a community dedicated to scholarship, leadership, and service and to the principles of honesty, fairness, respect, and accountability. Citizens of this community commit to reflect upon and uphold these principles in all academic and non-academic endeavors, and to protect and promote a culture of integrity.

To uphold the Duke Community Standard:

- I will not lie, cheat, or steal in my academic endeavors;
- I will conduct myself honorably in all my endeavors; and
- I will act if the Standard is compromised.

When confronted with a case of possible academic dishonesty, it is important that faculty members deal fairly and consistently with students. Members of the faculty are expected to consult with the Office of Student Conduct regarding cases of possible academic misconduct. They may also consult with their department chair or the appropriate academic dean, who is expected to confer with the Office of Student Conduct.

Staff in the Office of Student Conduct will advise as to the appropriate method for handling the case. Minor, first-time infractions may be resolved between the faculty member and the student. (See Appendix X for details.) However, more serious cases, or second-time offenses, must be handled more formally through the Office of Student Conduct.

An established, centralized procedure ensures that a student who commits repeated academic dishonesty violations will not go undiscovered as a result of being dealt with by independent faculty members in isolation. The Office of Student Conduct is charged with handling cases in a manner that balances students' educational interests with the university's interests in maintaining consistent and high standards.

The university's disciplinary process is independent of, and in addition to, an instructor's decision on how to grade academically dishonest work. Instructors are expected to communicate with students their policy regarding grading of an academically dishonest assignment (e.g., zero on the assignment, reduced/failing grade for the course, or other approach). An instructor may only implement this penalty if the student has accepted responsibility for academic dishonesty or has been found responsible for such through the Office of Student Conduct.

Resources for promoting academic integrity can be found at the Office of Student Conduct web site, <http://www.studentaffairs.duke.edu/conduct>. Information about dealing with a possible case of academic dishonesty can be found at http://bit.ly/faculty_cheating_info or by calling the Office of Student Conduct at 919-684-6938.

Sanford School of Public Policy

The Sanford School Code of Professional Conduct requires students to abide by the Duke Community Standard and provides an Honor Code for graduate and professional students. The code is published on the school website: <http://www.pubpol.duke.edu/>.

Graduate and Professional Schools

A separate Graduate School Judicial Code and Judicial Board have been established to govern situations of academic dishonesty in the Graduate School. A full description appears in the Bulletin of the Graduate School. Professional schools have their own policies governing academic dishonesty that appear in their respective bulletins.

School of Medicine Code of Professional Conduct

All entering health professional students are provided at orientation with the Code of Professional Conduct attesting to high ethical standards in school performance. The rights and responsibilities of students with regard to university-wide regulations pertaining to student conduct can be found in the current School of Medicine Bulletin, <http://registrar.duke.edu/university-bulletins/school-medicine>.

There also exists a compact between teachers and learners of medicine. Preparation for a career in medicine demands the acquisition of a large fund of knowledge and a host of special skills. It also demands the strengthening of those virtues that undergird the doctor/patient relationship and that sustain the profession of medicine as a moral enterprise. This compact serves both as a pledge and as a reminder to teachers and learners that their conduct in fulfilling their mutual obligations is the medium through which the profession inculcates its ethical values. *In this document, the resident is considered a teacher as well as a learner. For more information, please refer to the School of Medicine bulletin, <http://registrar.duke.edu/university-bulletins/school-medicine>.*

School of Nursing

The School of Nursing has established a Personal Integrity Policy and Guidelines for academic and personal integrity that are intended to guide the professional behavior of School of Nursing students. The policy and guidelines are available at

http://nursing.duke.edu/sites/default/files/current_students/personal_integrity_policy1.pdf.

Academic Freedom of Students

When and if a complaint is lodged against any faculty member asserting that he or she has abridged an individual's academic freedom, the dean of the appropriate school or college shall receive that written complaint and use his or her good offices to resolve the matter in an agreeable fashion. If the dean wishes faculty aid in establishing the merits or extent of the complaint, the dean should appoint a disinterested two-person subcommittee of the Faculty Hearing Committee to provide advice. Cases not resolved by the dean may be brought to the attention of the provost.

Class Changes: Withdrawals and Additions, Academic Year

Divinity School

Policies concerning registration, changes thereof, refunds, withdrawals from single courses, and withdrawal from school are outlined in the Bulletin of Duke University, Divinity School at <http://registrar.duke.edu/university-bulletins/divinity-school>.

Graduate School

Before the final deadline for the drop/add period set by the University Schedule Committee each semester, graduate students may change their course registration choices in ACES. If a student wishes to withdraw after the drop/add deadline, the student must obtain permission from the director of graduate studies and the instructor before the Graduate School can process the withdrawal. Any withdrawal after the drop/add deadline will result in a grade of W. **Note for master's students:** the student is responsible for paying any charges incurred for courses from which a student withdraws after the drop/add deadline.

Sanford School of Public Policy

Policies concerning registration, changes thereof, refunds, withdrawals from single courses for master's programs in public policy, and withdrawal from the school are found in the Bulletin of Duke University, Sanford School at <http://registrar.duke.edu/university-bulletins/sanford-school-public-policy>.

Trinity College and the Pratt School of Engineering

All students are expected to carry a normal load of four courses in each semester of enrollment unless an underload is authorized by their academic deans. Any enrollment above four is considered an overload. Students may drop/add courses, as desired, until the beginning of the second week of classes. While students may add at their discretion in the first week, a permission number from the appropriate instructor must be obtained during the second week. After the first two weeks no course may be added and, in order to withdraw from a course, the student must obtain permission from the appropriate academic dean. After the drop/add period but prior to the last class day preceding the final four weeks of classes, students taking a course overload, i.e., more than four semester courses, may by course withdrawal reduce their schedule to four courses with the permission of the academic dean. With the permission of their academic dean, students enrolled in four full-credit semester courses may for compelling reasons withdraw from one course after the drop/add period but prior to the last class day preceding the final four weeks of classes. During the last four weeks of classes in any semester, or its equivalent in summer terms, a student may withdraw from a course if, in the judgment of the student's dean, compelling and extraordinary circumstances make it necessary for the student to discontinue the course; otherwise, the course is continued to the end of the semester. Whenever a student is permitted to withdraw from a course (no matter the time or circumstances), a grade of W will be recorded on the student's academic record. A course discontinued without approval results in a grade of F.

Note that detailed policies for undergraduates in Trinity College and the Pratt School of Engineering can be found online at <http://trinity.duke.edu/undergraduate/academic-policies> and at <http://pratt.duke.edu/undergrad/students/policies>

School of Medicine

Policies concerning registration, changes thereof, refunds, withdrawals from single courses, and withdrawal from school are outlined in the School of Medicine Bulletin, <http://registrar.duke.edu/university-bulletins/school-medicine>.

Withdrawal from the MST program prior to completion of the PhD degree requirements: Students who leave the MST Program in their *first year* of graduate school will be required to complete **all** of the requirements of the Medical School's third year. For the complete Withdrawal from MST program policy, please refer to the School of Medicine Bulletin, <http://registrar.duke.edu/university-bulletins/school-medicine>.

School of Law

All students are required to register on the dates prescribed by the School of Law, at which time class schedules must be completed. A student's registration for any semester is not complete until all indebtedness is settled with the Office of the Bursar. Students are not eligible to attend classes or make use of university facilities if they have any outstanding debt to the university.

Students may alter their registration by adding or dropping courses prior to the end of the seventh class day of a semester, except that in specified seminars in which enrollment is limited, no withdrawals will be permitted without the permission of the instructor and dean. Withdrawals after the seventh class day of a semester are permitted only with the permission of the instructor and dean.

School of Nursing--Graduate

Using ACES (Duke's online student registration system), students are able to drop a course or add a course during the designated Drop/Add period at the beginning of each semester. Detailed instructions for using ACES are available online. The decision to withdraw from a course after the scheduled Drop/Add period requires the student to meet with their faculty advisor and the faculty of the respective course(s). If the faculty of the respective course(s) agree to the withdrawal, the student completes the Course Withdrawal Form and:

- obtains the signature of the faculty advisor,
- obtains the signature of the faculty member teaching the course.

The faculty member teaching the course then forwards the signed form to the appropriate Program Director for approval. The withdrawal will be indicated on the student's transcript as a Withdrawn (W). If the withdrawal is denied, the student must complete the course and will receive the final earned grade on his/her official academic transcript. When a withdrawal is approved, the student should be aware that the Duke University School of Nursing cannot guarantee registration in the course the next time it is offered. Consequently, the student may be delayed in completing the respective program for which he/she is matriculated. The student may be required to take a leave of absence from the respective program since required courses are not taught each semester. Students who find it necessary to interrupt their program of study should formally request in writing a leave of absence following the procedures outlined in the Student Handbook and utilizing the form available online through the Office of Admissions and Student Services. A maximum of one calendar year's leave may be granted. Please refer to the section below on Leaves of Absence for further details. Refunds of tuition and fees will not be made except as applicable within the established parameter of a total withdrawal from the program after the Drop/Add period. The Course Withdrawal Form may be obtained via the School of Nursing website, or in the Office of Admissions and Student Services.

Summer Session

Prior to or during the first three days of classes in a summer term, a student may add or drop a course by using ACES. Financial penalties may apply. After the third day of class, no course may be added without permission from the student's academic dean. With permission of the academic dean (the director of the summer session serves as dean for all non-Duke students) or director of graduate studies, students may withdraw from a course until the end of the twentieth class day of a regular summer term, in which case a grade of W will be recorded on the student's

academic record. Course work discontinued without the approval of the dean or director of graduate studies will result in a grade of F.

Class Rosters

Updated class rosters are available to faculty, at any time, via STORM. Contact the Office of the University Registrar for access to STORM, the faculty/staff student records website.

Examinations

Trinity College, Sanford School of Public Policy, Pratt School of Engineering, Nicholas School of the Environment, and Graduate School

Instructors for courses offered in Trinity College of Arts and Sciences, the Sanford School of Public Policy, and the Pratt School of Engineering must announce during the first week of classes the form of the final exercise, if any. Unless departmental or school policy stipulates otherwise, the form of the final exercise is determined by the instructor. Final written examinations may not, however, exceed three hours in length, and final take-home examinations may not require more than three hours of actual writing. A final paper is not an examination. Take-home examinations are due at the regularly scheduled hour of an examination, based on the time period of the class. In courses in which final examinations are not scheduled, an exam that substitutes for a final examination may not be given in the last week of classes. Hourly tests may be given in the last week of classes, whether or not a final examination is administered during the exam period.

Instructors must retain all final examination papers for at least one year. They should be available for reference in instances where a grade is questioned.

Regular Scheduling. The official schedule of final semester examinations for Trinity College of Arts and Sciences, the Sanford School of Public Policy, the Pratt School of Engineering, the Nicholas School of the Environment, and the Graduate School is prepared and distributed by the University Schedule Committee, and is available on the Office of the University Registrar website (www.registrar.duke.edu), and no changes may be made in it without the committee's approval. Generally, final examinations are scheduled according to the day and hour at which the course meets during the semester. The Registrar's Office will contact instructors when students are authorized to reschedule a final examination because they have three examinations within a 24-hour period.

Block Scheduling. When a department offers six or more sections of a course, OR multiple sections with a total enrollment of at least 300 students, and when the instructor in each of those sections agrees to give a uniformly graded common examination, a written request for a block final examination time period may be made to the University Registrar and chair of the University Schedule Committee. Such requests must be made by the end of the second week of classes in the previous semester, in order that the Schedule Committee can attempt to meet the request while it is establishing the final examination schedule.

Tests to be given during the regular semester also may be scheduled on a block basis when as many as six or more sections of a course with 100 students are being offered, and when the instructors in those sections agree to give a uniformly graded common examination. Block tests must be approved by the University Schedule Committee. Such tests are scheduled on Tuesday or Thursday between 7:30 a.m. and 8:45 a.m.

School of Law

A final examination will be required in every regular course, and no final examination will be required in any seminar, unless the instructor announces to the contrary before the end of the second week of the semester. No student may take a final examination in a course at a time other than the regularly scheduled time without the permission of the dean's office. Such permission normally shall be granted only in cases of illness or extreme personal hardship; direct conflicts in the scheduling of examinations; or in certain cases where a student has three scheduled examinations within a 36-hour period of time. No exams shall be rescheduled at a time prior to the regularly scheduled examination.

If a student has been excused from taking a final examination in a course at the regularly scheduled time, the instructor may require the student to take a special final examination or submit a special paper. In such a case, the

student shall be graded in the course on a credit/no credit basis. If the student takes the regular examination, but it cannot be read together with the examinations taken by other students in the same course, the instructor may, in his or her discretion, grade the examination numerically or on a credit/no credit basis. If a student has been excused from taking a final examination at the regularly scheduled time, and the examination has not been taken within 28 days after the last regularly scheduled examination for that semester, a mark of incomplete will be entered on the student's record.

Computers and word processors may be used for taking examinations, unless prohibited by the individual instructor(s). Computer use is subject to the Law School's honor code.

All final examination papers shall be preserved for a period of two years by the instructor or the Registrar's Office. All examination papers, including questions, student answers and related materials are the property of the instructor and/or the Law School. Students shall comply with the instructor's requirements concerning retention of exam papers and shall not retain copies, digital or otherwise, of exam questions, answers or related materials unless retention is specifically permitted by the instructor.

School of Medicine

Retesting, Absences, and Testing Policy: The Duke University School of Medicine curriculum is an intense, fast-paced curriculum designed to provide students with the core knowledge and skills necessary for early clinical exposure, for a productive year of individual scholarly activity in the third year, and for success in the transition to graduate medical education. The School of Medicine has established policies and procedures to guide students and faculty regarding the issues of absence, testing, retesting, and remediation in core elements of the curriculum. For more information, please refer to the School of Medicine bulletin, <http://registrar.duke.edu/university-bulletins/school-medicine/>.

Grading

Undergraduate Symbols

The grading symbols used at Duke at the undergraduate level are as follows:

A	Exceptional
B	Superior
C	Satisfactory
D	Low pass
F	Failing
I	Incomplete
S	Satisfactory (issued when a course is completed on a Satisfactory/Unsatisfactory basis, equivalent to a letter grade of C- or better)
U	Unsatisfactory (issued when a course is completed on a Satisfactory/Unsatisfactory basis, equivalent to a letter grade of D+ or worse)
X	Absence from final exam (+/- additional work)
Z	Continuing course
W	Withdrawal
AD	Audited course
WA	Withdrawal from an audited course

Grades of A, B, C, and D may be modified by a plus (+) or a minus (-). Although the D grade represents low pass, in Trinity College not more than two courses passed with a D grade may be counted among those required for graduation or annual continuation. Courses for which a D grade is earned do, however, satisfy all other requirements.

The Pass/Fail grading basis option was replaced with a Satisfactory/Unsatisfactory grading option beginning in fall, 2010. When a student elects this option, a grade of S will be recorded when the student earns a grade equivalent to a C- or better and a U grade if the student earns a grade equivalent to a D+ or worse. Students may count no more than 4 courses taken on the S/U basis toward the 34 courses required for graduation. Note: students enrolled in a course on the S/U basis may subsequently change to a letter grade basis by filing a request with the registrar's office up to the first day of the final four weeks of classes. Students may not change from a letter grade basis to an S/U option after the end of the correction period (end of third week of the semester).

A grade of F or U indicates that the student has failed the course and does not receive credit. The course must be repeated and a passing grade earned in order for credit to be awarded. The letter N indicates no grade was assigned. A grade of W indicates the student officially withdrew from the course.

Graduate and Professional School Symbols

At the graduate and professional school level, various systems of symbols are used:

Divinity	A, B, C, D, F, P, NC, I, W
Fuqua School of Business	SP, HP, P, LP, F, I
Graduate	A, B, C, F, I, W, Z, CR, NC
School of Nursing	A, A-, B+, B, B-, C+, C, C-, F, CR (credit), NC (no credit), W
Law	Numerical grades from 1.5 to 4.3, I, W, WP, WF; single course uses P, LP, F
Medicine	H, HP, P, F, I, W
Nicholas School	A, B, C, F, I, W, Z
Sanford School	A, B, C, F, I, W, X, Z

Within the Divinity School, the Graduate School, the School of Nursing, the Sanford School of Public Policy, and the Nicholas School of the Environment, all grades except F may be modified with plus (+) or minus (-). Such modifications are entered on the permanent record.

Repetition of Courses: Trinity College and the Pratt School of Engineering

A Trinity College student who receives a grade of D-, D, or D+ in any course will be allowed to repeat the course at Duke with permission of his or her academic dean. Forms to request permission are available on T-Reqs, the Trinity Requirement website. A Pratt student who has earned a grade of D-, D, or D+ in a required mathematics, science, or engineering course may, with permission of his or her adviser, director of undergraduate studies, and academic dean, repeat the course.

The grade earned in the repeated course as well as the grade earned originally will appear on the transcript, the former identified as a repeat; both grades will be computed in the grade point average, but the course credit will be counted only once toward the minimum number of courses for continuation or toward fulfilling graduation requirements.

Repetition of Courses: Sanford School of Public Policy

Students earning a failure (F) in a required course will normally be asked to withdraw from the degree program.

Repetition of Courses: Divinity School

Students earning a failure (F) in a required (core or foundational) course must retake the course. Students earning a D (D+, D, D-) in a core or foundational course shall be obliged to retake a regularly scheduled final examination in that course and pass said examination with a grade of C- or better. The retake does not alter the existing grade.

Repetition of Courses: School of Law

No student may retake for credit a course in which the student was previously enrolled and for which the student received a grade, unless the student receives a failing grade in a required course. Any student receiving a failing grade in a required course shall be required to retake the course, or, with permission of the instructor and the Dean, to submit to a re-examination in the course, until credit is received. A student receiving a failing grade in an elective course may retake the course for credit only with the permission of the instructor. Once a previously failed course is retaken for credit and passed, the grade earned when the student retook the course shall appear on the student's transcript but no additional credit shall be awarded for the course, and the passing grade shall not be factored into the student's grade-point average. The original failing grade shall also remain on the transcript and shall be factored into the student's grade-point average.

No student may retake for credit a course in which the student was previously enrolled and from which the student withdrew after the halfway point of the course unless the student has obtained the permission of the instructor. If a student is permitted to retake for credit a course in which the student was previously enrolled for more than half of a course and ultimately withdrew, the student shall be graded in that retaken course on a credit/no credit basis.

A student may take for credit a course in which the student was previously enrolled and from which the student withdrew before the end of the seventh calendar week of the semester.

Satisfactory/Unsatisfactory Grading System

With the consent of the instructor and academic dean, an undergraduate student may register for grading on a satisfactory/unsatisfactory (S/U) basis in one course each semester and summer session, although only four (4) courses taken on this basis may be counted toward the 34 courses required for graduation. The limit of four does not apply to courses that are only offered on the S/U basis. A grade of S will be awarded if the student has earned the equivalent of a letter grade of C- or better, while a U will be awarded for the equivalent of a D+ or worse grade. Neither an S nor a U will be factored into the grade point average. Students who receive a U will receive no credit for the course and will be ineligible for dean's list in that semester. Courses taken on an S/U basis (whether offered only on this basis or elected by the student) do not count toward general education requirements, except the requirement for thirty-four course credits and continuation requirements. No other degree requirements (major, minor, certificate, including prerequisites) may be met by a course passed under the S/U option, unless by special permission from the director of undergraduate studies of the department or program. Taking a course on the S/U basis may make one ineligible for the dean's list (see the section on academic honors in this chapter). Students studying abroad or on domestic study away programs may not receive credit for courses taken on an S/U or pass/fail basis.

Students who wish to take a course on an S/U basis must obtain permission from the instructor and their academic dean. Students have until one week after the drop/add period ends in the fall or spring semester to secure permission to take a course on the S/U basis. (Summer term students must do so by the end of the drop-add period). Students who have elected to register for a course on an S/U basis may subsequently change to a letter grade basis by filing a request with the university registrar up to the first day of the final four weeks of classes. An S grade earned in a course may not be converted subsequently to a letter grade, and the course may not be retaken.

School of Medicine Grading: A grading basis is established for each course with Curriculum Committee approval. Currently there are three grading schemes established: Pass/Fail; Honors/Pass/Fail; and Honors/High Pass/Pass/Fail. Where appropriate, certification by the individual faculty person or by the delegated representative of each departmental chairman that a student has satisfactorily completed requirements for a course shall constitute grounds for a grade of Pass (*P*), High Pass (*HP*), or Honors (*H*). Honors are reserved for those students who have performed in an exemplary manner in the opinion of the faculty. For more information concerning the Grading

policies, please refer to the School of Medicine bulletin, <http://registrar.duke.edu/university-bulletins/school-medicine>.

Audit

With the instructor's permission, students may register to audit no more than one course in a semester except those classified as physical education activity, dance activity, applied music, and studio art. Auditors are not required to submit assignments or take examinations and receive no credit for audited courses. Once audited, a course cannot be repeated for credit. The record shows AD to indicate that a course has been audited. Students may not change a course to or from audit after the end of drop/add. Students must follow the procedures described on ACES for recording the grading status by the published deadline. If a student fails to attend an audited course regularly or abandons it midway, the instructor is expected to submit a grade of WA at the end of the semester.

School of Medicine course audit: Courses in the Doctor of Medicine program at the School of Medicine may be audited, with approval and consent of the course director, only by students currently enrolled in the MD program. Students who audit a course do not receive credit for the course. Only those classes offered in a lecture format may be audited with the written permission of the instructor. After the first week of classes in any term, no course taken as an audit can be changed to a credited course and no credited course can be changed to an audit. Further, an audited course may not be repeated for credit.

Z-Satisfactory Work in Progress

The grade Z may be used only in courses that extend beyond one semester to indicate satisfactory work in progress at the end of the first semester when no regular grade is applicable. At the end of the second semester of the course a single grade for the year's work is assigned, and credit added to the cumulative calculation.

X-Absence from Final Examination

Whenever students are absent from a final examination, they receive an X instead of a final grade unless the student's grade in the class is failing, in which case the instructor may submit an F. If no acceptable explanation for the absence has been presented to the appropriate dean's office within forty-eight hours after the scheduled examination time, the X is converted to an F. In extraordinary circumstances, an academic dean may excuse a student's absence from a final examination. It is the responsibility of the student to consult the academic dean within forty-eight hours of the missed exam. However, deferral of a final exam will not be authorized by the academic dean if it is ascertained from the instructor that the student has a history of excessive absence or failure to complete coursework in a timely fashion for the class. If the absence is excused, the student arranges with the dean and the instructor for a makeup examination to be given at the earliest possible time. An undergraduate student's X not cleared by the end of the fifth week of the following semester (or an earlier date if continuation is at issue) is converted to an F. If not enrolled in the university during that following semester, students are given until the end of the fifth week of the next semester of matriculation to clear the X. The short-term illness notification procedure cannot be used for final exams. In the School of Law, arrangements for makeup examinations are made with the dean or his/her designate only.

I-Incomplete Work

In Trinity College and the Pratt School of Engineering, the end of the semester is formally defined as the end of the final examination period. If, due to illness, emergency, or reasonable cause, a student cannot complete work for a course before the end of the semester, the student may request in writing to his or her academic dean the assignment of an I (incomplete) for the course. If the request is approved by the instructor in the course and by the student's academic dean, the I is given by the instructor. Although normally a Trinity College of Arts and Sciences student's request for the assignment of an I must be approved by the instructor in the course and by the student's academic dean, in certain cases the instructor may elect to assign an I without a written request from the student or the approval of the academic dean. When issuing an I, the instructor will also issue a reversion grade, i.e., the grade that will be posted to the student's record if the student does not complete the missing work. In Trinity and Pratt the student must satisfactorily complete the work prior to the last class day of the fifth week of the subsequent fall or spring semester (or earlier if there is a question of the student's continuation in school). If a grade is not reported by the end of the sixth week, the Office of the University Registrar will post the reversion grade. An I taken in the fall semester must be resolved at the latest in the succeeding spring term; an I taken in the spring or summer must be completed at the latest in the following fall term. A student not enrolled in the university during that subsequent

semester will have until the end of the fifth week of the next semester of matriculation to clear the I. Students may not complete work in a course after graduation.

To submit a grade after issuing an I (if different than the reversion grade), the instructor sends a grade change letter to the University Registrar on departmental stationery and signed by the instructor. The letter should contain the name of the student, the student's ID number, the semester, the course and section number, and the final grade. When the course grade is added to the student's official record, a notation of the I remains on the record, except in the Graduate School, the Sanford School of Public Policy, and the Fuqua School of Business.

In the Graduate School, Fuqua, Sanford, and the Nicholas School, one year is allowed for completion. When the course grade is added to the student's official record, the I is removed from the record. If the course requirements are not completed within one year, the grade of I remains permanently on the student's record and no credit is received for that course. In the School of Nursing one year is allowed for completion. If a grade is not reported by the end of that year an F will be recorded for the course. In the School of Medicine, a grade of I becomes part of the permanent record. The Grading Policy for each class can be found in the School of Medicine Bulletin <http://registrar.duke.edu/university-bulletins/school-medicine>.

For the purpose of determining whether a student satisfies continuation requirements, an I is counted as failing to achieve satisfactory performance in that course. If at the end of the fall semester or the summer session an incomplete is a factor in determining continuation, it must be satisfactorily completed in time for final grades to be submitted to the registrar no later than the day preceding the first day of classes for the next semester. If the question arises at the end of spring semester, the I must be resolved prior to the first day of classes for the second term of summer session, whether or not the student plans to attend any terms of the summer session. No student who has incomplete course work from both the spring semester and the summer session may continue into the fall semester.

W--Withdrawal from a Course

Students withdraw from courses for a variety of reasons, including medical circumstances. Because withdrawal from a course always requires approval by the student's academic dean, instructors should refer students to their dean to discuss whether a course withdrawal is advisable or permitted. The grade W is used to indicate officially approved withdrawal from a course. In order to withdraw from a course, students must procure a course withdrawal form from their academic dean, secure the signature of the instructor, and return the form to the dean's office. If a student discontinues a course without the permission of the appropriate dean, a grade of F is recorded. Note: The use of W grades only, instead of WP, WF and WE grades, was approved by the faculty, effective Fall 2008, for Trinity, Pratt, the Nicholas School, the Sanford School, the Graduate School, the School of Nursing, and the Engineering Professional students. At this point, the Law School still uses the WP and WF system. In the School of Medicine, a grade of W becomes part of their permanent record. The Grading Policy and procedures required to withdraw from a course can be found in the School of Medicine Bulletin, <http://registrar.duke.edu/university-bulletins/school-medicine>.

W—Medical Leave of Absence

A medical leave of absence may be authorized at any time in the semester before the last day of classes and is authorized by the academic dean if, due to personal health problems, it becomes impossible for a student to continue in courses. Grades of W are issued in each of the student's courses. Medical leaves are not granted once classes have ended. In support of a request to take medical leave, a student must provide a letter from a health professional or therapist.

W, F--Withdrawal from the University

Students who wish to withdraw from the university must give official notification to their academic dean. For students withdrawing from the university on their own initiative prior to specified times (given in the bulletin for each college or school) before the end of the semester, a W is assigned in lieu of a regular grade for each course. Thereafter an F is recorded for each course unless the withdrawal is caused by an emergency beyond the student's control. For additional information, consult the bulletin of the appropriate college or school or the student's academic dean.

Reporting Grades: Trinity College, Pratt School of Engineering, Graduate School, School of Nursing, Nicholas School of the Environment, Divinity School, Fuqua School of Business, Sanford School of Public Policy

At the appropriate times each semester, instructors are notified via email that on-line grading for that semester is open.

The instructor submits the grades, via STORM, to the Office of the University Registrar. All grades must be submitted within forty-eight hours after the final examination is given. Graduating students' grades are due within twenty-four hours after the final examination is given. Grades are available to students via ACES, as soon as they are posted.

Reporting Grades: School of Law

Final grades in all completed courses in the Fall semester shall be recorded by instructors on or before January 15 (or the following Monday should that date fall on a weekend). Final grades in all completed courses in the Spring semester shall be recorded by instructors on or before June 1 (or the following Monday should that date fall on a weekend). In addition, within a reasonable time of receipt of the grades from the instructor and after January 15 for the Fall semester and June 1 for the Spring semester, the Law School will report such grades to the students on the electronic system utilized by the university (e.g. the SISS web-based system currently).

Within a reasonable time after all of the grades for a graduating class have been recorded, usually before September 1st, the following information shall be made available to the graduated students: the GPA cut-off grades to the nearest one hundredth of a point for Cum Laude and Magna Cum Laude respectively. No information concerning the class rank or approximate class rank for any student shall be provided.

Reporting Grades: School of Medicine

The Liaison Committee on Medical Education (LCME) requires that grades be submitted to the Office of the School of Medicine Registrar and made available to students within six weeks of the last day of classes. There is a shorter grade submission period for the last section prior to graduation and for the first section of the fall term for fourth year students, due to the Medical Student Performance Evaluation deadline of October 1.

Midterm Grades for Undergraduates

Midterm grades are required for all first-year students and only those upper-class students who are doing unsatisfactory work (i.e., D or F). Instructors should submit their midterm grades via STORM to the registrar by the date listed on the university schedule. Midterm grades are not recorded on transcripts, but midterm grade reports are available to students, advisors, and academic deans on ACES and STORM.

Grade Changes

It is important to note that with the exception of I grades and X grades, changes in grades may be made by the instructor only because of an error in calculation or an error in transcription. Changes in grades may not be based on the late submission of required work, the resubmission of work previously judged unsatisfactory, or on additional work. No changes may be made in a grade after the end of the semester following the one for which the grade was assigned, although cases of error discovered after the deadline may be appealed by the student or the instructor to the Office of the Provost. The purposes of these regulations are to promote accurate record keeping and careful grade reporting, and to protect instructors from student pressure. The procedures vary slightly in the School of Law as governed by Law School Rule 3-20. In the School of Law, in addition to grade changes on the basis of errors in calculation or transcription, with permission of the Dean, grade changes also may be made on the basis of a compelling reason.

The university requires that changes in grades other than those designated by I or X be indicated in a letter written on departmental letterhead, signed by the instructor, and mailed or faxed directly to the university registrar. Grade change requests may not be delivered by the student. The letter should contain the name of the student, the student's ID number, the semester, the course and section number, the incorrect grade, and the correct grade. The letter must also state that the reason for the change in grade is either an error in calculation or an error in transcription.

School of Medicine Grade Appeal Process: A student wishing to appeal an official grade or comment must present his/her appeal to the course director within two calendar weeks of the grade being posted. If requested as

part of the appeals process, a student should have access to the actual checklists or comments that have been compiled as part of the grade, though identity of the evaluators submitting these data may be kept confidential. If a satisfactory resolution cannot be accomplished, the student may appeal the grade to the Grade Review Panel within two weeks of the meeting with the course director by completing the "Request for Grade Review" form and submitting it to the Office of Curricular Affairs. The Grade Review Panel, designated by the Vice Dean will consist of one basic science faculty, one clinical science faculty, and one advisory dean other than the student's dean, and should be convened ad hoc within one month of receiving the notification of appeal. Both the student and the course director will be asked to present information regarding the appeal.

The Grade Review Panel will review the data related to the student's performance in the course and the grading criteria for the course and will make a recommendation to the Vice Dean regarding preserving or changing the grade. At this time, the Vice Dean will either uphold the decision of the Grade Review Panel or make his/her independent decision relative to the documentation submitted.

If the student is not satisfied with the outcome of the grade appeal process, s/he may appeal to the Dean of the School of Medicine within two calendar weeks of receiving the decision of the Vice Dean. An appeal to the Dean may be made only upon the grounds of improper procedures in the appeals process rather than continued disagreement about the outcome of the process. The Dean will review the data related to the process of the appeal and determine whether the process was valid. If s/he finds the process valid, the decision is final and binding. At this time, the Registrar's office will be notified of the final grade and it will be reflected on the student's permanent record. If the Dean finds the process invalid, a new Grade Review Panel will be convened.

Undergraduate Grade Review Procedure

A student who questions a final grade received in a course should first contact the instructor within thirty days of receiving the grade to discuss the matter. It is the obligation of the instructor to respond in a timely fashion. After meeting with the instructor, if the student still believes the instructor has assigned an inaccurate or unjustified grade, the student should discuss the matter with the Director of Undergraduate Studies. If no satisfactory resolution is reached, the student may make a formal complaint to the Director of Undergraduate Studies in the department or program concerned.

The DUS will present the case to the Chair of the department or program Director (or, in the Sanford School, the senior associate dean), and the two of them will review the case with the instructor involved. If the Chair or the DUS agrees with the instructor that there are no legitimate grounds for which to change the grade, the grade stands as recorded. If the DUS and Chair believe there are grounds to consider a change and the instructor is unwilling to change the grade, the DUS will notify the student that he or she may request a review of the case by writing to the dean of Arts and Sciences or the dean of the Pratt School of Engineering, depending on which college or school offered the course in question. A written request must be submitted before the end of the drop-add period of the semester following that for which the instructor recorded the grade.

The dean will review the case and decide whether there are grounds to convene an ad hoc Committee for Review of Grade. If the dean decides there are no grounds then the grade is not changed.

If the dean decides that there are grounds to proceed, the dean will charge and convene an ad hoc Committee for Review of Grade. The committee shall consist of the dean and two regular rank faculty members from the same division but not the same department (or from different departments in Pratt School of Engineering). The two faculty members of the committee are to be nominated by the appropriate faculty council, either the Executive Committee of the Arts and Sciences Council or the Engineering Faculty Council. This committee will then evaluate and review the case, and the dean may initiate a grade change if that is the recommendation of the committee.

Approved by the Arts & Sciences Council (April 12, 2007) and by the Engineering Faculty Council (April 13, 2007), effective May 17, 2007.

Continuation Requirements

All students must show satisfactory progress toward graduation in order to remain in good academic standing. Consult the appropriate Bulletin for specific semester and annual continuation requirements.

Accommodation of Students with Disabilities

Students with disabilities officially recognized by the University may apply for accommodations, and if they qualify, their instructors will be notified of and are expected to grant them the specific accommodations specified by the Student Disability Access Office.

Scheduling of Classes and Attendance Regulations

Deviations from Regularly Scheduled Class Times

Classes must be met only at the times for which they are regularly scheduled unless prior permission is received from the University Schedule Committee. No class time changes can be made after students are enrolled in the course.

Religious Holidays

In recognition that observances of religious holidays may affect classroom attendance and the submission of graded work, members of the various religious organizations inform the dean of major religious holidays that occur when classes are being held each semester. In the event of a conflict, students wishing to observe a specific religious holiday should request their instructors to arrange for a postponement or makeup of work. If an instructor is unable or unwilling to grant the request, students should consult their academic deans.

In Trinity College and the Pratt School of Engineering, students are expected to notify their instructor that they will miss class in order to observe a religious holiday by completing the secure, online Religious Observance Notification Form, available on T-Reqs, where the procedure is also described in detail. Instructors are expected to accommodate students wishing to observe a religious holiday. Dean's Excuses will not be issued for absences due to observance of religious holidays.

Instructors' Absences

In the event that instructors have legitimate professional commitments that result in absence from class, they should notify both the department chair and the students as early as possible. The class time must be made up by appropriate means to be approved by the department chair or academic dean.

Students' Absences

The university places the responsibility for class attendance upon the student. Students are expected to attend classes regularly and punctually, and to recognize and accept the consequences of failure to attend. Instructors may refer to the appropriate academic dean those students who are causing their work or that of the class to suffer because of their absence or tardiness.

Approved School of Medicine Holidays for Medical Students

Memorial Day; Labor Day; Thanksgiving Day (and the day after Thanksgiving); Christmas Day (and additional days as outlined on school academic calendar); New Year's Day; Martin Luther King, Jr. Holiday; Independence Day.

Excused Absences: Trinity College and the Pratt School of Engineering

Missed work due to absence from class is officially permitted in four circumstances (see below). It is the responsibility of the instructor to determine the arrangements (e.g. early submission of work, an alternative assignment, rescheduling an exam, etc.) to be followed when this occurs.

1. Illness:

- **Short-term illness:** Students notify instructors and their academic deans by means of the [Short-Term Illness Notification Form](#) when they are temporarily incapacitated and hence are unable to attend class or complete an assignment on time. Students submit the STINF on their honor, and are expected to meet with (or otherwise contact) the instructor within 48 hours to discuss how the absence can be accommodated under the circumstances in accordance with the course policy. Instructors are expected to accept their pledge that they are incapacitated.

- [Long-term or chronic illness](#): In cases of long-term or chronic illness/injury, a student's academic dean will send an email notice to his/her instructors authorizing the absence.
- 2. **Personal emergencies known to the dean:** When extraordinary personal emergencies are brought to the attention of the student's academic dean, the dean will generally send an email notice to his/her instructors authorizing the absence.
- 3. **Religious observance:**
If a student anticipates the need to be absent from class due to observance of a religious holiday, they are expected to submit a [Religious Observance Notification Form](#) to the instructor(s) affected **no later than one week prior to the date of the holiday**. Because religious holidays are scheduled in advance, instructors have the right to insist that course work to be missed should be completed prior to an anticipated absence in accordance with the course attendance policy.
- 4. **Varsity athletic participation:**
Varsity athletes, whose athletic travel schedules are governed by strict NCAA rules that apply across all varsity sports and all divisional schools, are recognized as officially representing the University in NCAA varsity athletic competitions away from campus. Accordingly, student athletes are expected to notify their instructors at the beginning of the semester of their status and to submit to them a [Notification of Varsity Athletic Participation Form](#) **no later than one week prior to participation in each varsity athletic competition out of town**. Because varsity athletic events out of town are scheduled in advance, instructors have the right to insist that course work to be missed should be completed prior to an anticipated absence in accordance with the course attendance policy.

Missed work associated with any other absence is not covered by this policy. Students are encouraged, however, to discuss any absence planned or unexpected with their instructors to determine whether accommodation is possible. Instructors are not obligated to accommodate such absences but are expected to make clear in their attendance policy the implications of any such absence.

Absence Due to Severe Weather Policy

Duke University is largely a residential campus. It is for this reason that only under extremely critical weather conditions may classes officially be canceled. In some circumstances, certain categories of staff employees will not be expected to report to work even though classes are held. In other circumstances, classes will be cancelled and only the most essential employees for our residential and health care operations will be expected to report to work. The decision to cancel classes will be made only by the president or the provost and will be explicitly communicated as part of media announcements about severe weather closings.

It is understood that weather conditions may make it impossible for an individual faculty member to conduct a specific class meeting even though classes have not been cancelled university-wide. Faculty members should alert their school or departmental administrative office in this case. The university expects individual instructors who are unable to meet scheduled classes to make appropriate alternative arrangements to meet their teaching obligations.

School of Medicine Severe Weather Attendance Policy: The School of Medicine will handle the cancellation of classes in the following manner: All School of Medicine students will follow the provost's decision in regards to cancellation of classes. If classes are cancelled, students should not report for any medical school activities (classes, labs, clinical assignments, etc.). If students are in classes/rotations when the severe weather policy is implemented, they should leave when classes are cancelled. Course directors, mentors, and faculty are aware of this policy so that individual decisions should not be made. These decisions can be determined by calling 684-INFO or by visiting the School of Medicine Office of the Registrar's website at <https://medschool.duke.edu/education/student-services/office-registrar>, <http://emergency.duke.edu/>, or <http://today.duke.edu/>. Please note that 684-INFO and <http://emergency.duke.edu/> are considered the official communication for inclement weather announcements.

Statement of Harassment of Students Policy

The university has adapted a harassment policy that applies to all members of the university community. This policy and the procedures for resolution of harassment claims may be found in Appendix W. The Student Sexual Misconduct Policy addresses reports of sexual misconduct committed by students and can be found at <https://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix>.

Student Assistants

Undergraduate

Faculty members wishing to employ undergraduate students as assistants should consult their department chair in Arts and Sciences, Engineering, and Medicine, or dean in other professional schools.

Trinity College has formulated guidelines regarding use of undergraduate teaching assistants including tasks, selection, training, supervision and mentoring, evaluation, and compensation that are to be followed by all departments and faculty. These guidelines may be viewed on T-Reqs.

Graduate

Graduate pre-doctoral candidates with special training and qualifications are frequently appointed to serve as either research or teaching assistants to individual faculty members in certain departments and schools. The nature of the work assigned to an assistant and amount of time spent at it vary. Faculty members should consult their chair or dean concerning the expected duties of such assistants.

College Work-Study

Employment of students under the federal College Work-Study Program must be arranged through the applicable financial aid office to assure compliance with the regulations governing that program.

Academic Advising, Trinity College and the Pratt School of Engineering

The undergraduate advising system places responsibility on the students for their academic progress, but provides assistance whenever it is needed. In addition to the formal advising system, described below, most faculty members also advise on an informal basis.

The orientation and pre-matriculation advising of undergraduates are handled by the college and school. Subsequent advising differs for Trinity College of Arts and Sciences and the Pratt School of Engineering. Before declaring a major in Trinity College, students confer regularly in the Trinity College Academic Advising Center or in faculty offices with their academic advisers, with the academic deans for pre-major students, and, as needed, with pre-professional advisers. Each student selects a department/ program major, interdepartmental major, or Program II in the second, third, or fourth undergraduate semester. After the major is chosen, the responsibility for advising rests with the major department; the academic deans for the various divisions are also available for consultation. Faculty members may be called upon by the dean of academic affairs, the department chair, or both, to do formal academic advising either in the Trinity College Academic Advising Center or within the department.

Undergraduates who desire certification as teachers should be referred to the advisers in the Program in Education as early as possible for advice in planning their program so that they will be eligible for student teaching to meet certification requirements. Each year some upper-class students find that they cannot qualify because they did not begin their planning early enough.

Within the Pratt School of Engineering, students are assigned to faculty advisers who help them plan a suitable program from the time of entrance to the school. Efforts are made to maintain continuity by assigning the same advisers each year, but changes are possible upon request. Advising appointments are necessary at each registration. The deans of the college and school continuously monitor academic records. They also advise students on their academic progress.

Student Personal and Professional Advisory System for M.D. Program Students *The advisory dean system is the heart of the Office of Student Affairs. Developed in 1986 in response to the need for personal advising in a highly elective curriculum, it is the current mission of the advisory program to:*

- help each medical student derive the maximum benefit of his/her medical school experience and opportunities
- promote the personal, academic, and professional development of each student
- aid each student in making deliberate and thoughtful curricular and career decisions
- promote each student toward his/her future endeavors, and
- celebrate with students the milestones of personal and professional growth

Education Records

Family Education Rights and Privacy Act

Under the Family Educational Rights and Privacy Act of 1974 (FERPA), students are given three primary rights. Students have the right to:

- Inspect and review their records.
- Have some control over the disclosure of information from their education records.
- Seek to amend incorrect education records.

Faculty should be aware of these rights and how they pertain to their interactions with students. Care should be taken to protect any student information in their possession. This could be protecting any printed materials with student information from public display. Care should be taken in computer monitor placement when accessing student information in a public or visible area. Faculty should also take care when having verbal conversations that involve students/student information.

Faculty writing letters of recommendations should be aware of FERPA implications. First, if any grade, grade point average (GPA), or any other confidential information is to be included in the letter of recommendation, written permission of the student must be gained. Also, since students have the right to inspect and review their educational records, faculty should be aware that anything written in a letter of recommendation could be viewed, upon request, by the student, unless the student specifically waives the right to view.

The complete university policy on student records is attached to this handbook as Appendix R.

Evaluation of Faculty by Students

The academic administration of the university urges strongly that each member of the faculty administer an evaluation in each class at the end of each semester. Departments and professional schools are free to prepare and use any evaluation form.

Trinity College

The College provides to the departments teacher course evaluation forms that the faculty are to distribute to the students in their courses each semester. The completed forms are gathered by a student in the class and taken to the departmental office. All the forms from a department are transmitted to the Office of Assessment for Trinity College, which is responsible for scanning the forms and producing a report for each individual course and for the department as a whole which are sent to the department for distribution to their faculty. The Office of Assessment inquires all faculty whether they desire the evaluation data for their course(s) to be available to students through the ACES website and provides an opportunity for faculty to comment on the student evaluation of their course.

Services Provided by the Division of Student Affairs

studentaffairs.duke.edu

The Division of Student Affairs encompasses a wide array of departments, programs and services, primarily focused on student programs and services. Some areas such as Duke Dining and Event and Production Services also provide services to visitors, departments and other members of the larger Duke community.

Departments in Student Affairs are critically engaged in all aspects of students' lives – housing, feeding, healing, challenging, counseling, and educating them throughout their time at Duke. Overseen by the vice president for student affairs, the education and direct service departments in the Division include:

Campus Life - education, advocacy and support for Duke students through advising, leadership development and experiential education. studentaffairs.duke.edu/campuslife

Career Center - career services for students and alumni up to four years after graduation enrolled in or graduated from Arts & Sciences, Pratt School of Engineering and The Graduate School. For more information, visit studentaffairs.duke.edu/career

Case Management - provides comprehensive outreach services to identify and support students in managing all aspects of their wellbeing. studentaffairs.duke.edu/case-management

Center for Sexual and Gender Diversity - provides education, advocacy, support, mentoring, academic engagement, and space for lesbian, gay, bisexual, pansexual, transgender, transsexual, intersex, questioning, queer and allied students, staff and faculty at Duke. For more information, visit studentaffairs.duke.edu/csgd

Center for Multicultural Affairs - community engagement, multicultural education and leadership development for students. For more information, visit studentaffairs.duke.edu/cma

Counseling & Psychological Services (CAPS) - mental health services and outreach education for students; consultations with faculty and staff regarding student concerns. For more information, visit studentaffairs.duke.edu/caps

Dean of Students - 24/7 response to emergency situations involving students; DukeReach program to assist faculty in finding help for students in need; general consultation to staff and faculty on student issues. For more information, visit studentaffairs.duke.edu/dos

Duke Dining - campus dining venues for the Duke community. For more information, visit studentaffairs.duke.edu/dining

Event and Production Services – planning services and equipment for the Duke community in support of meetings, conferences and special events; space reservations; scenic design and construction services; University box office and ticketing services; media production and broadcasting services. For more information, visit events.duke.edu/.

Fraternity & Sorority Life - leadership development and advising of Greek student organizations and communities. For more information, visit studentaffairs.duke.edu/greek.

Housing and Residence Life - programs and facilities supporting student residential communities. For more information, visit studentaffairs.duke.edu/hdrf.

Housing, Dining and Conference Services-Duke Marine Lab - residential and dining services for students and conferences at Duke's Marine Lab in Beaufort, NC.

International House - services and advocacy for international students and scholars. For more information, visit studentaffairs.duke.edu/ihouse.

Jewish Life at Duke - social, educational, religious and cultural activities in support of Jewish life on campus. For more information, visit studentaffairs.duke.edu/jewishlife.

Mary Lou Williams Center for Black Culture - community engagement, social and educational activities focused on Black history and culture. For more information, visit studentaffairs.duke.edu/mlw.

Muslim Life at Duke - social, educational, and religious activities in support of Muslim life. For more information, visit studentaffairs.duke.edu/muslimlife

New Student Orientation - transition programs for new undergraduates, For more information, visit studentaffairs.duke.edu/new-students.

Parent & Family Programs - programs and services for parents of Duke undergraduates. For more information, visit studentaffairs.duke.edu/parents

Student Conduct - student honor code education (Duke Community Standard), investigation and resolution of alleged violations of university policies by students. For more information, visit studentaffairs.duke.edu/conduct

Student Health - student primary care, nutrition counseling, travel/immunization clinics and management of the student health insurance program. For more information, visit studentaffairs.duke.edu/studenthealth

Student Wellness Center - individual wellness planning, substance abuse education for individual students and student organizations. For more information, visit studentaffairs.duke.edu/duwell.

University Center Activities and Events (UCAE) - student activities and facilities operations for student life, student organization advising and financial oversight, event planning, student leadership development. Also see Event and Production Services. For more information, visit studentaffairs.duke.edu/ucae

Women's Center - services and advocacy around issues of gender equity and social change. For more information, see studentaffairs.duke.edu/wc.

Office of the Vice President - student concerns and emergencies; policies and processes related to student residential and co-curricular life; residential and student social space facilities; administrative operations for the Division. For more information, visit studentaffairs.duke.edu/ovp.

CHAPTER 7: UNIVERSITY LIBRARIES

The Duke University Libraries includes the six libraries of the main library system and the libraries affiliated with the Divinity School, the Fuqua School of Business, the Law School and Duke Health. Faculty can borrow books and journals from any campus library and can use most electronic resources, including electronic journals and databases, from anywhere on or off campus. The Web site at <http://library.duke.edu> is a gateway to all of the campus libraries, providing access to records of print and electronic materials as well as online forms and information about a variety of services.

Duke faculty (and students) also have borrowing privileges at the libraries of North Carolina Central University, North Carolina State University, and the University of North Carolina at Chapel Hill. These reciprocal privileges are a benefit of the libraries' membership in the Triangle Research Libraries Network, one of the oldest academic library consortia in the United States. The four TRLN library systems also cooperate in collection-building and preservation and the purchase of various online databases and services.

Services Available to Faculty at Every Duke Library

The descriptions below are intended only as a general overview. Contact the library most convenient to you for more complete information about these and other services.

Checking out books and journals

At most Duke libraries, members of the faculty may borrow books for one year. *However, any book requested by another borrower is subject to recall after two weeks.* Renewal policies vary among the libraries. Faculty members may borrow materials from any campus library and return them to that location or any other campus library. Alternatively, faculty may also request that materials be shipped to any library they specify for convenient pick-up.

At most campus libraries, research and teaching assistants may check out books on a faculty member's account with the faculty member's written permission. Consult staff at individual libraries to obtain forms and information about policies and procedures.

Journals, which typically are restricted to library use, are available for overnight checkout to members of the faculty. Consult staff at individual libraries for specific information about journal circulation.

Please note that the circulation policies at the Medical Center Library vary considerably from those of the other campus libraries. Faculty who are members of departments outside the medical center should call 660-1100 or visit the library's Web site at <https://mclibrary.duke.edu/> for more information.

Reserving materials for course use

Guidelines for reserving materials for class use as well as submission forms for books, e-reserves, and videos are available at http://library.duke.edu/research/reserves/reserves_guidelines.html. These guidelines apply at Perkins Library. Contact the Divinity Library, the J. Michael Goodson Law Library, the Medical Center Library and the Ford Library at Fuqua to reserve materials at those libraries for your classes.

Document Delivery

The Document Delivery and interlibrary loan service, offered at each campus library, obtains books, microforms, dissertations, journal articles, reports, and other materials not available on campus.

Reference/Research Assistance

Librarians at public service desks offer general and specialized assistance in the use of electronic and print sources and document retrieval. In addition to working with faculty at these service desks, reference librarians also assist users via telephone, email, chat reference, and IM. Chat reference assistance and IM are accessible from the libraries' Web site at <http://library.duke.edu/services/ask/>.

Instructional Services and Resources for Classes and Labs

Librarians offer a range of services to faculty and their students, including workshops, creation of course-related Web pages and preparation of subject guides. Details are available at <http://library.duke.edu/services/instruction/>.

Assistance with innovative use of technology in teaching and other work with students

The Center for Instructional Technology, a division of the Duke University Libraries, supports the university's academic mission by helping faculty find innovative ways to use technology to achieve their teaching goals. For more information about the CIT and its activities, including Sakai course management system support, go to <http://cit.duke.edu/>.

Assistance with copyright and other scholarly communication issues

The university's director of copyright and scholarly communications, a member of the libraries' staff, is available to assist faculty and students regarding copyright use and ownership of digital and print material.

Library Profiles

Divinity School Library

The Divinity School Library serves the university with collections ranging across the entire spectrum of religions of the world. Areas of particular strength include Biblical studies, Christian theology, American Christianity, Methodism, religious art and architecture, mysticism, and archaeology of the Near East. The library has significant and growing collections in Judaism, Islam, and Buddhism as well.

Materials selection reflects the curricular offerings of the Divinity School and the Department of Religion at both the undergraduate and graduate levels as well as supporting the research programs of the faculty of both divisions and doctoral candidates in the fields of religion and theology. The faculty is welcome to send purchase requests to the library director.

Information about the Divinity School Library, including circulation policies and reference and instructional services, may be found on the library's Web site at <http://library.duke.edu/divinity>.

The Ford Library at the Fuqua School of Business

The Ford Library occupies a 21,000 square foot facility in Breeden Hall that features 225 reader spaces, a database instruction center, and the J.B. Fuqua collection, an archive of materials about the school's primary benefactor. The library houses the principal business collections for the university, comprising thousands of print books and journals and a comprehensive collection of e-books and e-journals. The library also offers a comprehensive career collection and an extensive media collection, including audio books on a wide range of topics. In addition, the Ford Library offers the latest technology in online business information and dozens of databases for business research, most of which are available to Duke faculty members campus wide.

While the Ford Library's collection is tailored to the curriculum strengths and research interests of the Fuqua School of Business, faculty members and researchers throughout the university are welcome to borrow library materials. Important areas of the collection are accounting, entrepreneurship, finance, health sector management, global business management, managerial economics, marketing, organizational behavior, and operations management. Recent acquisitions include key business issues in the curriculum, such as leadership, ethics, and the social responsibility of business.

Duke University faculty have access to subscription databases from major business information producers such as Bloomberg, Capital IQ, Euromonitor, Factiva, Forrester, Frost & Sullivan, Lexis-Nexis, Marketline, Mintel, OneSource, ProQuest, Standard & Poors, and Thomson. These databases contain information on companies, industries, and other topics of interest to business students and faculty.

Additional information about the Ford Library may be obtained from library's Web site at <http://library.fuqua.duke.edu/index.html>.

Medical Center Library & Archives (MCLA)

The Medical Center Library & Archives provides access to biomedical resources including more than 300,000 volumes of print books and bound journals as well as medical, nursing, and health sciences electronic journals and databases. The Medical Center Archives collects and preserves the institutional records and history of Duke Medicine through faculty papers as well as administrative and departmental documents. MCLA's collection supports Duke Health's mission and programs, including those of the schools of medicine and nursing, Duke Hospital and Clinics, and the research enterprise. However, faculty, students and staff across the university have access to these educational and research resources.

MCLA provides a variety of services to assist faculty and students in using biomedical resources. In addition to its traditional reference services, the MCLA offers in-depth consultations to assist patrons with identifying the most relevant information resources, searching the literature, evaluating results, and learning how to use specific databases and information tools. Education services include tours and orientations, drop in classes on the use of the library and customized training sessions for departments and schools. Evidence-based medicine training is also available for faculty, students and clinical staff.

The MCLA Web page is the virtual gateway for those seeking biomedical resources and services. The MCLA has developed specialized subject guides including clinical tools and nursing tools pages, online tutorials, and evidence-based medicine resources. The Web site, <http://www.mclibrary.duke.edu/>, also provides more details about and links to library services.

J. Michael Goodson Law Library

The law library serves not only as a library for the law faculty and students, but as a law library for the entire Duke community. It is a major research collection of legal literature that includes reported decisions of federal and state courts, current and retrospective collections of federal and state codes, regulations, and session laws accessible electronically and in print. A full range of print and electronic indexes and other finding tools provide access to the primary sources. An increasing number of electronic databases for both general and specialized legal research are available to researchers.

The periodical collection includes current and retrospective access to all major law journals, bar association publications, institute proceedings, and newsletters. A large section of the library collection is devoted to treatises on all phases of law and law's intersections with other disciplines. Special treatise collections are maintained in several subject areas, including the Floyd S. Riddick Parliamentary Collection, the Richard E. Thigpen Tax Collection, and the Christie collection in jurisprudence. The library is a selective depository for United States government publications, with concentration on congressional, judicial, and administrative law materials.

In addition to its U.S. holdings, the library holds substantial research collections in foreign and international law. The foreign law collection is extensive in coverage, with long-standing concentrations in European law and business law materials, and growing collections in Asian and Latin American law. The international law collection is strong in primary source and treatise material on both private and public international law topics.

More information about the collections and services at the Goodson Law Library can be found on the library's website at <http://www.law.duke.edu/lib/>.

Duke University Library System

The Perkins Library, Bostock Library, David M. Rubenstein Rare Book and Manuscript Library, and von der Heyden Pavilion form the university's main library complex. The collections support the social sciences, humanities, biological and environmental sciences, chemistry, engineering, mathematics, physics, computer science, and astronomy/astrophysics. In addition, there are extensive collections from and about East and South Asia, Latin America, Africa, Europe, and the United States as well as one of this country's largest collections of Canadiana. Complementing the print collections are electronic resources, including tens of thousands of e-journals, databases, and statistical tools. The library is a depository for United States, North Carolina, and European Community documents.

The Libraries' Digital Collections Program builds distinctive digital collections that provide access to Duke's unique library and archival materials for teaching, learning, and research at Duke and worldwide. Particular digital collection strengths include: advertising and consumer culture, documentary photography and film, Duke

University and Durham history; African American history, women's history, transcultural experiences, and art, literature, and music. To browse the collections and related resources, visit <http://library.duke.edu/digitalcollections/>.

The holdings of the *David M. Rubenstein Rare Book & Manuscript Library* range from ancient papyri to the records of contemporary advertising agencies. The collections support research in a wide variety of disciplines and programs, including African American studies, anthropology, classics, economics, history, literature, political science, religion, sociology, and women's studies. Among the areas of particular strength are the history and culture of the U.S. South, English and American literature, history of economic theory, history of medicine, African American history and culture, British and American Methodism, human rights and social justice, women's history and culture, and the history of modern advertising.

The *Duke University Archives* – part of the Rubenstein Library – is the official repository for records of the university, collecting, preserving, and administering materials that have continuing administrative or historical value. In cooperation with the Graduate School and other campus units, the University Archives manages DukeSpace, a digital repository for electronically submitted dissertations, master's papers, university records, and other related content. For more information, please see <http://dukespace.lib.duke.edu/dspace/>.

The *Lilly Library* on East Campus houses the university's research collections for the visual arts, art history, philosophy, and theater studies plus Duke's collection of more than 25,000 international and interdisciplinary feature films and documentaries and experimental and animated productions. Request videos for a classroom showing or place videos on reserve for the semester by submitting forms at <http://library.duke.edu/lilly/film-video/reserve-form.html>. Please allow three (3) working days for the processing of your request.

The *Music Library*, also on East Campus, has a rapidly expanding collection of music scores, books, journals and music-related media, encompassing more than 120,000 print items and 25,000 sound recordings in various formats. The music collection supports teaching and research in musicology, historical performance practice, and composition. Additional strengths include keyboard music (monographs as well as scores), music and art, and musical instruments.

The *Pearse Memorial Library* is located in Beaufort, North Carolina, at the Duke Marine Laboratory. Its holdings are in marine sciences and policy-related aspects of the marine environment.

The *Library Service Center* (LSC) is an off-site, high-density library repository designed to support the ever expanding growth of the Libraries' various collections. The center is located a short drive from the main campus off Highway 147 and I-40. The LSC has a robust document delivery service available for all circulating material. Materials requested through the library catalog are retrieved and delivered within 24 hours Monday through Saturday morning.

The *Center for Instructional Technology* (CIT) is also a division of the Duke University Libraries. The CIT supports the university's academic mission by helping faculty find innovative ways to use technology to achieve their teaching goals. Drawing on expertise in both technology and pedagogy, CIT staff assist faculty with projects, share information across the university about effective practices, and examine the effect of technology on teaching and learning.

APPENDIX A: GOVERNING DOCUMENTS

In this Appendix:

University's Mission Statement	1
The Indenture of Trust	1
Amended and Restated Charter of Duke University	4
The Bylaws of the University	6

University's Mission Statement

Approved by the Duke University Board of Trustees October 1, 1994, and revised February 23, 2001, the Mission Statement for Duke University reads as follows:

James B. Duke's founding Indenture of Duke University directed the members of the University to "provide real leadership in the educational world" by choosing individuals of "outstanding character, ability and vision" to serve as its officers, trustees and faculty; by carefully selecting students of "character, determination and application;" and by pursuing those areas of teaching and scholarship that would "most help to develop our resources, increase our wisdom, and promote human happiness."

To these ends, the mission of Duke University is to provide a superior liberal education to undergraduate students, attending not only to their intellectual growth but also to their development as adults committed to high ethical standards and full participation as leaders in their communities; to prepare future members of the learned professions for lives of skilled and ethical service by providing excellent graduate and professional education; to advance the frontiers of knowledge and contribute boldly to the international community of scholarship; to promote an intellectual environment built on a commitment to free and open inquiry; to help those who suffer, cure disease and promote health, through sophisticated medical research and thoughtful patient care; to provide wide ranging educational opportunities, on and beyond our campuses, for traditional students, active professionals and life-long learners using the power of information technologies; and to promote a deep appreciation for the range of human difference and potential, a sense of the obligations and rewards of citizenship, and a commitment to learning, freedom and truth.

By pursuing these objectives with vision and integrity, Duke University seeks to engage the mind, elevate the spirit, and stimulate the best effort of all who are associated with the University; to contribute in diverse ways to the local community, the state, the nation and the world; and to attain and maintain a place of real leadership in all that we do.

Adopted by the Board of Trustees on February 23, 2001.

The Indenture of Trust

Among the provisions of James B. Duke's Indenture of Trust was an educational institution to be known as Duke University, to the building and support of which he made provision at the time of execution of the Indenture and later by additions thereto by the operation of his will. In respect to Duke University the Indenture contains the following provisions:

I. (In Article FOURTH) The Trustees hereunder are hereby authorized and directed to expend as soon as reasonably may be a sum not exceeding Six Million Dollars of the corpus of this trust in establishing at a location to be selected by them within the State of North Carolina an institution of learning to be known as Duke University, for such purpose to acquire such land and erect and equip thereon such buildings according to such plans as the Trustees may in their judgment deem necessary and adopt and approve for the purpose, to cause to be formed under the laws of such state as the Trustees may select for the purpose a corporation adequately empowered to own and operate such properties under the name of Duke University as an institution of learning according to the true intent hereof, and convey to such corporation when formed the said lands, buildings and equipment upon such terms and conditions as that such corporation may use the same only for such purposes of such University and upon the same ceasing to be so used then the same shall forthwith revert and belong to the Trustees of this trust as and become a part of the corpus of this trust for all purposes thereof.

However, should the name of Trinity College, located at Durham, North Carolina, a body politic and incorporate, within three months from the date hereof (or such further time as the Trustees hereof may allow) be changed to Duke University, then, in lieu of the foregoing provisions of this division "FOURTH" of the Indenture, as a memorial to his father, Washington Duke, who spent his life in Durham and whose gifts, together with those of Benjamin N. Duke, the brother of the party of the first part and of other members of the Duke family, have so largely contributed toward making possible Trinity College at that place, he directs that the Trustees shall expend of the corpus of this trust as soon as reasonably may be a sum not exceeding Six Million Dollars in expanding and extending said University, acquiring and improving such lands, and erecting, removing, remodeling and equipping such buildings, according to such plans, as the Trustees may adopt and approve for such purpose to the end that said Duke University may eventually include Trinity College as its undergraduate department for men, a School of Religious Training, a School for Training Teachers, a School of Chemistry, a Law School, a Coordinate College for Women, a School of Business administration, a Graduate School of Arts and Sciences, a Medical School, and an Engineering School, as and when funds are available.

II. (In Article FIFTH) Thirty-two percent of said net amount not retained as aforesaid for addition to the corpus of this trust shall be paid to that Duke University for which expenditures of the corpus of the trust shall have been made by the Trustees under the "Fourth" division of this Indenture so long as its name shall be Duke University and it shall not be operated for private gain, to be utilized by its Board of Trustees, in defraying its administration and operating expenses, increasing and improving its facilities and equipment, the erection and enlargement of buildings and the acquisition of additional acreage for it, adding to its endowment or in such other manner for it as the Board of Trustees of said institution may from time to time deem to be to its best interests, provided that in case such institution shall incur any expense or liability beyond provisions already in sight to meet same, or in the judgment of the Trustees under this Indenture be not operated in a manner calculated to achieve the results intended hereby, the Trustees under this Indenture may withhold the whole or any part of such percentage from said institution so long as such character of expense or liabilities or operations shall continue, such amounts so withheld to be in whole or in part either accumulated and applied to the purposes of such University in any future year or years, or utilized for the other objects of this Indenture, or added to the corpus of this trust for the purpose of increasing the principal of the trust estate, as the Trustees may determine.

III. (In Article SEVENTH) I have selected Duke University as one of the principal objects of this trust because I recognize that education, when conducted along sane and practical, as opposed to dogmatic and theoretical, lines, is, next to religion, the greatest civilizing influence. I request that this institution secure for its officers, trustees, and faculty men of such outstanding character, ability, and vision as will insure its attaining and maintaining a place of real leadership in the educational world, and that great care and discrimination be exercised in admitting as students only those whose previous records show a character, determination, and application evincing a wholesome and real ambition for life. And I advise that the courses at this institution be arranged, first, with special reference to the training of preachers, teachers, lawyers and physicians, because these are most in the public eye, and by precept and example can do most to uplift mankind, and second, to instruction in chemistry, economics, and history, especially the lives of the great of the earth, because I believe that such subjects will most help to develop our resources, increase our wisdom and promote human happiness.

IV. (In Article THIRD) As respects any year or years and any purpose or purposes for which this trust is created (except the payments hereinafter directed to be made to Duke University), the Trustees in their uncontrolled discretion may withhold the whole or any part of said incomes, revenues and profits which would otherwise be distributed under the "Fifth" division hereof, and either (1) accumulate the whole or any part of the amount so withheld for expenditures (which the Trustees are hereby authorized to make thereof) for the same purposes in any future year or years, or (2) add the whole or any part of the amounts so withheld to the corpus or the trust, or (3) pay, apply and distribute the whole or any part of said amounts to and for the benefit of any one or more of the other purposes of this trust, or (4) pay, apply and distribute the whole or any part of said amounts to or for the benefit of any such like charitable, religious or educational purpose within the State of North Carolina and/or the State of South Carolina, and/or any such like charitable hospital purpose which shall be selected therefore by the affirmative vote of three-fourths of the then Trustees at any meeting of the Trustees called for the purpose, complete authority and discretion in and for such selection and utilization being hereby given the Trustees in the premises.

Amended and Restated Charter of Duke University

Section 1. That A.P. Tyer, J.H. Southgate, B.N. Duke, G.A. Oglesby, V. Ballard, J.A. Long, J.F. Bruton, J.N. Cole, F.A. Bishop, J.G. Brown, C.W. Toms, J.W. Alspaugh, W.R. Odell, J.A. Gray, F. Stikeleather, Kope Elias, S.B. Turrentine, P.H. Hanes, T.F. Marr, G.W. Flowers, M.A. Smith, R.H. Parker, W.J. Montgomery, F.M. Simmons, O.W. Carr, R.A. Mayer, N.M. Journey, Dred Peacock, B.B. Nicholson, W.G. Bradshaw, E.T. White, T.N. Ivey, J.B. Hurley, R.L. Durham, W.C. Wilson, and their associates and successors shall be, and continue as they have been, a body politic and corporate under the name and style of "DUKE UNIVERSITY," and under such name and style shall have perpetual existence and are hereby invested with all the property and rights of property which now belong to the said corporation, and said corporation shall henceforth and perpetually, by the name and style of "DUKE UNIVERSITY," hold and use all the authority, privileges, and possessions it had or exercised under any former title and name, and be subject to all recognized legal liabilities and obligations now outstanding against such corporations.

Section 2. That the purposes for which such corporation is organized are to acquire, own, operate, provide, maintain and perpetuate an institution of higher learning or other institutions of learning and all properties, facilities and services necessary or appropriate in connection therewith; to acquire, own, operate, provide, maintain and perpetuate hospital facilities to serve and benefit the general public; to acquire, own, operate, provide, maintain and perpetuate such other institutions, organizations, associations, clinics, corporations, partnerships, properties, facilities and services as are appropriate in furtherance of the educational, charitable, scientific, literary or public service purposes; and generally to have and exercise all powers granted to nonprofit corporations under the laws of the State of North Carolina for any lawful education, charitable, scientific, literary, or public service purposes; Provided, however, that notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended (or the corresponding provision of any future United States Internal Revenue law) or (b) by a corporation, contributions to which are deductible under Sections 170(c)(2), 2055 and 2522 of the Internal Revenue Code of 1954, as amended (or the corresponding provisions of any future United States Internal Revenue law).

Section 3. That the Trustees shall be thirty-seven in number, thirty-six of whom shall be elected. The President of the University shall be the thirty-seventh trustee, serving *ex officio*. Of the thirty-six elected trustees, twenty-four shall be elected by the Board of Trustees, and twelve shall be elected by the graduates of said University. The term of office of elected Trustees shall be six years. The Trustees shall regulate by bylaws the manner of election and removal of the Trustees.

Section 4. That the said corporation shall be under the supervision, management and government of a president and such other persons as said Trustees may appoint; the said president, with the advice of the other persons so appointed, shall from time to time make all needful rules and regulations for the internal government of said University and prescribe the preliminary examination and the terms and conditions on which pupils shall be received and instructed.

Section 5. That said Trustees shall have power to make such rules, regulations and bylaws and to take such other action not inconsistent with the Constitution of the United States and of the State of North Carolina as may be necessary or appropriate for the good government of the corporation and its various operations and management of the property and funds of the same, and to exercise all powers granted to nonprofit corporations under the laws of the State of North Carolina.

Section 6. That the Trustees shall have power to fix the time of holding their annual and other meetings, to elect a president and professors for said University, to appoint an executive committee to consist of not less than seven members, which committee shall control the internal regulations of said University and fix all salaries and emoluments, and to do all other things necessary for an institution of learning not inconsistent with the laws of this State and of the United States.

Section 7. That the Faculty and Trustees shall have the power of conferring such degrees and marks of honor as are conferred by colleges and universities generally; and that five trustees shall be a quorum to transact business.

Section 8. Upon the dissolution of the corporation or the winding up of its affairs, the assets of the corporation shall be distributed exclusively to educational, charitable, religious, scientific, literary, or other organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code and the Regulations thereunder as they now exist or as they may hereafter be amended.

Section 9. That all laws and parts of laws or of the Charter heretofore granted which are in conflict with this act are hereby repealed.

Section 10. That this act shall be in force from and after its ratification and acceptance by the Board of Trustees.

Section 11. That said Corporation shall have no members.

The Restated Charter of Duke University was adopted by the Board of Trustees of Duke University on September 26, 1986, and was filed with the Secretary of State of North Carolina on January 27, 1987. The Restated Charter was amended on May 15, 1992, by the addition of a new Section 11, and was filed with the Secretary of State of North Carolina on June 18, 1992. An Amended and Restated Charter amending SECTION 3, was approved by the Board of Trustees on May 12, 2012, and was filed with the Secretary of State of North Carolina on October 9, 2012. This Amendment and Restatement amended SECTION 3, was approved by the Board of Trustees on May 13, 2016, and is effective July 1, 2016.

The Bylaws of the University

ARTICLE I. AIMS

1. The aims of Duke University (the “University”) were originally set forth in a statement that President John C. Kilgo wrote for Trinity College in 1903. Kilgo’s statement, which grounded the University’s purposes in the Christian tradition of intellectual inquiry and service to the world, was adapted for Duke University upon its establishment in 1924. Recognizing its origin in this tradition, its continuing relationship to The United Methodist Church, and the diverse constituency that has developed since its founding, the University is committed to creating a rigorous scholarly community characterized by generous hospitality toward diverse religious and cultural traditions. The University therefore pursues the following aims: to foster a lively relationship between knowledge and faith; to advance learning in all lines of truth; to defend scholarship against all false notions and ideals; to develop a love of freedom and truth; to promote a respectful spirit of dialogue and understanding; to discourage all partisan and sectarian strife; and to further the advancement of knowledge in service to society. The affairs of the University will always be guided by these ends.

ARTICLE II. BOARD OF TRUSTEES

1. Powers. All powers of the University shall be vested in a Board of Trustees (“Board”) consisting of thirty-six elected members (“Trustees”) and the President of the University, *ex officio*.

2. Election of Trustees. The thirty-six elected Trustees shall be elected as follows: twenty-four by the Board of Trustees of the University, and twelve by the graduates of the University. Any student, faculty member, alumnus, Trustee, or friend of the University may propose candidates for consideration. A roster of such candidates shall be retained on file in the office of the University Secretary, and it shall be reviewed whenever vacancies are expected to occur. The Executive Committee shall make its recommendations of Trustee candidates to the Board of Trustees, and the Board, after considering the recommendations of the Executive Committee, and by a majority of the Trustees present at any regular meeting, shall elect the Trustees scheduled for election by the Board of Trustees, and nominate the persons scheduled for election by the graduates of the University and submit those nominations to the graduates for election.

Except as provided elsewhere herein, no person who is an employee of Duke University or any subsidiary or affiliate thereof eligible for benefits as such employee shall be elected a Trustee.

3. Term and Length of Service. The term of office of a Trustee shall be six years, beginning on the first day of July following election. No person shall serve more than two consecutive six-year terms, with renewed eligibility for election to the Board following not less than two years’ absence of membership.

4. Vacancies. Any vacancy in the membership of the Board may be filled for the remainder of that fiscal year by a majority vote of the Trustees present at a regular meeting of the Board from the roster of candidates retained on file in the office of the University Secretary. After completing service for the remainder of the fiscal year, the trustee may serve two consecutive six-year terms as provided in II.3. above.

5. Retirement. A Trustee shall retire on the first day of July after attaining the age of seventy-two years.

6. Emeritus. The Board may elect a retiring Trustee a Trustee Emeritus. Trustees Emeriti shall be entitled to receive notice of all meetings of the Board and attend and participate in designated meetings, but shall not have the right to vote. Trustees Emeriti may be invited by the Chair of the Board to sit as a member of any committee other than the Executive Committee.

7. Removal. Any Trustee who may refuse or neglect to discharge the duties of a Trustee may be removed by the affirmative vote of three-fourths of the members of the entire Board of Trustees.

ARTICLE III. MEETINGS OF THE BOARD

1. Annual Meeting. Annual meetings of the Board of Trustees shall be held on the day next preceding the day on which the graduation exercises take place.

2. Regular Meetings. Unless otherwise provided by the Board, regular meetings of the Board shall be held on the Friday preceding the day on which Founders' Day is celebrated, the first Friday in December, and the last Friday in February.

3. Special Meetings. Special meetings shall be held upon the call of the Chair, or upon written request of twelve or more Trustees addressed to the Secretary, with a copy to the Chair specifying the business to be transacted at the meeting.

4. Notice. The Secretary shall give at least five days' notice by U.S. mail or one day's notice by telephone or electronic message to each member of the Board stating the time and place of all meetings and the purpose of any special meetings.

5. Place. All meetings of the Board of Trustees shall be held at Duke University in the City of Durham, North Carolina, except that the Trustees may hold one meeting a year at another location if they are also holding a retreat at that location.

6. Quorum. A majority of the then members of the Board of Trustees shall be a quorum for the transaction of business. A Trustee shall be deemed present at a meeting of the Board of Trustees if that Trustee participates in the meeting through the use of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other.

7. Presumption of Assent. A Trustee who is present at a meeting of the Board of Trustees at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless that Trustee's contrary vote or abstention is recorded or that Trustee's dissent or abstention is otherwise entered in the minutes of the meeting or unless that Trustee shall file a written dissent or abstention to such action with the person acting as secretary of the meeting before the adjournment thereof or shall forward such dissent or abstention by registered mail to the University Secretary immediately after the adjournment of the meeting. Such right to dissent or abstention shall not apply to a Trustee who voted in favor of such action.

8. Action Without a Meeting. Any action required or permitted to be taken by the Board of Trustees at a meeting may be taken without a meeting by unanimous consent of all Trustees represented by one or more written consents describing the action so taken, signed by each Trustee, and filed with the University Secretary and included in the corporate minutes or filed with the corporate records. For the purpose of this Article III.8., "written consents" shall include consents by members of the Board of Trustees in electronic form and delivered by electronic mail.

ARTICLE IV. OFFICERS OF THE BOARD

1. Officers of the Board. The Officers of the Board shall be a Chair, one or more Vice Chairs, and a Secretary.

2. Election. With the exception of the Chair, the Officers of the Board of Trustees shall be elected at its annual meeting for terms of one year or until their successors are elected and qualified. In the case of the Chair, election shall be for a two-year term, subject to re-election for one additional two-year term. The trustee holding the office of Chair may serve out the term or terms of Chair without regard to the limits of service set forth in Article II.3. and Article II.5. above.

3. Duties.

- a. The Chair shall preside at all meetings of the Board, shall represent the Trustees at public meetings of the University, and shall be a member of and Chair of the Executive Committee.
- b. The Vice Chair (s) shall perform the duties of the Chair in the absence or disability of the Chair, or in the event of a vacancy in that office.
- c. The University Secretary shall also be the Secretary of the Board of Trustees. The Secretary shall record the minutes of all meetings of the Board and its Executive Committee and shall have custody of the University's Charter, Bylaws, minutes, records, and other documents of the Board and its Committees. The Secretary shall send a copy of the minutes to each member of the Board promptly after each meeting of the Board and of the Executive Committee.

4. Vacancies. A vacancy in any office of the Board of Trustees may be filled for the unexpired term by the Board of Trustees.

ARTICLE V. COMMITTEES OF THE BOARD

1. Standing Committees. The standing committees of the Board shall be:

- a. The Executive Committee
- b. The Academic Affairs Committee
- c. The Audit, Risk and Compliance Committee
- d. The Business and Finance Committee
- e. The Duke Health Academic Affairs Committee
- f. The Facilities and Environment Committee
- g. The Human Resources Committee
- h. The Institutional Advancement Committee
- i. The Undergraduate Education Committee

2. Other Committees. The Board may authorize and establish other committees from time to time.

3. Committee Membership.

- a. The Board of Trustees shall elect the chairs (who shall be Trustees) and other Trustee members of the committees at the annual meeting. A Trustee shall normally serve two to four years on a committee before being considered for election to a different committee. Insofar as practical, Trustee membership on the committees shall be rotated.
- b. The Board of Trustees, in its discretion, may elect representatives of the faculty and student body from lists of nominations developed by the President in consultation with representative student and faculty groups. The term of any faculty and student committee member who may be elected shall be one year. The election of other committee members shall be effected by the Board of Trustees in accordance with the membership requirements of each committee.
- c. Subject to specific limitations set forth herein, the number of Trustee members and non-Trustee members of any standing committee shall be determined by the Board of Trustees, and the Trustees may authorize and elect such committee members at any meeting.

4. Vacancies. Any vacancy in a committee's membership or committee chair or vice chair shall be filled by the Chair of the Board of Trustees after consultation with the President of the University.

5. Powers and Duties. The committees of the Board shall have the powers and duties set forth in these Bylaws and such other powers and duties as the Board may delegate to them and as may be set forth in each committee charter.

6. Meetings. Each committee shall meet at such times and places and upon such notice as it may determine, and shall file a copy of the minutes of each meeting with the University Secretary.

7. Attendance and Voting. The Chair of the Board of Trustees, the President of the University, and the Secretary of the Board of Trustees shall be entitled to attend the meetings of each committee and to participate in all discussions of such committee; provided, however, unless named as members of a specific committee, those officers shall not have voting rights nor shall their attendance at a meeting count toward the presence of a quorum.

8. Quorum. A majority of the members of a committee shall be a quorum for the transaction of business. A member shall be deemed present at a meeting of the committee if that member participates in the meeting through the use of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. The attendance of non-voting committee members and invited persons who are not committee members at a committee meeting shall not count toward the presence of a quorum.

9. Action Without a Meeting. Except with regard to action without a meeting by the Executive Committee which is described in Article VI, below, any action required or permitted to be taken by a committee may be taken without a meeting by consent of a majority of the voting members of a committee represented by one or more written consents describing the action so taken, signed by the committee members voting, and filed in the minutes of the proceedings of the committee. For the purpose of this Article V.9, "written consents" shall include consents by committee members in electronic form and delivered by electronic mail.

10. Committee Charters. Each standing committee shall have a charter describing in detail its purposes, authority, responsibilities, membership, and operating procedures.

11. Reporting. Each standing committee shall report its activities, and its findings and recommendations, to the Board of Trustees or the Executive Committee.

ARTICLE VI. EXECUTIVE COMMITTEE

1. Membership. The Chair of the Board (to serve as Chair), the Vice Chair(s) of the Board (to serve as Vice Chair(s)), the President of the University, the Chair of each standing committee, the Chair of the Duke University Health System, Inc. Board of Directors, the Chair of the DUMAC, Inc. Board of Directors, and not more than two Trustee members at-large shall constitute the Executive Committee of the Board.

2. Powers and Duties. The Executive Committee shall:

- a. Subject to the provisions of the University's Charter and these Bylaws, exercise all powers of the Board of Trustees in the interim between meetings of the Board.
- b. Monitor the performance of the President and determine all elements of compensation and other financial benefits for the President.
- c. Determine the reasonableness of the compensation and other financial benefits of all employees who are "Disqualified Persons" as that term is defined from time to time by the University Counsel. If action is required relating to compensation and other financial benefits for Disqualified Persons before the Committee can next meet, a subcommittee consisting of the Chair of the Board of Trustees, the Chair of the Business and Finance Committee, the Chair of the DUHS Board of Directors, the President of Duke University,

and up to two members-at-large from among the Executive Committee is authorized to take such required action.

- d. Monitor the organization and operation of the Board and review governance policies and practices on a periodic basis.
- e. Recommend candidates for the Board of Trustees in accordance with Article II.2, above.
- f. Exercise oversight of the management of the investment assets of the University and its affiliated entities, including without limitation the Employees' Retirement Plan of Duke University, and in this regard, exercise oversight of the operations of and appoint all of the members of the governing board of DUMAC, Inc.
- g. Exercise oversight of the University's controlled nonprofit affiliate, Duke University Health System, Inc., which has been formed to own and operate an integrated health system.
- h. Exercise oversight of all support corporations affiliated with and controlled by the University, including appointing directors to the governing board of each as specified in the support corporation's bylaws, and receiving the annual reports from all University-controlled support corporations.
- i. Appoint such other committees, subcommittees, task forces, and similar groups which may be made up of members selected from Trustees, officers, alumni, students, and friends of Duke University, which shall include at least one Trustee, and with appropriate powers and duties as may be deemed necessary and proper by the Executive Committee.
- j. Coordinate the activities of the other standing committees and serve as a forum for the consideration of significant institutional issues and priorities that transcend the jurisdiction of the other standing committees of the Board.
- k. Serve as a conflict of interest committee to review potential conflicts of interest of the Trustees.

3. Action Without a Meeting. Any action required or permitted to be taken by the Executive Committee at a meeting may be taken without a meeting by unanimous consent of all members represented by one or more written consents describing the action so taken, signed by each member, and filed with the University Secretary and included in the corporate minutes or filed with the corporate records. For the purpose of compliance with this Article VI.3, "written consents" shall include consents by members in electronic form and delivered by electronic mail.

ARTICLE VII. ACADEMIC AFFAIRS COMMITTEE

1. Membership. The Academic Affairs Committee shall be composed of not less than five Trustees, two of whom shall also be members of the Duke Health Academic Affairs Committee, at least two faculty members, and at least two students (at least one of whom shall be a graduate or professional student). The Provost shall serve, *ex officio*, as a non-voting member of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Academic Affairs Committee oversees all activities that support the academic mission of the University, including the articulation of the academic mission of the University, enhancing the quality of the academic program, considering new academic programs and significant modifications in existing academic programs, fostering faculty development and other faculty priorities, all matters relating to the graduate and professional student experience (including academic, extra-curricular, and co-curricular affairs), promoting scholarly research, and overseeing strategic planning for the University and its constituent schools. The Committee's jurisdiction coordinates with, but does not extend to, matters under the jurisdiction of the Duke Health Academic Affairs Committee or the Undergraduate Education Committee.

ARTICLE VIII. AUDIT, RISK AND COMPLIANCE COMMITTEE

1. Membership. The Audit, Risk and Compliance Committee shall be composed of not less than five Trustees who shall be active members of the Board of Trustees who are independent of management. Committee members should be financially literate; have a basic understanding of professional accounting standards and financial statement presentation, the role of independent auditors, and enterprise risk management principles; and be cognizant of the regulation, financial structure, and operation of nonprofit education, research, and health care institutions. The Executive Director of Audit, Risk and Compliance shall serve, *ex officio*, as a non-voting member of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Audit, Risk and Compliance Committee serves as the representative of the Board in meeting certain of the University's statutory and fiduciary obligations. The Committee has principal oversight responsibility for management's system of internal controls and the controls over external reporting, the internal and external audit processes, the regulatory compliance functions, institutional ethics and conflicts of interest, and the risk management process. The Committee provides an avenue of communication between the independent auditor, the Office of Audit, Risk and Compliance, and the Board of Trustees.

ARTICLE IX. BUSINESS AND FINANCE COMMITTEE

1. Membership. The Business and Finance Committee shall be composed of not less than five Trustees, two of whom shall also be members of the Duke Health Academic Affairs Committee, at least one faculty member, and at least one student. The Executive Vice President shall serve, *ex officio*, as a non-voting member of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Business and Finance Committee is responsible for safeguarding and monitoring the University's financial stability and long-term economic health. The Committee serves as the Board's principal forum for the consideration of matters relating to the University's business operations, administration, budgeting, financing, financial reporting, and financial reserves. On a regular basis the Committee provides the Board with complete financial overviews of the University and recommends policies and procedures governing the funding of yearly operational plans and the financing of long-term capital needs.

ARTICLE X. DUKE HEALTH ACADEMIC AFFAIRS COMMITTEE

1. Membership. The Duke Health Academic Affairs Committee shall be composed of not less than five Trustees, two of whom shall be members of the Academic Affairs Committee, and two of whom shall be members of the Business and Finance Committee; at least two faculty members; and two students, one of whom shall be from the School of Medicine and one from a different health-related program or school. The Provost and the Chancellor for Health Affairs shall serve, *ex officio*, as non-voting members of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Duke Health Academic Affairs Committee oversees all activities that support the academic mission of Duke Health, which is defined as the School of Medicine, the School of Nursing, Duke-NUS Graduate Medical School Singapore, and all academic institutes and programs affiliated with these schools. This oversight responsibility shall include consideration and recommendations relating to programs, policies, and projects of the constituent schools and programs within Duke Health, coordination with the Business and Finance and Facilities and Environment Committees regarding budget and financial affairs and capital projects of Duke Health, and all matters relating to Duke Health students, including academic, extra-curricular and co-curricular affairs.

ARTICLE XI. FACILITIES AND ENVIRONMENT COMMITTEE

1. Membership. The Facilities and Environment Committee shall be composed of not less than five Trustees, at least one faculty member, and at least one student. The Executive Vice President shall serve, *ex officio*, as a non-voting member of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Committee is responsible for all planning, construction, maintenance, expansion, and renovation projects that impact the University's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment. Within parameters established by the Committee and approved by the Board, the Committee oversees capital projects; designs for projects; and certain capital projects of Duke University Health System, Inc.; the selection and appointment of architects, construction managers, and contractors for such projects; acquisition or disposition of property; and operation and maintenance projects of a certain magnitude. The Committee makes appropriate recommendations to the Board concerning the University's Master Plan, buildings, grounds, roads, walkways, parking facilities, utilities, and environmental sustainability and policies relating thereto.

ARTICLE XII. HUMAN RESOURCES COMMITTEE

1. Membership. The Human Resources Committee shall be composed of not less than five Trustees and at least one faculty member. The Vice President for Administration shall serve, *ex officio*, as a non-voting member of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Human Resources Committee oversees the University's human resources policies and practices and advises the administration on major aspects of workforce planning, strategy, and investment to ensure that the workforce configuration and culture are optimally suited to the strategic needs of Duke and reflect the University's values of equity, diversity, and inclusion. The Committee considers and recommends action required to advance the University's strategic mission by promoting fair and respectful practices and compliance with all applicable employment, labor, and workplace laws.

ARTICLE XIII. INSTITUTIONAL ADVANCEMENT COMMITTEE

1. Membership. The Institutional Advancement Committee shall be composed of not less than five Trustees, at least one faculty member, and at least one student. The Vice President for Public Affairs and Government Relations, the Vice President for Durham and Regional Affairs, and the Vice President for Alumni Affairs and Development shall serve, *ex officio*, as non-voting members of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Institutional Advancement Committee reviews, discusses, and, when appropriate and necessary, recommends action on important and substantive issues and proposals involving development, public affairs and government relations, community affairs, and alumni affairs. The Committee reviews and recommends University-wide policies and practices concerning philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs.

ARTICLE XIV. UNDERGRADUATE EDUCATION COMMITTEE

1. Membership. The Undergraduate Education Committee shall be composed of not less than five Trustees, at least two faculty members, and at least three students. The Provost, Dean and Vice Provost for Undergraduate Education, and Vice President for Student Affairs shall serve, *ex officio*, as non-voting

members of the Committee, and the President may appoint other non-voting members as required to properly exercise the duties of the Committee.

2. Powers and Duties. The Undergraduate Education Committee is responsible for the academic, social, ethical, and personal development of undergraduate students. The Undergraduate Education Committee oversees and recommends policies relating to the undergraduate experience, including academic studies; curriculum; residence life; student governance and activities; and the general physical, psychological, and spiritual well-being of undergraduate students.

ARTICLE XV. OFFICERS OF THE UNIVERSITY

1. The Officers of the University shall be a President, a Provost, a Chancellor for Health Affairs, an Executive Vice President, a Treasurer, a University Counsel, and a University Secretary. One person may hold more than one office, except that the offices of President and Secretary may not be held by the same person.

2. All Officers of the University shall be elected by the Board of Trustees and shall serve until their successors are elected and have taken office.

3. The Officers of the University and the personnel reporting to them shall be bonded to the extent periodically determined to be appropriate by the Executive Committee.

ARTICLE XVI. PRESIDENT

1. The President shall be the chief educational and administrative officer of the University. The President shall be responsible to the Board of Trustees for the supervision, management, and government of the University, and for interpreting and carrying out the policies of the Board of Trustees. The President shall have the powers and duties set forth in the University's Charter and in these Bylaws, and such other powers and duties as the Board of Trustees shall delegate.

2. The President, or someone designated by the President, shall preside at all academic functions and represent the University before the public.

3. The President shall preside at all meetings of the University Faculty. The President may veto any action taken by the University Faculty or any action taken by the faculty of any college or school in the University and state the reasons for such action.

4. The President shall submit a proposed annual budget for the University to the Board of Trustees prior to the beginning of the fiscal year covered by the budget.

5. The President shall report regularly to the Board of Trustees on the condition, operation, and needs of the University.

6. The President shall recommend to the Board of Trustees persons to be Officers of the University other than the President.

ARTICLE XVII. PROVOST

1. The Provost shall be the executive officer, under the President, responsible for all educational affairs and activities of the University, including research and the libraries of the University. The Provost shall have the powers and duties assigned by the President which shall include appointments and promotions of faculty subject to Article XXIV, and strategic, academic, and budgetary oversight and authority for all Schools other than those of Medicine and Nursing. The Provost shall report to the President.

2. The Provost shall be a member of the faculty of each college and school, and an *ex officio* member of each committee (other than Committees of the Board of Trustees) or other body concerned with matters for which the Provost is responsible.

3. The Provost shall receive recommendations developed by the faculty and educational officers for consideration and recommendation to the President. The Deans of the Schools of Medicine and Nursing shall participate as regular members of the Provost's cabinet of Deans and shall meet regularly with the Provost regarding matters related to their schools and broader University issues.

4. The Provost shall have the responsibility to consult regularly with the Chancellor for Health Affairs.

ARTICLE XVIII. EXECUTIVE VICE PRESIDENT

1. The Executive Vice President shall be the executive officer, under the President, responsible for all business and finance, including accounting and auditing, preparation of budgets, fiscal planning, and operating of services of the University. The Executive Vice President shall have the powers and duties assigned by the President and shall report to the President.

2. The Executive Vice President shall have custody of all funds, records, contracts, agreements, deeds, and other documents of the University or relating to its operations or properties, except minutes of meetings.

3. The Executive Vice President shall report regularly to the Board of Trustees on the finances of the University and shall coordinate with the Treasurer to ensure the submission to the Board of Trustees at the end of each fiscal year an account of all receipts and disbursements for the preceding fiscal year and a statement in such detail as the Board of Trustees may require of the financial condition of the University at the end of such fiscal year.

ARTICLE XIX. CHANCELLOR FOR HEALTH AFFAIRS

1. The Chancellor for Health Affairs shall be the executive officer, under the President, responsible for all operations of Duke Health. The Chancellor for Health Affairs shall have the powers and duties assigned by the President.

2. The Chancellor for Health Affairs shall serve as the chief academic officer of Duke Health and shall exercise strategic, academic and budgetary oversight and authority for the Schools of Medicine and Nursing. The Chancellor shall consult regularly with the Provost and the President on all relevant academic matters, particularly those that are strategic, interdisciplinary, and have major budgetary significance. It is the responsibility of the Chancellor for Health Affairs to ensure that the President and the Provost are satisfied fully that the standards of quality for the University with respect to academic strategy, programs, and faculty development are met or exceeded within the Schools of Medicine and Nursing.

3. The Chancellor for Health Affairs shall also serve as President and Chief Executive Officer of Duke University Health System, Inc.

4. The Chancellor for Health Affairs shall report directly to the President of the University; in his capacity as President and Chief Executive Officer of Duke University Health System, Inc., he shall report to the Board of Directors of the Duke University Health System, Inc.

ARTICLE XX. TREASURER

1. The Treasurer shall report to the President or such officer of the University as the President may direct.

2. The Treasurer shall prepare, or cause to be prepared, a true statement of the corporation's assets, liabilities, and operating results as of the close of each fiscal year in accordance with generally accepted accounting principles for colleges and universities. The Treasurer shall coordinate the work of the external auditors employed by the University in the audit of those financial statements.

3. The Treasurer shall manage the Corporation's external debt and the related reporting and payment requirements associated with external debt compliance matters. In this capacity, the Treasurer shall function as the University's primary liaison with external debt rating agencies.

4. The Treasurer shall be responsible for the University's banking relations including, but not limited to, debt-related investment banking relationships and other depository banking account functions.

5. The Treasurer shall in general perform all of the duties incident to the Office of Treasurer and such other duties as from time to time may be assigned to the Treasurer by the President or by the Board of Trustees, or by these Bylaws.

ARTICLE XXI. UNIVERSITY COUNSEL

1. The University Counsel shall report directly to the President, and at the request of the Board of Trustees, shall report directly to that body.

2. The University Counsel shall be responsible for providing legal counsel, advice and representation to the University in all matters and proceedings, and when appropriate shall employ outside counsel to assist in the carrying out of these responsibilities.

3. The University Counsel shall act as counsel to the Board of Trustees and the Executive Committee.

4. The University Counsel may sign and execute pleadings, powers of attorney pertaining to legal matters, and any other contracts and documents in the regular course of the University Counsel's duties, and may delegate this authority to professional members of the staff of the University Counsel.

ARTICLE XXII. UNIVERSITY SECRETARY

1. The University Secretary shall report to the President and shall have all of the powers and duties set forth in these Bylaws and the powers and duties commonly incident to the office. The Secretary also shall have the powers and duties assigned by the President.

2. The Secretary shall be the custodian of the seal of the corporation and shall affix and attest to same on all duly authorized contracts, deeds, and other documents.

ARTICLE XXIII. FACULTY

1. The University Faculty shall be composed of the Officers of the University as elected by the Board of Trustees, all deans, professors, associate professors, and assistant professors, and all other full-time members of the instructional staff, Registrar, and the University Librarian, and such other persons as may be designated by the President and approved by the Executive Committee or the Board of Trustees.

2. The University Faculty shall be responsible for the conduct of instruction and research in the various colleges and schools in the University. It may also consider and make recommendations to the President regarding any and all phases of education at the University.

3. The University Faculty shall approve and recommend to the Board of Trustees the persons it deems fit to receive degrees or other marks of distinction, and the establishment of any new degree or diploma.

4. The University Faculty may organize and exercise its functions through appropriate councils, committees, or other bodies.

5. Each college and school in the University may have a faculty of its own, which shall be composed of the President, the Provost, appropriate University administrators, and all members of the University Faculty in the particular college or school. Each such faculty shall function under the President and other officers of educational administration and be subject to the regulations of the University Faculty.

ARTICLE XXIV. TENURE AND DISTINGUISHED PROFESSORSHIPS

1. **Approvals.** Members of the University Faculty shall be granted tenure or elected to a distinguished professorship by the Board of Trustees upon the recommendation of the Provost, with the approval of the President.

2. **Tenure.** Members of the University Faculty with an unmodified rank of assistant professor, associate professor, or professor in the defined faculty unit (including departments) of their primary appointments shall have tenure after eight years of continuous service at the University, or such shorter period as may be determined for individual cases by the Board of Trustees or its Executive Committee. In Duke Health, however, probationary service for tenure may be extended up to, but no more than, three years to faculty positions within defined faculty units (including departments) to provide the extra time deemed necessary to judge tenure qualifications with requisite certainty.

- a. Time on approved leaves of absence shall not be deemed to interrupt continuous service.
- b. Approved leaves of absence shall ordinarily count as qualified time for tenure unless University Policy defines or the Provost determines, in individual instances or for a defined class of leaves, that time on leave should not count as qualified time for tenure.
- c. Service as a member of the University Faculty with a rank other than the unmodified rank of assistant professor, associate professor, or professor shall neither entitle the faculty member to tenure nor count toward the continuous service of a professor, associate professor, or assistant professor who has served previously in such a position. Modified ranks among the faculty are defined in the Faculty Handbook.

ARTICLE XXV. STUDENT BODY

1. The student body of Duke University shall be composed of all full-time and part-time students regularly enrolled in the University.

2. The student body may consider and make recommendations to the President regarding any and all phases of education and student life at the University.

3. The student body may organize and conduct its affairs under elected representative government or governments and through appropriate councils, committees, or other bodies.

ARTICLE XXVI. ALUMNI

1. The Alumni of Duke University shall be composed of persons who were enrolled for at least two semesters at the University in programs that lead toward degrees. Individual schools, colleges, and other

components of Duke University may adopt policies which recognize, as alumni of that component, individuals who attended courses of study or training programs not leading to degrees.

2. The Alumni may consider and make recommendations to the President and to the Board of Trustees regarding any and all phases of education and alumni affairs of the University.

3. The Alumni shall organize and conduct its affairs through The Duke University Alumni Association and elected representatives to appropriate boards, councils, committees, and other bodies which are a part of that Association.

ARTICLE XXVII. FISCAL YEAR, ACADEMIC YEAR, AND ACADEMIC CALENDAR

1. The fiscal year of the University shall commence on July 1 and end on the following June 30.

2. The academic year of the University shall commence on or about May 1 and end one calendar year later.

3. The President shall establish the academic calendar for each academic year, and designate the day on which the graduation exercises shall take place.

ARTICLE XXVIII. SEAL

1. The corporate seal of the corporation shall consist of the seal, which is represented in the space below, and which is hereby adopted as the corporate seal of the corporation.



ARTICLE XXIX. INDEMNIFICATION

1. Every Trustee and Officer of the University shall be indemnified to the full extent permitted under the provisions of the North Carolina Nonprofit Corporation Act currently in effect and as that statute may be amended from time to time.

ARTICLE XXX. PROCEDURE

1. **Waiver of Notice.** Whenever any notice is required to be given to any Trustee by law, the University's Charter, or these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

2. Rules of Order. Robert's Rules of Order as last revised shall govern the proceedings of all meetings of the Board of Trustees.

ARTICLE XXXI. AMENDMENT OF BYLAWS

1. These Bylaws may be amended at any regular meeting of the Board of Trustees by the affirmative vote of two-thirds of the then membership of the Board, provided that written notice of the meeting and the proposed amendment to be considered is transmitted by the Secretary of the Board to each member at least twenty (20) days before the meeting by electronic mail or by private or U.S. postal service. In any event, a review of these Bylaws shall be included as a regular agenda item for the annual meeting of the Board held in accordance with Article III.1 herein to determine whether or not revisions to these Bylaws are required.

Revised May 13, 2017 to be effective July 1, 2017

APPENDIX B: BYLAWS OF THE UNIVERSITY FACULTY

In this Appendix:

Bylaws of the University Faculty	1
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Bylaws of the University Faculty

I. The university faculty shall meet annually at a date set by the Executive Committee of the Academic Council, at which time the president of the university shall usually present a report on the state of the university, and at which time the chair of the Academic Council shall report on the activities of the council for the previous year and on plans for the ensuing year. The university faculty shall also meet at the call of the president or the provost or upon the written request of the Executive Committee of the Academic Council or of fifty members of the faculty.

II. All powers and functions of the university faculty, insofar as their powers or functions are not exercised in the individual departments, schools, colleges, and divisions of the university, are hereby delegated to the Academic Council, to which is also delegated the power the university faculty possesses to resolve jurisdictional disputes among the various component faculties of the university.

III. These bylaws of the university faculty may be amended by a majority of those members of the faculty present at a meeting of the university faculty, provided that the text of any proposed amendment has been circulated to the members of the university faculty at least ten days prior to any such meeting.

IV. The Academic Council shall have the power to establish its own bylaws except that no amendment affecting the composition of the council shall be effective until it has been approved by the university faculty in accordance with Article III of the Bylaws of the University Faculty.

V. A. Eligibility to vote at meetings of the university faculty and in Academic Council elections shall include all tenured and tenure track members of the faculty and persons meeting all of the following criteria:

1. The individual has an appointment in at least one Duke University school, department, program, institute, or center that provides credit toward an academic degree.
 2. Said individual's primary responsibilities are directed toward the university's goals and efforts with performance of his or her role principally at the university, and in accord with criteria for full-time status as defined by the unit in which the primary appointment is held.
 3. The activity of his or her work has an obvious instructional component either in relation to the degree-granting mechanisms of the university or in relation to those individuals at the university who are undertaking further training/studies beyond graduate degree programs.
 4. There is intent of ongoing contractual relationship to the university (e.g., tenure track; repetitive contract; participation in continuing research grants; etc.); and that such relationship is subject to either the appointment, promotion, and tenure process or to an alternative process approved by the provost for non-tenure track positions.
- B. The Academic Council is empowered to determine which faculty titles are consistent with the above criteria and which faculty are therefore eligible to vote in meetings of the university faculty and in elections to the Academic Council.
- C. Only faculty with the unmodified titles of professor, associate professor, and assistant professor, or with unique tenured titles associated with named chairs, are eligible to serve on the Academic Council. Those eligible to serve on the Academic Council are:
1. All tenured and tenure track faculty, and
 2. Those regular rank, non-tenure track faculty who are eligible to vote in Academic Council elections and who are in at least their third continuous year of service as a faculty member at Duke.

Revised 2003

Bylaws of the Academic Council

I. Membership of the Academic Council

A. The Composition of the Council

1. The Academic Council shall consist of the president, the provost of the university, and the chair of the Academic Council as members *ex officio*, and of elected members of the three divisions of the Faculty of Arts and Sciences (humanities, social sciences, and natural sciences and mathematics), of the two divisions of the School of Medicine (clinical and basic sciences), and of the other professional schools. One member of the council shall be elected for each eight members of the faculty and for any remaining fraction of four or more members of the faculty of any such division or school. However, each division or school is entitled to at least one member but to no more than ten members.
2. The term of office of elected members shall be two years. No member shall be eligible for election for more than three successive full terms.

B. Mode of Election

1. Nominations and elections to the Council shall be conducted by an Elections Committee consisting of three to four members of the faculty appointed by the Executive Committee of the Academic Council.
2. All nominations and elections to the Council shall be by secret ballot among all members of the university faculty defined as eligible to vote in the Bylaws of the University Faculty, Article V. The nominating ballot for each division or school shall, at the discretion of the Election Committee, either list all faculty members who are eligible to serve or list that subset of eligible faculty members who have expressed a willingness to serve. The nominating ballot shall be presented to the faculty on a date in the spring term, and shall indicate the faculty members who have already been elected for the coming academic year and those who will be on leave, or be otherwise unavailable to serve a full term. In each division or school, each faculty member entitled to vote under Article V of the Bylaws of the University Faculty may then vote by returning the relevant nominating ballot by a specified date. Each faculty member may vote for as many nominees as he or she wishes, yet the votes cast should not exceed twice the number of members to be chosen to represent the division or school. Ballots not conforming to this requirement shall be invalid.

If the number of faculty members available for nomination within a given school or division is less than or equal to three times the number of open seats for that school or division, the need for a nominating ballot is negated and the process shall proceed directly to the election ballot.

3.
 - a. Annual elections shall be so conducted that in divisions and schools entitled to elect ten members, at least one member shall be an assistant professor and at least two members shall be associate professors, if numbers in those ranks permit. Schools or Divisions entitled to elect ten members. Annual elections shall be so conducted that in divisions and schools entitled to elect ten members, no more than one member shall be from the regular rank non-tenure track faculty, except that in the Division of Clinical Sciences up to four members may be from the regular rank non tenure track faculty, and at least one member shall be a tenure track assistant professor, and at least two members shall be tenured or tenure track associate professors, if the numbers in those ranks permit. The nominating ballot shall indicate the number of persons to be nominated in each such category in order to fulfill this requirement. Each faculty member in the division or school may then vote, if entitled to do so, by a date specified, and shall vote for at least as many assistant professors as are specified on the ballot, for at least as many associate professors as are specified on the ballot, and for the total number specified for all ranks. Ballots failing to conform to these specifications shall be invalid. Rank held at the time of nomination ballot listing shall obtain throughout the election process for the purpose of achieving distribution by rank under this bylaw.
 - b. From the results of the nominating ballot in each division or school, the Elections Committee shall prepare an election ballot listing twice the number of nominees in each rank

category as there are council members to be elected in that rank category, not including alternates further to be identified. For those schools or divisions for which no nominating ballot was issued, the Elections Committee shall prepare an election ballot listing all faculty members who indicated a willingness to stand for election. In each division or school each university faculty member who is entitled to vote under Article V of the Bylaws of the University Faculty may then vote, by returning the relevant election ballot by a date further specified. Each faculty member entitled to vote may vote for as many candidates as he or she wishes, not exceeding the number of members to be chosen to represent the division by the balloting. Ballots not conforming to this requirement shall be invalid. Those nominees receiving the highest number of votes in each rank category, up through the number to be elected in such rank category, shall be declared elected, with ties resolved by lot.

4. Schools or Divisions entitled to elect fewer than ten members. When a division or school is entitled to fewer than ten members, it shall follow the mode of election prescribed in the previous paragraph except that it shall not be bound to achieve distribution by rank, except that no more than one regular rank non tenure track member may be elected from that division or school.
- C. Time of Election. Elections shall regularly be held in the spring semester, and the first regular meeting of the council in which the newly elected members shall sit shall be the first regular meeting of the academic year. Voting privileges, except for those pertaining to the election of Executive Council members, as explained in section II.B.2 of these bylaws, shall commence at this meeting.
- D. Vacancies¹
1. Vacancies which may occur on the Academic Council between elections shall be filled by reference to a list of alternates developed in each division or school by the Elections Committee. Such lists shall be in descending order of numbers of votes received on the election ballot among all nominees not elected, not having declined to serve anytime during the entire two-year term, and having received at least two nominating votes. Ties on the alternate list are resolved by lot.
 2. Should an elected member of the council anticipate an absence from three or more successive meetings of the council due to sabbatical or leave of absence from the university faculty or due to disability, the chair of the Academic Council shall, at the member's request, appoint a temporary substitute for the term of the leave or the period of disability. The substitute shall be the first available alternate from the school or division which the substituted member represents. The elected member may reassume membership on the council upon termination of the sabbatical, leave of absence or disability and the alternate shall reassume his or her position as the first available alternate on the alternate list. Such requests for substitution shall be made prior to the anticipated absences. If there is no available alternate, the chair of the council may designate a temporary replacement from the same school or division.
 3. Except as provided in paragraph 2, when an elected member has resigned or been absent from three successive meetings of the council without accepted prior notice, a vacancy shall be recognized. After acceptance of the resignation or notification of the repeatedly absent member that such membership has lapsed, the vacancy shall be filled until the next election by the next available alternate on the list for that school or division. If there is no available alternate under that provision, the replacement shall be designated by the Executive Committee of the Academic Council.
- E. Meetings
1. The Academic Council shall meet monthly during the regular academic year, September through May, at dates, times, and places specified by the Executive Committee of the Academic Council. It shall meet at other times at the call of its chair or Executive Committee or upon the written request of ten of its members.
 2. A simple majority of the elected members of the Council shall constitute a quorum, except for approval of degrees in course, when the members present shall constitute a quorum.

¹ Customarily, faculty members have been considered unavailable for election to the council if they expect to take a leave or sabbatical in the year following a given election. This provision concerns primarily those who need to plan for an absence subsequent to their election to the council.

3. Members of the Council shall serve in person.
4. Only elected members shall vote on matters brought before the Council with the exception that, in the case of a tie, the chair may cast the deciding vote. Voting shall ordinarily proceed by voice, but upon petition of a member of the Council or on its own authority, the Executive Committee of the Council may provide for voting by secret ballot.

II. The Chair and the Executive Committee of the Council

A.

1. The Academic Council shall nominate and elect by secret ballot a chair who shall serve a term of two years. The Executive Committee of the Academic Council shall appoint a five-person committee from the university faculty to nominate two persons for chair of the Academic Council. Additional nominations may be made from the floor. Any member of the university faculty who has given consent is eligible to serve as chair of the council. The new chair shall take office on July 1, and shall be elected no later than the February meeting of the council. The chair shall be an ex officio member of the Academic Council and shall not be counted as a representative of any division or school of the university. The chair shall be responsible for the appointment, direction, and supervision of the administrative and secretarial personnel of the Academic Council and for preparing and administering the council's budget.
2. In the event of a vacancy in the office of the chair, the Executive Committee of the Academic Council shall call a special election to elect a new chair to serve the balance of the preceding chair's term. Such special election shall be conducted at the earliest practicable regular or special meeting of the council. Until such special election, the vice chair of the Academic Council shall serve as acting chair.
3. No person elected as chair shall be eligible for election to more than two consecutive full or partial terms in that office.

B.

1. The Academic Council shall elect seven of its members who, together with the chair and the faculty secretary, shall constitute the Executive Committee of the Academic Council. The seven members shall serve two-year terms, three or four members being elected each year, except as more may be needed to fill vacancies. With the exception noted in paragraph 3 below, current members of the Executive Committee shall not be eligible for re-election. Only members of the Council may serve on the Executive Committee, membership ceasing if one is not re-elected to the Council before expiration of a term on the Executive Committee.
2. The annual election of members of the Executive Committee shall be held in the spring after the election of new members of the Academic Council. The election of new Executive Committee members is the privilege of recently-elected Council members and those Council members whose terms continue into the following academic year. A few weeks prior to the election of the Executive Committee members, the Academic Council Chair shall solicit nominations from the new and continuing members, any five of whom may nominate a candidate on the condition that the candidate has agreed to stand for election. After soliciting nominations and considering the need for representation across the University, the Executive Committee shall prepare an election ballot with twice the number of nominees as open seats. The list of nominees shall be circulated to the members of the council prior to the election. A valid ballot must contain selections equal to the number of open seats.
3. In the event of a vacancy in the membership of the Executive Committee, a council member shall be chosen by the Executive Committee to serve until the next annual election. If at that time there remains an unexpired year in the term, the council shall elect, in the manner described above, a member to serve the remainder of the term. In this case, the member previously chosen by the Executive Committee shall be eligible for election to complete the term.
4. Each year, after the election of new members, the Executive Committee shall choose from its members a vice chair and a faculty secretary of the Academic Council.

- C. The Executive Committee shall serve as the committee on committees for both the council and the university faculty. The Executive Committee may set up such ad hoc committees of the council as it finds needed. Members of the committees shall be drawn principally from the members of the council and other members of the faculty, but other persons may be appointed

to such committees as the Executive Committee, in its discretion, deems advisable. The Executive Committee shall also nominate all faculty representatives on all university committees, including search committees and committees of the Board of Trustees, on which the faculty shall be accorded representation. All faculty representatives so nominated shall report to the Academic Council on their activities on these committees at the request of the Executive Committee, but in no event less frequently than once in each academic year for faculty representatives chairing such committees.

III. Amendments

These bylaws may be amended by the vote of a majority of the entire membership of the Academic Council, provided that the text of any such amendment, without significant deletion or addition, has been circulated to the members of the Academic Council at least ten days prior to the meeting at which such vote is taken. Provided further, that, as stipulated in Article IV of the Bylaws of the University Faculty, no amendment to these bylaws affecting the composition of the membership of the council shall be effective until approved by the university faculty in accordance with the procedures specified in Article III of the Bylaws of the University Faculty.

Amended 9/25/03, 1/24/08, 2/23/12, 10/18/12

APPENDIX C: ACADEMIC FREEDOM AND ACADEMIC TENURE

In this Appendix:

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Report of the Ad Hoc Committee on Procedures for Appointments, Reappointments, and Promotions for Regular, Non-Tenure Track Faculty	7

Academic Freedom and Academic Tenure

This document embodies an agreement between the president and the faculty as to policies and procedures with respect to academic freedom, academic tenure, and certain matters of due process. The document was first drawn up in 1965; some amendments and additions were made in 1975. Agreement to the terms of the document as revised was given on behalf of the faculty by vote of the Academic Council on February 19, 1976. In a letter to the chair of the Academic Council dated February 11, 1976, the president gave his approval. (1982 and 1987 revisions reflect changes in University Bylaws only.)

I. Academic Freedom

- A. To teach and to discuss in his or her classes any aspect of a topic pertinent to the understanding of the subject matter of the course being taught.
- B. To carry on research and publish the results subject to the adequate performance of his or her other academic duties.
- C. To act and to speak in his or her capacity as a citizen without institutional censorship or discipline.

II. Academic Tenure

- A. Academic tenure may be achieved for a specific period of time in the case of "term appointments" or indefinitely in the case of "continuous academic tenure appointments." Article XXII, paragraph 2 of the University Bylaws states: "Members of the University Faculty with an unmodified rank of assistant professor, associate professor or professor in the defined faculty unit (including departments) of their primary appointment shall have tenure after eight years of continuous service at the University, or such shorter period as may be determined for individual cases by the Board of Trustees or its Executive Committee.¹ In the Medical Center, however, probationary service for tenure may be extended up to, but no more than, three years to faculty positions within defined faculty units (including departments) to provide the extra time deemed necessary to judge tenure qualifications with requisite certainty."
- B. A faculty member at the regular tenure track rank of assistant professor or above with continuous full-time service at Duke University for a total period of eight years in the unmodified rank of assistant professor, associate professor, or professor, and whose appointment extends beyond the eighth year of full-time service (eleventh in the Medical Center), attains continuous academic tenure at the beginning of his or her ninth (or twelfth) year of service. By specific action of the Executive Committee of the Board of Trustees, a full-time faculty member at the regular tenure track rank of assistant professor or above may be granted continuous academic tenure before completing eight (or eleven) years of full-time continuous service at the university. If years of service at other institutions are to be counted toward the award of continuous academic tenure, this fact will be stated in the initial letter of appointment.
- C. Persons holding administrative positions achieve academic tenure by reason of their academic instructional rank as provided by paragraph B.

1. _____

¹ Persons hired as instructors prior to May, 1981, will be covered by the earlier policy that allowed instructors to earn time toward tenure.

- D. A faculty member who has been granted continuous academic tenure will not lose his or her tenure status if, with mutual consent of the university and the faculty member and with periodic review of the university, he or she transfers to part-time service.

III. Mutual Obligations

The principles of academic freedom and academic tenure impose certain obligations both upon Duke University and upon members of the faculty.

- A. The university will give a faculty member at the time of appointment a precise statement in writing of the conditions of the appointment. This statement should include the rank, the salary, and the duration of the appointment (a date of termination or a statement that the appointment carries continuous academic tenure). All subsequent letters involving reappointment or promotion should specify the rank and the duration of the appointment.
- B. The university may terminate the appointment of a full-time academic staff member having a term appointment prior to the expiration of the appointment, or may terminate the appointment of an academic staff member having continuous academic tenure prior to retirement, for misconduct or neglect of duty; or because of a change in the academic program, made with the advice of the appropriate body or bodies of the faculty, as a consequence of financial exigency or for any other reason which discontinues or reduces a segment of the university's research or educational program. Whenever an appointment is terminated because of a decision not to continue a segment of the research or educational program, every effort will be made to reassign the academic staff involved to other university programs. If an academic position is terminated, it will not be reestablished and filled with new academic staff within a period of two years unless the appointment has been offered to the staff member who was originally displaced and he or she has declined the appointment.
- C. In case of the termination of a term appointment prior to its stated expiration date because of a change in the academic program, and in case reassignment to another position is not feasible, the university will pay the incumbent one academic year's salary or will notify him or her one year prior to the date on which the appointment will be terminated.
- D. In case of a term appointment, the university will notify the incumbent in writing of its intention to renew or not to renew the appointment as follows:
 - 1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
 - 2. No later than January 15 of the second or subsequent academic years of service, if the appointment expires at the end of that year; or if an initial two-year appointment terminates during an academic year, at least five months in advance of its termination.
 - 3. If the university is unable to provide notice of its intention not to renew the appointment by the date or time specified above, it will pay the incumbent the appropriate fraction of his or her academic year's salary in lieu of notice, appropriate being understood as the fraction covering the period between the required notification date and the date on which notification was actually provided.
- E. In the case of termination of a continuous academic tenure appointment because of a change in the academic program, and in the case that reassignment to another position is not feasible, the university will pay the incumbent one academic year's salary or will notify him or her one year prior to the date on which the appointment will be terminated.
- F. The university will not extend the appointment of a full-time lecturer (associate in the Medical School) for more than seven years (eleven in Medicine) except in unusual circumstances which are to the advantage of the lecturer.
- G. As members of learned professions, faculty members of Duke University should remember that the public may judge their professions and their institution by their actions. They should also remember that in a deeper sense they cannot separate freedom as a member of the academic community from their responsibility as a privileged member of society. While the university will always protect freedom to espouse an unpopular cause, faculty members have a responsibility not to involve the university. Hence, when speaking, writing, or acting in the capacity of a private

- citizen, they should make every effort to indicate that they are not spokespersons or representatives of the university.
- H. A faculty member who resigns voluntarily should give due consideration to the problems that may arise in obtaining a replacement and should fix the effective date of resignation with this commitment in mind.
 - I. A faculty member should devote his or her professional efforts primarily to the promotion of the academic objectives of the university.

IV. The Faculty Ombuds and Faculty Hearing Committee

The faculty ombuds exists to receive complaints from members of the faculty, to investigate these complaints, to attempt to resolve these complaints through conciliation, and, if conciliation fails, to make a report to the Faculty Hearing Committee. The ombuds will receive from any faculty member a complaint on any question involving dismissal for misconduct or neglect of duty, termination of appointment prior to its expiration date, tenure status, alleged violations of academic freedom, or alleged violations of academic due process with respect to adverse employment or disciplinary action, alleged discrimination based on race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex, genetic information, or age, with respect to adverse employment action, alleged damaging instances of harassment by other members of the university community after failure of a university officer or agency to resolve the matter, and appeals from a harassment grievance hearing panel or actions by university officials based on a panel's findings. The jurisdiction of the ombuds and Faculty Hearing Committee is set out in detail in Appendix N. Complaints of discrimination or harassment, including those based on race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex, genetic information, or age, may also be filed with the Office for Institutional Equity or, where the alleged misconduct is by a student, with the Office of Student Conduct.

V. Hearing Procedures for Cases Involving Dismissal

- A. Proceedings to dismiss a member of the university faculty who has tenure or whose term appointment has not expired shall be initiated by the president only after he or she has made sufficient investigation to determine that reasonable grounds exist. The president should ordinarily discuss the matter informally in personal conference with the faculty member in question. If the president discusses the matter with other officers of the university and with other members of the faculty, care should be taken to keep in confidence any accusations that may reflect adversely on the faculty member under investigation.
- B. If a mutually satisfactory adjustment does not result from the informal discussions contemplated in paragraph A, the president may then commence formal proceedings to consider the question of dismissal by service of a written notice on the faculty member. The written notice shall include a statement informing the faculty member of the grounds proposed for dismissal set forth in as much detail as is practicable, and of the right, if he or she so requests, to a hearing to be conducted by the Faculty Hearing Committee at a time and place specified by the committee. The written notice shall also be accompanied by copies of or references to the applicable bylaws and other governing documents of the university establishing the faculty member's rights and by a summary of the evidence on which the charges are based and a preliminary list of witnesses to be called to testify at the hearing. The faculty member should reply in writing to the charges, and specify whether he or she wishes a hearing.
- C. Procedures for the hearing are described in Appendix N of this handbook.
- D. Suspension of the faculty member during the dismissal proceedings is justified only if serious harm to himself or herself or to others is threatened by the continuance in the performance of his or her duties. Such suspension shall not interrupt the payment of the faculty member's salary and other compensation.
- E. Except for announcements to inform interested persons of the time and place of the hearing and similar matters, public statements about the case shall be avoided in so far as is possible until the proceedings have been completed. If a public announcement of the final decision is made by the president, it will include a statement of the Faculty Hearing Committee's recommendations.

VI. Hearing Procedures for Cases Not Involving Dismissal

The ombuds and the Faculty Hearing Committee may act on disputed claims within their jurisdiction as defined in Appendix N under the procedures described there.

Faculty Participation in the Appointment and Retention of Administrators

The University Bylaws require that the Board of Trustees appoint university administrators upon the recommendation of the president of the university. The faculty of Duke University has a legitimate interest in participating in the search process or retention decision which leads to the presidential recommendation to the board. Moreover, the process of review of administrators is a reasonable and useful method of ensuring institutional health. The faculty is to be involved in searches for and reviews of the most senior officers of the University with authority over issues with major programmatic or budgetary impact on the faculty, and deans who report directly to the provost or chancellor for health affairs. The offices listed below fit this definition, and if positions of equivalent rank are created in the future, they are to be covered by this appendix as well.

In order that the search or evaluation process provides the board, president, provost and chancellor for health affairs with useful and appropriate information, the faculty's role in the process will be defined by the following procedures (as these procedures relate to the appointment of university officers, they are consistent with the Board of Trustees' "Procedures for Appointment and Review of Officers," available at https://provost.duke.edu/wp-content/uploads/App_C_Appointment-and-Review-of-Officers.pdf)

I. Selection of Administration Personnel

A. Search Committee

1. President. The search is initiated and carried out by the Board of Trustees. The Academic Council shall provide the board with a list of twelve faculty members from which the board may select the faculty representatives. It is recommended that at least five faculty representatives serve on the search committee and that the vice chair of such a search committee be a member of the faculty.
2. Provost. The search is initiated by the president. The search committee shall consist of a maximum of twelve individuals, of whom at least six individuals shall be members of the faculty. The Academic Council, after consultation with the president, shall provide the president with a list of twelve faculty members from which the president selects the faculty representatives on the search committee. On the advice of the Academic Council, the president shall appoint one of the faculty representatives as chair of the search committee.
3. Chancellor for Health Affairs and Executive Vice President. The search is initiated by the president. The Academic Council, after consultation with the president, shall provide the president with a list of twelve faculty members from which the president selects the faculty representatives on the search committee. At least four members of the committee shall be faculty representatives. For the chancellor, at least two faculty members shall be selected from within the Medical Center (at least one from the clinical faculty and at least one from basic sciences) and at least two from outside the Medical Center. The chair or vice-chair of the committee shall be a faculty member. In naming the faculty member to serve as chair or vice-chair, the president shall consult with the Academic Council.
4. Dean of the Graduate School, Dean of Undergraduate Education, and Dean of Arts and Sciences. The president and the provost shall initiate a search to fill these positions. The search committee shall consist of eight individuals, of whom at least four shall be faculty representatives. The faculty representatives and the committee chair shall be selected by the initiators from a list of ten faculty members provided by the Academic Council.
5. Deans of the Schools of Business, Divinity, Engineering, Environment, Law, Public Policy, Medicine, and Nursing. For deans of the schools of business, divinity, engineering, environment, law, and public policy the president and provost shall initiate the search. For deans of the School of Medicine and Nursing, the search shall be initiated by the president and chancellor for health affairs, in consultation with the provost. The search shall be initiated in a manner consistent with both professional school practices and the procedures at Duke University. At least one faculty representative from outside the professional school

shall be appointed to the search committee from a list of four faculty members provided by the Academic Council

6. The president may call on the Academic Council for assistance in identifying candidates for other positions.

B. Role of Search Committees

1. The primary concern of a search committee is to provide a search initiator with the best possible advice on the filling of the position in question.
2. The search committees shall seek qualified individuals from both inside and outside the university. The committee shall advertise in appropriate places (e.g., the Chronicle of Higher Education). The president, the provost, other administrators, and faculty shall be asked to provide names of potential candidates.
3. The search committees shall normally interview the candidates on the short list for any position. The interview may be conducted informally by a subcommittee of the search committees.
4. Following the search, interview, and evaluation process, the search committees shall provide the search initiator with a list of qualified candidates together with a written evaluation of those candidates. Unless instructed to the contrary by the search initiators, the list of qualified candidates shall not be ranked in order of the committee's preferences.
5. The search initiators may legitimately ask the search committees to provide written evaluations of the strengths and limitations of specific candidates, including those not on the search committees' list of qualified candidates.

II. Review of Administration Personnel.

A. Deans of Faculty of Arts and Sciences, Undergraduate Education, the Graduate School, and Schools of Business, Divinity, Engineering, Environment, Law, Medicine, Nursing, and Public Policy.

1. Deans should be appointed for a five-year period, normally renewable once.
2. Reviews of deans shall be conducted by a special committee appointed by the provost after consultation with the Academic Council (and the chancellor for health affairs for the deans of Medicine and Nursing) and a written report shall be presented to the provost (and the chancellor for health affairs when the review involves the deans of Medicine and Nursing) with a copy to the president. During the fourth year of the initial appointment, each dean shall be reviewed unless the dean indicates he or she does not wish to be considered for another term. Reviews should generally commence during the first half of the dean's fourth year, and the report shall be completed no later than three months prior to the end of that fourth year. Because a dean's term is normally to be renewed only once, a review committee should not be formed in the second or any subsequent term unless the provost (or chancellor for health affairs as to the deans of Medicine and Nursing) shall discuss with the committee chair or committee his or her reactions and responses to it.
3. At the end of the fourth year of a dean's term, the president and provost (or chancellor for health affairs, with the concurrence of the provost, for the deans of Medicine and Nursing) should recommend reappointment, or initiate a search for a new dean.

B. Role of the Review Committee

1. The committee conducts interviews with those who have worked with the administrator being reviewed, e.g., department chairs.
2. It develops a description of the position and its responsibilities for use as a basis for evaluation.
3. It invites comments in writing from all faculty members in the relevant unit(s).
4. It interviews the person under evaluation.
5. It prepares a written report, and shall provide additional and specific information requested by the provost (and chancellor of health affairs as to the deans of Medicine and Nursing).
6. The review process should develop and evaluate information, not make specific recommendations regarding reappointment.

C. Review of the Provost, Chancellor for Health Affairs, and Executive Vice President.

A review of the provost, chancellor for health affairs, and executive vice president shall be conducted in the fourth year of their terms by a special committee appointed for this purpose.

After consultation with the Academic Council, the president shall determine the overall composition of the committee, appoint faculty representatives from a list of names provided by the Academic Council, and in the case of the provost and executive vice president appoint one of the faculty members to serve as chair; in the case of the chancellor of health affairs the chair or vice-chair of the committee shall be a faculty member. The procedures for the review of deans provide a model for the review of these officers. Because of the substantial non-academic duties of the executive vice president and the chancellor for health affairs, their review committees will include significant representation from administrative offices and from the health system in order to insure that the broad responsibilities of the offices are appropriately reviewed. The committee will present its report to the president. The president may also call on the Academic Council for assistance in reviewing other senior administrators.

D. President.

The president is typically appointed for a five-year term. The Board of Trustees shall initiate a public review, generally in the fourth year of the President's term, with input from the community, faculty, students, staff, and alumni, as part of the reappointment process. The Executive Committee of the Board of Trustees shall consult with the Academic Council before establishing the procedures for such review.

Report of the Ad Hoc Committee on Procedures for Appointments, Reappointments, and Promotions for Regular, Non-Tenure Track Faculty

Background

In December 1986 the Ad Hoc Committee on Faculty Voting Privileges was appointed and charged with making recommendations concerning attribution of membership in the University Faculty. On January 21, 1988 the Academic Council approved an amended version of the report from this committee in the form of a resolution to amend Academic Council By-Laws. This resolution defined eligibility to vote in Academic Council elections and read as follows:

Eligible to vote in Academic Council elections shall be all tenured and tenure track members of the faculty and persons meeting all of the following criteria:

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

At this same meeting of the Academic Council, a resolution was passed to create the Ad Hoc Committee on Faculty Nomenclature for the purpose of proposing a University-wide standardization of nomenclature for faculty and research appointments, in which the criteria adopted by the Council for qualification to vote in Academic Council elections would be inherent in specific titles. The final report of this committee, which was accepted by vote of the Academic Council on December 15, 1988 and recommended to the Provost, proposed a system, which included 11 non-tenure track titles fulfilling criteria for voting in Academic Council elections. These titles are;

Professor of the Practice of, Associate Professor of the Practice of.....,

Assistant Professor of the Practice of ...

Research Professor, Associate Research Professor, Assistant Research Professor

Clinical Professor, Associate Clinical Professor, Assistant Clinical Professor

Lecturer

Associate

On January 17, 1991 the University faculty voted to approve a proposed amendment to the By-Laws of the University Faculty, which, among other things, defines eligibility to vote at meetings of the University faculty and in Academic Council meetings. The criteria defining such eligibility are identical to those contained in the resolution to amend the By-Laws of the Academic Council, which was approved on January 21, 1988 (see above). The last of these four criteria is that the "... ongoing contractual relationship (of the individual) to the University ... is subject to either the appointment, promotion, and tenure process or to an alternative process approved by the Provost for non-tenure track positions". Since there exists no alternative process for non-tenure track positions, the Provost, in November 1990, appointed and charged our committee to recommend formal review procedures for non-tenure track faculty holding the ranks of Professors of the Practice of, Research Professors, Clinical Professors, Lecturer and Associate. These titles are to comprise a new subset of regular faculty termed "regular, non-tenure track faculty". The following are the recommendations of our Committee.

Recommendations

A. Authorization

The Dean of the School (or provost, for units outside schools and which report directly to the provost) authorizes departments (units)² to recommend new appointments. Departments (units) themselves originate recommendations for reappointments and for promotions of full-time faculty in regular, non-tenure track ranks.

B. New appointments

The Dean (or provost) establishes policy regarding whether a search is required for new appointments. The Dean (or provost) also defines the procedures for such a search, while criteria for evaluating new appointments are established by individual departments (units) as described below.

C. Criteria for appointment, reappointment and promotion

Each department (unit) establishes its own criteria for evaluating candidates for appointment, reappointment and promotion in regular, non-tenure track ranks, which are appropriate to its discipline, and submits these in writing to the Dean for approval. The Dean will then submit the proposed guidelines to the provost for review and modification so as to insure comparable standards throughout the University. Units that report directly to the provost will submit guidelines to the provost for review. Candidates for reappointment or promotion will have access to these criteria prior to their review. Criteria should be more rigorous for each higher level of faculty rank and in general should parallel, but not necessarily be equivalent to those used for tenure track faculty. In the case where criteria differ among departments (units), the Dean is responsible for assuring that they are equally rigorous for equivalent ranks in different departments (units). The provost is responsible for assuring equally rigorous criteria in different schools and institutes. Appointment or promotion to the rank of Clinical Professor, Research Professor or Professor of the Practice of ... requires outside review according to procedures that are determined by the Dean (or provost). Individual departments (units) determine whether outside review is required for appointments or promotions at lower levels.

D. Selection of the review (search) committee

The department (unit) chair nominates a review committee consisting of at least three faculty members- In the case where a new appointment requires a search, the review committee acts as the search committee. Members of the committee must hold a position higher than that of Lecturer or Associate and, for appointments and promotions, must also be of equivalent or higher rank than that to which the nominee is to be appointed or promoted. For reappointments, members of the committee must be of higher rank than the candidate except in the case of reappointments at the levels of Clinical Professor, Research Professor and Professor of the Practice of where members of the committee will be of equivalent rank. Department (unit) chairs do not serve as members of the review (search) committee unless approved to do so by the Dean (or provost for units outside of schools), as in cases where no other member of the department (unit) has equivalent expertise or when other departmental (unit) members of appropriate rank are unavailable.

The following definitions are only for the purpose of determining eligibility to serve on review (search) committees for regular non-tenure track faculty and to vote on the recommendations of such committees at the departmental (unit) level:

Assistant Professor, Assistant Professor of the Practice of..., Assistant Research Professor, and Assistant Clinical Professor are equivalent.

Associate Professor, Associate Professor of the Practice of..., Associate Research Professor, and Associate Clinical Professor are equivalent.

1. _____

² "units" refers to programs, institutes and centers, which do not have departmental status, and to Schools that lack departmental structure.

Professor, Professor of the Practice of ..., Research Professor, and Clinical Professor are equivalent.

E. Review (search) committee action

For all appointments, reappointments and promotions, the review (search) committee assembles a dossier containing the candidate's CV and any other relevant materials, and evaluates the candidate using the criteria established by the department (unit) and approved by the Dean (or provost). In the case of a new appointment requiring a search, the committee also follows the procedures established by the Dean (or provost). The committee then prepares a written report to the department (unit) or departmental (unit) promotions committee.

F. Departmental (unit) action

The department (unit) or departmental (unit) promotions committee discusses in confidence the report of the review committee and votes on it by secret ballot at a meeting attended by more than half of the eligible voters. The chair or director does not vote except in a tie.

1. On candidates for potential initial faculty appointment at any regular nontenure track rank, all tenured and untenured tenure-track faculty (Full Professors, Associate Professors, and Assistant Professors) are eligible to vote, regardless of the rank proposed for the candidate. In addition, individual departments shall have the option of adopting specific bylaws to establish voting rights for its faculty serving in regular rank nontenure track positions. Such bylaws will become effective only following written approval by the respective dean and the provost.
2. On candidates for potential reappointment at the same regular nontenure track rank, all regular rank faculty, whether nontenure-track faculty, untenured tenure-track faculty, or tenured faculty, who hold either the same rank as the candidate or a higher rank are eligible to vote. (For example, if a current Associate Professor of the Practice is being considered for reappointment at that same rank, then only those faculty holding the rank of Associate Professor of the Practice or higher, Associate Research Professor or higher, Associate Clinical Professor or higher, or tenure track Associate Professor or higher, are eligible to vote.)
3. On regular nontenure track candidates for potential reappointment with promotion, all regular rank faculty, whether nontenure-track faculty, untenured tenure-track faculty, or tenured faculty, who hold either the same rank for which the promotion candidate is being considered or a higher rank are eligible to vote. (For example, if a current Associate Professor of the Practice is being considered for reappointment with promotion to Full Professor of the Practice, then only those faculty holding the rank of Full Professor of the Practice, Full Research Professor, Full Clinical Professor, or tenure track Full Professor, are eligible to vote.)

G. Response to department (unit) action

The chair or director transmits the candidate's dossier, other relevant materials and a cover letter reporting the recommendation of the department (unit) review committee, the names of all who voted, the outcome of the vote, and the chair's/director's personal recommendation. In the case of a favorable departmental recommendation for a new appointment, the letter must also specify how the candidate will fulfill the requirements for regular faculty rank, contained in the proposed amendment to the bylaws of the University that was approved by vote of the University Faculty on January 17, 1991. These are:

1. Statement of faculty title and the University School, department, program, institute or center in which the appointment is to be made.
2. Statement of the individual's primary responsibilities in relation to the University's goals, performance of the individual's role principally at the University, and full-time status.
3. Instructional component of the individual's work in relation to the degree-granting mechanisms of the University or in relation to those individuals at the University who are undertaking farther training/studies beyond graduate degrees.
4. The nature of the individual's ongoing contractual relationship to the University.

In the case of a favorable departmental (unit) recommendation, the Dean decides whether to proceed with the initial appointment, reappointment or promotion and forwards a

recommendation to the provost, who, upon favorable evaluation, takes it to the Board of Trustees for approval. For units outside of schools and which report directly to the provost, the provost decides whether to proceed with the initial appointment, reappointment, or promotion and, if favorable, takes it to the Board of Trustees for approval. If the Dean's (or provost's) decision differs from the departmental recommendation, she/he explains her/his reasons to the department (unit) and sends a letter to the candidate informing her/him of the decision.

In the case of an unfavorable departmental (unit) decision, the chair also sends a letter to the candidate informing her/him of the decision. Within two weeks of receiving this letter, the candidate may appeal the unfavorable departmental decision to the Dean.

H. Promotions

All reviews for promotion should include an evaluation for reappointment as well. An unfavorable decision for promotion should not influence the decision for reappointment, which is based on less rigorous criteria.

I. Periodicity of review

Initial appointments are reviewed for either reappointment or promotion within four years or less. Subsequent reviews are done at least every five years. More frequent review is at the discretion of the individual department. In special cases the Dean may approve a departmental (unit) request for an interval as long as 10 years for a faculty member who has undergone at least one review for reappointment at the level of Professor of the Practice of ..., Research Professor, or Clinical Professor. Reviews for appointment, the first review after appointment, and promotion should be detailed; reviews for subsequent reappointment may be less detailed.

J. Relationship between the review and the contractual processes

Individual Schools and other units differ in contract policy, some using only one-year contracts, others offering contracts as long as ten years. In addition, where contract renewal is dependent on the availability of soft funds such as research grants, which have their own renewal cycles, it may not be feasible to synchronize the review and contractual processes. Therefore, it is necessary to distinguish between the two. The purpose of review for appointment, reappointment or promotion should be to evaluate an individual's qualifications for a specific faculty title and in most cases for a specific task. Successful review is not necessarily synonymous with contract renewal, although it might be considered to be so by an individual department (unit) or School. For instance, if a research grant is due for renewal in less than a year, it might be impossible to offer more than a one-year contract to an Assistant Research Professor who has just completed successful review, even though the previous contract had been for a longer period. The use of short-term contracts demands, however, that the department (unit) consider carefully the nature of the "intent of ongoing contractual relationship [of the faculty member] to the University", since such intent is a requirement for regular non-tenure track faculty. In summary, for regular non-tenure track faculty a successful review is necessary but not sufficient to permit renewal of a contract that is dependent on the availability of funding support.

In some cases it might be possible to solve the problem of asynchrony through the use of rolling contracts. For example, if a review during the third year of a five year contract were favorable, a new five year contract could be made, which started at the end of the review year and extended to the end of year eight. Unfavorable review would allow the individual to continue to the end of the current five year contract. The Department (unit) might even choose to extend the possibility of another review at year four or five.

When review for reappointment is unfavorable while a contract is still in force, an individual might continue at the same or similar task with a different title, one that does not convey regular faculty status. It is conceivable that the individual might even be offered a new contract, as in the case where failure to reappoint is due to the loss of an instructional component in the position, but the individual still performs a valuable service.

APPENDIX D: ARTS AND SCIENCES

In this Appendix

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Bylaws of the Faculty of Arts and Sciences

As amended by the Faculty of Arts and Sciences, January, 2003

I. Membership

The Faculty of Arts and Sciences shall be composed of the president, the provost, the secretary, the dean of the faculty of Arts and Sciences (hereinafter, dean of faculty), the dean of Trinity College, and the members of the university faculty who are qualified to vote for the Academic Council and whose primary appointment is in a department or program of the faculty of Arts and Sciences. A representative of the Engineering Faculty Council shall be an ex officio member of the Council.

II. Meetings

The faculty of Arts and Sciences shall meet at the call of the dean of faculty or of the Executive Committee of the Arts and Sciences Council or of thirty members of the faculty of Arts and Sciences. The agenda shall be circulated at least five days in advance of the meeting. The chair of the Arts and Sciences Council shall preside.

III. Membership of Committees

Appointment to membership on committees authorized by the faculty of Arts and Sciences or by the Arts and Sciences Council shall be made by the dean of faculty or the dean of Trinity College upon nomination by the Executive Committee of the Arts and Sciences Council.

IV. Amendment of Bylaws

The bylaws of the faculty of Arts and Sciences may be amended by a majority vote of those present at a meeting, provided the text of the proposed amendment has been circulated to the members at least ten days in advance of the meeting.

Bylaws of the Arts and Sciences Council

*Approved by the Faculty of Arts and Sciences on April 13, 2006 and October 12, 2006,
with amendments on November 12, 2009, March 4, 2010, January 13, 2011,
April 14, 2011, and April 12, 2012*

I. Purposes

As a faculty elective body, the Arts and Sciences Council represents the faculty and advises the Dean of Arts and Sciences and other relevant administrators. The Council acts as a legislative body to approve the curriculum and academic regulations and policies for Trinity College undergraduates.

- A. **Advisory on Policies, Priorities, and Procedures:** The Arts and Sciences Council shall represent the faculty and advise the Dean of Arts and Sciences with respect to policies, priorities, and procedures concerning issues that come before the Dean including budget; faculty development and compensation; support and policy for faculty research; teaching, research and administrative facilities; organization of departments and units within the faculty; areas of interaction between graduate and undergraduate programs such as teaching assistantships, and instructional budgets and teacher training. The Council is not limited to these issues but may investigate and express its views on any other matters of particular concern to the Arts and Sciences faculty.
- B. **Advisory on Undergraduate Education:** The Arts and Sciences Council shall advise and assist the Dean of Arts & Sciences and the Dean of Undergraduate Education in all aspects of undergraduate education. The Council shall insist that the highest academic standards be imposed in all undergraduate programs. The Council shall adopt academic regulations and legislate on curricular programs that use resources of, or grant undergraduate credit in, Arts and Sciences; consider all other matters affecting the academic and residential life and the learning environment of students and make recommendations and adopt regulations where appropriate; recommend policies on admissions and financial aid to students; and develop appropriate means of encouraging and recognizing academic achievement of superior quality among students.

II. Composition of the Council and Procedures for Election to the Council

- A. **Membership:** The Arts and Sciences Council shall consist of a Chair and representatives of Arts and Sciences departments and programs that have regular rank faculty with primary appointments in that department or program. Each department or program shall have one member and one alternate, except for the three military departments which shall have one member and one alternate representing all of them. In addition, there shall be one representative and one alternate from each of the undergraduate majors housed outside Arts and Sciences departments and programs. Members of the Arts and Sciences Council shall be elected by the Faculty of Arts and Sciences departments and programs or faculty affiliated with undergraduate majors housed outside Arts and Sciences, as appropriate. For voting purposes, the Faculty of Arts and Sciences shall be composed of the members of the University faculty who are qualified to vote for the Academic Council and whose primary appointment is in a department or program of the Faculty of Arts and Sciences. Representatives from units outside Arts and Sciences shall vote on matters concerning general undergraduate education, but not those specific to Trinity College nor on faculty issues, as determined by ECASC. The Chair of the Arts and Sciences Council may hold a primary appointment in any Arts and Sciences department or program. The Dean of the Faculty of Arts and Sciences, the Dean of Trinity College, and a representative of the Engineering Faculty Council are ex-officio members of the Council.

- B. **Terms of Office:** The Chair and members of the Arts and Sciences Council shall serve three-year terms. The term of the Chair shall begin on May 15, and the terms of Members shall begin on August 1. Upon adoption of these bylaws, the first election for members will provide for staggered terms of office. After the first election all terms shall be for three years.
- C. **The Chair of the Arts and Sciences Council:** The Chair of the Arts and Sciences Council shall preside over all meetings of the Council. The Chair shall make appointments to the Standing and Ad Hoc Committees of the Council in accordance with the Bylaws. The Chair shall head the Executive Committee and preside over all of its meetings. The Chair, in consultation with the Executive Committee, shall set the agenda for Council meetings. The Chair, in consultation with the Executive Committee, shall oversee all activities of the Council and its Committees. The Chair shall be the formal representative of the Arts and Sciences Faculty on all occasions when such representation is required. If the Chair is absent or indisposed, a member of the Executive Committee shall preside over meetings of the Arts and Sciences Council.
- D. **Executive Secretary to the Council:** The Chair of the Council shall appoint an Executive Secretary to the Council from the Arts and Sciences Faculty, either active or retired. The Executive Secretary shall prepare the minutes of Council meetings and provide them to the Chair for review. The Executive Secretary or Council staff shall perform other duties such as distributing minutes, notices of Council meetings, and the agenda to the faculty at large in advance of such meetings. The Executive Secretary or Council staff shall assemble and preserve in good order all minutes and official records of the Council. The Executive Secretary shall have a stipend and other support as determined by the Dean of Arts and Sciences. The Secretary shall have no fixed term but shall serve at the pleasure of the Chair of the Council.
- E. **Election to the Council:** The Executive Committee shall administer elections for membership to the Council as follows: In early March, the Chair shall send a request for nominations to all Arts and Sciences Faculty instructing each faculty member to nominate two members of their primary department or program to stand for election. The two nominees, or in the case of a tie up to three nominees, who receive the most nominations within each department or program and who agree to serve will be placed on the final ballot for that department. If a department fails to respond adequately, the Council Chair, in consultation with the Executive Committee and Chair of the department, will seek additional nominations within the department. Before March 31, the faculty shall vote for one of the candidates from their primary department or program, and the candidate with the most votes will become a Council Member. The other candidate will serve as Alternate. Voting shall be by secret ballot either by mail or by electronic means. Votes shall be tallied promptly by the Executive Secretary or staff; results shall be reported to the faculty without delay.
- F. **Election to the Chairship:** The Chair of the Arts and Sciences Council shall be elected in an at-large election simultaneously with the election for ordinary Members of the Council. The Faculty of Arts and Sciences shall be presented with a slate of at least two faculty who have agreed to serve. The ballots shall provide for write-in candidates. The candidate with the highest vote shall win. Voting shall be by secret ballot either by mail or by electronic means. Votes shall be tallied by the Executive Secretary or staff; results shall be reported to the Council Chair who shall promptly notify the faculty of the result.
- G. **Vacancies:** Vacancies may occur in the event of an extended absence of an elected Member for academic leave or other reasons or by death, retirement or resignation from the University. When notified of either a temporary or permanent vacancy, the Chair shall appoint a replacement Member of Council. Replacement Members shall be appointed from the list of Alternate Members of Council (see below). Replacement Members shall serve either until the Member returns or until the next election.
- H. **Alternates:** Unelected nominees to membership in the Council from the last election shall be considered Alternate Members of Council. If no Alternate is available for a department or program, the Chair of the Council, in consultation with the Executive Committee and the Department Chair, shall appoint a new Member from the faculty of the Department to be represented.

III. Meetings of the Council

- A. **Scheduled Meetings:** The Arts and Sciences Council shall meet regularly once a month on the second Thursday of each full month of the academic year. The Chair may cancel regularly scheduled meetings for lack of business. The Council may also meet at other times upon the call of the Chair or upon the written request of five or more Members or by written request of twenty or more Arts and Sciences faculty.
- B. **Agenda:** The agenda fixed by the Executive Committee shall be transmitted by electronic means at least five days in advance of each meeting of the Council to all members of the Arts and Sciences faculty.
- C. **Minutes:** Minutes of each meeting shall be taken by the Executive Secretary of the Council and promptly distributed in draft form to the entire faculty by electronic means. Minutes may be corrected by Council Members when they are approved at the following meeting.
- D. **Voting Rights:** Members of the Council shall serve in person and only members can vote. Each elected member of the Council shall have one vote on issues before the Council in its meetings. Ex-officio members have no voting rights in the Council. Proxy votes are not permitted. The Chair shall not vote except in the case of a tie vote.
- E. **Rules of Procedure:** The Council shall follow the rules set out in Robert's Rules of Order.
- F. **Quorum:** One half of the elected Members of the Council must be present to constitute a quorum.
- G. **Absenteeism:** The Chair, acting with the advice of the Executive Committee, may ask any Member to resign if he or she is absent without cause from an excessive number of Council meetings. The resulting vacancy will be filled by an Alternate Member of Council as specified in the bylaws.
- H. **Open Meetings:** Council meetings are open to all interested members of the University community and to the public. At the discretion of the Chair, non-Council members may be recognized to speak. The Chair may at any time declare a closed executive session for discussion of personnel or other sensitive matters.
- I. **Parliamentarian:** The Chair shall appoint one Member to serve as Parliamentarian who is conversant with the Council Bylaws and Robert's Rules of Order. The Parliamentarian shall advise the Chair on proper procedures for meetings and rule on contested points of order.
- J. **Meetings of the Arts and Sciences Faculty:** The Chair and the Executive Committee may call a meeting of the entire Arts and Sciences Faculty at any time. The agenda for the meeting must be distributed to all faculty at least ten days in advance of the meeting.

IV. The Executive Committee of the Council

- A. **Composition:** The Executive Committee shall consist of eight persons: the Chair, two Members from each academic division who are also Members of the Council, and ex officio the Dean of Arts and Sciences. Each spring the outgoing Executive Committee, in consultation with the newly elected Chair, shall prepare two slates of two Council members each who are drawn from the membership of the newly elected Council, taking care to assure a reasonable balance among the three curricular divisions of Humanities, Social Sciences, and Natural Sciences as Members rotate off the Executive Committee. These slates shall be submitted to the membership of the Council in advance of the final meeting of the academic year. Additional nominations may be received from the floor at that meeting, provided they have indicated their willingness to serve. At the final meeting, the Council shall elect one from each pair or set of names by secret ballot.
- B. **Function:** The Executive Committee shall advise the Chair in all matters pertinent to the work of the Council. The Executive Committee shall set the agenda for each meeting of the Council. The Executive Committee shall serve as the Committee on Committees and must approve all appointments to Standing and Ad Hoc committees of the Council.
- C. **Meetings:** The Executive Committee shall meet at the call of the Chair.

V. Changes to Bylaws

These Bylaws may be amended by a two-thirds vote of those Members present at a meeting of the Arts and Sciences Council. Notice of a proposed change in the bylaws must be circulated to the Members and to all Faculty in Arts and Sciences at least two weeks in advance of a meeting.

VI. Duties of Members and Standing Committees

- A. **Committee Portfolios:** The Chair shall assign a portfolio of committee responsibilities to each Member of the Executive Committee each year. Each Member shall be an ex officio, non-voting member of one or more Standing or Ad Hoc committees of the Council as designated by the Chair. Each Member shall ensure that there is a stable reporting relationship between the Standing or Ad Hoc committee and the Council and shall act as a liaison between the committees to which he or she has been assigned and the Council.
- B. **Standing Committees:** The Chair in consultation with the Executive Committee shall appoint the Chairs and all faculty members to all Standing Committees of the Council except for the Committees on Information Technology, Courses, Curriculum and Global Education for Undergraduates. The Dean of Arts and Sciences shall appoint the chairs and members of the latter four committees from a list of nominees submitted by the Chair of the Council. The Chair, Executive Committee and Council are charged with actively monitoring the activities of the standing committees. Members of all Standing Committees shall be appointed for three year terms. The duties and membership of the various Standing Committees shall be as follows:
1. **Technology Advisory Committee:** The Technology Advisory Committee shall support the academic mission of Arts and Sciences and Trinity College through the appropriate use of information technology. Toward this end, the Technology Advisory Committee will: advise the Arts and Sciences Council and senior leadership regarding policies, procedures, standards, and other issues pertaining to academic computing, multimedia, instructional technology, and information technology in general; formulate and evaluate priorities and strategies for information technology development; act as a forum for comments, suggestions, and concerns regarding information technology from the Arts and Sciences faculty and student body; represent Arts and Sciences on university-wide computing issues; and report annually to the Arts and Sciences Council and Duke's Information Technology Advisory Committee (ITAC) on the status of information technology in Arts and Sciences and progress toward goals and objectives.
The Membership: The Technology Advisory Committee will consist of faculty representatives from each division (Humanities, Social Sciences, and Natural Sciences) with no fewer than two from each, and each serving a three-year staggered term; one undergraduate student; one graduate student; one representative from the Center for Instructional Technology; two representatives from institutes or centers; and two ex officio representatives, one appointed by the Dean of the Faculty of Arts and Sciences the other appointed by the Chair of the Arts and Sciences Council. Members may serve multiple roles.
 2. **Committee on Faculty Research:** The Committee on Faculty Research has two responsibilities: a) It shall administer funds made available to the Committee each year by the Dean of the Faculty of Arts and Sciences, and the Committee will allocate these funds by awarding grants for research, for conferences hosted at Duke University, and for conference travel expenses incurred by members of the faculty of Arts and Sciences, and b) it shall address larger issues of research that are important for Arts and Sciences faculty.
 3. **The Committee on Courses:** The Committee on Courses shall insist on the highest academic standards in both undergraduate and graduate courses offered by the Faculty of Arts and Sciences. The Committee shall approve or disapprove new courses, including house courses. The Committee shall ensure proper and appropriate academic credit, classification and labeling of all courses in accordance with the stipulations of the current curriculum. Membership: The Committee on Courses shall consist of seven members: a Chair appointed from the Arts and Sciences faculty at large; one faculty representative from each division (Humanities, Social Sciences, and Natural Sciences); one undergraduate student nominated by

Duke Student Government; ex officio a representative from the Dean of Trinity College; and ex officio, a Member of the Executive Committee.

4. **The Committee on Curriculum:** The Committee on Curriculum shall address general issues associated with the curriculum as described in the Undergraduate Bulletin to ensure that the Bulletin accurately represents what Departments and programs offer and that those offerings are in keeping with the policies established by the Arts and Sciences Council; address proposals for new majors, minors, and programs; review proposals by Departments to change their majors; and determine scheduling and implementation of necessary program reviews. Membership: The Committee on Curriculum shall consist of eleven members: a Chair appointed from the Arts and Sciences; two faculty representatives from each division (Humanities, Social Sciences, and Natural Sciences); one undergraduate student nominated by Duke Student Government; ex officio a representative from the Dean of Trinity College; ex officio a representative from the Registrar's Office; and ex officio a Member of the Executive Committee.
5. **The Committee on Officer Education:** The Committee on Officer Education shall review the credentials of candidates for appointment in the three military departments and make recommendations to the Dean of Arts and Sciences. The Committee shall periodically review the curriculum of the ROTC programs and report the results of that review to the Council. Membership: The Committee on Officer Education shall consist of eight members: a Chair appointed from the faculty of Arts and Sciences at large; one faculty representative from the faculty of Arts and Sciences; one faculty representative from each of the ROTC faculties (Army, Navy and Air Force); one faculty member from the Pratt School of Engineering; ex officio a representative from the Dean of Arts and Sciences; and ex officio a Member of the Executive Committee.
6. **The Committee on Program II:** The Committee on Program II shall study and make appropriate recommendations to the Dean of Trinity College and to the Council with respect to Program II and its relationship to the broader curriculum. The Committee shall admit students to Program II and approve their programs and any later modification thereof. Membership: The Committee on Program II shall consist of seven members: a Chair appointed from the faculty of Arts and Sciences at large; one faculty representative from each division (Humanities, Social Sciences, and Natural Sciences); one undergraduate student nominated by Duke Student Government; ex officio a representative of the Dean of Trinity College; and ex officio a Member of the Executive Committee.
7. **Committee on Global Education for Undergraduates:** The Committee on Global Education for Undergraduates shall recommend to the Dean of Trinity College and to the Council appropriate regulations for study abroad and foreign academic exchange programs. The Committee shall recommend guidelines for determining transfer credit to Duke for academic work done abroad. It shall approve academic changes (deletions, revisions, and additions) in study abroad programs that have been previously endorsed by Duke. It shall recommend new Duke-sponsored study abroad programs to the Dean of the College following a careful review of detailed proposals. It shall review periodically all Duke-sponsored and approved programs overseen by the Global Education Office for study abroad in terms of changing educational and academic needs at Duke. Membership: The Committee on Global Education for Undergraduates shall consist of eleven members: a Chair appointed from the faculty of Arts and Sciences at large; one faculty representative from one of the foreign language departments; one faculty member from each Division (Humanities, Social Sciences and Natural Sciences); one faculty member from the Pratt School of Engineering; one undergraduate student nominated by Duke Student Government, ex officio the Director of the Office of Global Education for Undergraduates; ex officio one representative appointed by the Dean of Trinity College; ex officio one representative appointed by the Vice Provost for International Affairs; and ex officio a Member of the Executive Committee.
8. **Committee on Undergraduate Teaching, Academic Standards and Honors:** The Committee on Undergraduate Teaching, Academic Standards and Honors shall concern itself

with the enhancement of the teaching of undergraduates in Trinity College, with the enforcement of the highest academic standards in undergraduate teaching, and with the establishment and review of the standards for academic honors. The Committee shall administer the annual teaching awards program, acting as a review committee to select teaching award winners from among the various nominees. The Committee shall also recommend requirements and review standards for the awarding of academic honors and graduation with distinction approve distinction programs from individual academic units administer undergraduate honors convocations, and concern itself overall with the means of recognizing and encouraging academic excellence.

Membership: The Committee on Undergraduate Teaching shall consist of ten members: a Chair appointed from the faculty of Arts and Sciences at large; one faculty representative from each division (Humanities, Social Sciences, and Natural Sciences); one graduate student nominated by the Graduate and Professional Students Council; one undergraduate student nominated by Duke Student Government; ex officio a representative from the Dean of Trinity College; ex officio the Director of the Center for Teaching, Learning and Writing; ex officio the Director of Focus Programs; and one ex officio Member of the Executive Committee.

9. **Committee on Faculty-Student Interaction:** The Committee on Faculty-Student Interaction shall concern itself with enhancing advising and other faculty encounters with undergraduate students outside the formal classroom setting. The Committee shall work closely with the Committee on Undergraduate Teaching. The Committee shall have monitoring responsibilities for Pre-Major Advising and upper-class advising, for the House Course program, for the Faculty in Residence Program, and for the Faculty Associates Program.

Membership: The Committee on Faculty-Student Interaction shall consist of eight members: a Chair appointed from the faculty of Arts and Sciences at large; one faculty representative from each Arts and Sciences division (Humanities, Social Sciences, and Natural Sciences); one faculty representative from the Pratt School of Engineering; one undergraduate student nominated by Duke Student Government; ex officio one representative appointed by the Dean of Trinity College; ex officio one representative appointed by the Vice-President for Student Affairs; ex officio the Director of the Center for Teaching, Learning and Writing; and ex officio a Member of the Executive Committee.

10. **Committee on Assessment:** The Committee on Assessment shall advise the Dean of Academic Affairs of Trinity College on matters of assessment in Trinity College of Arts and Sciences, including department and program assessment activities. The Committee shall provide resources based on best assessment practices and experience at relevant institutions; communicate expectations for assessment activities and promote the integration of assessment in department strategic planning; review assessment plans; provide feedback concerning the overall quality, strengths, and suggestions for improvement. The Committee shall provide an annual report to the Arts and Sciences Council and/or its Executive Committee as determined by the Chair of the Arts and Sciences Council.

Membership: A faculty chair and one faculty representatives from each division (Humanities, Social Sciences, and Natural Sciences) appointed by the Chair of the Arts and Sciences Council; one faculty representative from each division appointed by the Dean of Academic Affairs of Trinity College; three ex officio representative from the Arts and Sciences Offices of Assessment, Curriculum, and Academic Planning appointed by the Dean of Academic Affairs of Trinity College; ex officio the Dean Academic Affairs of Trinity College. The term of each appointee is three years.

Procedures for Appointments, Reappointments, Promotions, and Tenure in the Arts and Sciences

Procedures governing appointments, reappointments, promotions, and tenure are available in [Chapter 3](#) of the Faculty Handbook. In addition, review procedures and a description of materials required for dossiers are available on the Faculty Affairs website: <http://www.facultyaffairs.provost.duke.edu/index.html>. For more detailed information regarding procedures in Arts and Sciences, see the handbook at <http://trinity.duke.edu/faculty-affairs/apt-handbook>.

Arts and Sciences Accelerated Sabbatical Policy

Only tenured Arts & Sciences faculty are eligible. Please provide evidence to your chair of having met the following three criteria below. Chairs are responsible for certifying that faculty have met all criteria.

Criterion I

Applicants must outline an intellectual program demonstrating specific, effective and timely use of the leave to advance their scholarship.

Criterion II

Since the last sabbatical leave, the applicant has:

- A. taught both undergraduates and graduates (in PhD granting departments);
- B. provided evidence of high-quality teaching; and
- C. **taught at least 10 undergraduate courses**, with appropriate enrollments of at least six students.
 - This may include graduate courses with more than five undergraduates enrolled.
 - Any class with more than 100 students may count as “two courses” towards the 10 course threshold. This bonus may be invoked no more than three times in any pre-sabbatical period.
 - Course equivalence for supervision of independent study: a minimum of six such supervisions may count as one course towards acceleration (6:1). Departments may maintain higher thresholds if they wish.
 - Course equivalence for thesis supervision: a minimum of six undergraduate theses supervisions may count as one course towards acceleration (6:1); a minimum of four graduate dissertation supervisions may count as one course towards acceleration (4:1). In both cases, theses may be counted only once between sabbatical leaves.
 - Directors of Undergraduate Studies and Directors of Graduate Studies who receive course relief for their service may count that relief as a course towards acceleration, to a maximum of two course credits between sabbatical leaves.

Criterion III

Since the last sabbatical leave, the individual has performed significant, measurable service beyond the classroom and beyond the minimum. Departments may institute quantitative metrics to assess this criterion. Assessment will rest with department chairs.

Please note these additional points:

- Faculty may begin accruing eligibility since their last sabbatical.
- Faculty who are eligible to apply for a traditional sabbatical **must** do so before applying for an accelerated leave.
- Faculty applying for a traditional sabbatical shall be given preference over faculty applying for accelerated leave.
- Traditional and accelerated sabbaticals may not be combined.
- Four complete years of full time residency must separate sabbatical leaves.
- Chairs are responsible for ensuring that no more than 25% of their department faculty are granted leave during any semester.

The criteria and implementation of this policy will be reviewed three years after its inception.

November 13, 2008

APPENDIX E: PRATT SCHOOL OF ENGINEERING

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Bylaws of the Faculty

Revised 2016

ARTICLE I. Faculty Membership

The faculty of the Pratt School of Engineering shall be composed of the president, the provost, the secretary, and all university faculty (as defined in the University Bylaws) who have appointments in the school. The voting membership of the faculty of the Pratt School of Engineering shall be composed of the president, the provost, the secretary, and those faculty whose tenured, tenure track, or regular rank non-tenure track appointments are in the Pratt School of Engineering and who are eligible to vote at university faculty meetings in accordance with Appendix B, Section V, of the Faculty Handbook.

With the concurrence of the Engineering Faculty Council, the dean of engineering can extend voting privileges to faculty members with non-tenure track term appointments, such as research faculty, visiting faculty, and secondary faculty appointments. Such voting privileges will extend only for the duration of the term appointment.

ARTICLE II. Faculty Responsibility

The faculty of the Pratt School of Engineering shall be responsible for the conduct of instruction and research in the Pratt School of Engineering; it also shall be responsible for the Engineering undergraduate and Professional Degree curricula and, through the Curriculum Committee of the Engineering Faculty Council, for approving courses offered to undergraduates and courses offered to students in Engineering Professional Degree Programs in the Pratt school.¹

ARTICLE III. Faculty Meetings

The faculty of the Pratt School of Engineering shall meet at least once each semester: near the opening of the academic year (the fall meeting) and near the close of the academic year (the spring meeting). Additional meetings may be called by the dean. If the Engineering Faculty Council or at least five members of the voting membership of the engineering faculty request a special meeting for the conduct of business, the dean or the dean's designated representative shall call such a meeting within two weeks of a written request.

The presiding officer at meetings of the faculty of the Pratt School of Engineering shall be the chair of the Engineering Faculty Council or, in the chair's absence, the secretary of the Engineering Faculty Council. The secretary of the engineering faculty shall be the secretary of the Engineering Faculty Council.

The dean and the chair of the EFC will send an announcement of a meeting to each member of the engineering faculty. Faculty members may submit agenda items to the chair or the dean in writing at that time. The chair, in consultation with the dean, will submit a written agenda to the faculty during the week preceding the next faculty meeting.

A simple majority of the voting membership of the engineering faculty shall constitute a quorum. Members must be present in order to vote. In the absence of a quorum at a meeting, a written mail ballot may be used to vote provided that issue of interest has been discussed at the meeting.

1. _____
¹ Under university procedures graduate courses must also be approved by the Graduate School.

The current edition of Robert's Rules of Order Revised shall govern the engineering faculty in all parliamentary decisions to which they are applicable, except when they are inconsistent with standing rules or bylaws adopted by the voting membership of the engineering faculty. A parliamentarian appointed by the Engineering Faculty Council may assist the chair in making parliamentary decisions.

ARTICLE IV. Engineering Faculty Council

The Engineering Faculty Council (EFC) shall represent the faculty and advise the dean of the Pratt School of Engineering with respect to policy and priorities concerning issues that come before the dean. The dean of the Pratt School of Engineering shall provide essential information to the Engineering Faculty Council regarding any substantial changes in policy before any proposal goes to the Graduate School, Academic Programs Committee or the Academic Council. The EFC, in consultation with the dean and the Executive Administrative Council, shall nominate faculty to serve on standing committees and each committee shall elect its chair. The chairs of the standing committees shall meet with EFC at least once a term to report on committee activities. The EFC responsibilities also include the establishment of ad hoc committees to consider and report on matters of concern to the faculty.

The EFC shall be composed of two voting faculty members from each department and the dean of engineering (ex officio). Members shall be elected to two-year terms and may serve a maximum of two consecutive terms. The term shall begin on July 1 and end on June 30. The first of each department's representatives shall be elected in even-numbered years by the voting membership of the faculty of the Pratt School of Engineering. Voting will be prior to the spring meeting by secret ballot. The dean of engineering and the chair of the EFC will be in charge of the election process. Tie votes will be resolved by re-balloting. No more than one regular rank non-tenure track member may be elected during this election.

The faculty in each department shall elect the second representative – who must be tenured or tenure track – from its own membership in odd-numbered years, prior to the spring meeting. Each department chair, or the chair's designated representative, shall prescribe the procedures for counting the votes for the second of these representatives. If a representative is unable to complete a term of office, a replacement shall be selected by the same voting process by which the original representative was elected.

The EFC normally shall meet monthly during the academic year. A quorum for the conduct of business shall be a simple majority of the membership of the EFC. Immediately following the spring meeting of the engineering faculty, the continuing and newly-elected Engineering Faculty Council members shall meet to elect by secret ballot its own chair and secretary (who serves in the chair's absence). Election shall be to one-year terms. The same policies and procedures that govern Academic Council meeting attendance – and member replacement in the event of excess absenteeism – shall apply to the EFC.

ARTICLE V. Professional Degree Programs

The faculty through the EFC will be responsible for oversight of all Engineering Professional Degree Programs (the Programs). Oversight of such Programs will be through a Program Committee established specifically for each Program. Program Committee membership will be recommended by the dean and approved by the EFC. Program Committees must be chaired by a tenure/tenure track faculty member of the Pratt School and include the dean or a representative of the dean as an ex-officio member. Course approval for each Program will be considered by the EFC at the recommendation of the Program Committee.

ARTICLE VI. State of the School

A state of the school address by the dean shall be included as an agenda item at the spring meeting.

ARTICLE VII. Amendment of Bylaws

These bylaws can be amended by a two-thirds majority of those voting members present at any called business meeting of the engineering faculty, provided a quorum is present, and provided that the amendment has been circulated to the faculty in written form at least two weeks before the meeting.

Procedures for Faculty Recruitment, Promotion, and Tenure

Faculty Recruitment

1. When a vacancy is created by resignation, retirement or other causes the department chair will ask for authorization from the dean to initiate a faculty search. The request should contain, as appropriate, details about the expected field of specialty of the new faculty member, desired experience level and salary range.
2. The departments will send to the dean a written description of the position that constitutes the announcement for the position. A list of journals and/or individuals to whom the announcement of the position is sent will be enclosed.
3. After the department has identified one or more highly desirable candidates for the position it will request dean's authorization to invite them to the campus for an interview.
4. For prospective tenured appointments, the candidates' interview itineraries should include the provost or his or her deputy and the dean of the Graduate School. The curriculum vitae should be sent to these individuals before the visit.
5. Before an offer is extended, the EEO self-audit form and a request to make an offer should be sent to the dean who may consult the Director of Equal Opportunity/Affirmative Action before approving the request. Upon dean's approval of offer terms, an offer letter will be written by the dean's office, with copies to the department and provost's offices. Copies of acceptance or rejection letters should also be provided immediately upon receipt.
6. The departments are responsible for maintaining complete files of all correspondence relative to an appointment, which should be detailed enough to provide proof that equal opportunity procedures have been respected.

Promotion and Tenure

1. The promotion and/or tenure action begins with an annual review of all faculty members in ranks eligible for promotion and/or tenure by the chair and/or the assembly of full professors of the department. Possible nominees (if any) are then considered for detailed departmental review.
2. The possible nominees are informed by the chair of their eligibility for detailed departmental review. If they desire to be reviewed for promotion and/or tenure, they are asked to provide the chair with complete copies of all major publications and suggestions of up to three referees outside of the university from whom assessments of the nominee's scholarly and professional accomplishments might be obtained.
3. The chair requests letters from at least six outside referees, some of whom may have been suggested by the nominee, and also gathers data (with the help of a committee if necessary) about the nominee's teaching skills.
4. A dossier containing resume, complete publications, and all outside reference letters is circulated to the faculty of the department holding appointments above the candidate's present rank. Faculty members respond by a confidential vote either for or against the promotion recommendation, and have whatever explanations they consider necessary to support their vote.
5. The chair summarizes the responses and announces the intention to either recommend or not recommend the nominee. The nominee is informed orally of this intention.
6. If the nominee is recommended for promotion, a dossier consisting of all the nominee's publications, an investigative report on his or her teaching, and all inside and outside reference letters, will be forwarded to the dean of the school. The forwarding letter shall contain a summary of the views of the faculty on the candidate as well as the chair's personal views concerning the recommendation. In addition, individual faculty members may write to the Office of the Provost in support of or dissent from the department and school recommendation. Copies of such correspondence shall be sent to the department chair and the dean of the school.

7. All recommendations received from departments are subjected to an administrative review by the executive group of the Engineering Administrative Council, which consists of the dean and engineering department chairs. This group in recent years has delegated this responsibility to a faculty committee appointed by and advisory to the dean. The purpose of this review is primarily to ensure that all recommendations relative to the faculty in the Pratt School of Engineering are made following a uniform set of standards. The dean of the school summarizes the views of the executive group in his or her forwarding letter to the provost which is attached to the complete dossier(s) of the nominee(s). The nominee is informed orally through his or her department chair, of the result of action at the school level.

For a full and authoritative discussion of current university policy on tenure and promotion applicable to the Pratt School of Engineering, see Chapter 3 of the Faculty Handbook.

APPENDIX F: DIVINITY SCHOOL BYLAWS

Articles of Organization

Bylaws of the Faculty

Policies and Procedures

The Divinity School, Duke University

- I. The Divinity School Community.
 - A. Membership.

The Divinity School Community consists of the faculty, all other instructors, the student body (all full-time and part-time students who are regularly enrolled in the School), and the administrative and support staff.
 - B. Mission.

The Divinity School is the center of theological inquiry and learning within Duke University. By history and indenture, it stands within the Christian tradition. Its distinctive lineage and continuing obligation is to the United Methodist Church. From its inception, and consistent with the Wesleyan tradition, Duke Divinity School has been ecumenical in aspiration, teaching, and practice, as well as in its faculty and student body. The principal purpose of The Divinity School is graduate professional education for the various ministries of the Church. A significant component of this purpose is research and publication in the theological disciplines for the worldwide Church and for the academy.

- II. The Divinity School Council.
 - A. Membership of the Divinity School Council.

The Divinity School Council is composed of the faculty and the administrative staff.
 - B. Responsibilities of the Divinity School Council.
 1. The Council determines matters of significance to the community life of The Divinity School.
 2. The responsibilities of the Divinity School Council include advising on:
 - a. the yearly calendar;
 - b. community programs and events;
 - c. student affairs, library, and academic matters.
 - C. Meetings of the Divinity School Council.
 1. Meetings of the Council are held regularly according to a schedule announced in advance for each semester.
 2. Called and chaired by the Dean; notice of time, place, and proposed agenda normally given at least one week in advance; Roberts Rules of Order provides the procedural framework.
 3. The agenda is proposed by the Dean in consultation with the Executive Committee.
 - D. Committees of the Divinity School Council.
 1. The committees of the Council may include the following:
 - a. Arts
 - b. Worship and Spirituality
 - c. Technology
 2. Membership of standing committees is recommended by the Executive Committee.
 3. Ad hoc committees of the Council may be appointed from time to time by the Dean.
 - E. Amendments.

All sections of this document except for Section III and any other policies and procedures relating directly to faculty may be amended by an affirmative vote of a majority of the Divinity School Council, so long as the changes do not contradict the University Bylaws.

- III. The Divinity School Faculty.
 - A. Membership of the Divinity School Faculty.
 1. The Faculty of the Divinity School shall be composed of the President of the University, the Provost, the Secretary, and all regular rank members of the University Faculty whose primary faculty appointment is in the Divinity School and who have been hired through the normal process outlined in V.A. below (see the University Bylaws).
 2. "Regular rank" is defined by the University Bylaws and the Academic Council Faculty Handbook as tenured and tenure-track faculty, and non-tenure track faculty who are appointed through the regular process of approval by the Dean (with the advice of the Faculty) and Provost.
 3. The titles used for primary faculty appointments in The Divinity School are:
 - a. *Regular Rank Tenured and Tenure-track* - Professor (including Assistant and Associate, here and elsewhere in this list); and tenured, named chairs.
 - b. *Regular Rank Nontenure Track* - Lecturer; Professor with qualifying terms "of the Practice of...", "Clinical," "Research."
 4. Other instructional staff, with Non-regular Rank, are given the title Instructor or Professor (or other titles such as Scholar, Artist, Bishop) with qualifying terms "Visiting," "Adjunct," "in Residence," and do not have a vote in the Divinity School Faculty.
 - B. Divisional Structure.
 1. Membership of Divisions.
 - a. The Faculty is organized into academic divisions for purposes of governance, oversight of the curriculum, and assessment of instructional requirements.
 - b. Four divisions are currently recognized: Biblical, Historical, Theological, and Ministerial Studies.
 - c. Regular rank faculty hold membership in one division.
 2. Chairs of Divisions.
 - a. Divisions elect their own chairs for two-year terms. Elections are held in the late Spring and the terms for chairs begin July 1. Chairs are ordinarily selected from the tenured members of the division.
 - b. The terms of the chairs of the several divisions are staggered to guarantee continuity within the Executive Committee and Committee on Faculty.
 - c. Chairs have responsibility for convening meetings of the division, overseeing the election of successors, and determining advanced standing of students (on behalf of the division and under guidelines established by the division).
 3. Responsibilities of Divisions.
 - a. Divisions exercise responsibility in assessing their own curricular and instructional needs and making recommendations to the appropriate committees (Curriculum, Academic Policies, Faculty, or Executive); for initial recommending of courses and course descriptions; for identifying the persons who teach foundational courses each semester; for recommending persons to serve in adjunctive roles when leaves, sabbaticals, or delayed appointments make staffing from within the Faculty impossible; for submitting the slate of courses for upcoming semesters; and for monitoring leaves and sabbaticals so as to minimize disruption to the academic program.
 - b. Divisions play initiating and leadership roles in searches for faculty in their area(s) and particularly in identifying and screening candidates; they meet with candidates who are brought for interviews; and they make recommendations to the Committee on Faculty concerning those interviewed.
 4. Voting in Divisions.

All regular rank faculty are entitled to voice and vote in the division meetings; adjunct and other related instructional appointees are invited to attend meetings with voice but not vote.
 - C. Responsibilities of the Divinity School Faculty.
 1. The Faculty of The Divinity School shall be responsible for the conduct of instruction and research in the School, functioning under the President and other officers of educational administration and subject to the regulations of the University Faculty (see University Bylaws).

2. The responsibilities of the Faculty include, but are not limited to, the determination of the following:
 - a. requirements for admission;
 - b. policies for financial aid;
 - c. curricular courses of study;
 - d. nature of degrees to be offered;
 - e. degree requirements and credit;
 - f. conduct of the instruction, including grading and academic procedures;
 - g. certification and graduation requirements;
 - h. candidates for degrees to be conferred;
 - i. continuing education program;
 - j. persons to receive academic honors and special awards;
 - k. teaching loads.
- D. Meetings of the Divinity School Faculty.
1. Plenary meetings of all regular rank faculty.
 - a. Called and chaired by the Dean.
 - b. Notice of time, place, and proposed agenda normally given at least one week in advance.
 - c. Roberts Rules of Order provides the procedural framework.
 - d. The agenda is proposed by the Dean in consultation with the Committee on Faculty.
 - e. All regular-rank faculty have voice and vote in the plenary meetings.
 - f. The Faculty meets in plenary session to discuss and vote on
 - i. all matters listed in III.C.2.(a)-(k) above;
 - ii. instructional assignments of all adjunct and courtesy title faculty, teaching assistants, and staff with instructional responsibilities.
 - g. The Faculty does not submit or receive proxy votes on matters of business, except as specified for the review process; see V.A.2.(d) and V.B.2.(c).i.f.
 2. The regular rank members of the Faculty meet occasionally as advisory to the Dean on
 - a. original appointment of all faculty and instructional positions, full-time and part-time (with faculty of the proposed rank and higher voting on the appointment);
 - b. review and reappointment of nontenure-track appointments;
 - c. recommendations for promotion of nontenure-track faculty (with faculty of the proposed rank and higher voting in each instance).
 3. The tenured members of the faculty, Associate and Full Professors (no qualifying term), meet occasionally as advisory to the Dean on appointment and promotion of faculty to the unmodified ranks of Assistant and Associate Professor and on granting of tenure.
 4. The tenured Full Professors (no qualifying term) meet occasionally as advisory to the Dean on appointment and promotion of faculty to Full Professor.
 5. Faculty Forums.
The Faculty meets in forum for informal discussion of scholarship, research, pedagogy, and other timely and pertinent issues.
- E. Committees of the Divinity School Faculty.
1. The standing committees of the Faculty include the following:
 - a. Committee on Faculty
 - b. Academic Policies; Academic Standing
 - c. Admissions, Scholarship and Awards
 - d. Curriculum; Field Education; Library
 - e. Th.D. oversight
 - f. International Studies
 - g. Course of Study School
 2. The Committee on Faculty consists of the Dean, division chairs, and other at-large members.
 3. The list of faculty members on standing committees is appointed annually by the Dean, in consultation with the Associate Deans; terms begin on July 1.
 4. Committee membership is normally for two years with no more than two consecutive terms on the same committee.
 5. Administrative staff shall be *ex officio* members, but normally not chairs, of the committees that relate to their area(s).

6. Each standing committee of the Faculty shall make regular reports to the Faculty.
- F. Academic Freedom and Tenure
1. The Faculty of The Divinity School works within the understanding of academic freedom, academic tenure, and certain matters of due process appertaining thereto, as found in the historic agreements between the President and Faculty of the University, summarized in Appendix C of the Faculty Handbook and further delineated in III.F.2 below.
 2. Academic freedom includes the freedom and responsibility
 - a. "To teach and to discuss in his or her classes any aspect of a topic pertinent to the understanding of the subject matter of the course which he or she is teaching.
 - b. "To carry on research and publish the results subject to the adequate performance of his or her other academic duties.
 - c. "To act and to speak in his capacity as a citizen without institutional censorship or discipline." (Faculty Handbook, App. C.I)
- G. Amendments
1. This section ("III. The Divinity School Faculty") in its entirety shall be construed as the "Bylaws of the Divinity School Faculty."
 2. These Bylaws of the Faculty and other policies and procedures relating to the Faculty (other than those taken directly from the University Bylaws or Faculty Handbook) may be amended as follows:
 - a. Any proposed amendment to these Bylaws shall be circulated to each member of the Faculty at least three weeks in advance of the vote.
 - b. An affirmative vote of two-thirds of the Faculty (as defined in III.A.1) is required to pass any Bylaw amendment.

IV. The Divinity School Executive Committee.

- A. Membership.
The Executive Committee is composed of the Dean, the Associate Deans, the chairs of the four academic Divisions, the Co-Presidents of the Divinity Student Council, and other staff and faculty as determined by the Dean.
- B. Responsibilities.
1. The Executive Committee is responsible for advising the Dean on internal operational oversight and institutional planning.
 2. The responsibilities of the Executive Committee include:
 - a. advising the Dean on the agenda for meetings of the Council.
 - b. developing and reviewing long range institutional planning
 - c. advising the Dean on operational matters.
- C. Meetings.
1. Meetings of the Executive Committee are held as needed.
 2. Called and chaired by the Dean.

V. Procedures.

- A. Procedures for Appointment of New Faculty.
1. Faculty appointments. (see Faculty Handbook)
All tenured regular rank faculty appointments in The Divinity School are made from the initial recommendation of the Dean (with the advice of the Faculty) by the Board of Trustees of the University or the Executive Committee of the Board of Trustees upon the recommendation of the Provost, with the approval of the President. Tenure-track and non-tenure appointments do not require Board approval.
 - a. Faculty appointments may be made either with or without tenure. Appointments without tenure may be made either in a tenure-track or a nontenure-track. The terms of that appointment shall be made clear to the faculty member at the time of appointment.
 - b. Tenure track positions.
 - i. These positions, when at the unmodified ranks of Assistant, Associate, or Full Professor, are normally filled by faculty with the Ph.D.
 - ii. The initial appointment to a tenure-track position without tenure in a regular rank is normally for a term of four years.

- c. Non-tenure track positions.
 - i. A regular rank (non-tenure track) position may be filled by a candidate without the Ph.D. at the rank of lecturer. When such an appointment is made as lecturer, the faculty member will not begin to accrue time toward tenure until the degree is awarded and he or she has been given a title in a professorial rank.
 - ii. Faculty who do not hold tenure-track positions will be given modified titles; see list in III.A.3.(b) & 4 above.
 - iii. Non-tenure track term appointments at the regular ranks of lecturer and modified-title Assistant, Associate, and Full Professor, and promotions of regular rank faculty not involving tenure shall be made by the Provost based on appropriate recommendations by the Dean in accordance with internal School procedures; see V.B.1.(b) below. Additional review by an advisory committee to the Provost is not required.
- 2. Search process for initial faculty appointments (see Faculty Handbook).
 - a. Initial appointments are overseen by the Committee on Faculty which makes recommendations to the Faculty about academic priorities, approves searches and descriptions for positions, typically appoints a subcommittee to undertake initial screening of applicants and nominees.
 - b. The Committee on Faculty interviews all candidates (as do other individuals and groups among the faculty and students). The committee receives recommendations from the search committee, the division, and others involved in the search process.
 - c. The Committee on Faculty then makes a recommendation to the Faculty concerning the appointment(s).
 - d. The regular faculty, having also interviewed the candidate(s) and received the Committee on Faculty's recommendation, then deliberates, and those who hold regular faculty appointments vote. Initial appointments require the internal review process outlined below (V.B.2.[c]), written secret balloting by the eligible members of the Faculty, action by the Dean in the case, and, if a positive vote, the Dean's transmission of the decisions (of the Dean and the Faculty) to the Provost.
 - e. Absentee ballots, when accompanied by a substantive statement that is read at the meeting, are accepted and recorded separately.
- B. Procedures for Review and Evaluation of Continuing Faculty.

Regular and systematic evaluations shall be made of the scholarship, teaching, and service (to The Divinity School and the University) of all faculty members. The schedule for evaluations varies according to the type of appointment and status of the faculty member under review. The schedule of reviews and the membership of the review committees will be recommended to the Faculty by the Committee on Faculty.

 - 1. Review of faculty on term contract.
 - a. Non-regular rank faculty.
 - i. Persons on one year appointments will be reviewed annually by the Dean. Where there have been ongoing appointments, there will be a review once every three years by a three person faculty panel who will report to the Dean, who will convey the findings and decisions about the person to the Faculty.
 - ii. Persons with adjunct appointments will be evaluated once every three years by the Curriculum Committee, which reports to the Dean; the findings and the Dean's decisions are reported to the Faculty.
 - b. Regular rank nontenure-track faculty.

Persons on nontenure-track term appointments of more than one year shall be evaluated in the year prior to the final year of their term, if they are being considered for reappointment. The review process includes the following steps:

 - i. The Committee on Faculty originates recommendations for reappointments and for promotions of full time faculty in regular, nontenure-track ranks.
 - ii. The Dean, in consultation with the Committee on Faculty, nominates a review committee consisting of at least three faculty members. Members of this committee must hold a position higher than Assistant Professor and must also be of equivalent or higher rank than that to which the nominee is to be reappointed or promoted.

- iii. The review committee assembles a dossier containing the candidate's CV and other relevant materials. Outside review will typically be part of first reappointment review and reviews for promotion. The Committee on Faculty determines whether outside review is appropriate in other cases of reappointment or promotion.
 - iv. Evaluation of candidates for reappointment and promotion focuses on the three components of scholarship, teaching, and service. In all three components, attention is directed not just to productivity but to evidence of intentional and continuous development. In light of the variety of nontenure-track appointments, the scholarship encouraged and affirmed will include: "scholarship of discovery," "scholarship of teaching," "scholarship of application," and "scholarship of integration" (cf. Ernest Boyer's *Scholarship Reconsidered*, 1990). In all cases, the scholarly products should be subject to peer review and publicly disseminated.
 - v. For reappointment or promotion to the rank of Assistant Professor, candidates must demonstrate good performance in all three components. Reappointment or promotion to the rank of Associate Professor assumes demonstrated continuous high-quality performance in at least one component and good performance in the remainder. Reappointment or promotion to the rank of Professor will be reserved for those demonstrating continuous high-quality performance in at least two components and good performance in the remainder. Length of service alone should not produce an expectation for promotion.
 - vi. The review committee prepares a written report assessing the candidate in light of the criteria and benchmarks for reappointment and promotion, which is delivered to the Dean and through the Dean to the Faculty.
 - vii. The Faculty discusses in confidence the report of the review committee and votes on it by secret ballot at a meeting attended by more than half of the eligible voters. Eligibility for voting is determined by the same criteria used to determine eligibility on the review committee.
 - viii. The Dean decides whether to proceed with the reappointment or promotion and forwards a recommendation to the Provost, who, upon favorable evaluation, takes it to the Board of Trustees for approval. If the Dean's decision differs from the Faculty's recommendation, she/he explains her/his reasons to the Faculty and sends a letter to the candidate informing her/him of the decision. In the case of unfavorable Faculty decision, the Dean also sends a letter to the candidate informing her/him of the decision. Within two weeks of receiving this letter, the candidate may appeal the unfavorable Faculty decision to the Dean.
 - ix. Initial appointments are reviewed for either reappointment or promotion within four years or less. Subsequent reviews are done at least every five years. In special cases, the Dean may approve a request from the Committee on Faculty for an interval as long as ten years for a faculty member who has undergone at least one review for reappointment at the level of Professor. Reviews for appointment, the first review after appointment, and promotion should be detailed; reviews for subsequent reappointment may be less detailed.
- c. Regular rank tenure-track faculty (see Faculty Handbook, 3/2).
- i. Annual review: Annual reviews of non-tenured regular rank faculty will be conducted by the Dean for the purpose of providing direction and advice to the faculty member regarding progress at Duke. In general, the advice of senior faculty in The Divinity School will be solicited for this review.
 - ii. Contract renewal: Renewal of the initial appointment for a second term which may extend through the end of the probationary period will be made only on the basis of a careful School review and of approval by the Dean and Provost. The purpose of this comprehensive review is to develop a judgment as to the faculty member's probable suitability for tenure at Duke. Once approval has been granted for the second term appointment, the faculty member becomes eligible to apply for a junior faculty leave.
2. Review for continuation, termination, promotion, and tenure of tenure-track faculty.

- a. Participation.

The tenured members of the Faculty render decisions concerning all matters of continuation, termination, promotion, and tenure.

 - i. All tenured faculty consider cases having to do with continuation, termination, tenure, and appointment to Assistant Professor and to Associate Professor with tenure.
 - ii. Tenured Full Professors consider cases having to do with promotion to that rank.
 - b. Review for academic tenure.
 - i. “Tenure at Duke University...should be reserved for those who have clearly demonstrated through their performance as scholars and teachers that their work has been widely perceived among their peers as outstanding. Persons holding the rank of Associate Professor with tenure are expected to stand in competition with the foremost persons of similar rank in similar fields. Good teaching and university service should be expected but cannot in and of themselves be sufficient grounds for tenure. The expectation of continuous intellectual development and leadership as demonstrated by published scholarship that is recognized by leading scholars at Duke and elsewhere must be an indispensable qualification for tenure at Duke University” (Faculty Handbook, 3/3).
 - ii. Persons on tenure-track term appointments will be reviewed in the year prior to the final year of their term, using the process outlined below (2.c.)
 - c. Review process.
 - i. All decisions on continuation, termination, promotion, and tenure involve the following steps:
 - (a) a meeting of the Committee on Faculty to consider the case and discuss the review process, including a calendar for the review;
 - (b) nomination by the Dean and approval by the Committee on Faculty of a review committee, typically composed of three persons all of whom are eligible to vote on the matter, with membership drawn from both within and without the candidate's field or division;
 - (c) review by the committee of the candidate's materials, following guidelines from the Provost's Office—including but not limited to an intellectual development statement, curriculum vitae, list of published work and reviews thereof, teaching evaluations, letters of reference (required for promotion and tenure) determined by the review committee, statement concerning service to church, school, and community;
 - (d) submission of a written report by the committee and consideration of that and all relevant materials in the dossier by the Faculty;
 - (e) a meeting of eligible faculty, a discussion of the candidate in detail, and a vote by secret written ballot (absentee ballots, when accompanied by a substantive statement that is read at the meeting, are accepted and recorded separately);
 - (f) a decision by the Dean, who reviews all relevant materials, makes his/her own determination in the case, registers his/her concurrence or non-concurrence with the Faculty, transmits that decision and the full dossier and the vote of the Faculty to the Provost with a substantive evaluative statement that reviews, in some detail, all the factors and the quality thereof in the case and indicates his/her concurrence or non-concurrence with the Faculty's recommendation (and in cases of tenure and promotion to the Provost's Advisory Committee on Appointment, Promotion, and Tenure, following the guidelines from the Provost's Office).
 - (g) consultation by the Dean with the Provost.
 - ii. Tenure and promotion decisions follow further protocols approved by Academic Council and established by the Provost and the Provost's Advisory Committee on Appointments, Promotion, and Tenure.
3. Peer review of tenured faculty.

- (a) The purpose of peer review of tenured faculty is to provide a means of continuing mutual support and accountability through collegial review of productive scholarship and effective teaching.
 - (b) Persons holding tenure will be reviewed approximately every seven years by a panel of three peers. A report will be made to the Dean, who will discuss the assessment with the faculty member. A copy of the report will be forwarded by the Dean to the Provost.
 - 4. Annual report and evaluation of faculty.
The Dean will make an annual review of every faculty member as a part of a yearly report made to the Provost. The Dean may solicit an annual summary of activities from each faculty member. Any issues that merit attention will be discussed by the Dean with the particular faculty member.
- C. Review and Evaluation of Administrative and Support Staff.
 - 1. Review of the Dean.
A review of the Dean is made by the central administration in the year prior to the completion of his or her term of appointment.
 - 2. Review of the associate deans and administrative staff.
A review of the associate deans and administrative staff is made by the Dean at least every five years of the person's occupancy of the position, taking appropriate counsel from the regular faculty.
- D. Leaves of Absence.
 - 1. Leaves of absence for administrators and staff are handled according to the guidelines in the Duke Staff Handbook.
 - 2. Non-Academic leaves for all regular rank faculty, such as Family Medical Leave, Military Leave, Parental Leave, and Personal Leave, are handled according to the guidelines of the University Faculty Handbook (4.9-12).
 - 3. Academic Leaves for tenure-track and tenured faculty, such as Junior Faculty Research Leaves and Sabbaticals, are handled according to the guidelines of the University Faculty Handbook (4.6-8).
 - 4. Regular rank non-tenure-track faculty in the Divinity School (Professors of the Practice and Research Professors) are eligible for academic leaves at the same frequency and under the same guidelines as tenured regular rank faculty.
 - 5. We encourage all regular rank faculty to seek external financial support for research leave in addition to the University provision of Junior Research Leave and sabbaticals, as well as occasional roles as visiting scholar at other institutions. Such "Dean's leaves" are subject to the following guidelines.
 - a. Approval is obtained from the Dean *prior* to submitting the application. The Dean will consult with the applicant's Division Chair and the Associate Dean of Academic Programs in determining approval, considering at least the following factors:
 - (1) The length and timeliness of a leave in view of the faculty member's regular, scheduled reviews and earned sabbaticals, with adjustments for extraordinarily demanding additional duties that may have been assumed in service to the Divinity School, at the request of the Dean or Provost.
 - (2) Curricular needs of the teaching field, at both master's and doctoral levels, and wider needs of the faculty as a whole (like student and thesis advising, roles on committees, etc.).
 - b. The outside funding is paid to DDS, to use in general instructional support.
 - c. For Dean's leave a year in length, outside funding should comprise about 50% of the faculty person's total salary and benefits.
 - d. For Dean's leave a semester in length, outside funding should comprise about 25% of the faculty person's total salary and benefits.
 - e. Faculty may combine a university-guideline sabbatical of one semester with a Dean's leave of one semester in the same academic or calendar year.

- f. Faculty may also combine *either* a university-guideline sabbatical of one semester *or* a Dean’s leave of one semester with sufficient approved compensation time for prior overload teaching (or course reduction for certain administrative roles) to achieve a year-long leave.
- E. Termination Procedures
- 1. By faculty member
 - a. Resignation.
 - i. Faculty members are expected to follow the general code of ethics of American universities and should resign from the University prior to May 1 if the resignation is to become effective the following academic year; if possible, notification as early as March 1 is appreciated.
 - ii. A person wishing to resign should write a letter of resignation to the Dean with a copy to the Provost; the letter should include the date on which the appointment is to terminate.
 - b. Retirement.
 - i. Faculty members may retire with full benefits after they reach the age of sixty-five.
 - ii. Faculty members who decide to retain their position beyond the age of sixty-five should consult with the Dean concerning their expected retirement date (see Faculty Handbook, 4/9-10 for more information).
 - 2. By the university (see Faculty Handbook, Appendix N, “Ombuds and Faculty Hearing Committee”).

Document and enabling legislation passed by the Divinity School, 4/7/97; amended 09/24/07, 11/5/07, and 4/27/09 and 2/22/16.

Enabling legislation:

- 1. These articles, bylaws, and policies replace and supersede any previous statements on these topics.
- 2. These articles, bylaws, and policies go into effect 7/1/16.

APPENDIX G: NICHOLAS SCHOOL OF THE ENVIRONMENT

Faculty Bylaws

Approved by faculty vote, January 26, 2010

Mission

The mission of the Nicholas School of the Environment is to create knowledge and leaders of consequence for a sustainable future. With a cadre of world-class researchers, educators, and students spanning the relevant physical, life, and social sciences, we seek to understand basic earth and environmental processes and human behavior related to the environment, and to inform society about the conservation and enhancement of the environment and its natural resources for future generations.

Organization and Administration

Primary appointments of faculty are in the Nicholas School with membership in divisions whose membership and mission are defined to appropriately reflect intellectual interests. Joint, secondary, and other appointments may be made as deemed appropriate within these bylaws and the Faculty Handbook.

The Dean. The Dean is responsible for the leadership, faculty development, management, budget and administrative structure of the Nicholas School. The Dean shall appoint, with the advice and counsel of the faculty, administrative officers as deemed necessary to assist in the administrative functions of the School and notify the faculty of the officer's responsibilities and duties. The Dean may also appoint Visiting Scholars, renewable on an annual basis. The Dean may also form ad hoc faculty committees to advise him or her as needed.

The Dean will present a report on the Nicholas School's budget and organizational structure to a plenary meeting of the faculty each year.

The Dean will make an annual State of the School address open to the Nicholas School Community.

The Divisions. The divisions represent the primary intellectual foci of the Nicholas School.

Proposals to create or change the divisional structure of the School may be initiated by the faculty or by the Dean and submitted to the faculty for a school-wide vote. A positive outcome of the vote will be communicated by the Dean to the Provost for approval by appropriate University bodies.

Division chairs. The division Chair is the official link between the division and the administration of the Nicholas School. He or she represents divisional needs, objectives and evaluations of achievement to the Dean and transmits administration policy to his or her colleagues and implements the same. In consultation with the Dean, the Chair is responsible for appointment of administrative positions within the division, convening and chairing regular faculty meetings, budget preparation and oversight, assignment of academic and nonacademic staff, facilitation of faculty mentoring, assignment of teaching responsibilities that take into account divisional and cross-divisional teaching needs, student advising, and appointment of divisional faculty to committees as needed.

Division chairs are appointed by the Dean for a term of three years to five years, and may be reappointed following review. In the last academic year of the Chair's term, the Dean will request written input from each faculty member of the Division regarding appointment or reappointment of the next Chair. This information is reviewed by the Dean, who may also choose to consult other individuals. The Dean recommends an appointment to the Provost, and, upon approval, the Dean sends a letter of appointment to the Chair. In the case of recruitment of a Chair from outside the University, procedures for faculty hiring and appointment established by the University and the Nicholas School of the Environment will be undertaken in parallel with evaluation of the candidate for the position of Chair.

Divisional Activities and Functions. The Chair and division faculty shall be responsible for appointment, promotion, and tenure of faculty within their division and for the oversight of educational programs managed within each division.

The Voting Faculty

Each faculty member will have a primary appointment in one division, with the option to request secondary appointments in other divisions.

The voting faculty on matters relating to School issues, except tenure track faculty appointment, promotion, and tenure decisions, is composed of the regular rank faculty who hold primary or joint faculty appointments in the Nicholas School, as defined in the Faculty Handbook. A quorum for voting on school-wide issues consists of half of the faculty eligible to vote on the issue. With the exception of amendment of the by-laws, approval of a motion requires a majority vote in the affirmative.

The voting faculty on matters relating to divisional issues is composed of the regular rank faculty who hold primary or joint faculty appointments in that division. Divisions will in their bylaws establish policies for the extension of voting rights to secondary faculty and other categories of appointment.

Cases for appointment, promotion, and tenure will be initiated and voted upon within the faculty member's primary division by the faculty within that division, following procedures specified in the Faculty Handbook. No less than one week before the divisional vote, the appropriate school faculty (in accordance with the Faculty Handbook) outside the division will be informed of the upcoming vote and may attend the divisional meeting where the vote is discussed as non-voting participants. The result of the divisional vote, and dossier if required, will be transmitted by the Chair to the Dean, following procedures specified in the Faculty Handbook.

Voting by the faculty on cases of appointment, promotion, and tenure for all regular rank faculty is made by secret unsigned ballot by faculty within the appropriate division attending a meeting called for that purpose. Voting divisional faculty not present may vote only if they participate in the meeting by teleconference and convey their vote to the Chair before the end of the meeting. Voting on other division or school issues may, with majority consent of the faculty involved, occur through electronic media.

Faculty Meetings

School-wide Plenary Meetings. The members of the Nicholas School faculty shall meet at least once each semester in plenary sessions called by the Dean of the School. The agenda for such meetings will be developed by the Dean and circulated to the faculty at least one week prior to such meetings.

The faculty of each division shall meet regularly during the academic year with meetings convened by the Division chair.

Hiring, Reappointment, Rank, Promotion, or Tenure

Priorities for faculty development will be initiated by discussion among faculty within divisions and other faculty groups and committees. Taking into consideration the overall needs and resources of the divisions and the Nicholas School, and after seeking input from the faculty individually as well as through the relevant standing and *ad hoc* committees, the Dean will make recommendations to the Provost regarding new hires. Matters concerning the hiring, reappointment, rank, promotion, or tenure of faculty will be handled in accordance with the policy and criteria for hiring and promotion stated in the Faculty Handbook. In all cases where teaching and/or research activities of a vacant position or individual promotion directly relate to similar activities in another division or school, input will be sought from that unit, as well as the relevant standing and *ad hoc* committees.

Education Programs

The undergraduate programs of the Nicholas School are initiated and implemented in coordination with Trinity College. The professional programs (M.F./M.E.M.) are overseen by the faculty of the Nicholas School. The curricula of the graduate (M.S./Ph.D.) programs, are regulated by the faculty of those programs in accord with the by-laws of the Graduate School. Coordination among the educational programs is overseen by the Education Committee.

Standing Committees

The School has the following standing committees:

The Social Science Faculty, Life Science Faculty, and Physical Science Faculty Committees assist the divisions in faculty recruitment, mentoring, promotion and tenure issues (e.g., preparation of dossiers), and curriculum development within their disciplines. A school faculty member may choose to serve on one or more Faculty committees. Each Faculty Committee will have a chair elected by its members to a 2-year renewable term, who will be the first point of contact for division chairs, the chairs of other committees, and the Dean, and will serve on the Faculty Council.

The Faculty Council serves as the faculty's representative to the Dean and Division chairs providing input and advice on the formulation and implementation of school policy. The Faculty Council shall be composed of two faculty members from each Division, and one faculty member each representing the standing committees of the biological science, physical science, and social science disciplinary faculties. The Faculty Council will elect a Chair from among its members to convene the Faculty Council as needed. The Chair of the Faculty Council, with input from the Dean as needed, shall set the agenda for the Faculty Council and will inform the faculty of all matters discussed at meetings of the Faculty Council by submitting written minutes to the faculty within two weeks of the meeting. Terms of office for Faculty Council members and the Chair are for two academic years beginning in the fall semester.

The Standing Committee on Education coordinates the undergraduate, professional, and graduate levels of education. The committee consists of the director(s) of undergraduate programs, the director of the professional master program, chairs of the professional master program concentrations, directors of graduate studies, and, at the dean's discretion, an additional representative of the dean's office as an *ex officio*, non-voting member. The Director of Enrollment Services and the Director of Career Services serve as *ex officio*, nonvoting members of the Standing Committee on Education. The Chair of the Education Committee is appointed by the Dean in consultation with the faculty. The committee shall be constituted for the purpose of monitoring and evaluating courses, curricula, and the requirements of educational programs; recommending changes and revisions of same to better meet the goals of the school; recommending hiring priorities based on educational needs, and helping to coordinate the School's educational programs and other activities related to the content and quality of the Nicholas School's educational programs. Summary minutes of meetings will be provided to the faculty by the chair of the committee.

The Admissions and Awards Committee for professional students shall be comprised of one faculty member from each professional program, the Director of Professional Studies and Director of Enrollment Services. The chair of the committee is selected by the committee members. The committee considers candidates for admission and recommends to the Dean the distribution of awards.

Research Centers

Interdisciplinary research centers are non-degree granting administrative units that foster collaborative initiatives in research and/or teaching. The establishment of new interdisciplinary centers within the Nicholas School follows procedures established by the Office of the Provost. The Director of the Center reports to the Dean. Centers are reviewed annually in accord with procedures established by the Dean and Provost. Every five years, each center will be reviewed by the Faculty Council to determine the activity level in terms of faculty involvement, student participation, funding, and relevancy to Nicholas School goals. The Dean may choose to dissolve a center for inactivity.

Faculty Grievances

Faculty members have a number of avenues through which they may express a grievance. The avenue they choose may depend upon factors such as the need for confidentiality or the severity or nature of the grievance. Faculty may bring a grievance to their Division chair, the Dean, or, as detailed in the Faculty Handbook, the Faculty Ombuds and/or Faculty Hearing Committee.

Amendments

These bylaws may be amended by a two-thirds vote of the regular rank faculty. Proposed amendments must be circulated in writing to each member of the regular rank faculty at least two weeks prior to the meeting at which the change will be considered.

APPENDIX H: FUQUA SCHOOL OF BUSINESS

In this Appendix:

Faculty Evaluation, Appointment, Promotion, and Tenure: Criteria and Procedures 1

Faculty Bylaws 8

Faculty Evaluation, Appointment, Promotion, and Tenure: Criteria and Procedures

I. Faculty Titles and Standards

Faculty ranks and titles are described in the Duke University Faculty Handbook, Chapter 2. The elaboration that follows pertains specifically to standards and practices in the Fuqua School of Business. A faculty member in the School holds one of the tenure track or non-tenure track titles described below. Fuqua faculty are organized into academic areas with any changes to the number or composition of areas determined by faculty discussion and vote using the faculty meeting procedures outlined in section VI below and contingent on a positive majority amongst those voting by secret ballot in person or absentee. Each area will have an area coordinator appointed by the dean.”

- A. Tenure Track Appointments. Tenure track appointments carry the title of professor, associate professor, or assistant professor. All tenure-track faculty members must have a specific area affiliation at Fuqua. Some characteristics of these appointments and their incumbents are as follows:
1. Professor. Appointments to this rank will be with tenure. Persons holding this rank are expected to stand in competition with the foremost professors of similar rank in similar fields, and to exceed the standards expected of associate professors.
 2. Associate Professor. Appointments to this rank may be with or without tenure. Persons holding this rank with tenure are expected to stand in competition with the foremost professors of similar rank in similar fields and to have substantial records of research accomplishment. Persons holding this rank without tenure are expected to have demonstrated a capacity for research accomplishment. Persons holding this rank, whether tenured or not, should contribute effectively to the School's objective of excellence in the education of others, be it in classroom performance, textbook writing, directing student research, program management, executive education, or other areas of importance to the Fuqua School
 3. Assistant Professor. Appointments at this rank are never tenured. Persons holding this rank are expected to show promise of qualifying for the rank of associate professor within five to eight years from the appointment as assistant professor.
 4. It is a policy of the School that a full-time faculty member may not hold tenure track appointments at Duke for more than eight consecutive years, unless the member is awarded tenure. Leaves for which the Provost of Duke University explicitly grants tenure clock relief will not be counted towards this time period.
- B. Non-tenure Track Appointments. Various types of term appointments may be used to attract to the Fuqua School faculty members to whom the tenure track ranks are not well suited. These appointments do not involve the expectation of tenure at a later date. The titles of such appointments can be tailored to the circumstances, but in no case should they be inconsistent in level with the system of tenure track titles nor should they be inconsistent with University nomenclature. Non-tenure-track appointments may occur in the following categories:
1. Regular-rank, non-tenure-track faculty are part of the voting faculty and are expected to participate fully in all faculty meetings, except those devoted to personnel matters involving tenure-track faculty. Consistent with Duke University policy, these faculty members may hold titles of professor of the practice (assistant, associate or full), research professor (assistant, associate or full), or clinical professor (assistant, associate or full). These

appointments do not exceed a five year term, though reappointments are possible (see section IV. below). All regular-rank faculty members (including non-tenure-track, regular rank faculty members) must have a specified rank (assistant, associate, or full) and an area affiliation at Fuqua.

2. Non-regular-rank non-tenure track faculty are not part of the voting faculty. These appointments can be honorary, eponymous in nature or compensatory positions to employ faculty to engage in instructional effort.
 - a. Faculty may be offered courtesy or secondary appointments at non-regular-rank titles with no remuneration. These appointments are designed to establish academic relationships with individuals in fields complementary to the disciplines represented at Fuqua. These appointments will not exceed a one year term although reappointments are possible. They are subject to approval by the Fuqua faculty as outlined in section III.A. below. These faculty members may hold non-regular rank titles allowed by Duke University or they may hold secondary titles allowing the individual to append “and the Fuqua School of Business” to a current Duke title.
 - b. Faculty may be hired to non-regular-rank positions for instructional purposes as needed without faculty approval. Consistent with Duke University policy, these faculty members may hold titles of adjunct (assistant, associate or full), lecturing fellow or senior lecturing fellow, scholar in residence, consulting professor or executive-in-residence. These faculty members are not part of the voting faculty. These appointments do not exceed a one year term though reappointments are possible (see section III.B. below).
 - c. Individuals with primary appointments in units of Duke other than Fuqua and joint appointments in Fuqua are not members of the voting faculty. Joint appointments are those for which Fuqua agrees to share some financial remuneration with the unit representing the faculty member’s primary appointment. These appointments do not exceed a five year term although reappointments are possible. Consistent with Duke University policy, these faculty members may add “and the Fuqua School of Business” to their existing titles.

II. Search Procedures for New Tenure-Track Faculty

- A. With the approval of the Provost, and in consultation with the area coordinator(s) for the area(s) in which the search will concentrate (as determined by the faculty associate dean in consultation with the Dean), the Dean authorizes the initiation of a search for a new member of the faculty. Searches may be conducted by areas or by search committees. For area-conducted searches, the area coordinator will act as the chair of the search effort or appoint a chair. For other searches, the Dean or the faculty associate dean will appoint a search committee, specifying the chair of that committee.
- B. The area or search committee's responsibilities are to work with the faculty associate dean to:
 1. Inquire about the specific affirmative action goals for the School set by the University’s director of Equal Opportunity Affirmative Action
 2. Identify publications in which to advertise the search, draft an advertisement to be placed in these publications, and work with the Dean’s office to place the advertisement;
 3. Contact promising candidates for expressions of interest;
 4. Interview potential candidates at professional meetings and elsewhere;
 5. Narrow the list of candidates and, with the faculty associate dean's prior approval, invite the top candidates for on-campus interviews;
 6. Ensure that each candidate is scheduled for a formal, “job talk” workshop that is announced to the voting faculty at least one-week in advance. Such announcements will include instructions as to how to become part of an interview schedule and/or obtain the invited candidate’s resume for review.

III. Appointment Procedures for New Faculty Appointments and Recurring Short-Term (Non-Regular-Rank and Joint) Faculty Appointments

- A. Non-regular-rank, non-tenure track, non-compensatory courtesy or secondary appointments may be conferred for a period of not more than one year. This process may be repeated in subsequent years following an initial appointment. The process is in all cases as follows. All voting faculty will be notified by the Dean's office of the intent to make the appointment. This notification will include a brief rationale for the appointment and the candidate's current CV. During the one-week period following this notification any voting faculty member may request a faculty meeting to discuss and vote on the appointment; absent a call for a meeting the proposed appointment will be accepted without a meeting. If one or more faculty member calls for a meeting, all members of the voting faculty will be eligible to vote using the meeting procedures outlined in section VI below and appointment is contingent on a positive majority amongst those voting by secret ballot in person or absentee.
- B. Non-regular-rank, non-tenure track faculty may be hired without a faculty vote for contract periods not to exceed one year. These faculty members will be hired only for well-defined work (primarily staffing courses) that is not able to be accomplished by regular-rank faculty members. These contracts shall be consistent with needs and budgeting identified during the year-by-year teaching planning process. This process may be repeated in subsequent years.
- C. Joint appointments involving remuneration from the Fuqua School must always be conditional on an initial review and vote by all faculty at or above the proposed rank, using the meeting procedures outlined in section VI. below and contingent on a positive majority amongst those voting by secret ballot in person or absentee. Appointment terms will not exceed five years. Subsequent reappointment is contingent on a positive majority amongst those voting by secret ballot in person or absentee following the review procedures in section IV below.
- D. Regular-rank, non-tenure-track faculty with initial contracts not exceeding two years may be hired according to one of two processes. First, the Dean or faculty associate dean may call a meeting of all Fuqua voting faculty at or above the rank of the proposed appointment to discuss and vote on the appointment. A document containing the rationale for the appointment and the candidate's current CV will be circulated at least one week in advance of this meeting. Alternatively, all voting faculty at or above the rank of the proposed appointment will be notified by the Dean's office of the intent to make the appointment. This notification will include a brief rationale for the appointment and the candidate's current CV. The relevant faculty members will then have a one-week period during which any of these faculty members may request a faculty meeting to discuss and vote on the appointment; absent a call for a meeting the proposed appointment will be accepted without a meeting. If one or more faculty member calls for a meeting, all members of the voting faculty at or above the rank being considered will be eligible to vote and appointment is contingent on a majority positive vote of those voting. Contract renewal or extension will always be contingent on a majority positive vote of faculty voting following the faculty review procedures outlined in section IV below.
- E. Regular-rank, non-tenure-track faculty with initial contracts of over two years in length must be hired according to the following procedure. The Dean or associate dean for faculty will call a meeting of all Fuqua faculty at or above the rank being considered for appointment. A rationale for the appointment and the candidate's CV will be circulated at least one week before the meeting. Appointment is contingent on a majority positive vote by the Fuqua faculty who vote on the proposal using the meeting procedures outlined in section VI. below. Reappointment or contract extension will always be contingent on a majority positive vote of faculty voting following the faculty review procedures outlined in section IV. below.
- F. For appointments of tenure-track assistant professors to initial five-year terms, one of two processes will be used. First, the Dean or faculty associate dean may call for a meeting and vote of all Fuqua tenure-track faculty. A brief rationale for the appointment and the candidate's current CV will be circulated to the tenure-track faculty at least one week in advance of this meeting. Alternatively, all tenure-track faculty will be notified by the Dean's office of the intent to make the appointment. This notification will include a brief rationale for the appointment and the candidate's current CV. Tenure-track faculty members will then have a one-week period during

which any faculty member may request a faculty meeting to discuss and vote on the appointment; absent a call for a meeting the proposed appointment will be accepted. If one or more faculty member calls for a meeting, all members of the tenure-track faculty will be eligible to vote and appointment is contingent on a majority positive vote of faculty voting. The meeting will be conducted according to the procedures outlined in section VI. below. Contract extensions for assistant professors will follow the faculty review procedures outlined in section IV below.

- G. For tenure track appointments to the faculty at the ranks of associate professor and professor, the process for formal faculty review and vote, delineated in section V., must be used.

IV. Time Line for Reappointment and Advancement of Regular-Rank Faculty and Joint Appointments

- A. Time Line for Tenure-track Faculty Hired at the Rank of Assistant Professor
 - 1. Initial appointment is for five years conditional upon the faculty member having completed his or her graduate studies by the end of the second year. If the faculty member does not complete his or her PhD (or equivalent, if relevant) degree by the end of the second year of employment, his or her contract will terminate.
 - 2. Tenure clock starts running with employment date, with the customary date July 1. A formal review will generally be conducted by the spring of the fourth year. (An appropriate time shift will be implemented to address nontraditional contract start dates.) The faculty member, in consultation with his or her area coordinator, the faculty associate dean and the Dean may request an earlier review. This review will be led by an ad hoc committee appointed by the faculty associate dean to determine if the person is on the tenure vector, as specified in section V. below.
 - 3. Based upon the findings of the review, possible outside evaluations, and faculty discussion, the faculty will make one of three recommendations: that the appointment is renewed concurrent with a promotion to associate professor, that the appointment is renewed at the rank of assistant professor, or that the appointment is not renewed. Final decision for the promotion and /or appointment renewal rests with the Provost based upon the recommendation of the dean.
 - 4. Tenure review will typically occur by the fall of the penultimate contract year, usually the seventh year of employment but later if the provost has approved tenure clock relief.
- B. Timeline for Consideration for Tenure: Tenure review will generally be conducted when contract deadlines dictate, i.e., during the fall of the penultimate contract year. A candidate may, in consultation with the faculty associate dean and his or her area coordinator, request an earlier consideration.
- C. Timeline for consideration for promotion to full professor:
 - 1. Each year, the Dean and the faculty associate dean will call a meeting to review all faculty members who might be considered for advancement to full professor with the current group of full professors.
 - 2. Based on this review, followed by a discussion between the faculty member and the faculty associate dean, the faculty member determines whether he or she wishes to be considered formally for promotion to full professor during the current academic year.
- D. Timeline for Reappointment and Advancement of Non-tenure Track Faculty Appointments. Contract extensions or promotions for regular-rank non-tenure-track faculty members and for joint appointments must be preceded by a review of the candidate's contributions to the Fuqua School by a faculty committee appointed for that purpose by the Dean or faculty associate dean. This committee will follow the process outlined in section V. below. These reviews will occur during the penultimate contract year. Contract terms for non-tenure-track faculty may never exceed five years.

V. Faculty Review and Meeting Procedures for Initial Appointment of Associate and Full Professors, for Promotion of Regular-Rank Faculty, for Reappointment of Regular-Rank and Joint-Appointment Faculty

- A. All faculty members are expected to make reasonable contributions to the normal operations of the school and the Duke community. A demonstrated incapacity or unwillingness to do so disqualifies one for appointment, reappointment, or advancement.
- B. The following review procedures are employed for renewal of regular-rank or joint-appointment faculty, promotion to associate or full professor and for the granting of tenure:
 1. The faculty associate dean appoints an evaluation committee of faculty members, a majority of whom are from the School. All members of the evaluation committee are of the rank being considered for the faculty candidate, or a higher rank. If the candidate is being considered for a rank with tenure, all members of the evaluation committee are tenured.
 2. Committees involving tenured candidates or candidates potentially advancing to tenure will be comprised of four members; committees involving appointment or renewal of untenured or non-tenure-track candidates will be comprised of three members.
 3. The Dean's office will request from the candidate a current resume, a statement of research interests and plans, copies of publications and manuscripts, names of people considered by the candidate to be qualified to appraise his or her scholarly work, and any other material the candidate considers relevant.
 4. The review committee shall:
 - a. Examine and comment on the scholarly work of the candidate;
 - b. Recommend names for the faculty associate dean to solicit for evaluations of the candidate's scholarship; and
 - c. Examine the teaching effectiveness of the candidate by reviewing student evaluations, consulting program director(s), reading or obtaining reviews of textbooks and case materials, and when possible, by other means; the committee should also examine course syllabi and any theses or dissertations supervised by the candidate;
 - d. Consider the quantity and quality of service to the area, to the Fuqua school, to the University, and to the profession
 - e. Consider the candidate's success in obtaining research grants;
 - f. Prepare and deliver to the Dean a written report of its opinion as to whether the candidate qualifies for the proposed action;
 - g. Provide as part of that report a statement about the quality of the journals and publishers which have accepted work by the candidate and about the nature of scholarly productivity in the subject; this statement addresses such questions as whether excellent scholars in the discipline write articles rather than books, whether collaboration with other researchers is the norm, and, when feasible, how the responsibility for research is distributed among joint authors.
 5. All faculty members at the rank being considered or higher will be eligible to attend the faculty meeting and vote on the personnel matter by secret ballot or to vote through absentee. In the case of contract renewal for assistant professors, assistant professors are not eligible to attend, as this renewal will involve possible promotion to associate professor.
 6. Roberts Rules will be used in the meetings with a quorum defined as 2/3 of the eligible faculty either voting by absentee ballot or present in the meeting. If a quorum is not achieved, the personnel matter will be tabled and a new meeting will be called.
 7. The report of the committee and its supporting documents are made available through the Dean's office only to faculty eligible to vote on the personnel matter. Approximately one week after these documents are made available, the faculty eligible to vote meet to discuss the committee's recommendation. The recommendation, if moved and seconded, is then voted on by secret ballot.
 8. The Dean or faculty associate dean notifies the candidate of the faculty vote, and provides the candidate with such details of the evaluation as seem helpful to the candidate, as soon as practicable after the meeting. As soon as practicable after candidate notification, the Dean or faculty associate dean also notifies all faculty members eligible to vote on the case of the outcome of the vote. The dean also notifies all faculty eligible to vote on the case of his or her recommendation. If the candidate chooses to end the process of evaluation and waive (in

writing) his or her right to further review, then notification of the faculty as to the vote is not necessary and instead the Dean or faculty associate dean will notify all faculty members eligible to vote on the case of the candidate's decision to decline further review. The next step is contingent on rank

- a. In the case of external appointment at untenured associate professor only, the Dean has authority to make the appointment given a majority positive vote by the faculty who vote on the matter.
- b. In all other cases, the Dean, having knowledge of the committee report and the faculty discussion and vote, summarizes the deliberations, and formulates a written recommendation to the Provost including the reasons for the recommendation, the report and documents collected by the ad hoc review committee submitted to the Dean (including resume, publications, letters from colleagues, and statement of research interests and plans); and the tally of the faculty vote on the evaluation committee's recommendation.

VI. Faculty Meeting Procedures Contingent on Dean or Faculty Request for a Meeting for Initial Appointment of Assistant Professors, Non-Tenure-Track Regular Rank Faculty, and Courtesy Appointments

- A. All faculty members at the rank being considered or higher will be eligible to attend the faculty meeting and vote on the personnel matter by secret ballot or to vote through absentee. In the case of contract renewal for assistant professors, assistant professors are not eligible to attend, as this renewal will involve possible promotion to associate professor.
- B. Roberts Rules will be used in the meetings with a quorum defined as 2/3 of the eligible faculty either voting by absentee ballot or present in the meeting. If a quorum is not achieved, the personnel matter will be tabled and a new meeting will be called.
- C. As soon as practicable, the Dean or faculty associate dean notifies all faculty members eligible to vote on the case of the outcome of the vote.
- D. The Dean has the authority to make the appointment given a majority positive vote of the faculty who vote on the matter.

VII. Annual Faculty Evaluation Procedure

- A. The faculty associate dean evaluates continuing faculty each year in an effort by the school to foster individual development, further the interests of the school, and determine faculty salary increases.
- B. One objective of the Fuqua School is to achieve excellence in its faculty, either in research related to the management of complex organizations or in educational activities directed toward improving the competency of managers. The faculty as a group must cover both dimensions. While some individual faculty members will achieve excellence in both dimensions, every tenure track faculty member is expected to contribute at least at an acceptable level in the dimension in which he or she is considered less outstanding. A non-tenure track faculty member is expected to excel in either research or education.

The steps in the annual faculty evaluation process are as follows:

1. In January of each year, each regular rank faculty member submits, to the faculty associate dean, information about his or her activities in research, education, and service during the previous calendar year, and a current resume.
2. There follows an initial evaluation of each regular rank faculty member managed by the faculty associate dean, in consultation with area coordinators and relevant (depending on individual faculty teaching assignments) program deans or director(s). This evaluation involves:
 - a. From the area coordinator: Assessment of the faculty member's contribution to educational programs, quality and quantity of research, and standing in the profession. For untenured faculty on tenure track appointments, progress toward tenure is an important consideration. For tenured faculty, important considerations are

- i. standing in the profession as a scholar;
 - ii. contribution to the development of junior faculty, the academic programs, the school, and the university
 - b. As necessary, from the program director(s) and associate dean(s) for academic programs opinion and information regarding the member's:
 - i. Contributions in terms of course development and delivery;
 - ii. Value as a part of the educational program; and
 - iii. Contribution to program development.
- C. The faculty associate dean and the Dean review these evaluations and prepare faculty salary recommendations for the next fiscal year. The Dean may base these recommendations in part on consideration of the overall mix of faculty skills.
- D. The dean or the faculty associate dean discusses each assistant or associate professor's progress with him or her each year. The faculty associate dean also conducts periodic reviews with full professors.

Faculty Bylaws

Article 1. Voting Faculty

The voting faculty, as defined by the university Faculty Handbook, comprises those full-time Duke University faculty members who hold a primary and regular rank non-visiting appointment in the Fuqua School of Business as professor, associate professor, assistant professor, professor of the practice (assistant, associate or full), research professor (assistant, associate or full), or clinical professor (assistant, associate or full) whether on a tenure or non-tenure track.

Article 2. Faculty Meetings

The faculty shall meet at least three times a year during the regular school session: once during September, once during January, and once during April at which time the Dean will report on the state of the school. Meetings will be called at other times as needed. Each member of the faculty shall be notified via email or writing of the date and time of any meeting at least one week prior to the meeting date. All meetings will be conducted in accordance with Robert's Rules of Order. For meetings requiring a vote, a quorum of votes from 2/3 of those eligible is necessary. The quorum is defined as the sum of faculty voting by absentee and faculty voting during the meeting.

Article 3. Hiring, Reappointment, Rank, Promotion, or Tenure

Matters concerning the hiring, reappointment, rank, promotion, or tenure of faculty will be handled in accordance with the policy and criteria for hiring and promotion stated in the Fuqua School of Business procedures handbook titled Faculty Evaluation, Appointment, Promotion, and Tenure: Criteria and Procedures. These procedures will in all cases be consistent with the rules governing faculty evaluation, appointment, promotion and tenure in the Duke University handbook. Decisions involving reappointment, promotion, and granting of tenure to current faculty members, or hiring of new tenured or tenure-track untenured associate faculty members will be discussed and voted on in faculty meetings convened for the purpose. Hiring of assistant professors or non-tenure-track regular rank faculty members will be discussed and voted on if faculty members call for a meeting within one week of being notified by the Dean's office of a planned appointment. Attendance and voting privileges at the relevant faculty meetings will be limited to voting faculty with rank and tenure status at least equal to that being proposed. The Dean or faculty associate dean will preside at each of these meetings and will be responsible for the timely notification of action taken. All votes taken in these matters will be by secret ballot.

Article 4. Faculty Advisory Committee

The Faculty Advisory Committee composed of the Dean, any associate or deputy dean who is also a member of the tenure track faculty, and five elected members of the faculty shall be constituted for the purpose of serving as faculty representatives to consult with the Dean on general policies of administration and governance. Further, the committee is charged with advising the dean on the equity of criteria and procedures for faculty management and resource allocation across faculty members. The Dean shall serve as the chairperson of this committee. The elected membership of the committee shall be comprised of one member from each of the professorial ranks (assistant, associate and full professor), an elected faculty secretary and an elected at-large member. The term of office shall be for two years in duration beginning on October 1 following the September election for all members but the secretary and one year in duration for the faculty secretary. Election will be by secret ballot. Each position will be filled by plurality vote of the faculty for that position, with ties broken randomly. Vacancies where there is

at least one full semester to serve will be filled by election using the standard procedure. The Secretary of the Faculty Advisory Committee will inform the faculty of all matters discussed at meetings of the Faculty Advisory Committee by submitting minutes to the faculty within two weeks of the meeting. The secretary of the faculty will be responsible for calling a meeting of the voting faculty on any matter, should two members of the faculty request such a meeting.

Article 5. Curriculum Committee

A ten-person Curriculum Committee shall be appointed by the Dean or faculty associate dean each September and shall be constituted for the purpose of monitoring curricula of all Fuqua degree granting programs, suggesting and evaluating new curricula and programs, enforcing continuation requirements and other issues of class standing, and overseeing other activities directly related to the substantive content and pedagogy of the school's educational programs. Five of the ten members shall be from the voting faculty, two members shall be students in the daytime MBA program (one first year and one second year), two members shall be students in Executive MBA programs and one member shall be an MMS student.

All members of the Curriculum Committee shall be eligible to vote on curricula and program matters. Faculty members shall each have one vote and student members shall each have one-half vote. Only faculty members of the Curriculum Committee will meet and vote on questions of student standing. Following the meetings of the Curriculum Committee, minutes of the meetings, including recommended curriculum and course changes, will be provided to the faculty by the chairperson of the committee. Recommended curriculum and course changes can be challenged if two members of the faculty, within one scheduled academic week after the minutes are circulated to the faculty, request a faculty meeting to discuss or decide these issues. All motions to be voted on at such meetings must be submitted in writing to the Dean's office at least one week in advance of the meeting. Votes during such meetings will be by secret ballot.

Article 6. Faculty Grievance Committee

A faculty Grievance Committee shall be convened as needed to investigate a faculty member's grievance. The Committee shall review the faculty member's grievance and make a recommendation to the Dean concerning the merits of the grievance. The committee shall be composed of three members: one selected by the Dean, one selected by the aggrieved faculty, and a chairperson selected by these two members. These procedures should not be understood to in any way dissuade or prohibit a faculty member from making use of Duke University's procedures for pursuing grievances, including use of the University Faculty Ombuds and grievance procedures as stipulated in the University Faculty Handbook.

Article 7. Administration

The Dean is responsible for the leadership, management, and administrative structure of the School. The Dean shall appoint administrative officers as necessary to assist in conduct of these responsibilities:

Attract and maintain a faculty of world-wide preeminence,

Stimulate the development of educational and research programs to meet the school's objectives,

Represent the school to the University, the business community, other educational institutions, and the public at large.

Direct the school's financial affairs and budget.

Direct with the cooperation of the University and the Fuqua faculty, a fund-raising program to meet the needs of the school.

Article 8. Student Body

The student body of the Fuqua School of Business shall include students enrolled in the various academic programs of the school. Each program group shall determine its own organization and work with the faculty and administration to determine its own involvement and influence in school affairs.

Article 9. Amendments

The articles of governance may be amended by three-fifths of the voting faculty in a regular called meeting of the faculty. Any proposed amendments must be circulated in writing to each member of the voting faculty at least two scheduled academic weeks prior to the meeting at which the change will be considered. Votes will be by secret ballot. Online, anonymous absentee ballot votes may be submitted prior to the meeting.

APPENDIX I: SCHOOL OF LAW

Procedures for Appointment, Promotion, and Tenure

The Law School Lateral Faculty Appointments Committee and the Entry-Level Faculty Appointments Committee, working in conjunction with the dean, are charged generally with identifying personnel needs, establishing priorities of needs, locating prospective appointees, evaluating candidates, and making recommendations to the faculty on all new appointments. All members of the faculty are encouraged to submit to the committees the names of prospective candidates they believe deserve serious consideration.

The committees shall make a recommendation to the faculty concerning the type of appointment to be offered to a particular candidate it finds acceptable. If the appointment is to be with tenure status, the fact shall be made known to the faculty when the name is placed before it.

A candidate shall be granted indefinite tenure only if he or she has demonstrated the qualities necessary for sustained excellence as both a teacher and a creative and productive scholar, looking to the future as well as the past. In making this decision, the faculty may assess the quality of a candidate's teaching on the basis of student evaluations, class visitations, and/or such other techniques it deems appropriate; it may assess the quality of a candidate's scholarship only on the basis of his or her written work that is in a state of completion sufficient to satisfy reasonable standards of craftsmanship, and this written work must be sufficiently substantial to permit confident judgment by the faculty in the matter. Other factors that may weigh in the decision are the extent, relevance, and significance of a candidate's contributions to legal education, law reform, public service, and the administration of justice.

Detailed descriptions of procedures and standards for the various types of law school appointments appear in Rules 4-1 and 4-3 of the Law School Rules, below:

Rule 4-1, Faculty Meetings

1. Faculty meetings may be called in the discretion of the Dean, provided that the Dean shall give notice to all members of the Faculty with rights of attendance of the time, place, and agenda of any such meeting at least forty-eight hours before it is scheduled to take place. No item of business of which such members of the Faculty have not been so notified shall be acted upon by the Faculty over the objection of any member.
2. Tenured and tenure-track members of the Faculty, Joint Appointees, and Research Professors shall be entitled to attend and participate in all Faculty meetings, with the exception that tenure-track Faculty will not be entitled to attend Faculty meetings (or the portions of Faculty meetings) dedicated to discussions of tenure for internal candidates or reappointment of tenure-track Faculty members.

Clinical Professors and Professors of the Practice are entitled to attend and participate in all Faculty meetings with the proviso that: in Faculty meetings (or the portions of Faculty meetings) dedicated to discussions of tenure for external candidates, upon request made

before or during a Faculty meeting by a member of the Faculty entitled to vote on the matter, some time shall be reserved during the discussion period for discussion of the candidates(s) with Clinical Professors and Professors of the Practice absent.

Clinical Professors (Teaching) are entitled to attend all faculty meetings designated by the Dean as general business meetings.

In addition, the Faculty may, in its discretion, invite or permit others to attend and participate.

3. No action shall be taken on any item of business at a Faculty meeting unless a quorum, which shall consist of not less than one-half of the regular members of the Faculty in residence and with voting rights on the item(s) of business, is present and unless by a majority vote of those present entitled to vote and actually voting.
4. At the request of not less than three members of the Faculty present and entitled to vote, and after debate on the item, action on any item of business initially before the Faculty shall be deferred to the next meeting.

Revised December 2015

Rule 4-3, Appointments, Promotions and the Granting of Tenure

1. **Tenured and tenure-track members of the Faculty and Research Professors.**
 1. Tenured and tenure-track members of the Faculty and Research Professors shall be eligible to vote on recommended appointments, provided, however, that only tenured members of the Faculty shall be eligible to vote on tenure, and only tenured members of the Faculty and Research Professors shall be eligible to vote on reappointments of tenure-track faculty. No affirmative action shall be taken by the Faculty on any recommended appointment unless by a two-thirds majority vote of those members present, eligible to vote, and actually voting, provided, however, that on a matter affecting indefinite tenure, affirmative action shall be taken by a majority vote of those members present, eligible to vote, and actually voting.

Except as noted below, only those present at the time of the vote may vote. The presence requirement is satisfied by either (a) physical presence at the time the vote is taken or (b) presence by telephone at the time the vote is taken, in the case of a person who has been present either by phone or in person for all portions of the discussion of the candidate. An exception to the presence requirement may be granted, in the case of a person who is present by telephone at the time of the vote and who was present (physically or by telephone) for a substantial portion of the discussion of the candidate, upon a motion and approval by a majority vote of those physically present. To encourage active faculty participation in the

discussion of candidates, and to discourage proxy voting and de facto proxy voting, exceptions should be granted only in extraordinary circumstances.

2. Initial Appointments as Professor of Law

1. In recommending to the Faculty initial appointments to tenure-track or tenured Professor of Law positions, the following guidelines shall ordinarily be followed by the Entry-Level Faculty Appointments and the Lateral Faculty Appointments and Promotion Committees, provided, however, that the Committees may depart from these guidelines for compelling reasons:

1. An initial appointment as Assistant Professor for a term of three years without tenure: to a candidate who when he or she commences teaching here will have had his or her basic law degree for less than five years.
2. An initial appointment as Associate Professor for a term of three years without tenure: to a candidate who when he or she commences teaching here will have had his or her basic law degree for more than five years but less than ten years and who has not had substantial law school teaching experience.
3. An initial appointment as Professor for a term of three years without tenure: to a candidate who when he or she commences teaching here will have had his or her basic law degree for more than ten years and who has not had substantial law school teaching experience.
4. An initial appointment as Professor with indefinite tenure: to a candidate who when he or she commences teaching here will have had five or more years of law school teaching experience and who will have had a tenured appointment in another law school or the likelihood of gaining it shortly.
5. The type of appointment to be recommended for a candidate who does not fall within any of the above categories shall be determined in light of his or her age and his or her professorial experience and achievements.

2. No candidate ordinarily will be recommended to the Faculty by the Entry-Level Faculty Appointments Committee or the Lateral Faculty Appointments and Promotion Committee for an initial appointment to tenure-track or tenured Professor of Law positions unless that candidate has visited the Law School or most members of the Faculty have otherwise had an opportunity to meet him or her.

3. Promotions and the Granting of Tenure

1. To provide direction and advice to a faculty member before tenure is granted, the Dean shall conduct annual reviews of the faculty member, including appraisals of his or her teaching, scholarly achievement, research agenda, and other contributions to the Law School. In addition to consulting directly with the faculty member for these annual reviews, the

Dean shall consult with the faculty member's mentoring committee (described in paragraph c(viii), below).

During the last semester of the penultimate year of the faculty member's initial appointment, a reappointment review shall be undertaken by the Lateral Faculty Appointments and Promotion Committee. The review should include appraisals of the faculty member's teaching, scholarly achievement, research agenda, and other contributions to the Law School. Although opinions of scholars outside of the Law School community may be relevant to the review, outside letters need not be solicited. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and the Dean shall take the recommendation to the Faculty for its consideration and vote. If the Faculty votes in favor of the reappointment, the Dean shall inform the Provost, whose approval is required for reappointment.

If the Faculty has voted not to reappoint a faculty member, the Dean shall inform the Faculty member, and, if requested by the faculty member, shall provide him or her with a written statement of the reasons for the decision.

2. Upon approval by the Faculty and the Provost, an Assistant Professor, Associate Professor, or Professor on an initial appointment without tenure shall be reappointed for an additional term without tenure. In the case of an Assistant and Associate Professor, he or she shall be reappointed for a term of three years without tenure and, in the case of an Assistant Professor, promoted to the rank of Associate Professor. In the case of a Professor, he or she will be reappointed for a term of two years.
3. If the Dean concludes that it would be in the best interests of the Law School to pursue reappointment and promotion before the penultimate year of an initial appointment, the Dean may request consultation by the Lateral Faculty Appointments and Promotion Committee, which will ordinarily seek the advice of the candidate's mentoring committee.
4. Ordinarily during the first semester of the penultimate year of an Associate Professor's or an untenured Professor's additional term, the tenured members of the Lateral Faculty Appointments and Promotion Committee shall consider the Associate Professor or the untenured Professor for reappointment with indefinite tenure at the rank of Professor. (See paragraph c(vii) for contents of the Committee review.) After the completion of its consideration, the Committee shall advise the Dean of its recommendation with respect to reappointment, and the Dean shall take the recommendation to the Faculty for its consideration and vote. If the Faculty votes in favor of the reappointment, the Dean shall inform the Provost, whose approval is required for reappointment.
5. If the Faculty has voted not to reappoint a faculty member, the Dean shall inform the Faculty member, and, if requested by the faculty member, shall provide him or her with a written statement of the reasons for the decision.

6. With the consent of the tenure candidate and after consultation with the Lateral Faculty Appointments and Promotion Committee, the Dean may extend the time at which a non-tenured member of the Faculty shall be considered for reappointment with indefinite tenure. When the Dean grants such an extension, the term of the member concerned shall be extended by one year. The total length of a non-tenured faculty member's term is not to exceed seven years.
 7. A candidate shall be granted indefinite tenure only if he or she has demonstrated the qualities necessary for sustained excellence as both a teacher and a creative and productive scholar, looking to the future as well as the past. In making this decision, the Faculty may assess the quality of a candidate's teaching on the basis of student evaluations, class visitations, and/or such other techniques it deems appropriate; it may assess the quality of a candidate's scholarship only on the basis of his or her written work that is in a state of completion sufficient to satisfy reasonable standards of craftsmanship, and this written work must be sufficiently substantial to permit confident judgment by the Faculty in the matter. Other factors that may weigh in the decision are the extent, relevance, and significance of a candidate's contributions to legal education, law reform, public service, and the administration of justice. These standards may, however, be appropriately modified if it is intended and expected that a candidate's paramount function will be not directly to contribute to the teaching and scholarship missions of the Law School, but rather to perform in an ancillary capacity, as in the case of a head librarian; but in such a case, the granting of indefinite tenure shall not carry an entitlement to teach except and to the extent as may be specifically authorized by the tenured members of the Faculty.
 8. The Dean shall appoint a mentoring committee for each tenure-track member of the Faculty for the purpose of following the progress of the member toward promotion and/or tenure and advising the tenure-track member and the Dean of that progress.
 9. Except as noted in [Rules 4-1\(2\)](#) and [4-3\(1\)](#), all tenured and tenure-track members of the Faculty shall be entitled to participate in the governance of the school on all matters.
4. Appointment as Director of the Law Library and Research Professor of Law
- An appointment as Director of the Law Library and Research Professor of Law may be made by the Faculty to the person selected by the Dean to administer the Law Library if his or her educational and professional background qualify him or her, in the Faculty's judgment, to assume teaching responsibilities within the School. The incumbent shall teach courses in the curriculum on call of the Dean, subject to the authority of the Curriculum Committee.

Appointment as Research Professor will be made at a rank corresponding to that appropriate for a regular professorial appointment and may be held only as long as the individual serves as director of the Law Library. The appointment shall not

carry a right of indefinite tenure and shall be subject to formal review and renewal by the Faculty at five-year intervals. Such review shall be conducted by the Library Committee. At the request of the Dean, the Lateral Faculty Appointments and Promotion Committee may lengthen the interval for review to 10 years when the Faculty member has undergone at least one review for reappointment at the level of Research Professor.

A Research Professor shall be entitled to participate in the governance of the school on all matters except voting on tenure.

5. Appointment as Professor of Law for Untenured Dean Selected by the Provost

An appointment as Professor of Law may be made by the Faculty to the individual selected by the President and Provost as Dean of the Law School. In the event this individual is not awarded tenure under this rule, the appointment would be with all of the privileges and status of a tenured professor except that the appointment would be held only as long as the individual serves as Dean of the Law School plus three years.

2. Non-Tenure Track Faculty, Clinical Faculty, and Secondary Appointments in the Law School

1. Clinical Professor of Law

1. Appointment to the position of Clinical Professor of Law will be made of experienced attorneys of demonstrated skill and judgment who exhibit the ability to inculcate these characteristics in others. The primary work of Clinical Professors within the Law School is to contribute importantly to the teaching and service missions of the Law School. A Clinical Professor will generally be expected to maintain a full teaching load and, if teaching in a real client clinic, to ensure the regular operation of that clinic as required to meet the needs of its clients. While it is not expected that a Clinical Professor will contribute to the research mission of the Law School, it is expected that a Clinical Professor will demonstrate intellectual engagement and leadership in their fields of expertise and make other contributions to the Law School comparable to those expected of other members of the Faculty. To provide guidance with respect to the implementation of this rule, the Faculty has adopted [Policy 4-8](#), which addresses the meaning of the terms “excellence in clinical teaching” and “intellectual engagement and leadership” as they are used throughout this rule.
2. An initial appointment without the presumption of renewal to the position of Clinical Professor of Law shall be considered by either the Entry-Level Faculty Appointments Committee or the Lateral Faculty Appointments and Promotions Committee, at the Dean’s discretion. In its consideration of the appointment, the Committee shall consult with the Dean and the relevant Program Director. After the completion of its consideration, the

Committee shall advise the Dean of its recommendation regarding the appointment, and shall take the recommendation to the Faculty for its consideration and vote. For appointments without the presumption of renewal, the Committee's recommendation shall be based principally on its determination that the candidate has demonstrated the potential to achieve excellence in clinical teaching, its appraisal of the candidate's potential for intellectual engagement and leadership in the candidate's field, and its assessment of the candidate's potential to make other important contributions to the Law School. In making its determination, the Committee shall review a curriculum vitae, any available indicia of teaching skills, written comments provided by current members of the faculty (including, without limitation, from clinical faculty members), letters of reference, and a statement from the candidate that includes, without limitation, (i) a description of the course(s) the candidate will be teaching (including (a) the professional development objectives of the course, and (b) if applicable, client service objectives, plans for case selection, and case management strategies), and (ii) a discussion of the activities in which the candidate engages, or expects to engage, that evidence intellectual engagement and leadership in the candidate's field. Appointments of Clinical Professors will be made at ranks corresponding to those used for regular professorial appointments, albeit normally without tenure eligibility while holding a clinical appointment. An appointment without the presumption of renewal will ordinarily be made for terms of three years.

3. Ordinarily, during the first semester of the penultimate year of a Clinical Professor's initial appointment without the presumption of renewal, a review shall be undertaken by the Lateral Faculty Appointments and Promotions Committee to determine whether the candidate should be reappointed to a second three-year term without the presumption of renewal. This review should take into account appraisals of the candidate's progress with respect to the candidate's teaching, intellectual engagement and leadership in their field, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. After completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the reappointment, and shall take the recommendation to the Faculty for its consideration and vote. If the Faculty has voted not to reappoint a faculty member, the Dean shall inform the Faculty member, and, if requested by the faculty member, shall provide him or her with a written statement of the reasons for the decision. Under no circumstances shall a Clinical Professor serve more than two appointments without the presumption of renewal before then being considered for an appointment with the presumption of renewal.
4. Ordinarily, during the first semester of the penultimate year of a Clinical Professor's second appointment without the presumption of renewal, a review shall be undertaken by the Lateral Faculty Appointments and

Promotions Committee to determine if a Clinical Professor should be granted an appointment with the presumption of renewal. For a Clinical Professor's initial appointment with the presumption of renewal, the Committee's recommendation shall be based on its determination that the candidate has demonstrated sufficient progress towards achieving excellence in clinical teaching, as well as its appraisal of the Clinical Professor's non-clinical teaching (if applicable), professional service, evidence of intellectual engagement and leadership in their field, other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall review the Dean's report, student evaluations of the course(s) taught by the candidate, written comments provided by former students in the clinical course assessing the candidate's teaching, written comments provided by faculty members, including clinical faculty, and at least three letters of reference solicited by the Committee from persons outside Duke Law School who are familiar with, and qualified to assess, the candidate. The Committee shall also review a statement from the candidate that includes, without limitation: (i) a self-assessment of the candidate's clinical and non-clinical (if any) teaching; (ii) an overview of the changes, if any, proposed for the clinical and non-clinical (if any) course(s) taught by the candidate; (iii) a discussion of the activities in which the candidate engages that evidence intellectual engagement and leadership in their field and how this work is expected to evolve, if at all, during the period of the reappointment; and (iv) a discussion of the other contributions to the Law School made by the candidate. The Committee may also seek the advice of the candidate's Mentoring Committee. After completion of its review, the Committee shall advise the Dean of its recommendation with respect to the candidate's initial appointment as Clinical Professor with the presumption of renewal, and shall take the matter to the Faculty for its consideration and vote. An appointment with the presumption of renewal shall ordinarily be for a term of five years.

5. During the first semester of the penultimate year of any of a Clinical Professor's initial appointment with the presumption of renewal or any subsequent renewal appointment thereafter, a reappointment review of a Clinical Professor shall be undertaken by the Lateral Faculty Appointments and Promotions Committee. All such reappointment reviews should include appraisals of the Clinical Professor's clinical teaching, non-clinical teaching (if applicable), professional service, evidence of intellectual engagement and leadership in the Clinical Professor's field, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall not ordinarily be expected to receive or consider written comments from former students or letters of reference (whether from other members of the faculty or from persons outside the Law School). Unless there is good cause for non-reappointment, it is presumed that the Committee shall recommend that a Clinical Professor

holding an appointment with the presumption of renewal be reappointed when considered for any renewal term. Good cause for non-reappointment is defined as (i) substantial evidence that the candidate (a) has failed to demonstrate sustained excellence in the candidate's clinical teaching and sustained intellectual engagement and leadership in their field, as well as in the candidate's other service to the Law School, (b) in the case of a Clinical Professor teaching in a real client clinic, has not provided high quality supervision with respect to the legal work of the candidate's clinic, or (c) otherwise failed to meet high standards of competence and professionalism; (ii) the termination or material modification of the entire clinical program; or (iii) the termination or material modification of the clinic in which the Clinical Professor teaches. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and shall take the matter to the Faculty for its consideration and vote.

6. Any clinical instructor holding an appointment under Rule 4-3(2)(b) while also serving as the director of a clinic, and any legal writing instructor holding such an appointment while also serving as the Director of Legal Writing, shall be presumed to be eligible for consideration for an initial appointment without the presumption of renewal as a Clinical Professor under Rule 4-3(2)(a) within three years of the initial appointment under Rule 4-3(2)(b). Any clinical, professional skills, or legal writing instructor who is not also serving as the director of a clinic or as the Director of Legal Writing, but who holds an appointment pursuant to Rule 4-3(2)(b), may be considered for appointment as a Clinical Professor under Rule 4-3(2)(a) at any time at the discretion of the Dean.
7. To provide direction and advice to a Clinical Professor, the Dean shall conduct an annual review of the faculty member, including appraisals of the Clinical Professor's teaching, professional service, evidence of intellectual engagement and leadership in their field, and other contributions to the Law School. Additionally, to provide direction and advice to a Clinical Professor in advance of the Committee's consideration of the Clinical Professor for an initial appointment with the presumption of renewal, the Dean shall generally appoint a mentoring committee to work with the Clinical Professor (as described in paragraph (a)(viii), below). In addition to consulting directly with the faculty member for these annual reviews, the Dean shall consult with the Clinical Professor's mentoring committee while it is constituted.
8. Unless the Dean, the candidate, and the relevant Program Director determine that it is unnecessary, the Dean shall appoint a mentoring committee to work with a Clinical Professor during the term(s) of the Clinical Professor's appointment without the presumption of renewal. The mentoring committee shall follow the progress of the Clinical Professor toward promotion and advise the faculty member and the Dean of that progress. The mentoring committee shall include at least the relevant Program Director, one other Clinical Professor and one tenured or tenure-

track member of the faculty, preferably one who is knowledgeable about the Clinical Professor's field.

9. Except as noted in [Rule 4-1\(2\)](#), Clinical Professors shall be entitled to participate in the governance of the school on all matters other than voting on tenure and the appointment and reappointment of tenure-track Faculty; provided, however, that only Clinical Professors who have an appointment with the presumption of renewal shall be eligible to vote on the reappointment of Clinical Professors and Professors of the Practice.
2. Clinical Professor of Law (Teaching)
 1. Appointment to the position of Clinical Professor of Law (Teaching) will be made of experienced attorneys of demonstrated skill and judgment who exhibit the ability to inculcate these characteristics in others through excellence in clinical teaching. The primary work of Clinical Professors (Teaching) within the Law School is to contribute importantly to the teaching mission of the Law School, particularly within the Law School's Legal Writing, Clinical, and Professional Skills programs. A Clinical Professor (Teaching) will generally be expected to maintain a full teaching load and, if teaching in a real client clinic, to ensure the regular operation of that clinic as required to meet the needs of its clients. To provide guidance with respect to the implementation of this rule, the Faculty has adopted Policy 4-8, which addresses the meaning of the term "excellence in clinical teaching" as it is used throughout this rule.
 2. An initial appointment without the presumption of renewal to the position of Clinical Professor of Law (Teaching) shall be considered by the Professional Skills Appointments Committee. Such initial appointment shall typically be considered after two, one-year appointments as either a Lecturing Fellow or Senior Lecturing Fellow, as appropriate. In its consideration of the appointment, the Committee shall consult with the Dean and the relevant Program Director. After the completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the appointment. At the request of the Committee, the Dean shall consult with the Committee on any specific decision on renewal. The Committee may refer any decision on renewal to the Governing Faculty for its final action. For appointments without the presumption of renewal, the Committee's recommendation shall be based principally on its determination that the candidate has demonstrated the potential for excellence in clinical teaching. In making its determination, the Committee shall review a curriculum vitae, any available indicia of teaching skills, written comments from the relevant Program Director, written comments provided by current members of the faculty (including, without limitation, from clinical, legal writing, and professional skills faculty members), and a statement from the candidate that includes, without limitation, a description of the course(s) the candidate will be teaching (including (a) the professional development objectives of the course, and (b) if applicable, client service objectives, plans for case

selection, and case management strategies). Appointments of Clinical Professors (Teaching) will be made at ranks corresponding to those used for regular professorial appointments, albeit normally without tenure eligibility while holding a clinical appointment. An appointment without the presumption of renewal will ordinarily be made for terms of three years. Under no circumstances shall a candidate for Clinical Professor (Teaching) serve more than four one-year appointments as Lecturing Fellow or Senior Lecturing Fellow before then being considered for an appointment without the presumption of renewal.

3. Ordinarily, during the first semester of the penultimate year of a Clinical Professor (Teaching)'s initial appointment without the presumption of renewal, a review shall be undertaken by the Professional Skills Appointments Committee to determine whether the candidate should be reappointed to a second three-year term without the presumption of renewal. This review should take into account appraisals of the candidate's progress with respect to the candidate's teaching, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. After the completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the reappointment, and shall take the recommendation to the Faculty for its consideration and vote. If the Faculty has voted not to reappoint the candidate, the Dean shall inform the candidate, and, if requested by the candidate, shall provide him or her with a written statement of the reasons for the decision. Under no circumstances shall a Clinical Professor (Teaching) serve more than two appointments without the presumption of renewal before then being considered for an appointment with the presumption of renewal.
4. Ordinarily, during the first semester of the penultimate year of a Clinical Professor of Law (Teaching)'s second appointment without the presumption of renewal, a review shall be undertaken by the Professional Skills Appointments Committee to determine if a Clinical Professor (Teaching) should be granted an appointment with the presumption of renewal. For a Clinical Professor (Teaching)'s initial appointment with the presumption of renewal, the Committee's recommendation shall be based on its determination that the candidate has demonstrated sufficient progress towards achieving excellence in clinical teaching, as well as its appraisal of the Clinical Professor (Teaching)'s non-clinical teaching (if applicable), professional service, other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall review the Dean's report, student evaluations of the course(s) taught by the candidate, written comments provided by former students assessing the candidate's teaching, written comments provided by faculty members, including clinical faculty, and at least two letters of reference solicited by the Committee from persons outside Duke Law School who are familiar with, and qualified to assess, the candidate. The Committee shall also review a statement from the

candidate that includes, without limitation: (i) a self-assessment of the candidate's clinical and non-clinical (if any) teaching; (ii) an overview of the changes, if any, proposed for the clinical and non-clinical (if any) course(s) taught by the candidate; and (iii) a discussion of the other contributions to the Law School made by the candidate. After completion of its review, the Committee shall advise the Dean of its recommendation with respect to the candidate's initial appointment as Clinical Professor of Law (Teaching) with the presumption of renewal, and shall take the matter to the Faculty for its consideration and vote. An appointment with the presumption of renewal shall ordinarily be for a term of five years.

5. During the first semester of the penultimate year of any of a Clinical Professor of Law (Teaching)'s initial appointment with the presumption of renewal or any subsequent renewal appointment thereafter, a reappointment review of a Clinical Professor (Teaching) shall be undertaken by the Professional Skills Appointments Committee. All such reappointment reviews should include appraisals of the candidate's clinical teaching, non-clinical teaching (if applicable), professional service, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall not ordinarily be expected to receive or consider written comments from former students or letters of reference (whether from other members of the faculty or from persons outside the Law School). Unless there is good cause for non-reappointment, it is presumed that the Committee shall recommend that a Clinical Professor (Teaching) holding an appointment with the presumption of renewal be reappointed when considered for any renewal term. Good cause for non-reappointment is defined as (1) substantial evidence that the candidate (a) has failed to demonstrate sustained excellence in the candidate's clinical teaching, as well as in the candidate's other service to the Law School, (b) in the case of a Clinical Professor teaching in a real client clinic, has not provided high quality supervision with respect to the legal work of the candidate's clinic, or (c) otherwise failed to meet high standards of competence and professionalism; (2) the termination or material modification of the entire clinical, legal writing or professional skills program; or (3) the termination or material modification of the particular program or course in which the Clinical Professor teaches. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and shall take the matter to the Faculty for its consideration and vote.
6. To provide direction and advice to a Clinical Professor (Teaching), the relevant Program Director shall conduct an annual review of the faculty member, including appraisals of the faculty member's teaching, professional service, and other contributions to the Law School and provide a report to the Dean.
7. Clinical Professors (Teaching) shall be encouraged to participate fully in the mission and life of the Law School and eligible to serve on committees

and attend all faculty meetings designated by the Dean as general business faculty meetings.

3. Professor of the Practice of Law

1. Appointment to the position of Professor of the Practice of Law at the rank appropriate for a regular professorial appointment may be made for individuals with distinguished legal practice experience who carry a full teaching load and whose professional activities outside teaching focus on relevant areas of practice without the usual expectations of scholarship. An exception to the requirement of a full-time teaching load may be made for those holding a joint appointment at a comparable rank in another school within the University. An initial appointment shall ordinarily be for a period of three years.
2. An initial appointment to the position of Professor of the Practice of Law shall be considered by either the Entry-Level Faculty Appointments Committee or the Lateral Faculty Appointments and Promotion Committee, at the Dean's discretion. After the completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the appointment, and the Dean shall take the recommendation to the Faculty for its consideration and vote. For initial appointments, the Committee shall review a curriculum vitae, student evaluations and other indicia of teaching skills, a representative sample of the candidate's publications, if any, and letters of reference.
3. Appointments are for the initial term only unless the Dean recommends renewal. If the Dean wishes to renew the appointment of a Professor of the Practice of Law, the Dean shall notify the Lateral Faculty Appointments and Promotion Committee and the Governing Faculty that a review has been commenced, and shall solicit comments. All such comments shall be incorporated in a written Dean's report, which shall be submitted to the Committee for consideration in its review of the renewal. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and the Dean shall take the matter to the Faculty for its consideration and vote.
4. In conducting the review of any proposed renewal, the Dean and the Lateral Faculty Appointments and Promotion Committee shall generally follow the procedures for the review of tenure track faculty, and shall also meet the requirements of the University review applicable to such appointments.
5. The procedures for promotion from Assistant to Associate Professor of the Practice of Law, and from Associate to full Professor of the Practice of Law, shall generally follow the procedures for the review of tenure track faculty, and shall also meet the requirements of the University review applicable to such appointments.
6. Except as noted in [Rule 4-1\(2\)](#), Professors of the Practice of Law shall be entitled to participate in the governance of the school on all matters other than voting on tenure and the appointment and reappointment of tenure-

track Faculty; provided, however, that only Professors of the Practice of Law who have been appointed to a renewal appointment shall be eligible to vote on the reappointment of Clinical Professors and Professors of the Practice of Law.

4. Visiting Professorial Appointments

Absent exceptional circumstances, visiting appointments made for the purpose of evaluation of the candidate for possible appointment to the faculty shall be made by the Dean in consultation with the Lateral Faculty Appointments and Promotion Committee, which shall identify such candidates through procedures adopted to ensure examination of the academic field or other definition of relevant alternative candidates.

5. Joint Appointments

An instructor holding a primary appointment in another division of the University may simultaneously hold a secondary appointment of professorial or non-professorial rank in the Law School, provided that a candidate shall in no case be granted an indefinite term if he or she does not already have indefinite tenure in his or her primary appointment. Such an appointee shall have a standing invitation to attend faculty meetings and to participate in deliberations as a non-voting member, and shall be eligible for appointment by the Dean to standing or ad hoc committees of the School.

6. Initial Appointment and Periodic Review of Other Non-tenure-track Faculty and Joint Appointments

1. Non tenure-track instructors may be appointed by the Dean with the following titles (supplemented with descriptors -- e.g., of Legal History, of Criminal Law -- as appropriate):

1. Adjunct Professor of Law (at the rank appropriate for a regular professorial appointment), for part-time instructors from outside the Law School with regular academic appointments elsewhere;
2. Lecturer in Law (with the Senior rank awarded ten years after receipt of a law degree), for law-trained library personnel teaching courses approved by the Curriculum Committee other than or in addition to legal research;
3. Lecturing Fellow in Law (with the Senior rank awarded ten years after receipt of degree), for (a) law-trained library personnel teaching Legal Research; (b) fixed, short-term appointments in the clinical, professional skills, or legal writing program; (c) instructors from outside the Law

2. Initial appointments shall be made by the Dean, and renewals will be in the Dean's discretion, with comments and recommendations solicited from the relevant Program Director and faculty committees. Except as otherwise provided, appointments and decisions on renewal will not be submitted to the full Faculty for approval. The Dean shall continuously monitor the performance of non-tenure track faculty, and shall conduct a

review of such instructors' performance every three years. The periodic reviews by the Dean should normally include a curriculum vitae and student evaluations or other indicia of teaching skills, as well as any other material considered relevant.

The Director of the Law Library will appoint and review the performance of the Director of Research Instruction. The Director of Research Instruction will review the teaching performance of librarians who instruct in legal research under the supervision of the Director of the Law Library. Instructors in the First-Year Writing Program will be reviewed by the Director of Legal Writing, under the supervision of the Dean.

Instructors in the clinical programs supervised by the directors or team leaders shall be reviewed by the relevant Program Director under the supervision of the Dean.

Judges and practitioners in special team-taught courses such as Legal Ethics and Appellate Practice shall be selected by, and may be reappointed by, the faculty member in charge of each program after consultation with the Dean.

Language instructors shall be selected by, and may be reappointed by the Dean upon the advice of the Dean for International Studies.

3. If the Dean wishes to submit for consideration a proposal for a new course to be taught by a new instructor, the course proposal as well as the proposed instructor's qualifications to teach the course should be reviewed by the Curriculum Committee. If the Dean recommends the renewal of the appointment of a new instructor teaching a new course after the first year in which it is taught, the Curriculum Committee should conduct a review of the course before the Dean renews the instructor's contract. The review should include a curriculum vitae, student evaluations or other indicia of teaching skills and a brief report of the Dean.
4. Secondary Appointments from other Departments at Duke University or Other Universities
 1. Proposals for initial secondary appointments shall be reviewed by the Lateral Faculty Appointments and Promotion Committee. After the completion of its review, the Committee shall forward any positive recommendation to the Dean, who shall then take it to the Governing Faculty for its consideration and vote. If the Faculty votes in favor of the appointment, the Dean shall inform the Provost, whose approval is required for appointment. For initial appointments, the file of the primary department or school should be used, where available. Where not available, the Committee should review the curriculum vitae, student evaluations or other indicia of teaching skills, at least one or two publications, one or two references and a brief report of the Dean. An initial

appointment shall ordinarily be made for a period of three years. Subsequent reappointments may be for three years or for a longer term.

2. Review after a three-year initial appointment shall be conducted by the Dean, and should normally include a curriculum vitae and student evaluations or other indicia of teaching skills as well as any other material considered relevant. Consideration shall also be given to the institutional contributions the faculty member in question has made to the Law School.
3. As part of any review after the initial appointment, the Dean shall notify the Lateral Faculty Appointments and Promotion Committee and the Governing Faculty that a review has been commenced, and shall solicit comments. All such comments shall be incorporated in a written Dean's report to accompany the decision on renewal. Except as provided in (b)(iv), the Dean may act on behalf of the Law School in renewing a secondary appointment without action of the Governing Faculty.
4. The Dean shall convey decisions on renewal to the Lateral Faculty Appointments and Promotion Committee before making them final, together with a written report, and may consult with the Committee before making those decisions final. At the request of the Committee, the Dean shall consult with the Committee on any specific renewal decision. The Committee may refer any decision on renewal to the Governing Faculty for its final action.
5. After Law School action on an appointment or renewal, the recommendation to appoint or renew shall be submitted to the Dean or department chair of the faculty member's primary department or school.

Revised December 2015

APPENDIX J: BASIC SCIENCES SCHOOL OF MEDICINE

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Bylaws of the Basic Sciences Faculty Steering Committee

I. Preamble

On May 4, 1987, the faculty of the basic sciences departments of the Duke University School of Medicine met as a whole and voted to establish and elect a Faculty Coordinating Committee for the Development of the Basic Sciences. The Coordinating Committee was charged with drafting a plan for the reorganization and development of the basic sciences departments. The Coordinating Committee's report, which was approved by a vote of the basic sciences faculty on October 9, 1987, furnished the blueprint for subsequent development and faculty governance in the basic medical sciences at Duke Medical Center.

In adopting the Coordinating Committee's report, the basic sciences faculty replaced the Coordinating Committee with a permanent body of elected faculty representatives, the Basic Sciences Faculty Steering Committee, which serves as a faculty senate for the basic sciences. The job of the Steering Committee is to ensure that faculty opinions are ascertained, articulated, and voiced in all debates and decisions involving the interests of the basic sciences faculty.

II. Membership of the Faculty Steering Committee

The Faculty Steering Committee for the Basic Sciences shall consist of one member from each basic sciences department and one member from each section that has at least four tenure track faculty members in addition to its chairperson. Any tenure track faculty member with a primary appointment in a basic sciences department or section, other than the chairperson of that department or section, is eligible to be nominated and elected as its representative to the Faculty Steering Committee. In Basic Science departments where the number of tenure track faculty represents less than 50% of the total faculty, non-tenure track faculty members from that department are eligible to serve as its representative to the Basic Sciences Faculty Steering Committee.

In the event that a department or section ceases to exist, its representative to the Faculty Steering Committee shall continue to serve as a member of the committee at large until the next election of representatives to the Faculty Steering Committee. A member of the Steering Committee who becomes a temporary or interim chairperson of a department or section may serve out the remainder of his or her term if a majority of the other members of the Steering Committee vote to allow this. A member of the Steering Committee who is appointed to serve as the permanent chairperson of a department or section shall resign from the Steering Committee and be replaced by the alternate representative from that department or section, following the procedures in these by-laws governing the resignation of representatives to the Steering Committee.

III. Election Procedures

Members of the Steering Committee are elected to two-year terms. One cohort of its members shall be elected in odd-numbered years and the remainder in even-numbered years, to ensure continuity. The two cohorts shall contain the same number of representatives, or as close to the same number as possible.

Members of the Steering Committee shall be elected by vote of the entire basic sciences faculty on the first Monday in May of every year. During the first three months of a year in which the term of a Steering

Committee member is due to expire, the faculty of the department or section represented by that member shall meet to nominate three candidate successors, who shall be chosen by a secret ballot. The current Steering Committee member shall help to count the ballots, verify the eligibility and willingness of the three nominees, and forward their names to the presiding officer of the Steering Committee on or before the first Monday in April. That officer shall devise a ballot listing all the nominees for each department and see to it that one copy is distributed to each member of the basic sciences faculty at least one week prior to the date of the election. Faculty may vote for one nominee from each of the departments listed. For each department or section, the nominee receiving the highest number of votes from the entire basic sciences faculty shall become the representative to the Steering Committee. The second- and third-place candidates shall become first and second alternates respectively, and shall succeed in that order to the Steering Committee in the event of the resignation or indisposition of the elected representative. If and when it becomes necessary to choose additional alternates, they shall be elected by the faculty of the department or section they are to represent.

A presiding officer of the Steering Committee shall be elected by a majority vote at the committee's first meeting following each annual election, and at any other time following the resignation or indisposition of the presiding officer. Members who are acting chairpersons of departments or sections are not eligible to preside over the Faculty Steering Committee.

IV. Duties of the Faculty Steering Committee

It shall be the responsibility of the Faculty Steering Committee for the Basic Sciences to consider and make proposals to the Medical Center administration regarding all aspects of education, faculty development, faculty research and teaching activities, and other functions of the Medical Center involving the basic sciences faculty. The Steering Committee will also serve as a conduit for the transmission and dissemination of ideas and issues between the Medical Center administration and the basic sciences faculty. The Steering Committee will undertake to survey faculty opinion and form faculty committees when necessary to meet these responsibilities. Individual members of the committee are expected to keep the faculty of the departments and sections they represent informed on all matters of consequence that come before the committee.

The Faculty Steering Committee shall serve as a committee on committees for the basic sciences faculty. In that capacity, it shall nominate faculty to serve on standing and ad hoc committees in the Medical Center and present these nominations to the administrative officer empowered to form the committees in question. Administrators are of course free to consult any faculty they wish on an individual basis, but should seek nominations and approval from the Faculty Steering Committee in all situations where the opinions of a faculty member are to be construed as representative of basic sciences faculty opinion. It is expected that an administrative officer will not appoint basic sciences faculty representatives to standing advisory committees without seeking nominations from the Faculty Steering Committee. The administrative officer may suggest nominees to the Steering Committee if he or she so wishes. If the faculty nominated by the Steering Committee are unacceptable to the administrative officer, he or she should return to the Steering Committee to seek additional nominations.

Except in emergencies, it is expected that all major plans and decisions of the Medical Center administration that significantly affect academic affairs will be submitted to the Faculty Steering Committee so that it can solicit and articulate faculty views before those plans and decisions are implemented or submitted to the university's president or Board of Trustees. The presiding officer of the Steering Committee will see to it that the faculty's views are represented to the administrators or trustees of the university when proposals involving the Medical Center are presented to them for their consideration.

The Faculty Steering Committee shall be responsible for scheduling, announcing, and presiding over a general meeting of the basic sciences faculty of the School of Medicine at least once annually during the spring or fall semesters of the academic year. At that meeting, the presiding officer of the Steering Committee will report to the faculty on the committee's deliberations and actions during the preceding year. The chief administrative officers of the Medical Center and the School of Medicine shall also be invited to attend this meeting and present reports on matters of faculty concern for open discussion.

V. Procedure for amending the Basic Sciences Faculty Steering Committee bylaws

Bylaws of the Basic Sciences Faculty Steering Committee may be amended by a majority of those members of the basic science faculty present at a meeting of the Basic Sciences Faculty Steering Committee, provided that the text of any proposed amendment has been circulated to the members of the basic sciences faculty at least two weeks prior to any such meeting.

Procedures and Criteria for Appointment, Promotion, and Tenure

- I. Non-Tenured Tenure Track Positions (Assistant and Associate Professors):
 - A. Criteria:
 1. The candidate must have an outstanding research record in his or her field, and the potential for developing an outstanding independent research program, obtaining the appropriate extramural funding, and becoming an excellent teacher.
 - B. Procedures:
 1. National searches must be carried out unless an exception is approved by the dean, School of Medicine/vice chancellor for medical center academic affairs.
 2. A minimum of three letters of recommendation should be obtained. These letters should indicate the candidate is truly outstanding and provide documentation for this assertion.
 3. A department vote must be reported and a record kept of those voting. If possible, comments from the faculty or a letter from a faculty recruitment committee should be obtained.
 4. The letter from the chair should summarize the search and selection procedures, including information about the numbers of applications received and interviews carried out. Efforts made to ensure that minorities and women were represented in the final pool should be addressed and how the person fits into the overall departmental plan indicated.
 - C. Review:
 1. Appointment recommendations for assistant professors will be reviewed by the dean, School of Medicine/vice chancellor for medical center academic affairs. The final decision shall rest with the chancellor.
 2. Appointment recommendations for associate professors will be reviewed by the dean, School of Medicine/vice chancellor for medical center academic affairs. The final decision shall rest with the chancellor.
 3. Under special circumstances, promotion from assistant to associate professor without tenure will be considered. The review process will be the same as for appointment at the non-tenured associate professor level, but the criteria and documentation will be established by the reviewing agencies on a case-by-case basis.
- II. Promotion to Tenure and Professor and Tenure Appointments:
 - A. Criteria:
 1. The criteria for promotion, which must be clearly addressed in both the internal and external documentation, are:
 - i. Important and original contributions to the candidate's field. The candidate must have a publication record that demonstrates substantial independent scholarship and important research contributions, including opening new avenues of investigation and/or new ways of tackling a fundamental question. For publications on which the candidate is not first or senior author, the candidate must clearly articulate the specific contribution(s) that he/she has made as part of his/her statement of research contribution (see B.2 below).
 - ii. Demonstrated success at external funding sufficient to support the research effort expected from a tenured faculty member in his or her specific research area, and a strong likelihood of sustained funding at that level.
 - iii. A strong national/international reputation, including invited participation in major meetings in their field.
 - iv. Significant contributions to teaching.
 - v. Service to the department and university, as well as participation in interdisciplinary collaborations between departments and/or schools.
 2. The rank of professor is reserved for those who have clearly met the criteria for tenure and have demonstrated continuous intellectual development and leadership.
 - B. Departmental Level Review:
 1. If an appointment is made from outside the department, a national search must be carried out unless an exception is approved by the dean, School of Medicine/vice chancellor for medical center academic affairs. The documentation should provide information about the search,

including the number of applications and interviews and efforts made to ensure that minorities and women were represented in the final pool.

2. Each candidate for appointment and/or promotion with tenure shall be notified by the department chair a minimum of one month in advance of a scheduled departmental review and shall be invited to submit all relevant documents including (1) curriculum vitae, (2) statement of research and teaching contributions, (3) copies of scholarly publications, (4) description of research funding, and (5) list of suggested outside reviewers. A complete list of required documents is available from the dean, School of Medicine/vice chancellor for medical center academic affairs.
 3. The chair will solicit six to ten (a minimum of six) letters from individuals external to Duke University who are qualified to evaluate the candidate's scholarly contributions. At least half of these letters should be obtained from a list of qualified individuals suggested by the evaluating faculty of the department (or section), but not by the individual being reviewed. Letters from persons who have served as mentors or who have published jointly with the candidate may be included, but these letters shall be in addition to the six required letters.
 4. Candidates will present their work in a public seminar within the six months prior to final consideration of their dossier by departmental colleagues.
 5. The complete dossier will be presented to all tenured faculty within the department or section of rank equal to or higher than the rank sought by the candidate. A secret vote will be taken at a subsequent meeting of these tenured faculty members and the results recorded by the chair together with the names of those faculty members voting.
 6. In the case of positive action within the department or section, the dossier will be forwarded to the dean, School of medicine/vice chancellor for medical center academic affairs accompanied by a letter from the chair detailing the qualifications of the candidate, the vote by the faculty on the candidate's promotion, the names of the faculty voting, and the personal recommendation of the chair. If the department or section reaches an unfavorable decision, the dean, School of Medicine/vice chancellor for medical center academic affairs is so informed and the dossier forwarded to this individual for review. A negative decision of the department can be appealed by the faculty member to the dean, School of Medicine/vice chancellor for medical center academic affairs. If his or her decision is positive, the case shall be directed to the Provost's Appointment, Promotion, and Tenure Committee to be processed according to the procedures for a positive department recommendation. If his or her decision is negative, further appeal by the faculty member or department chair can be made to the provost.
 7. Non-tenured faculty must be reviewed by the tenured faculty of the department at least every three years and advised of their standing in the department or section. In the case of section members, the review should be conducted jointly by the section chair, tenured faculty members of the section, and the appropriate department. Any faculty member may formally request that he or she be considered for promotion or tenure by submitting a letter to the department or section chair.
 8. All dossiers approved and forwarded by the department or section shall be submitted to the Appointments, Promotions, and Tenure Committee for consideration after recommendation of the dean, School of Medicine/vice chancellor for medical center academic affairs.
 9. Following the review by the dean, School of Medicine/vice chancellor for medical center academic affairs shall forward the dossier together by cover letter with his or her recommendation to the Provost.
- C. Review by the Provost:
1. The complete dossier is reviewed by the provost's Advisory Committee on Appointment, Promotion, and Tenure as detailed in the Duke University Faculty Handbook, Chapter 3, and their recommendation forwarded to the provost.
 2. The provost, in turn, forwards his or her positive recommendations, after consultation with the president, to the Board of Trustees for their action. The provost will communicate to the chancellor for health affairs his or her decision and the major factors underlying it.
 3. The chancellor for health affairs will, in turn, notify the dean, School of Medicine/vice chancellor for medical Center academic affairs and the appropriate department chair.
 4. The chair, in turn, communicates the decision to the candidate.

5. If the provost reaches a negative decision, he or she will so notify the chancellor for health affairs. The department or school will have two weeks within which it can communicate to the provost any grounds on which it feels the decision is inappropriate. An appeal should be forwarded by the department to the chancellor for health affairs who will send the appeal to the provost, along with the chancellor's recommendation for disposition. On any one case the department or school is limited to one appeal of the decision by the provost.
- D. Expectation of Privacy:
1. Pursuant to university custom and policy, all documents contained in the dossier with the exception of the materials submitted by the candidate are considered confidential as is the identity of all external reviewers. The total dossier is made available to those individuals officially responsible for recommendations and/or decisions on the candidate's status. These individuals include (1) the tenured department faculty of rank equal to or higher than the rank sought by the candidate, (2) the department chair, (3) the dean, School of Medicine/vice chancellor for medical center academic affairs, (4) the chancellor for health affairs, (5) the provost, (6) the provost's Advisory Committee on Appointment, Promotion, and Tenure, (7) the president, and (8) the Board of Trustees. All individuals participating in the appointment, promotion, and tenure process are expected to adhere to this statement regarding confidentiality.
 2. Ad-hoc panels and/or individual additional external reviewers may be consulted by any of the above listed university administrators or faculty bodies with the expectation that the privacy and confidentiality of the dossier is protected.

**Materials to be Submitted by the Department
in Support of Nominations for Tenured Appointments and Promotions**

One CD and the original of the complete dossier in three-ringed binders tabbed to indicate the individual sections should be submitted. The department should retain a copy of the complete dossier in its files. Copies of the complete list of materials to be submitted by the department in support of nominations for tenured appointments and promotions in the Basic Sciences are available on the Provost web pages at:

<http://facultyaffairs.provost.duke.edu/formatting.html>

http://facultyaffairs.provost.duke.edu/Formatting_for_dossiers.pdf

APPENDIX K: SCHOOL OF NURSING FACULTY GOVERNANCE ASSOCIATION BYLAWS

Article I. Name

The name of this organization shall be Faculty Governance Association, referred to hereafter as FGA.

Article II. Purpose

The purpose of the Faculty Governance Association is to support the missions of Duke University, Duke Medicine, and the School of Nursing (SON); to facilitate faculty participation in decision-making concerning the affairs of the school; and to promote a climate of academic integrity and freedom.

Article III. Membership

- A. Faculty members holding a primary regular rank academic appointment (tenure, practice, or research track) in the SON are the voting members of FGA.
- B. Non-regular rank faculty members of the SON do not have voting privileges, but are invited to attend meetings.
- C. Others may be invited to attend specific meetings to present information relevant to the business of FGA.

Article IV. Faculty Roles, Rights and Responsibilities

- A. The faculty shall:
 - a. Develop, approve, implement, and evaluate curriculum and academic policy changes relevant to academic programs.
 - b. Develop, approve, conduct, and evaluate courses to achieve the expected program outcomes.
 - c. Perform periodic curriculum and academic program evaluation and revision as per the School's evaluation plan, to ensure that they are congruent with the School's mission, goals, and expected outcomes as well as with professional standards and guidelines.
 - d. Recommend development of new programs and closure of existing programs.
- B. The faculty shall:
 - a. Develop and approve policies and procedures of academic requirements for admission, retention, progression, and graduation of students.
 - b. Approve students for admission to and graduation from the School, except in the case of PhD students who are recommended to the University Graduate School for admission and graduation.
- C. The faculty shall:
 - a. Develop criteria for membership in the voting faculty.
 - b. Review and recommend to the dean faculty appointment, rank, reappointment, promotion and tenure.
 - c. Promote the general welfare of the faculty and facilitate faculty development and expertise in teaching, research, practice and scholarship.
- D. The faculty may:
 - a. Advise the dean and others concerning the activities of the school in those matters that affect the common interests of the faculty. These include, but are not limited to, budget, fundraising, building space, safety, strategic planning, academic policies, and legislative regulations.

Article V. Structure

- A. The work of the faculty occurs through FGA and its standing and ad hoc committees as outlined in the FGA Governance Policies and Procedures.

- B. Standing and ad hoc committees ensure that faculty meet their responsibilities, which include curriculum, admission, retention, progression and graduation of students, and advancement and promotion of faculty.
- C. The FGA Executive Committee (FGA-EC) shall have general oversight of faculty governance and the roles, rights, and responsibilities of the faculty.
- D. The FGA Chair facilitates the activities of FGA and FGA- EC and is the faculty representative to administration on issues of common consideration.
- E. The structure shall be reviewed at least every three (3) years by the members of FGA and revised as needed.

Article VI. FGA Meetings

- A. Regular meetings: FGA shall meet at least once during each semester. The chair or chair-elect of the Faculty Governance Association shall lead the meetings.
- B. Special meetings: A written request from one-third of voting faculty members or from the dean is required for a special meeting. The purpose of the meeting shall be stated in the request.
- C. Notice: Except in cases of emergencies, five business days' notice shall be given to the faculty of the meeting agenda and logistics.
- D. Quorum: A majority (50% plus one) of the total number of voting faculty members shall constitute a quorum.
- E. Meeting records: A staff member appointee shall maintain records of all meetings.

Article VII. Voting

Each regular rank FGA member is entitled to one vote except in situations of conflict of interest.

Article VIII. Nominations and Elections

- A. Elections shall take place in June of each year.
- B. Terms of office shall commence on July 1.
- C. Eligibility:
 - a. Candidates must be voting members of the FGA.
 - b. The FGA Chair-Elect shall be a senior faculty member (Associate Professor or Professor).
 - c. Faculty with administrative effort of 50% or greater may serve on committees but are not eligible for leadership positions or as the at-large representatives to FGA-EC.
- D. Term of Office:
 - a. All positions shall serve a two (2) year term unless otherwise specified in these bylaws.
 - b. The FGA chair serves two (2) years as chair-elect and two (2) years as chair.
 - c. Chairs of standing or ad hoc committees shall serve two (2) years as chair and may be re-elected for a second term. Election to the chair position supersedes any previous term expiration.
 - d. Terms will be staggered to provide continuity of membership.

Article IX. Miscellaneous

Section 1. Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern the Faculty of the School of Nursing in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules the faculty may adopt.

Section 2. Amendments

- A. Amendments to these bylaws may be presented by the FGA-EC, a committee, or a petition signed by ten (10) voting members following procedures in the Faculty Governance Policies and Procedures.
- B. Approval of proposed amendments requires a two-thirds (2/3) affirmative vote of the full membership.

Section 3. Bylaws Review

The faculty will review the Faculty Governance Association Bylaws every three (3) years or as needed.

Ratified April 30, 2002

Revisions approved February 14, 2003

Revisions approved October 10, 2003

Revisions approved September 18, 2006

Revisions approved August 13, 2007

Revisions approved July 28, 2008

Revisions approved June 29, 2011

Revisions approved September 2014

APPENDIX L: CLINICAL SCIENCES SCHOOL OF MEDICINE

In this Appendix:

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Bylaws of the Clinical Sciences Faculty Council on Academic Affairs

A. Faculty Council on Academic Affairs

The Clinical Sciences Faculty Council on Academic Affairs (CSFC) will serve as a deliberative body to provide a forum where faculty opinions are ascertained, articulated, and voiced in all significant debates and decisions involving the strategic academic interests of the clinical sciences faculty. These deliberations should be conveyed in an advisory capacity to the clinical chairs and the chancellor for health affairs.

B. Membership of the Faculty Council

The CSFC shall consist of four representatives elected from each clinical science department (two primary members and two alternates), four at-large members (from different departments) who shall be selected by and from the clinical sciences representatives to the University Academic Council, and the clinical sciences representative on the Executive Committee of the Academic Council (ECAC). All members of the CSFC shall serve for two-year terms. Any faculty member eligible to vote in University Academic Council elections, and with a primary appointment in a clinical science department, other than the chair of that department, is eligible to be nominated and elected as its representative to the CSFC. All elected members, including alternates, shall participate in deliberations of the CSFC. When more than one departmental member is present, then only a single member, selected by the group, shall vote for the department.

In the event that a department ceases to exist, its representatives to the CSFC shall continue to serve as members at large until the next election of representatives. A member of the CSFC who becomes a temporary or interim chair of a department may serve out the remainder of his or her term if a majority of the other members of the CSFC vote to allow this. A member of the CSFC who is appointed to serve as the permanent chair of a department shall resign and be replaced by another representative elected by the faculty of that department in a special election.

C. Election Procedures

The departmental members of the CSFC are elected to two-year terms, with an option for a two year renewal. One cohort of the departmental members shall be elected in odd-numbered years and the remainder in even-numbered years to ensure continuity.

Eligible faculty of each department shall elect their representatives to the CSFC. The CSFC will serve as overseers of the electoral process. For the first year the organizing committee will serve this purpose.

- A. Nominations will be solicited from each department--any eligible faculty member may nominate himself or herself. Nominations may also be received from other faculty members from within the department, as well as from the chair. Willingness of a nominee to serve will be confirmed prior to the voting procedure.
- B. All eligible faculty members in each clinical science department will receive electronic ballots with the names of all nominees for that department.
- C. The nominees with the most votes will be elected to replace members who have left the committee. In case of a tie, a run-off election will occur.
- D. In the event of a vacancy, the person having received the next highest vote in the prior election (and consenting to serve) will fill the unexpired term.

A presiding officer of the CSFC shall be elected by majority vote at the first meeting of the CSFC following each annual election, and at any other time following the resignation or indisposition of the presiding officer. The chair will be responsible for organizing the meetings, inviting members of the administration to provide updates, and prepare any responses that are needed from the CSFC. Members who are acting chairs of departments are not eligible to preside over the CSFC.

Four other members elected in the same manner as the presiding officer shall serve with the presiding officer as the executive committee of the CSFC, provided, however, that there shall not be more than one member of the executive committee of the CSFC from any one clinical sciences department.

D. Duties of the CSFC

It shall be the responsibility of the CSFC to advise the Medical Center administration including the clinical science departmental chairs regarding pertinent aspects of medical education, faculty development, faculty research and teaching activities, and other academic activities of the Medical Center involving the clinical sciences faculty. It shall be the role of the CSFC to advise on strategic academic issues such as, by example and without limitation, nominations to all standing and ad hoc academic committees and the general process of academic appointment, promotion, and tenure. It is recognized that academic matters pertinent to individuals and to the appointment, promotion, and tenure decisions of individual faculty members are governed exclusively by existing Duke University policies and procedures.

Clinical matters or matters pertinent to the delivery of patient care continue to be governed exclusively by the Duke Hospital Medical Staff Bylaws and policies and procedures of the clinical departments.

Individual members of the CSFC will report at regular faculty meetings on all matters of consequence that have been considered. The CSFC will meet as needed with the chancellor for health affairs and clinical chairs.

The CSFC shall serve as a committee on committees for the clinical sciences faculty. In that capacity, it will suggest faculty to serve on all standing academic and ad hoc academic committees in the Medical Center and present these suggested nominations to the administrative officer responsible for forming the committees in question. Administrators are of course free to consult any faculty member they wish on an individual basis, but should seek suggested nominations from the CSFC. Administrative officers will not appoint clinical sciences faculty representatives to standing advisory academic committees without considering recommendations for committee membership from the CSFC.

All major plans and decisions of the Medical Center administration that significantly affect academic affairs shall be made in consultation with the CSFC so that it can solicit, articulate, and voice faculty views before those plans and decisions are implemented or submitted to the university's president or Board of Trustees.

The CSFC shall be responsible for scheduling, announcing, and presiding over a general meeting of the clinical sciences faculty of the School of Medicine at least once annually during the spring or fall semesters of the academic year. At that meeting, the presiding officer of the CSFC will report to the faculty on the council's deliberations and actions during the preceding year. The chief administrative officers of the Medical Center shall also be invited to attend this meeting and may present reports on matters of faculty concern for open discussion.

June 2012

APT Process For Tenure Track Faculty With Primary Appointments In Clinical Departments

I. General Considerations

- A. All new faculty members are initially appointed to either the Academic Clinician (Track 4) or Academic Research (Track 5) non-tenure tracks as agreed upon by the faculty member and the department chair. A change from these tracks to one of the tenure tracks normally occurs at the Associate Professor rank for those who are deemed potentially eligible for tenure. Track assignments may be changed only with the mutual agreement of the faculty member and the departmental chair.
- B. The time from the initial appointment as an assistant professor in any track until a decision to, or not to, award tenure is ten years (Tenure Clock). In accordance with university bylaws, if the candidate in a tenure track (Tracks 1-3) is not notified of a decision regarding tenure by the end of their tenth year, then tenure is granted by default.
- C. The tenure review process can be initiated by the department chair at any time. Normally the review process to determine the awarding of tenure begins no later than the start of the tenth year. This allows approximately six (6) months for departmental process and another six (6) months for disposition at the Medical Center and university levels. It can be initiated at any time the chair feels is appropriate.
- D. The faculty member and the departmental chair should also agree on any extension of time-to-tenure (Tenure Clock) for reason of family leave, disability, or part-time or flexible-time employment arrangements, in accordance with university policy. This extension request applies to all faculty who are eligible to become tenured (Tenure Clock < 10years) regardless of whether they are currently on a tenure track.
- E. Each clinical department has a limited number of tenured positions for each track. These numbers are established by the chair and administration on the basis of financial and programmatic needs. The number of untenured tenure track positions is significantly greater than the number of tenured positions so that tenure may not be granted to all qualified faculty. Untenured faculty are appointed on a yearly basis with renewal subject to financial and programmatic considerations.

II. Departmental Level Review

- A. Initiation of Review for Promotion/Tenure
 - 1. Chairs or division chiefs are encouraged to meet with individual faculty members annually to review their clinical, teaching, and research progress.
 - 2. All non-tenured faculty should be formally reviewed by the departmental APT Committee or a designated subcommittee five (5) years after initial appointment to assistant professor. Outside letters are not required at this level of review. The faculty member must be apprised of his/her standing in the department following that review, and a report of that formal review should be included in the personnel file of the faculty member.
 - 3. Consideration of any faculty member for promotion/tenure may be formally requested by the faculty member, division chief, or department chair at any time. However, such a review may not proceed if a tenured position is not available due to financial and programmatic considerations as determined by the chair.

B. Departmental APT Committee (DAPT)

1. All departments must have a standing (not ad hoc) departmental APT Committee, with the membership known to the departmental faculty. The structural organization of each department's committee will vary according to the size and makeup of the department, and will be determined by the department chair. For example, in large departments, it may be desirable to have an APT Committee for each division, or to have the overall APT Committee divided into smaller working groups.
2. The committee should be composed of at least five (5) members of the tenured faculty selected by the departmental chair to represent the broad interests of the department. In departments with less than five tenured faculty, the DAPT Committee should consist of all tenured faculty in the department.
3. If the DAPT Committee is composed of less than the full complement of tenured faculty in the department, the members should have defined terms limits of less than five (5) years.
4. Ad hoc (non-voting) members may be brought on to the committee for particular cases, if deemed appropriate and necessary.
5. The departmental chair cannot be a voting member of the DAPT Committee, but may serve as an ex-officio non-voting member.
6. A committee chair shall be appointed by the departmental chair, and he/she will be responsible for leading and recording all discussions and votes.
7. All votes will be taken by secret ballot and will be recorded.
8. Decisions of the DAPT are determined by a majority vote.
9. The DAPT Committee should forward its findings and the record of all votes to the departmental chair.

C. Review of the APT Dossier

1. Each candidate for promotion/tenure shall be notified by the departmental chair three months prior to a scheduled DAPT Committee meeting and invited to submit the following documents:
 - a. a curriculum vitae
 - b. a list of publications, selected from the curriculum vitae, that the candidate feels is most representative of his/her published work
 - c. a roster of at least six (6) names of individuals external to Duke University who are qualified to evaluate the candidate's scholarly contributions
 - d. a list of reviewers the candidate may wish not be used
 - e. a list of internal references (individuals in other departments within Duke University who might write on behalf of his/her academic, clinical, and/or teaching accomplishments)
 - f. a personal statement by the candidate including what he/she views as his/her accomplishments in the various areas pertinent for promotion, and a summary of future plans.

For considerations at the level of associate professor and professor, the DAPT Committee should solicit at least six (6) letters from individuals external to Duke University of their choosing who are qualified to write on behalf of the candidate's scholarly contributions, with no more than three of the individuals coming from the list of the candidate. The DAPT Committee shall use its own discretion with regard to the list of reviewers the candidate does not wish used.

2. The submitted dossier will be reviewed by the DAPT Committee (or appointed subcommittee) and discussed at a formal full committee meeting. A vote will then be taken by secret ballot of committee members of rank equal to or higher than that sought by the candidate. The results of that vote and the names of tenured faculty voting will be recorded by the chair of the DAPT committee.
3. The DAPT Committee will then forward the complete dossier, along with a written evaluation of the candidate's fitness for promotion/tenure, the results of the secret ballot, and the names of the faculty members who voted, to the departmental chair for his/her consideration. That written evaluation should include a formal assessment of the candidate's clinical and teaching abilities, where applicable.
4. The departmental chair will forward the complete dossier along with his/her personal recommendation to the Medical Center Clinical Sciences APT Committee (MCAPT) in the following instances:
 - a. in all cases of positive action taken by the DAPT Committee
 - b. in all cases of final tenure evaluation (i.e. in the tenth (10) post-appointment year), regardless of the action taken by the DAPT Committee), and
 - c. in the case of any negative evaluation by the DAPT Committee, if the faculty candidate so chooses. In this instance, the candidate should be apprised of other non-tenure track opportunities, if appropriate.
5. The departmental chair will notify the candidate and will apprise him/her of the vote of the DAPT Committee and the recommendation of the departmental chair before the dossier goes forward to the MCAPT Committee.
6. The departmental chair should forward the packet to the MCAPT Committee within one (1) month of the DAPT Committee vote.

III. Medical Center Clinical Sciences APT Committee

A. Membership

- a. The Medical Center Clinical Sciences APT Committee (CSAPT) shall be composed of ten (10) full tenured professors as the voting faculty.
- b. The Committee members will be selected by the Chancellor for Health Affairs from a list of approved tenured full professors, broadly representing the clinical, research and teaching faculty in both the school of medicine and school of nursing. Member selection will be made as vacancies occur.
- c. The Committee representation from the SOM should represent the primary mission across all three tenure tracks – Clinician, Educator, Administrator (Track I); Clinician-Investigator (Track II); and Researcher (Track III) – preferably two (2) representatives within each area and at least one Ph.D. representative. Representation from the SON will be from the school's one tenure track.

The approval and selection process is as follows:

1. The deans can solicit nominations from current full tenured professors, department chairs, division chiefs, center and institute directors.
 2. The SOM dean's recommendations will be forwarded to the SOM Clinical Sciences Faculty Council for comment and endorsement. The SON dean's recommendations will be forwarded to the Chancellor of Health Affairs.
 3. The approved list will then be presented to the Chancellor of the Health Affairs Academic Cabinet (HAAC) for comment and approval.
 4. Once approved by the HAAC, nominees will remain viable candidates until they are either selected or decline invitation to serve.
 5. If a vacancy occurs, the Chancellor will select members from the list and invite them to serve on the committee. No department shall have more than two representatives serving at any one time. Department chairs are ineligible to serve on the committee. The chancellor can request additional nominations from the deans if he/she is unable to obtain a sufficient number of acceptable faculty to serve.
- B. Each faculty member will serve a term of three years, the terms to be staggered to ensure continuity. A member appointed for only one or two years may be reappointed by the chancellor for a second term of three years, if he/she so chooses. No member shall serve for more than six consecutive years. Beyond six consecutive years, a member may be reappointed following a one year absence from the committee.
- C. Chair and Vice Chair of the Committee:
1. A committee Chair shall be appointed by the chancellor from current and past committee members. The Chair is responsible for leading and recording all discussions and votes.
 2. The Chair shall serve for a 2 year term.
 3. A committee Vice Chair shall be appointed by the Chancellor from current and past committee members. The Vice Chair will function as the Chair when the Chair is absent. It is anticipated that upon the end of the current committee Chair's appointment, the Vice Chair will become Chair. A new Vice Chair would be appointed by the Chancellor to fulfill the succession of leadership for the committee, providing continuity and a level of knowledge about the process
- D. Procedures of the Committee
1. A quorum of five (5) members is needed for all decisions.
 2. All votes will be taken by secret ballot and will be recorded.
 3. Decisions of the Clinical Sciences APT Committee are determined by a majority vote of those present.
 4. The chair of the CSAPT Committee is responsible for writing the summary report, including all votes and actions taken by the committee, to be forwarded to the Dean of the School of Medicine or Nursing as appropriate. Additionally, it is the responsibility of the chair of the committee to communicate any concerns, requests for additional information, and any negative decisions to the department chair and/or appropriate dean as per the deliberations of the Clinical Sciences APT Committee.
 5. The CSAPT Committee shall meet monthly to ensure timely processing of all requests for faculty promotion/tenure.
- D. APT process and final action
- A. The Clinical departments and the School of Nursing APT committee propose faculty for academic appointment or promotion.
 - B. The Clinical Sciences APT committee reviews the faculty's dossier and makes a recommendation to support or deny the proposed academic rank or recommend a different rank to the appropriate dean. If a department recommendation is denied, a negative decision can be appealed by the department or the candidate to the Dean of the School of Medicine or Nursing as appropriate within two weeks of receiving the Dean's decision in writing.

- C. The recommendation is reviewed by the appropriate faculty's dean. All recommendations of the Clinical Sciences APT Committee are considered recommendations, advisory to the appropriate dean. It is therefore at the dean's discretion to bring his/her recommendations to the MCEC Executive Session.
- D. If the Dean's review is positive the candidate's dossier is presented to the MCEC Executive committee for approval. Appeals of the dean's decision can be made to the chancellor within two weeks of receiving the Dean's decision in writing.
- E. The MCEC Executive committee recommendation along with the dean's recommendation is forwarded to the Chancellor of Health Affairs.
- F. The Chancellor of Health Affairs makes a final recommendation and forwards positive appointment recommendations to the Board of Trustees according to existing procedures.
- G. The Dean of the School of Medicine or Nursing shall notify the department chair or other appropriate individual of the decision of the medical center executive committee and decision of Chancellor of Health Affairs.

E. Administrative Support:

The APT Office of the Vice Chancellor of Academic Affairs will provide administrative support to the CSAPT Committee. It will be responsible for assuring completeness of the files, for detailed procedures, and for working with the CSAPT Committee Chair and/or Vice Chair to insure that all supporting documents are available and are forwarded to the vice chancellor of academic affairs and vice chancellor of nursing affairs. The APT Office documents and forwards all decisions by the CSAPT and MCEC Executive Committee to the Chancellor of Health Affairs for final approval.

APPENDIX M: GRADUATE SCHOOL BYLAWS

I. Mission

The Graduate School advocates for graduate scholarship, training, and mentorship as integral to the academic mission of the University as a whole, and it ensures that both the graduate student body and graduate education and training are of the highest intellectual quality and appropriate diversity. Through the Dean, the Graduate School administration, and the elected representatives of the Graduate Faculty serving on the Executive Committee of the Graduate Faculty (see below), the Graduate School provides direction and maintains the quality of graduate education and training by establishing policies and standards that define good practice in all graduate programs, by overseeing the graduate curriculum of all degree programs, and by striving to achieve excellent student selection and retention. The Graduate School collaborates with the Graduate Faculty to ensure equity and balance across all academic disciplines and to create new graduate degree and certificate programs that will allow Duke University to remain at the forefront of developing fields of knowledge.

II. Organization and Administration

A. The Graduate Faculty. The Graduate School consists of members of the Graduate Faculty, the training and research programs that they offer, and a small central staff to administer school-wide policies and procedures. Departments and programs authorized to offer graduate degrees are responsible for nominating members of their faculties to the Graduate Faculty. There are two categories of Graduate Faculty: full graduate faculty members and term graduate faculty members.

1. Full Graduate Faculty Members. Nominal prerequisites for admission to the graduate faculty as a full member include possession of the Ph.D. degree, tenure track appointment in the University, and research activity appropriate for one engaged in graduate training. Academic units (departments and programs) may set additional requirements if they choose or, in special cases, request that the Dean waive one of these prerequisites. Waiver of any prerequisites is considered in cases where the nominated faculty member has the experience and distinction of tenure track faculty members currently being appointed at Duke and will contribute demonstrably and substantially to the educational, training, and mentoring mission of the nominating department or degree program. The Dean will report such waivers to the Executive Committee of the Graduate Faculty in a timely manner. **Only full members of the Graduate Faculty may chair examination committees and direct dissertations.** Full members of the Graduate Faculty generally participate in setting graduate degree requirements and in teaching and mentoring in their programs.

a. Decisions on admission to full membership in the Graduate Faculty must be voted on by all full graduate faculty members of the department or program. Nominations subsequently forwarded to the Associate Dean must include: a) an official request from the Director of Graduate Studies and the Department Chair; b) confirmation that there has been a majority vote cast by members of the graduate faculty in the academic unit; and c) a current curriculum vitae. The Dean reserves the right of effective review of each request and has the obligation to submit to the Executive Committee of the Graduate Faculty any nomination deemed to be questionable.

b. With Graduate School oversight, academic units are also responsible for reviewing the effectiveness of their graduate faculty and are expected to recommend removal from the graduate faculty of any of their faculty members who fail to maintain an appropriate level of scholarship or other essential participation in their graduate programs.

2. Term Graduate Faculty Members. Departments and programs authorized to offer graduate degrees, and those offering graduate certificates but not degrees, may request that members of their faculty who are not full members of the graduate faculty, or appropriate expert researchers outside Duke University, be approved by the Associate Dean for temporary and limited service in their graduate programs – teaching graduate courses or serving on student examination committees, for

example. Such individuals are appointed for a limited term of up to five years and are nominated by the Directors of Graduate Studies of departments, degree programs, or certificate programs upon advice of their faculties. All appointments of term graduate faculty members must then be approved by the Associate Dean of the Graduate School.

B. The Dean. The Dean reports to the Provost and is responsible for the leadership, management, and administrative structure of the Graduate School. The Dean shall appoint assistant and associate deans deemed necessary to assist in the conduct of the following responsibilities:

1. Develop and maintain educational, research, and service programs to meet the Graduate School's objectives;
2. Develop and administer policies and procedures to assure the productive pursuit of all Graduate School programs and activities;
3. Direct the Graduate School's financial affairs and budget;
4. Represent the Graduate School to the university, the business community, government, environmental groups, other educational institutions, and the public at large.

The Dean will present periodic reports on The Graduate School's budget and on the state of the School to the Executive Committee of the Graduate Faculty.

C. The Executive Committee of the Graduate Faculty. The Executive Committee of the Graduate Faculty (ECGF) represents the graduate faculty and advises the Dean in overseeing and setting the policies for graduate education and training. It consists of an elected faculty chair plus four representatives from each of four academic divisions: Humanities, Biological Sciences, Physical Sciences, and Social Sciences (see Appendix A for a list of departments in each division). The ECGF normally meets twice monthly during the semester and maintains minutes, which are posted on the Graduate School web site to inform the graduate faculty of active policy discussions and recent decisions. The ECGF conducts its meetings under Robert's Rules of Order and requires a quorum, consisting of a simple majority of its members, to take any action. Any member of the graduate faculty may propose an agenda item for an ECGF meeting.

1. The **Chair** is elected by the sitting ECGF members to serve a one-year term. The election occurs in the spring of each academic year, and the chair serves the entire following academic year. An ECGF member may be elected and serve as chair even if her or his term on the committee expires at the end of the spring during which the election takes place.
2. **Faculty representatives** on the ECGF are elected for two-year staggered terms. The election of half of the ECGF members occurs in the spring of each academic year, and the incoming members begin their terms in the fall semester of the following academic year.
3. The Dean and the associate and assistant deans of the Graduate School sit as *ex officio*, non-voting members of the committee. A representative of Perkins Library serves as an *ex officio* non-voting member of the committee. A representative of the Graduate and Professional Student Council (GPSC), designated by the GPSC president, serves as a voting member of the committee.
4. The graduate faculty delegates to the Executive Committee of the Graduate Faculty the initiative for the formation and review of policy affecting graduate study at Duke University, including the following:
 - a. Examine and approve or reject all proposals for new graduate degrees (PhD, MA, MS) and new graduate certificate programs (**a two-thirds vote of the ECGF members is required for approval of any new degree or certificate program**);
 - b. Assess the reports of all external reviews of departments or programs with respect to graduate education and training at Duke and make recommendations for graduate program improvements, requiring, if necessary, interim reports to monitor implementation of requested improvements;
 - c. Advise the Dean on matters of Graduate School policy.

III. Adoption and Amendments

These bylaws shall be adopted by two-thirds of the graduate faculty who choose to vote. In determining the total votes cast, abstentions or blank votes do not count. Voting will be by written ballot (or email).

Amendments to the bylaws shall be debated and voted by the Executive Committee of the Graduate Faculty. Any proposed amendment must be circulated in writing to each member of the Executive Committee of the Graduate Faculty at least two scheduled academic weeks prior to the meeting at which the amendment will be considered. After the proposed amendment has been discussed at a meeting, a vote consisting of a two thirds majority of the Executive Committee members will suffice for the amendment to pass.

[Approved May 1, 2008]

Appendix A		
Divisions of the Graduate Faculty		
Humanities		Physical Sciences
Art, Art History and Visual Studies		Biomedical Engineering
Classical Studies		Chemistry
English		Civil and Environmental Engineering
German Studies		Computer Science
Literature		Earth and Ocean Sciences
Music		Electrical and Computer Engineering
Philosophy		Environment
Religion		Mathematics
Romance Studies		Mechanical Engineering & Materials Science
		Medical Physics
		Physics
		Statistical Science
Biological Sciences		Social Sciences
Biochemistry		Business Administration
Biological Anthropology and Anatomy		Cultural Anthropology
Biology		Economics
Cell Biology		History
Computational Biology and Bioinformatics		Nursing
Ecology		Political Science
Genetics and Genomics		Psychology and Neuroscience
Immunology		Public Policy Studies
Molecular Genetics and Microbiology		Sociology
Neurobiology		

Pathology		
Pharmacology and Cancer Biology		

APPENDIX N: FACULTY OMBUDS AND FACULTY HEARING COMMITTEE

Revised and adopted September 17, 1998

Revised September 2001

Revised September 2014

Revised May 2017

I. Purpose

Duke University (University), with the concurrence of the Academic Council, has established a Faculty Ombuds and a Faculty Hearing Committee (FHC) to facilitate prompt and equitable resolution of allegations by faculty members and instructional staff. The Faculty Ombuds and the FHC shall function in accordance with the policies and procedures set forth below.

II. The Faculty Ombuds

A. Selection

The Faculty Ombuds shall be appointed, in consultation with the President, for a term of two years by the Academic Council and selected from active tenured or recently retired members of the faculty. The appointment may be renewed. The Faculty Ombuds shall report directly to the president of Duke University who shall appropriately compensate the Faculty Ombuds and provide reasonable support services.

Upon appointment, the Faculty Ombuds shall maintain active membership in the International Ombudsman Association (IOA) and follow recognized best practices of the profession. Before assuming duties, and regularly while in office, the Faculty Ombuds shall receive training in areas including counseling, implicit and explicit bias, and negotiation and mediation. The Faculty Ombuds shall also be knowledgeable of Duke structures for handling complaints and be familiar with relevant legal requirements. The Ombuds is one of several university channels for preventing and resolving conflicts involving faculty and instructional staff. Faculty and instructional staff may also choose to utilize resources such as those in the Office of Institutional Equity, or where alleged misconduct is by a student, those in the Office of Student Conduct.

B. Jurisdiction

The Faculty Ombuds shall address concerns or inquiries from faculty and instructional staff related to problems in the workplace or alleged instances of unfairness, impropriety, or insensitivity. In addition, the Faculty Ombuds shall have jurisdiction to consider concerns from faculty and instructional staff including but not limited to the following matters:

1. The university's policy concerning academic freedom and academic tenure as set forth in Appendix C of this handbook;
2. The university's policy of equal treatment in employment, without regard to race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age;
3. Dismissal for misconduct or neglect of duty;
4. Termination of appointment prior to its expiration date;
5. Disputed claims by a faculty member to the existence of tenure;
6. Allegations of violation of academic freedom;
7. Allegations of violation of academic due process with respect to an adverse employment or disciplinary action, including allegations of biased or prejudiced conduct by a

decision-maker of a substantial nature that likely had a material impact on the outcome of the proceedings;

8. Allegations of adverse employment action involving discrimination on the basis of race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age. Adverse employment actions include actions with respect to the member's rank, salary, fringe benefits, sabbatical and other leaves with or without compensation, workload or work assignment, promotion, tenure, and extension or termination of employment.
9. Allegations of damaging instances of harassment directed against faculty and instructional staff by other members of the university community after failure of a university officer or agency to resolve the matter.
10. Faculty and instructional staff may consult with the Faculty Ombuds at any time. However, after a complaint has been filed with the Faculty Hearing Committee, consultation with the Ombuds shall be limited to questions about the FHC's formal processes, functions, and related procedural matters.

C. Function

The Faculty Ombuds is a confidential, informal, independent, and impartial resource for faculty and instructional staff. The Ombuds provides faculty and instructional staff with guidance on a range of issues, including communication and conflict management skills. The Ombuds listens to the concerns of faculty and instructional staff, provides information and guidance, and attempts to resolve disputes informally through conciliation. Consistent with standards set forth by the International Ombudsman Association (IOA), the Faculty Ombuds "advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization." Among other things, it is expected that:

1. The Faculty Ombuds will practice active listening, ask strategic questions, provide information, and help faculty and instructional staff identify and evaluate available options. With the permission of the inquiring faculty or instructional staff member, the Ombuds will facilitate communications, review documentation and other relevant materials, make referrals, and/or provide mediation.
2. With the permission of the inquiring faculty or instructional staff member, when attempting conciliation, the Faculty Ombuds will confer and discuss the concerns of faculty and instructional staff with appropriate academic officers and submit to them, orally or in written form, any relevant facts and recommendations.
3. The Faculty Ombuds will routinely and promptly follow up with faculty and instructional staff to determine whether additional information or guidance is needed. In cases involving conciliation, the Ombuds will attempt to resolve the matter within 60 days of being contacted by a faculty or instructional staff member.
4. The Faculty Ombuds will collect data, including the number of contacts, the types of concerns, and the unit within the university from which the concern emanated in order to identify patterns or areas where policy changes or other improvements might occur. This information shall be shared with the President and the Academic Council in the manner described in II.C.7 below. To preserve confidentiality, the Faculty Ombuds shall not keep long-term records of individual cases, nor shall the identity of inquiring faculty or instructional staff be revealed except with the permission of those faculty and instructional staff members, or as otherwise required by law.
5. The Faculty Ombuds will operate independently of existing administrative structures. While the Faculty Ombuds may advise faculty and instructional staff and attempt conciliation, the Faculty Ombuds has no authority to make decisions on behalf of the university or on behalf of individual faculty, conduct formal investigations, override policies or decisions, or provide legal advice. The Faculty Ombuds shall be available to answer questions about how to file a formal written complaint with the FHC, as described in III.D below, and to consult with faculty and instructional staff before the initiation of any formal hearings or investigations under university processes. After the initiation of a formal hearing or investigation with the FHC, the Ombuds' role shall be limited as described in II.B.10. The Ombuds, upon request,

shall have access to such university records, accounts, files, and other sources of information as may be pertinent to the concern of the faculty or instructional staff member, unless such access is otherwise restricted by law.

6. The Faculty Ombuds shall be in regular communication with other Ombuds at Duke (currently the University's Student Ombuds and the School of Medicine's Ombuds) to identify common patterns, trends or insights that would be helpful for the university, develop recommendations, engage in professional networking and development, and discuss best practices.
7. The Faculty Ombuds shall make a yearly report to the President and to ECAC. The Ombuds shall present a summary of the report, including the number of contacts, the types of concerns raised, and actions taken, annually to the Academic Council.

D. Confidentiality

1. Confidentiality is essential to the Ombuds function and helps create a safe place for faculty and instructional staff to voice concerns, evaluate issues, understand University processes, identify options, and resolve or prevent conflict.
2. The Faculty Ombuds shall not disclose information of a private or confidential nature, except 1) with the express permission of the inquiring faculty or instructional staff, or 2) as required by law or pursuant to court order or other legal process, or 3) where the Faculty Ombuds determines there is imminent risk of serious harm.
3. The Ombuds is not authorized to receive notice on behalf of the university of any formal complaint to the university. For faculty and instructional staff wishing to place the university on notice of any formal complaint, charge, grievance, lawsuit or other claim, the faculty or instructional staff member must file such notice in the appropriate university office. The Ombuds will refer those wishing to place the university on notice of claims to the appropriate office such as the Office of Institutional Equity, Human Resources, or the Office of Risk and Compliance. Conversations with the Ombuds do not toll or affect any time limits by which notice of claims must be provided to the university. The Faculty Ombuds is a Campus Security Authority under the Jeanne Clery Act of 1990 as amended and will report crime information to Duke Police as required by that Act.
4. To the extent allowed by law, Duke University will protect the confidentiality of 1) communications between faculty and instructional staff and the Ombuds, and 2) other activities undertaken by the Ombuds pursuant to this Appendix.
5. The Ombuds may at the Ombuds' discretion discontinue providing services to a faculty or instructional staff member who is not using the Ombuds' services in good faith or is not abiding by the Ombuds' terms of service.

III. The Faculty Hearing Committee (FHC)

A. Selection

1. The Faculty Hearing Committee shall consist of twelve tenured faculty members, nominated by the Executive Committee of the Academic Council and elected by the council at large. In its nominations the Executive Committee shall seek to present a reasonable representation of the university's academic community. The Executive Committee shall appoint one member of the FHC to act as chair.
2. Committee members shall serve for three-year terms, with four being elected to full terms each year and others elected to one-year or two-year terms to fill vacancies or to begin the practice of election to three-year terms, and may be reelected. No person shall serve more than six consecutive years. Retiring members shall nonetheless conclude the cases pending before them at the time of the expiration of their terms. Vacancies arising during an academic year may be filled by appointment by the Executive Committee of the Academic Council until the next regular election of FHC members.

B. Jurisdiction

The FHC shall have jurisdiction to consider complaints from faculty and instructional staff concerning one or more of the following matters:

1. The university's policy concerning academic freedom and academic tenure as set forth in Appendix C of this handbook;
2. The university's policy of equal treatment in employment, without regard to race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age;
3. Dismissal for misconduct or neglect of duty;
4. Termination of appointment prior to its expiration date;
5. Disputed claims by a faculty member to the existence of tenure;
6. Allegations of violation of academic freedom;
7. Allegations of violation of academic due process with respect to an adverse employment or disciplinary action, including allegations of biased or prejudiced conduct by a decision-maker of a substantial nature that likely had a material impact on the outcome of the proceedings;
8. Allegations of adverse employment action involving discrimination on the basis of race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age. Adverse employment actions include actions with respect to the member's rank, salary, fringe benefits, sabbatical and other leaves with or without compensation, workload or work assignment, promotion, tenure, and extension or termination of employment.
9. Allegations of damaging instances of harassment directed against faculty or instructional staff by other members of the university community after failure of a university officer or agency to resolve the matter.
10. Appeals from the findings by a harassment grievance hearing panel or the decision by a responsible official based on such findings.

C. Jurisdiction Limitations

1. The jurisdiction of the FHC contained in Paragraph III.B.7 above refers to procedural rather than substantive issues.
2. The FHC shall consider complaints only when university action is otherwise complete.
3. In any of the above causes for complaint referenced in III.B, failure to act may be considered an action.

D. Filing a Formal Complaint

1. The Faculty Hearing Committee process commences when a complainant files a complaint with the chair of the Faculty Hearing Committee.
2. Complaints and all supporting evidence shall be in writing. The Chair of the FHC may reject any complaint that does not adequately identify the nature of the complaint, the evidence to support the allegations, and the evidence to show a good faith attempt to resolve the complaint. The Chair shall reject any complaint that has been the subject of a previous proceeding, unless significant new facts are presented. The Chair, upon request, shall have total access to such university records, accounts, files, and other sources of information as may be pertinent to the complaint or respondent's reply.
3. The complaint shall be filed with the Chair of the FHC as soon as possible after the occurrence of the action that is the subject of the complaint. The complaint shall:
 - a. Identify the complainant and the respondent;
 - b. State the action(s) complained of and whether all action is considered complete or still in process;
 - c. Specify the nature of the complaint;
 - d. Identify all efforts by the complainant to resolve the dispute;
 - e. Propose a desired remedy;
 - f. Include such attachments, exhibits, and statements in support of the complaint as can reasonably be included;
 - g. Name any persons thought contributory to decisive action who are also to be considered hostile toward or biased against the complainant.
4. In cases involving dismissal or termination, the respondent is the president or the president's designate. In other cases the respondent designated by the Chair of the FHC will usually be the chair of the department in which the complainant is a member, unless

the action complained of was taken despite a departmental recommendation favorable to the complainant, in which case the committee chair or individual responsible for the adverse action is the respondent. Where there has been no department recommendation, the Chair will designate the individual or committee who is the respondent. Complaints shall be brought by individuals and not on behalf of a class.

E. The Faculty Hearing Process

1. Upon receipt of a complaint, the chair of the FHC may require written response to the grievance from any or all respondents named, and additional written submissions from either party, to focus the area of disagreement between the parties. Failure of timely response shall be grounds for finding against the non-responsive party. When the president is a respondent, and is represented by a non-responding representative, the president shall have reasonable opportunity to name another representative.
2. The Panel
 - a. If the chair of the FHC considers that a complaint falls within the jurisdiction of the FHC, as specified in section III above, the chair of the FHC shall appoint a panel to conduct a hearing (if the panel decides that a hearing is necessary), to prepare a report, and to make recommendations. If the chair of the FHC considers that jurisdiction is in question, that question shall be decided in a meeting with at least two other members of the FHC. If there is a finding of jurisdiction, the chair shall appoint a panel to conduct a hearing (if the panel decides that a hearing is necessary), to prepare a report, and to make recommendations. If the finding is that the complaint is not within FHC jurisdiction the chair shall report that conclusion of the complaint to the complainant. To the extent possible, panels shall be drawn from the current members of the FHC, and it is advisable that at least one member of each panel be trained in law. The chair of the FHC shall notify both parties of the names of the panel members. Either party may challenge a panel member on grounds of personal interest or bias. If the chair agrees that a challenge is appropriate, the chair shall appoint a replacement panel member. The chair shall designate one of the panel members to act as presiding officer. The chair shall notify the complainant and the respondent of the membership of the panel and of the presiding officer.
 - b. Except in cases of denial of tenure or denial of reappointment, where panels should include five members, the chair of the FHC has discretion, after notifying both parties and considering any objections, to name panels of only three members in cases where time available, workloads, and FHC member availability make it necessary. Former FHC members may also be appointed in cases of such necessity.
3. The Hearing
 - a. If a panel deems a hearing necessary, it shall be held as expeditiously as possible at a time and place mutually agreeable to the hearing panel, the complainant, and the respondents. In case of dispute, the presiding officer shall set the time and place.
 - b. The hearing shall be conducted in private unless the complainant and respondents both/all agree otherwise. The president, provost, or health affairs chancellor, if a party, shall have the option of attending the hearing, and may also designate an appropriate representative, who shall not be trained in law, and shall not be anyone designated a respondent under III.D.3.g., to develop the case before the panel. Neither party may have an attorney present at the hearing to serve as an advisor. Advisors may be present but may not take an active part in the hearing nor be someone with a law degree. The presiding officer shall be responsible for maintaining decorum, assuring that the parties have a reasonable opportunity to present relevant oral and documentary evidence, determining the order of procedure, and making all procedural decisions. The hearing need not be conducted strictly in accordance with rules of evidence, but the presiding officer may exclude irrelevant evidence.
 - c. During the hearing, each party shall have the right, within reasonable limits set by the hearing panel, to:
 - (1) Call, examine, and cross-examine witnesses;
 - (2) Introduce exhibits;

- (3) Rebut any evidence. If the complainant has difficulty securing the attendance of witnesses to testify on the complainant's behalf, the university administration shall assist by requesting such witnesses to appear.

All evidence, written and oral, shall be recorded by a means furnished by the university.

- d. A panel may hold sessions involving just the panel and the parties, in order to hear arguments and rulings germane to further hearing sessions.
 - e. The complainant shall have the right to confront at the hearing all witnesses or other persons the complainant considers adverse, including those named in III.D.3.g above, as subsidiary respondents, except as provided herein. Where unusual and urgent reasons move the hearing panel to permit the introduction of particular testimony taken outside of the hearing, the identity of each such outside witness, as well as the statements taken outside, should be disclosed to the complainant. Subject to these safeguards, statements may, when necessary, be taken outside of, and reported at, the hearing.
 - f. In cases involving dismissal for misconduct or neglect of duty or in the case of termination of an appointment prior to its expiration date, the burden shall be upon the president or the president's representative to prove by a preponderance of the evidence the existence of misconduct or neglect of duty justifying dismissal or termination. In all other cases, the burden shall be on the complainant to prove by a preponderance of the evidence that the action complained of involved a violation of university policy.
 - g. The hearing panel, upon request, shall have access to such university records, accounts, files, and other sources of information as may be pertinent to the complaint or respondent's reply. Where considerations of privacy or confidentiality are asserted, however, the FHC chair or panel, after consultation with university counsel, shall first review the requested materials to assure that substantial equivalent information is not available by other means that do not involve considerations of privacy or of confidentiality.
 - h. The hearing panel and the parties shall not disclose information of a private or confidential nature obtained in the course of these proceedings, except as directed in III.E.4. below, or where required by law.
4. Findings and Recommendations
 - a. Except in demonstrated extraordinary circumstances, the hearing panel shall have ninety days from the time the panel is constituted in which to prepare a report of its findings and recommendations. The report shall be by majority vote and shall be based on the materials included in III.D.3, III.E.1, and any evidence presented at the hearing. The report shall include the panel's findings of fact and its conclusions.
 - b. The presiding officer shall send notice of the findings and recommendations of the hearing panel to the parties, the chair of the FHC, the chair of the Academic Council, the Vice President for Institutional Equity, and the provost or the health affairs chancellor as appropriate. If the provost or the health affairs chancellor is also a respondent, the report shall be sent directly to the president.
 - c. If due process is found to have been violated in a decision not to renew a term appointment, grant tenure, or promote in rank, the hearing panel may request that the decision be reconsidered, along with recommended procedures. The provost or health affairs chancellor, as appropriate, may request that the FHC modify or amend its request for reconsideration or recommendation of procedures in instances where effectuation of the FHC panel decision is seen as imprudent, impractical, or unnecessarily repetitious. The provost or health affairs chancellor, as appropriate, shall implement the FHC recommendation unless he or she determines that it is outside the jurisdiction of the FHC; that it is not supported by substantial evidence, is clearly erroneous, or violates fundamental university policy; or that other extraordinary and unusual circumstances require non- implementation. The provost or health affairs chancellor, as appropriate, must state in writing the reasons for not implementing the FHC recommendation and refer the matter to the president. The faculty member and the FHC shall be informed of the action of the provost or health affairs chancellor and given the opportunity, if they wish, to present reasons why the FHC recommendations should be accepted.

- d. In all cases within its jurisdiction, except those cases enumerated in subparagraph c immediately above, the FHC may recommend any remedy not inconsistent with university policy.
5. Appeals
- a. Decisions of FHC panels in the further class of cases involving disputed claims by a faculty member to the existence of tenure, involving academic freedom, involving dismissal for misconduct or neglect of duty, or involving termination of an appointment prior to its expiration date are subject to review only by the Executive Committee of the Board of Trustees pursuant to the request of the complainant or respondent. Any such request for review must be made in writing and within ten business days after receipt of the FHC panel decision. If the Executive Committee wishes to consider taking action in the case, its review shall be based on the record of the hearing and the report of the Chair of the FHC, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. The Executive Committee may also consult with the hearing panel. The Executive Committee may accept, reject, or modify the findings or recommendations of the FHC.
 - b. In cases involving allegations of academic due process:
 - (1) A complainant not satisfied with the findings and recommendations of the FHC may appeal in writing to the president within ten business days of receipt of the FHC report, giving reasons why he or she believes that the FHC erred and specifying what actions he or she believes the FHC should have recommended, except that in cases also covered by paragraph c. below the time for appeal in the aspect of the case coming under this paragraph b. shall be the same as for the aspect governed by paragraph c.
 - (2) If the provost or health affairs chancellor, as appropriate, does not wish to implement any or all of the FHC recommendations (for grounds of possible refusal, see paragraph III.E.4.c), he or she must state in writing within ten business days of receipt of the FHC report the reasons why he or she believes that one or more of the grounds for refusal is applicable and refer the matter to the president.
 - (3) The appeal statement of a complainant, or the reference of a matter to the president by the provost or health affairs chancellor, with statement of reasons, shall be made available to the adverse party and to the FHC at the same time it is sent to the president. The adverse party and/or the FHC may within ten business days of receipt of the appeal or reference submit to the president reasons why the FHC's refusal to recommend relief should be upheld or the FHC's findings and recommendations accepted. The president shall respond within thirty days thereafter to the appeal or reference.
 - (4) A complainant not satisfied by the action of the president may by letter to the University Secretary request review by the Executive Committee of the Board of Trustees within ten business days of notice of the president's decision. The Executive Committee may consider review under the terms and conditions defined in subparagraph a., immediately above.
 - c. Decisions of the FHC in cases involving discrimination as defined in section III.B.8 above or harassment as defined in section III.B.9 or section III.B.10 above shall be submitted to the provost or health affairs chancellor, as appropriate, who shall decide within ten business days after receipt of the FHC decision whether to accept, reject, or modify the findings or recommendations of the hearing panel. The decision of the provost or health affairs chancellor may be appealed to the president by the respondent or complainant within ten business days after receipt of the decision. The president shall make a decision within thirty days of the request for review. The decision of the president may be reviewed by the Executive Committee of the Board of Trustees pursuant to the request of the complainant. Any such request for review must be made in writing and within ten business days after receipt of the decision by

the president. The Executive Committee may consider review under the terms and conditions defined in subparagraph a., immediately above.

IV. Records

A file in the office of the Academic Council shall be maintained for retention of all records created pursuant to the procedures set forth in Sections II and III of this Appendix. Such records shall be kept for at least three years.

APPENDIX O: FINANCIAL CONFLICT OF INTEREST POLICY

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Financial Conflict of Interest Policy – Duke University

1. Introduction

Duke University (Duke) is committed to ensuring that members of the Duke faculty and staff are provided an open and productive environment in which to conduct teaching, patient care, and research, and carry out administrative responsibilities. The concern with conflict of interest (COI) reflects the complexity of our society, relations with each other and outside institutions, legal obligations and developments, and the significance of the issue to the public.

Conflict of interest, which arises when a secondary objective could affect the performance of a person's primary mission, is a normal part of human existence. The potential for financial gain is one of many potential incentives that can lead to bias in a subjective activity, often subtle and unrecognized by the affected individual. Duke is committed to advancing knowledge, including accelerating the translation of novel research ideas into practice. The application of knowledge, its dissemination and utilization, involves engagement with outside institutions and persons. Thus, Duke must have policies that both encourage interaction with outside institutions and persons, and at the same time define ground rules so individuals have clear boundaries within which to operate. There should be a balance between engagement with outside entities that may have economic incentives, and the academic and professional expectations of faculty and staff at Duke, so that research, education, clinical care, and administrative responsibilities are performed in a manner that maintains the utmost in integrity and objectivity, with the public's interest and the protection of patients and human research volunteers always being the highest priority.

This policy is intended to be consistent with federal and state law. Where there is a discrepancy, the applicable federal or state law or rule of the funding agency will take precedence, unless the law or rule is less restrictive than Duke's more stringent standard.

Conflict of commitment, nepotism, and institutional conflict of interest are addressed in other policies and procedures.

2. Definitions

Financial Conflict of Interest: A financial interest that could directly and significantly affect the design, conduct or reporting of funded research, or the performance of duties and responsibilities on behalf of Duke. A financial COI can exist in a variety of situations, including the following examples:

- (i) **Clinical Care:** A financial interest that could directly and significantly affect decision-making in regard to clinical care, particularly with regard to the selection of medication or a device. Most typically, this financial interest will be the receipt of an honorarium

(for speaking or consulting) or a royalty arrangement related to intellectual property. For the purpose of this policy, issues regarding fee-for-service medicine will not be included.

- (ii) **Education:** A financial interest that could directly and significantly affect a mentoring relationship or educational presentations. Examples of such presentations are lectures, web-based teaching, and review articles.
- (iii) **Purchasing:** A financial interest that could directly and significantly affect a purchasing decision. Examples of such decisions are purchases of equipment, supplies, and services.
- (iv) **Research:** A financial interest that could directly and significantly affect the design, conduct, or reporting of research. Financial COI is present in a situation in which a primary interest or responsibility is affected, perhaps unduly, by a secondary interest or responsibility. This means that a subjective component of a primary interest (e.g. research) is affected, or potentially affected, by a financial secondary interest, either ongoing (e.g. consulting) or where there is the potential for increased valuation (of stock or an option). Financial COI is present when the outcome of the research could affect future income or the value of an asset (including an option for equity).

Individual: Any person who is independently responsible for making decisions regarding research, education, purchasing, clinical care, or administrative responsibilities. For any one individual, the policy includes a financial interest of any immediate family member (spouse or spousal equivalent, and dependent children) as if any financial interest of that family member were one of the individual.

Research: A project intended to develop new and generalizable knowledge or to be presented in support of regulatory applications.

Financial Interest: Anything of monetary value or potential monetary value that reasonably appears to be related to the individual's duties and responsibilities, including, but not limited to:

- Payment for service (e.g., a consulting fee, lecture payment, or honorarium), except as otherwise excluded by this policy;
- A gift (e.g., money, hospitality, or a physical item);
- An equity interest (e.g., stock, stock option, security, or other ownership interest);
- An intellectual property right (e.g., a patent, copyright, or royalty from such right); and
- Other interests as determined by Duke. For example, a financial interest may only have potential to be of value, like an option in a non-publicly traded company. Because this potential value may be an economic incentive, a situation like this is considered a financial interest.

The term does *not* include:

- Ownership of a share in a mutual fund;
- Salary or other remuneration from Duke or another accredited institution of higher education;
- Salary or other remuneration from the U.S. Department of Veterans Affairs or another federal, state, or local government entity; and
- A distribution from Private Diagnostic Clinic, PLLC.

3. ***Governing Principles***

Statement of Policy

It is the policy of Duke that an individual has an obligation to avoid any financial COI for which an approved management plan cannot or has not been developed and approved, through the appropriate COI committee, and implemented by the individual and all involved parties.

Identification of Potential Conflicts of Interest

An individual will be required to report to Duke her/his financial interests on an annual basis and at the time of a reportable change. The information reported may be compared to information provided by companies or the government. Duke reserves the right to request additional information, as deemed necessary.

Establishment of Conflict of Interest Committees

A conflict of interest committee will be appointed for each of the School of Medicine, the Campus, and Duke administrators. In addition to the other powers listed in this policy, these committees are advisory and report to the Dean of the School of Medicine, the Provost, and the President, respectively. These senior officials are also responsible for formally naming members of the three committees, with the approval of appropriate faculty committees.

Procedures for Conflict of Interest Operations

Implementation procedures for this policy and the relevant COI committees will be determined by each committee, with the approval of the appropriate senior official or her/his designee. Financial thresholds for relationships requiring management will be included in the operating procedures for each COI committee.

Management of Potential Conflicts of Interest

When a potential financial COI exists, the applicable conflict of interest committee will take appropriate action, which may include the elimination of the financial conflict of interest, approval of a management plan, or adoption of an alternative course of action.

This Financial Conflict of Interest Policy replaces the following:

Faculty Conflict of Interest Policy (approved by the Board of Trustees in February 1992)

Conflict of Interest and Commitment Policy for Officers and Employees with Administrative Responsibilities (approved by the Board of Trustees in 2007)

Duke University Conflict of Interest Disclosure Form

Annually, faculty members and certain staff members are required to submit a conflict of interest disclosure form electronically. The link below will provide access to submit the form or update your current year form when a change of status has occurred.

Please follow this link to access your disclosure form: https://radapps.duke.edu/coi_form

Login using your NetID and NetID password. *If you are unsure of your NetID or NetID password, contact the DHTS Help Desk at (919) 684-2243 or the OIT Help Desk at (919) 684-2200.* For other technical assistance, please use the following information: <http://rad.duke.edu/support/coi-assistance>

Institutional Conflict of Interest in Research Policy – Duke University

1. Introduction

An institutional conflict of interest ("Institutional COI") describes a situation in which the financial interests of an institution or an institutional official, acting within his or her authority on behalf of the institution, may affect or appear to affect the research, education, clinical care, business transactions, or other activities of the institution. Institutional COIs are of significant concern when financial interests create the potential for inappropriate influence over the institution's activities. This policy is intended to protect against exposure from risks related to Institutional COIs as they may affect research performed at or under the auspices of the University.

An institution like Duke University ("Duke"), including its officials, must balance many competing pressures. It engages in relationships with a variety of sponsors that may lead to financial benefit for the institution in many forms, including gifts, business ventures, royalty payments and equity from licensing intellectual property, as well as sponsored educational and research agreements. In addition, university-industry relationships are essential for advancing scientific frontiers and enabling the commercial development of academic discoveries to the benefit of the public. Nonetheless, while generally part of legitimate educational, research, and business activities, relationships with external entities or individuals cannot be allowed to compromise, or appear to compromise, the integrity of the Duke's primary missions, including the safety and integrity of its research, education, and clinical care.

2. Definitions

Institutional Conflict of Interest in Research: An Institutional COI in Research may occur whenever the financial interests of the institution, or of an institutional official who has authority to act on behalf of the institution, might affect—or reasonably appear to affect—institutional processes for the design, conduct, reporting, review, or oversight of research.

Covered Officials: This Institutional COI in Research Policy applies to the Board of Trustees, President, Chancellor for Health Affairs and Vice Chancellors, the Provost and vice-provosts, other senior officers, Deans and vice-deans, associate deans and other institutional administrators, particularly insofar as the individuals have oversight of research, with special attention to human subjects research, at the University. This policy will also require review of conflicts of interest involving department chairs, division chiefs, institute and center directors, Institutional Review Board chairs, the COI and Institutional COI committee chairs, the chair of the Institutional Biosafety Committee, the chair of the Stem Cell Review Committee, and chairs of other similar committees that might be created in the future.

Officials with Oversight of Research: Covered officials with responsibility for the supervision of faculty and staff participating in research conducted at or under the auspices of the institution. Of particular importance in defining an "official with oversight of research" are supervisory roles like evaluation and management of promotion, pay raises, and the assignment of job responsibilities.

Significant Financial Interest (individual): For covered officials, "significant financial interest" is defined as being consistent with Duke University's faculty conflict of interest policy and procedures. Areas of consideration include: payments, honoraria, royalties (even through the institution), equity, options and warrants, board of directors and management positions, and gifts.

Significant Financial Interest (institutional):

- A. Royalties: Institutional COI may be present when the institution has agreements to receive milestone payments and/or royalties from the sales of an investigational product that is the subject of the research;
- B. Non-publicly traded equity: When, through its technology licensing activities or investments related to such activities, the institution has obtained an equity interest or an entitlement to equity of any value (including options or warrants) in a non-publicly traded company that is: i) the sponsor of research at the institution, or ii) the manufacturer of a product to be studied or tested at or under the auspices of the institution;

- C. Publicly traded equity: When, through technology licensing activities or investments related to such activities, the institution has obtained an ownership interest or an entitlement to equity (including options or warrants) exceeding \$100,000 in value (when valued in reference to current public prices, or, where applicable, using accepted valuation methods), in a publicly-traded company that is i) the sponsor of research at the institution, or ii) the manufacturer of a product to be studied or tested at or under the auspices of the institution.
- D. Gifts from sponsors: When the institution has received substantial gifts (including gifts in kind) from a potential commercial sponsor of research or a company that owns or controls products being studied or tested, or an individual affiliated with these companies. The following circumstances should be evaluated:
 - 1. Whether a gift is of sufficient magnitude that even when held in the general endowment for the benefit of the entire institution, it might affect, or reasonably appear to affect, oversight of research at the institution;
 - 2. Whether a gift is held for the express benefit of the college, school, department, institute or other unit where the research is to be conducted; or
 - 3. Whether any institutional official who has the authority, by virtue of his or her position, to affect or appear to affect the conduct, review or oversight of the proposed research has been involved in solicitation of the gift.

3. *Identification of Potential Institutional Conflicts of Interest*

The following significant financial and fiduciary interests of the institution warrant formal review for potential Institutional COI with respect to research:

Significant financial interests for the institution.

Significant financial interests on the part of covered officials responsible for the oversight of research.

Situations when an investigator, research administrator, or Duke institutional official with research oversight authority participates materially in a procurement or purchasing decision involving major institutional purchases from, or non-routine supply contracts with, a company that sponsors research at the institution, or whose product is being studied or tested in human subjects research at the institution.

In addition to those circumstances indicated above, other financial relationships with research sponsors may warrant formal scrutiny, depending on the circumstances. In general, the institution should assess the potential for conflict of interest and weigh the magnitude of any risk to the research's integrity.

Although the listed circumstances are potential areas of concern, the goal of this policy is not to preclude Duke from accepting philanthropy from companies that sponsor research, or that own or control products that are being studied or tested. Rather, the policy is intended to require the institution to develop means of identifying and examining such circumstances, and of managing, through disclosure, separation of responsibilities, and as otherwise appropriate, mitigate any actual or apparent conflicts of interest that may result. All gifts should be accepted in conformance with these policies and accepted by the development office for record-keeping purposes. All faculty and staff members are accountable for adhering to the institutional gift policy.

4. *Establishment of an Institutional Conflict of Interest Committee*

In order to review and manage Institutional COIs, a committee will be established that includes members who are not employed by Duke as well as senior Duke employees. A member of the General Counsel's Office will be a non-voting participant. The Committee will be advisory to the University Board of Trustees, which holds final authority regarding questions of Institutional COIs.

5. *Management of Potential Institutional Conflicts of Interest*

The reasons to manage Institutional COIs include: 1) To maintain the highest possible standards in research; 2) To adhere to all applicable federal and state regulations; 3) To maintain the primacy of the university's educational mission; 4) To protect the reputation and credibility of the University, its faculty and staff. Based on those needs, the following basic principles will be applied in the management of potential Institutional COI:

- A. When Duke itself has a significant financial interest:
 - a. Human Subjects Research: There is a “rebuttable presumption” that human subjects research should not be carried out at Duke when the institution has a significant financial COI. In those situations where Duke faculty have unique capabilities, or where there are unique resources at the institution, the research may be performed at Duke after the establishment of a formal institutional management plan. This plan will include establishment of an oversight board for the project made up of non-Duke individuals. Other management steps may be required (e.g. use of a non-Duke IRB, external monitoring, etc).
 - b. Non-Human Subjects Research: Because research subject safety is not an issue in the case of non-human subjects research, the primary reasons to manage Institutional COI focus on protection of the integrity of the University’s research and educational missions. If a decision is made by the Institutional Conflict of Interest Committee that the potential value of a line of research exceeds the potential risks related to Institutional COI, management will usually include some form of oversight external provided from outside Duke. The level of oversight should be proportional to the risk to the institution’s reputation and/or educational mission.
- B. When an individual in a supervisory administrative role has a conflict of interest:
 - a. Human Subjects Research: In this situation, there is not the same “rebuttable presumption” made that the work cannot be performed, since in most cases alternative supervision can be arranged. The Institutional Conflict of Interest Committee should review the administrator’s role in relation to the research and to the researchers, the nature of the administrator’s conflict of interest, and should then formulate a plan so that an appropriately objective administrator can oversee the research for the institution.
 - b. Non-Human Subjects Research: In most cases for this circumstance, an alternative administrator should be identified, and the conflicted administrator should voluntarily recuse themselves. The situation should be reviewed by the Institutional Conflict of Interest Committee to be certain no bias will introduced that could affect the research, the researchers, or any students working on the research project. If there is potential for bias or pressures, particularly in the case of a student, alternative supervision should be arranged by the Committee.

Institutional Conflict of Interest in Research Implementation – Duke University

1. Introduction

An institutional conflict of interest ("Institutional COI") describes a situation in which the financial interests of an institution or an institutional official, acting within his or her authority on behalf of the institution, may affect or appear to affect the research, education, clinical care, business transactions, or other activities of the institution. Institutional COIs are of significant concern when financial interests create the potential for inappropriate influence over the institution's activities. This implementation document is based on the University's Institutional Conflict of Interest Policy in order to protect against exposure from risks related to Institutional COIs as they may affect research performed at or under the auspices of the University.

2. Conflict of Interest Office

The University will maintain one or more offices to manage day-to-day operations regarding conflict of interest. One office, selected by the President, will manage processes regarding institutional COI. This office will perform an administrative review of potential institutional COIs and will prepare a draft management plan in collaboration with the Institutional COI Committee Chair (or his/her designee). The office will also prepare summary reports for use by the Institutional COI Committee. Regular reports will be made no less than annually to the President and Board of Trustees.

3. Institutional Conflict of Interest Committee

In order to review and manage Institutional COIs, a seven member committee will be established that includes at least two members who are not employed by Duke ("external members"), who should also not be members of the Board of Trustees. A member of the General Counsel's Office will be a non-voting participant. The chairs of the Campus, Administrative, and School of Medicine Conflict of Interest Committees will be voting members. The other two members will be tenured faculty, one from the School of Medicine, one from the University but not the School of Medicine. The President of the University will designate the committee chair, who will be a voting member of the Committee. The committee chair is selected between the chairs of the Campus and School of Medicine Conflict of Interest Committees. Members (other than ex-officio) will serve renewable three year terms. Members may serve past their term until new members are appointed. The Committee will be advisory to the University Board of Trustees, which holds final authority regarding questions of Institutional COIs. The quorum for voting shall be: At least one external member and at least four employee members **OR** two external members, and at least three employee members. Decisions of the Committee shall be by majority vote of members present. Appointments to the committee will be made by the University President or his/her designee, in consultation with the Executive Committee of the Academic Council (ECAC), and with approval of nominees by the Executive Committee of the Board of Trustees. The primary reporting line of authority for the Institutional COI Committee will be through the Executive Committee of the Board.

4. Management of Reporting of Potential Institutional Conflicts of Interest

There are two broad categories of Institutional COI in Research: Conflicts that affect the institution directly and those that relate to institutional officials who have oversight responsibilities.

Ascertainment of Direct Institutional COIs:

Gifts: All gifts to Duke University must be processed through one of the institutional development offices. When a gift of \$10,000 or more comes from a sponsor of research, the Conflict of Interest Office should be notified by the development office. A list of all gifts will be produced by the development office and distributed to the COI Office on a regular basis. The list of research sponsors will be maintained by the COI Office, drawing from the SPS database. All donations over \$100,000 should also be reported to the COI Office as early in the development phase as possible but no later than upon receipt. [Gift amounts are the results of totals for each calendar year.]

Licensing agreements: Licensing agreements are executed by the Duke Office of Licensing and Ventures. OLV will provide a report at least quarterly of new and existing agreements (including equity holdings, royalty payments, other payments, and their stipulations) to the Conflict of Interest Office.

Equity holdings: The University receives equity holdings from time to time as consideration in licensing agreements. In some cases, the results from a single study can significantly change the value of the equity. For this reason, the potential for an Institutional COI is often inherent in these situations. This potential COI is managed by a process in which researchers and administrators who oversee research are removed from any management or administrative decisions regarding equity. To manage and administer these equity holdings and manage potential institutional conflicts of interest regarding private equity secured through licensing agreements, DUMAC, Inc. (Duke's investment management firm) will maintain a relationship with a third party custodian manager whereby the University is blinded to the holding or selling of the equity. Any communication with the management firm will be filtered through the Office of Internal Audit.

Ascertainment of Institutional COIs involving Institutional Officials:

Covered Officials: The Institutional COI in Research Policy applies to the Board of Trustees, President, Chancellor for Health Affairs and Vice Chancellors, the Provost and vice-provosts, other senior officers, Deans and vice-deans, associate deans and other institutional administrators, particularly insofar as the individuals have oversight of research at the University. This policy will also require review of conflicts in interest involving department chairs, division chiefs, institute and center directors, Institutional Review Board chairs, the COI and Institutional COI committee chairs, the chair of the Institutional Biosafety Committee, the chair of the Stem Cell Review Committee, and chairs of other similar committees that might be created in the future. The list defining covered officials should be reviewed on an annual basis by the Institutional COI Committee.

Reporting: For institutional officials, review will begin with the annual individual COI reporting form. For individuals who have oversight responsibilities, their declared external relationships will be compared with the list of sponsors of research. If there is overlap between their external relationships and their supervisory/oversight roles, the situation will be reviewed by the Institutional COI Committee.

5. Management of Rules Related to Institutional Conflict of Interest

This implementation document is maintained under the authority of the University Board of Trustees. Changes in the document can be made by majority vote of the Institutional Conflict of Interest Committee members present, while the University Board of Trustees retains the rights of review and approval.

6. Management of Gifts with Potential Institutional COI

Once a significant gift to the institution has been identified that might have, or be perceived to have, an overlap with research being performed by faculty or staff at Duke, a review of the situation should be performed. Considerations should include:

- a) Does the gift potentially affect the investigator's work inappropriately? For example, a gift to the Divinity School by a corporate sponsor would be unlikely to affect research taking place in the School of Medicine, while a major gift designated for an investigator's home department might.
- b) Are the sponsor and recipient of the gift aware that no *quid pro quo* is allowed? A gift cannot be substituted for a sponsored research agreement, particularly as a means to circumvent indirect cost expectations. If a gift is designated for a specific lab or investigator, both should be notified that communication of research results can only occur through public forums like publications or presentation at an open public meeting. In addition, the gift should be acknowledged in all publications, presentations, and grant applications where products from the donor are included or affected.
- c) If the gift might be perceived to influence the design, conduct, or reporting of the research, consideration should be given as to whether it should be accepted. If the research involves human subjects, a particularly high standard should be set before the gift can be accepted.

- d) If it is determined that the gift has potential for institutional COI, but can be accepted, the following considerations should be reviewed by the Institutional COI Committee:
 - (1) Should the presence of the gift be noted in publications, press releases, presentations, and grant applications from Duke? If so, how will the appropriate parties be notified of this expectation?
 - (2) Does the gift create a situation where recusal from decision making by an institutional official should be expected?
 - (3) Does the gift overlap with human subjects research being performed at Duke? If so, refer to Section 8.

7. Management of Individuals with Institutional Conflicts of Interest

When an institutional official has a personal COI in a domain that overlaps with research being performed under their supervision or authority, the situation should be reviewed for institutional COI considerations. Examples of concern would be a department chairperson who has a financial relationship with an external entity and whose department performs research in a scientific domain served by that company. Faculty working in the department might thus be biased to favor that company's products in their research in order to curry the chair's favor in promotion and allocation of resources (e.g. laboratory space or discretionary funds).

- a. Management plans should address:
 - (1) The extent of recusal expected of the individual with COI;
 - (2) The mechanism for making the relevant faculty and staff aware of the institutional COI (for example, posting on a web site or a notice by e-mail to affected parties);
 - (3) Notification of the Pre-Award Office (for grants), public relations office, and (if appropriate) the institutional review board (IRB);
 - (4) The provision of an institutional "safe haven" for affected faculty and staff to discuss their concerns related to the COI; and
 - (5) Whether the overlapping relationship is an appropriate one for an individual in that particular organizational position.
- b. Faculty and staff who have fiduciary responsibility to a non-Duke entity that overlaps with their professional responsibilities at Duke should receive the permission of the University President (or their designee) before agreeing to serve, and should have a formal management plan approved by the Institutional COI Committee.

8. Procedures Regarding Institutional Conflicts and Human Subjects Research

When the University has an institutional conflict of interest, particularly licensed intellectual property or significant equity holdings, the default position on research that is greater than minimal risk is that it should be done at some other institution. If there are compelling circumstances that justifies the work being done at Duke (for example, a unique patient population, a piece of equipment that would be hard to duplicate, or a particular technical or professional skill on the part of an investigator), arrangements can be considered. In a situation with compelling circumstances, the resulting management plan should generally include the following strategies:

- a. Disclosure of the institutional COI in the informed consent document.
- b. Use of an external Institutional Review Board (IRB), with notification of the local IRB. In cases where the research is being done at multiple institutions, the IRB at one of the other study sites could serve as the primary IRB. The Duke IRB can perform a secondary review for consistency with internal Duke policies.
- c. External monitoring of the study, particularly endpoint assessments.
- d. Use of an external Data Safety Monitoring Board plus (DSMB-Plus) or similar review committee to perform the normal duties of a data safety monitoring board, but also to consider COI issues. The DSMB-Plus should evaluate the design, analytical protocols, primary and secondary endpoint assessments, and provide ongoing evaluation of the study for safety, performance issues and the unbiased reporting of results.
- e. Disclosure of the institutional COI in public presentations and publications.
- f. Disclosure of the institutional COI to other centers in a multi-center trial.

APPENDIX P: POLICIES RELATED TO RESEARCH

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Protecting Human Subjects in Nonmedical Research

Duke has an agreement with the Office for Human Research Protections (OHRP) and a supplementary Duke Policy.

In the agreement with OHRP, Duke does three things:

Adopts a set of ethical principles: "The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research."

Agrees to abide by regulations for the protection of human subjects: Title 45 Code of Federal Regulations Part 46 (45 CFR 46).

States that these ethical principles and regulations apply to all research with human subjects, regardless of the funding source.

The Duke Policy, "Duke University Principles and Procedures Regarding Research on Human Subjects (Campus)," approved by the Academic Council on September 21, 2000, includes a statement of principles and provides additional protections for students and Duke employees in order to avoid the potential for coercion, however unintended, of those subjects.

Summaries of The Belmont Report and 45 CFR 46, and links to the full texts of each, are available at the following URLs:

- The Belmont Report: <https://ors.duke.edu/researcher/federal-regulations>
- 45 CFR 46: <https://ors.duke.edu/researcher/federal-regulations>

Investigators must be certified to conduct research with human subjects. For information on the certification process consult <https://ors.duke.edu/researcher/initial-certification>.

A Very Abbreviated Summary of "The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research"

Report Prepared By: The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

When: September 30, 1978

Purpose: Respond to a congressional charge to set forth the basic ethical principles underlying the acceptable conduct of research involving human subjects. Those principles, respect for persons, beneficence, and justice, are now accepted as the three fundamental requirements for the ethical conduct of research involving human subjects.

Summary: Respect for persons involves recognition of the personal dignity and autonomy of individuals, and special protection of those persons with diminished autonomy. Respect for persons requires that investigators secure fully informed and voluntary consent from subjects. Presentation of information must be adapted to subject's capacity to understand it (language, language level) and culturally appropriate.

The principle of beneficence entails an obligation to protect persons from harm by maximizing anticipated benefits and minimizing possible risks of harm. Finally, justice requires that the benefits and burdens of research be distributed fairly. Justice of subject selection relates to subjects as individuals and as members of social, racial, sexual, or ethnic groups.

***A Brief Summary of Title 45 of the Code of Federal Regulations,
Part 46, Protection of Human Subjects***

The basic components of the code are:

- I. Activities covered by the code. This section includes:
 - A. A list of research activities that may be screened for exemption by administrative staff. (Duke requires that IRB Administrators make determinations of exemption, rather than investigators.)
 - B. Notice that state, local, and foreign laws may provide additional protections.
 - C. Notice that if the research takes place in foreign countries, the protections of that country, if at least equivalent to this code, may be substituted.

- II. **Definitions of terms** such as *research, human subject, private information, intervention*, and so on. This section is critical because it provides the tools for identifying when research constitutes research with human subjects.

- III. **Assuring Compliance with 45 CFR 46.** Institutions must have a written assurance on file with the Office for Human Research Protections. The format this agreement takes is dictated by OHRP. It must, however, include:
 - A. A statement of ethical principles adopted by the institution that covers all research with human subjects, whether or not it is subject to federal regulation. Duke has adopted the Belmont Report.
 - B. Designation of an IRB established in accordance with the code, with meeting space and sufficient staff.
 - C. A list of IRB members.

- IV. IRB Membership Criteria
 - A. Number of members
 - B. Expertise
 - C. Diversity
 - D. Conflict of interest

- V. **IRB Functions**
 - A. Make decision by simple majority of quorum.
 - B. Approve, require modifications to, or disapprove all research activities covered by the assurance.
 - C. Require informed consent.
 - D. Require documentation of consent or waive documentation in accordance with code.
 - E. Notify investigators in writing of its decisions.
 - F. Conduct continuing review at intervals appropriate to the degree of risk, but no less frequently than twelve months.
 - G. If needed, observe, or have a third party observe the consent process and the research.

- VI. Expedited Review Procedures
 - A. A list of categories that may be reviewed through expedited procedures is published in the federal register.
 - B. An IRB may also use expedited review for minor changes to approved research.
 - C. Review may be carried out by one or more experienced members or the Chair.
 - D. Review criteria are the same as for full review. (See next section.)
 - E. An expedited reviewer may not disapprove a protocol.
 - F. All members must be advised of expedited approvals with the option to request consideration by the full IRB.

- VII. Criteria for Approval of Research

Seven basic requirements must be met:

 - A. Risk to subjects must be minimized.
 - B. Risks must be reasonable in relation to anticipated benefits.
 - C. Selection of subjects must be equitable.
 - D. Informed consent must be sought.
 - E. Informed consent must be appropriately documented.

- F. Adequate provisions are in place to protect the privacy of subjects and maintain the confidentiality of data.
- G. When appropriate, provisions must be made for data monitoring to ensure the safety of subjects. (Rarely applies to social and behavioral science research.)

VIII. **Review by Institution.** The institution cannot approve research not approved by the IRB. Institutional officials can subject research to further review and possible disapproval.

IX. **IRB Authority to Suspend or Terminate Approved Research.** Authorized when research is not being conducted in accordance with IRB requirements, or when there is unanticipated serious harm to subjects.

X. **Cooperative Research.** Describes available mechanisms for review of projects involving more than one institution.

XI. **IRB Records.** A list of documents that must be kept by the IRB administrative offices for three years after the administration of the project. Investigators are subject to Duke's data retention policy.

XII. **General Requirements for Informed Consent.** In addition to the list of required elements of consent, this section lists some components of the consent process, such as:

- A. It shall be sought under circumstances which allow the prospective subject enough time to consider whether or not to participate, and which minimize the possibility of coercion or undue influence.
- B. The information shall be given in a language understandable to the subjects.
- C. No informed consent whether oral or written, may include language in which subjects waive or appear to waive their legal rights.

This section also includes a description of the circumstances under which an IRB may waive some or all of the elements of consent.

- D. The research involves no more than minimal risk to subject, and
- E. The waiver or alteration will not adversely effect the rights and welfare of the subjects, and
- F. The research could not practicably be carried out without the waiver or alteration, and
- G. Whenever appropriate, the subjects will be provided with additional pertinent information after participation.

XIII. **Documentation of Informed Consent.** Describes two conditions under which the IRB may waive the requirement for the investigator to obtain signed consent forms from the subjects. (This does not mean that the subject does not get a written statement regarding the research.)

- A. The only record linking the subject to the research is the consent form and the greatest risk is a breach of confidentiality.
- B. The research involves no procedures for which written consent is normally required outside the research context and there is no more than minimal risk. Some survey research falls in this category.

XIV. **Miscellaneous.** The final sections of the code discuss issues such as the procedures to be followed if a researcher didn't plan to use human subjects, but later proposes to do so, and federal sponsors' authority to evaluate protocols and the institution's performance.

Duke University Principles and Procedures Regarding Research on Human Subjects (Campus)
Approved by Academic Council September 21, 2000

I. Scope of the Policy

- A. These principles and procedures are adopted by the Academic Council (the academic senate of Duke University) to govern the conduct and review of all research involving human subjects conducted by Duke University researchers outside of the Medical Center.

II. Principles

- A. Duke University is committed to academic freedom. Research will neither be forbidden nor discouraged because it explores topics that are innovative, unorthodox, sensitive, unusual, or otherwise extraordinary. The university takes responsibility for protecting the right of the faculty to conduct research in the pursuit of knowledge, wherever that search may lead.
- B. In the conduct of research, care must be taken to avoid harming the persons being studied. Research procedures should minimize the risk of harm and respect the privacy of subjects. The researcher should not withhold from the subjects information they request about any aspect of the research likely to be significant to the subject or induce subjects to participate by means that might affect the subject's ability to decide freely about his or her participation. Researchers who promise confidentiality are responsible for maintaining it and for informing subjects of limits on their capacity to meet that responsibility. Researchers should explain to subjects, prior to their participation, the purposes of the research. Special care is called for when the subjects of the research are especially vulnerable to harm because they cannot understand the risks or because they are not in a position to freely refuse their participation in the research.
- C. To resolve any conflict between the above principles, and to assure that research at Duke University follows these principles, the following procedures should be followed.
- D. In developing these procedures, the university has considered the ethical codes of all the principal scholarly associations.

III. Procedures

- A. The Institutional Review Board for Protection of Human Subjects in Non-Medical Research (IRB) will satisfy the compositional requirements for membership described in federal regulations. The IRB will have sufficient membership to represent the primary disciplines conducting non-medical research with human subjects at Duke, with no fewer than nine members. The Executive Committee of the Academic Council will appoint faculty members. The Provost will appoint non-faculty members. The ordinary term of service is three years.
- B. The Office of Research Support will provide administrative and logistical support for the activities of the IRB. Staff of the Office of Research Support will also provide continuing training for the IRB and investigators.
- C. The review procedures and criteria set forth in the University's current Multiple Project Assurance (MPA)* will govern all human subject research conducted under the auspices of the University, outside the Medical Center, regardless of sponsorship.
- D. The committee will review submitted research plans and approve, disapprove, or state conditions for the conduct of the research, applying the principles and procedures specified in this resolution and in applicable federal regulations. Other criteria, such as the scientific or social value of the research or the adequacy of the research methods to research goals, are applied elsewhere in the university and are not the charge of the IRB.
- E. To assure that extra care is taken in research involving special researcher-subject relationships within the university, several types of research will be submitted to the full committee for review:
 - 1. Research conducted on employees of the University by their supervisors.
 - 2. Research conducted by faculty or instructors on students in their classes.
- F. Research conducted on subjects whose participation in the Psychology subject pool is a requirement for course credit may not be screened for exemption from review, even if there is no more than minimal risk to the students, but will be subject to "expedited" or "full committee" review, as these terms are used in the Federal Policy for the Protection of Human Subjects.

- G. It is the responsibility of faculty members to supervise student research in their courses and departments in accordance with all applicable regulations and to refer students to the IRB when appropriate.
- H. These principles and procedures may be amended by vote of the Academic Council.

IV. Procedures for Proposals Requiring Review

- A. The IRB will meet twice a month from September through April and at least once per month during the remaining months. The schedule of meeting dates and submission deadlines will be posted on the human subjects web site, maintained by the Office of Research Support. Ad hoc meetings may be held at the discretion of the chair.
- B. Procedures for the submission of materials for review, and additional administrative guidelines, are provided on the human subjects web site.
- C. Basic review, as described in Duke's MPA*, will ask the following questions:
 - 1. Have the risks to subjects been minimized?
 - 2. Are the risks reasonable in relation to anticipated benefits?
 - 3. Is the selection of subjects equitable?
 - 4. Are adequate procedures in place to ensure privacy and confidentiality?
 - 5. Has informed consent been sought and appropriately documented?
 - 6. Are safeguards in place to protect vulnerable populations?
 - 7. If the research is federally funded, is the protocol consistent with the grant application?
- D. IRB actions will be promptly communicated to investigators in writing.
- E. Copies of all protocol materials will be maintained at the Office of Research Support.

* The Multiple Project Assurance was replaced by a Federal-wide Assurance in March of 2001. The assurance process has been streamlined and the resulting documents given a new name.

Policy on Inventions, Patents, and Technology Transfer

I. Preamble and Objectives

Duke University (University) is dedicated to teaching, research, and the expansion of knowledge. The University has a mission of knowledge in the service of society, and in that context inventions sometimes result from the research and clinical activities carried out wholly or in part with University funds and facilities. It is the policy of the University to assure the utilization of such inventions for the common good and, where necessary, to pursue patents and licenses to encourage their development and marketing.

This policy applies to University employees who are defined for purposes of this policy as all faculty, staff, and other persons receiving compensation from the University and Duke University Health System, Inc. for services rendered, as well as students and graduate assistants, whether compensated or not, who work on any research project under University control. Duke University has established the following policies and procedures with respect to inventions, patents, and technology transfer in order to:

- A. Promote the University's academic policy of encouraging scientific research and scholarship;
- B. Serve the public interest by providing an organizational structure and procedures through which inventions which arise in the course of University research may be made readily available to the public through established channels of commerce;
- C. Encourage, assist, and provide tangible reward to members of the University community who make inventions processed under this policy.
- D. Establish principles and uniform procedures for determining the rights and obligations of the university, inventors, and sponsors, with respect to inventions arising during the inventor's and sponsor's association with the University;
- E. Enable the University to enter into institutional agreements with federal research funding agencies;
- F. Produce funds for further scientific investigation and research and for the overall needs of the University.

All aspects of these policies shall be implemented in a manner that incentivizes decisions guided by the long view, promotes invention disclosures, ensures prompt reviews of new disclosures, and stimulates wide transition of Duke IP to the marketplace as measured by metrics including licensing transactions and faculty satisfaction.

II. Administrative Responsibility

- A. The President of the University shall be responsible for administrative matters relating to inventions, patents, and technology transfer and shall represent the University in all matters of policy affecting the University's relations with inventors, government, private research sponsors, industry, and the public. The President may designate another senior administrative officer to carry out these responsibilities in whole or in part.
- B. Director of the Office of Licensing & Ventures. The Provost and Chancellor shall appoint a director of the Office of Licensing & Ventures (OLV) who will be a full-time employee of the University. The director of the Office of Licensing & Ventures shall:
 1. Establish liaison with appropriate faculties to monitor research and to assist in the identification of potentially patentable discoveries and in the reporting of such discoveries;
 2. Establish liaison with federal and private sponsors of research and ensure compliance with any provisions in sponsored research agreements regarding inventions;
 3. Receive all disclosures of invention submitted under this policy;
 4. Determine the ownership of and equities involved in inventions, in accordance with Section V below;
 5. Determine whether an invention in which the University has an equity is patentable or otherwise protectable;
 6. In consultation with the inventor, evaluate potential commercial use and investigate possible courses of action for patenting and/or marketing inventions in which the University has an equity;

7. Negotiate patent licensing and technology transfer agreements;
 8. Maintain complete records on all disclosures and other patent matters of interest to the Duke administration;
 9. Prepare an annual report to the OLV Board;
 10. Promote the cross-fertilization of ideas within the Duke scientific community consistent with the need for confidentiality of potentially patentable subject matter until patent applications have been filed.
- C. Office of Licensing and Policy Board. The OLV Board consists of seven members. Five Board members shall be selected from the faculty and two from the administration. Three of the faculty members shall be selected by the Chancellor of Health Affairs (Chancellor), in consultation with the Dean of the SOM; the Provost shall select two faculty from Campus Schools in consultation with the Deans of those Schools. One of the Campus representatives shall be a faculty member in the Pratt School of Engineering. The Chancellor shall select the SOM administrative representative, and the Provost will select the Campus administrative representative. The Board will be co-Chaired by the Campus and SOM administrative representatives. The director of OLV shall be a non-voting ex-officio member of the Board and the Board shall designate an ex-officio Secretary of the Board. A designated member of the Counsel's Office shall also be a non-voting ex-officio member of the Board. At the discretion of the Chancellor and Provost, a faculty member from the School of Law, with expertise in licensing and patent policy, may be added as an additional Board member. The director of OLV shall report jointly to the Provost and Chancellor, or their designees, who would be the administrative members of the Board. The Board shall:
1. Receive and review the annual report of the Director of the Office of Licensing & Ventures and consult with the Director of the Office of Licensing & Ventures when requested.
 2. Report to the Provost and Chancellor or designees on the implementation of this policy, and recommend such new or different policies or guidelines as may be more suitable for the achievement of its objectives.
 3. Sit as a tribunal for the resolution of specific disputes involving the ownership of and equities involved in inventions, on appeal from decisions of the Director of the Office of Licensing & Ventures.
 4. Receive requests for interpretations of this policy and, after deliberation, recommend to the President such interpretations as it considers appropriate.
 5. Receive, review and recommend to the Chancellor and Provost the OLV budget as annually submitted by the Director of OLV.
- D. Duke Innovation & Entrepreneurship Initiative
1. The Office of Licensing and Ventures will work with the Duke Innovation & Entrepreneurship (I&E) Initiative and other areas focusing on innovation, to help meet the need for entrepreneurial education. The OLV, Duke I&E and their Boards will work with Deans and Department Chairs to promote a culture of translation across the institution.
 2. Duke strongly welcomes innovation amongst the members of its community that result in patentable inventions. While OLV's resources are targeted towards finalizing patents and ventures, it will also, together with the OLV Board and in conjunction with I&E and other units involved in translation, help define expectations, and provide guidance on ways faculty and students can make their innovations patentable and more attractive to the marketplace.

III. Invention Management

- A. Within three months from submission of a new invention disclosure, OLV will respond to the prospective inventor(s), notifying them of one of the following:
1. The submission is not a valid new invention. The individual(s) who submitted the disclosure may be directed to I&E or to other areas focused on innovation, for help in refining and improving the invention; the prospective inventor(s) will be made aware of what is required of a proper invention.
 2. The submission is of potential value, but it is recommended that it be improved and strengthened, before filing a provisional patent. OLV will work with the inventor(s) to help strengthen the disclosure, and define its proper place in the marketplace, and in so doing better quantify its value. Under this circumstance the inventor(s), OLV and I&E or other entities responsible for translation (upon mutual consent) will work together to strengthen and

position the potential invention, for a subsequent provisional patent. This process may take an extended period that respects the needs of all parties, including the requirements of students to publish their work in a timely manner. The OLV Board may be consulted by the inventor, if desired, to achieve the proper balance between strengthening the invention and the need to publish.

3. If either of the above two options do not apply, OLV will make a statement about whether it is interested in pursuing a provisional patent or not and the timing of the filing or refiling of a provisional patent application to maximize the chances for translational success. If OLV elects not to protect, the invention will be assigned back to the inventor(s), who have the opportunity to pursue the patent(s) as they wish.
- B. After OLV files a provisional patent, it will have six months to inform the inventor if OLV will file additional protection. If OLV chooses not to protect the invention, the invention will be assigned back to the inventor. If the patent is unusually complex, requiring more time for the assign-back decision, such an extension of the above time period must be approved by a majority vote of the OLV Board.
 - C. For disclosures or provisional patents that OLV assigns back to the inventor(s), if the inventor(s) chooses to file a patent on their own, that patent must contain claims that are substantially similar with the original invention disclosure and/or the previously filed provisional patent. The OLV Board or its designee will review the consistency between the inventor's patent application and the original disclosure and any provisional patent application. If the inventor's subsequent patent is found to substantially differ from the original disclosure, then the University's assignment shall be null and void and ownership of the invention will revert to the University, with patent costs assumed by the University.
 - D. If a license negotiation between OLV and a company proceeds for six months without resolution, unless both sides ask for more time, the OLV Board will intervene, and recommend terms for an equitable outcome, which may include an option to continue to negotiate.
 - E. At the regular meetings with the OLV Board, the OLV Director will provide updates on the broad status of inventions as they run through the system, and demonstrate that the desired timelines are being met. Faculty may bring matters of timeliness on the above deadlines to the OLV Board.

IV. Report of Inventions

University employees who during their associations with the University invent a device, product, or method, whether or not on University time or with University facilities, shall cooperate with the University in defining the rights to such inventions by promptly reporting to the director of the Office of Licensing & Ventures on the University's Invention Disclosure Form.

Ownership of Inventions and Supportive Technology

- A. Inventions resulting from research or other work conducted by University employees wholly on their own time and without use of University funds or facilities shall be considered the property of the inventor and may be patented and/or commercialized by the individual at the individual's expense. It is recognized that when the invention is within the specific subject area of the inventor's current and ongoing University research activities, disputes may develop concerning whether the work was conducted by University employees wholly on their own time and without use of University funds or facilities. In order to reduce the possibility of such disputes, it shall be the responsibility of the employee to provide his or her departmental chairman notice that he is engaging in research activities independently within the subject area of his current University research, and describe in such notice the focus of these independent research activities, with a copy to the Provost or Chancellor. In questionable cases, it shall be the responsibility of the inventor to demonstrate that the above criteria are present.
- B. Inventions resulting from research or other work conducted by University employees wholly on their own time, but involving some but not significant use of the University funds or facilities, shall be considered the property of the individual and may be patented and/or commercialized by the individual at the individual's expense. The University will not construe the payment of salary from unrestricted funds or the provision of office or library facilities as constituting significant use of University funds or facilities

- C. Inventions resulting from research or other work conducted by University employees in whole or in part on University time or with significant use of University funds or facilities shall be considered the property of the University. Employees shall upon request assign to the University all rights and title to such inventions and shall make known and available to the University all supportive technology related to the same. Supportive technology is intended to include any non-patentable invention which would assist the University in achieving the goals of this policy. If the University decides not to request assignment of all rights and title to such an invention, and if there are no restrictions by any outside sponsor of the research, the University may release (“assign back”) its proprietary interest to the inventor.
- D. Inventions arising from research financed by the U.S. Government are controlled by the terms of the applicable grant or contract. The University is obligated to report to the appropriate government agency all such inventions or discoveries for definition of the government's rights and interests. In cases where the government claims no patent rights or waives its rights, University patent policies will control, subject to such limitations as the government may impose.
- E. Inventions resulting from research, clinical or other work sponsored by nongovernmental entities are controlled by the terms of the research agreement; if applicable, and if not, by University patent policies.
- F. Where mutually agreeable between inventors and the University and on terms and conditions acceptable to both, the University will accept by assignment, bequest, or other appropriate instrument, title to inventions falling in Sections A and B above.
- G. Any dispute between the director of the Office of Licensing & Ventures and the inventor as to the determination of equities in an invention shall be resolved by the OLV Board. The decision of the OLV Board may be further appealed to the President or, upon the President's referral, to the Board of Trustees.
- H. Any use of the University's name in connection with the commercialization of an invention by an individual shall be approved in advance by the University.

V. Division of Income

- A. All income derived from inventions falling within Article IV, Section A above shall belong to the inventor.
- B. If inventions that are assigned back by OLV to the inventor shall be patented and/or commercialized by the inventor, then the University and inventor shall enter into an agreement, which shall provide for the inventor to reimburse the University direct expenses, if any, incurred in connection with the patenting and commercialization of the invention.
- C. All income derived from inventions falling within Article IV, Section C shall be distributed in accordance with the following rules:
 - 1. The University will first deduct any direct expenses incurred by it in connection with the initial patenting and commercialization of the invention. Any such expenses incurred by the inventor with the prior approval of the director of the Office of Licensing & Ventures will also be deducted and paid to the inventor.
 - 2. The University will then pay and distribute the income remaining after payment of direct expenses in the following manner:
 - a. income from \$0 to \$500,000:
 - (1) fifty percent (50 %) thereof to the inventor;
 - (2) ten percent (10 %) thereof to the inventor's laboratory until, in the discretion of the President after consultation with the Chancellor or the Provost, this distribution equals the maximum amount which can reasonably be expended in that laboratory, after which any excess shall be added to and distributed as a part of share in accordance with V.C.2.a.(4) below;
 - (3) ten percent (10 %) thereof to the inventor's department/organizational unit;
 - and
 - (4) thirty percent (30%) thereof to be directed to the school of the inventor's primary appointment.
 - b. income from \$500,000 to \$2,000,000:
 - (1) thirty-three percent (33 %) thereof to the inventor;
 - (2) fifteen percent (15 %) thereof to the inventor's laboratory until, in the

discretion of the President after consultation with the Chancellor or the Provost, this distribution equals the maximum amount which can reasonably be expended in that laboratory, after which any excess shall be added to and distributed as a part of V.C.2.b.(4) below;

(3) fifteen percent (15 %) thereof to the inventor's department/organizational unit;

(4) thirty-seven percent (37 %) thereof to the school of the inventor's primary appointment.

c. \$2,000,000 and higher:

(1) twenty-five percent (25 %) thereof to the inventor;

(2) fifteen percent (15 %) thereof to the inventor's laboratory until, in the discretion of the President after consultation with the Chancellor or the Provost, this distribution equals the maximum amount which can reasonably be expended in that laboratory, after which any excess shall be added to and distributed as a part of V.C.2.c.(4) below;

(3) fifteen percent (15 %) thereof to the inventor's department/organizational unit;

(4) thirty-five percent (35 %) thereof to the inventor's school;

(5) ten percent (10 %) thereof to a quasi-endowment fund established by the University to provide direct support for graduate and post-doctoral research, as the President of the University shall direct.

3.

a. If for any reason the inventor ceases to be a university employee or, if not an employee is no longer studying or working in research at the university, then the disposition of the share to which the inventor's laboratory would have been entitled shall be determined by the school.

b. For purposes of this Article V.C., the word "inventor" shall include co-inventors as a group and related words such as "laboratory" shall include not only the singular but also the plural form of the word, as may be appropriate.

c. For purposes of this Article V.C., the dollar ranges in paragraphs V.C.2.a. (0 to \$500,000), V.C.2.b. (\$500,000 to \$2,000,000), and V.C.2.b. (\$2,000,000 and higher) above, may be periodically adjusted by the OLV Board to reflect changes in the cost-of-living, such adjustment to be effective for the fiscal year beginning that July 1. Any adjustments shall be published as amendments to this policy no later than July 1 of each year in which such amendments are effective.

d. For purposes of this Article V.C., the net income referred to in paragraphs V.C.2.a. (0 to \$500,000), V.C.2.b. (\$500,000 to \$2,000,000), and V.C.2.b. (\$2,000,000 and higher) above, as the same shall be adjusted from time to time, shall mean the cumulative net income earned from inventions.

D. Income from inventions falling within Article IV, Section D, where the government claims no patent rights or waives such rights, shall be distributed in accordance with Article VI, Section C above, unless the waiver or other agreement between the University and the government provides for a different distribution.

E. In the case of inventions falling within Article IV, Section E, any royalties received by the University shall be distributed in accordance with Article V, Section C above, unless the contract between the University and the sponsor provides for a different distribution.

F. Income from inventions falling within Article IV, Section F, shall be distributed in accordance with the agreement between the inventor and the University.

VI. Publication

Inventors should be aware that publication prior to the filing of a U.S. patent application is a bar to the grant of certain foreign patents and can bar the grant of a U.S. patent if it occurred a year earlier than the filing date.

VII. Interpretation

Questions of interpretation concerning this policy shall be submitted to the OLV Board and resolved, after consideration of the OLV Board's recommendations, by the president or, upon the president's referral, by the Board of Trustees.

VIII. Termination or Revision of Policy

This policy may be changed or discontinued at any time by action of the Board of Trustees. Such changes or discontinuance shall not affect rights accrued prior to the date of such action.

IX. Agreements

The policy as amended from time to time shall be deemed to be a condition of initial or continuing employment of every University employee and a condition of enrollment and attendance of every student who works on any research project under University control. All such employees and students will be expected to sign agreements incorporating the terms of this policy; but failure to sign shall not affect the applicability of the policy nor relieve any employee or student from the obligations imposed by it. Any use of University funds or facilities after the effective date of this policy shall be subject to this policy.

Interpretation of the Policy on Inventions, Patents, and Technology Transfer Reaffirming the Rights of Undergraduate Students

PREAMBLE

Duke University has long recognized the important contributions that undergraduate students make to the intellectual community that is the academic foundation of the University. The University hereby confirms its commitment to encourage and nurture the creative and entrepreneurial spirit reflected in the undergraduate students enrolled at Duke in the twenty-first century.

The rights of Duke University undergraduate students in intellectual property have been recognized since the first patent policy was adopted by the University in 1979. Subsequent amendments have reaffirmed those rights. It is the purpose of this Interpretation to reaffirm again the rights of undergraduate students in intellectual property and bring the policy current by recognizing the educational methods and technologies currently available and in use at the University. All references herein to the "Patent Policy" shall be to the revision of the Policy on Inventions, Patents, and Technology Transfer effective July 1, 1996.

Article I. of the Patent Policy: The definition of "students" that are subject to the Patent Policy is confirmed to include undergraduate students.

Article IV. of the Patent Policy ("Ownership of Inventions and Supportive Technology"): The description of invention ownership and rights in Article IV.A., IV.B., and IV.C. is confirmed by the following statements:

Inventions made by undergraduates will generally remain the property of the student, except where the invention is:

- Made through the execution of duties associated with employment at Duke;
- Developed with another inventor who has the duty to assign the invention to Duke. In those instances, ownership will be distributed in a manner proportional to the contribution of each inventor;
- Developed under an external agreement with Duke that explicitly provides for an alternative assignment of inventions.

Duke University Policy on Intellectual Property Rights

Approved May 11, 2000. To be effective July 15, 2000.

- I. General Principles
 - G. Duke's primary mission lies in the creation and dissemination of knowledge in works of the intellect, in whatever medium (tangible or otherwise) they may be embodied or expressed. This Policy recognizes and acknowledges that intellectual property rights (other than patent rights) may arise in such works from time to time as a result of efforts by members of the Duke community. The Policy addresses certain recurring issues of ownership with respect to such rights. In this Policy Duke reaffirms its traditional commitment to the personal ownership of intellectual property rights in works of the intellect by their individual creators, whether the creators work alone or with others, and whether they work privately or as members of the Duke community, defined for purposes of this policy as all faculty, staff, and other persons receiving compensation from the university for services rendered, as well as students and graduate assistants, whether compensated or not, who work on any research project under university control.
 - H. As in the past, Duke also may create or commission such works in its own behalf, whether as works-for-hire or otherwise; and Duke may acquire such works from, or develop them in company with, individual authors on mutually agreeable terms.
 - I. Throughout this Policy, the term "intellectual property rights" includes, inter alia, copyrights, trademarks and unfair competition, trade secrets, rights of publicity or privacy, the law of ideas, moral rights, and all other neighboring rights of whatsoever kind; but the term excludes patent rights arising in inventions of the sort addressed in the University's Policy on Inventions, Patents and Technology Transfer, effective July 1, 1996. Know-how associated with patentable inventions or tangible material is not included in this policy.
- II. Recurring or Categorical Exceptions
 - A. Notwithstanding the general principles respecting individual ownership expressed in Article I, intellectual property rights arising in certain categories of academic works (i.e., works primarily related to the teaching or research missions of the university), appear to justify exceptional treatment on a recurring or categorical basis:
 - 1. Computer programs, when the programs are primarily created to perform utilitarian tasks.
 - 2. Data bases and similar collections of information which are obtained primarily on behalf of schools or departments rather than individuals, or which involve issues of privacy (as in the case of medical patients or identifiable human subjects) or require approval by the University's Institutional Review Board.
 - 3. Works supported by extraordinary allowances, grants or subventions (whether in money or money's worth, and whether or not supported by outside sources under contract), when designated as such in advance by the University. Works obviously created in such circumstances prior to the date of this Policy shall be deemed covered by this Policy without requiring that prior designation have been given.
 - 4. Collaborative works by persons working as members of the Duke community, when numerous individual original contributions are indistinctly merged, as a practical matter, into a new and distinct work fixed in a tangible medium of embodiment, and the individual creators have not entered into an agreement with respect to joint authorship.
 - 5. Intellectual property rights in works supported by grants or contracts shall be governed according to the terms and conditions of such grants or contracts or, in the event such grants or contracts are silent as to intellectual property rights, such grants or contracts shall be governed by this policy.
 - B. In each instance, the intellectual property rights arising from the creation of these works shall vest (as works for hire or the equivalent) in Duke, which may thereafter grant licenses or royalties or both to individual creators or contributors on just and reasonable terms.
- III. Particular Provisions Applicable to Courses of Instruction Approved for Duke Credit

- A. Intellectual property rights arising in courses approved for Duke University credit ordinarily belong to their individual creators in accordance with the general principles expressed in Article I of this Policy; but rights may vest in Duke to the extent that a course (or some portion of it) is created, acquired or developed by Duke under Article I, or when the course (or some portion of it) falls within the exceptions set forth in Article II.
- B. With respect to each such course (and whether the rights in that course belong to an individual creator or to Duke), every member of the university community at large (including students, faculty, staff and administrators) shall enjoy a permanent non-exclusive, royalty free license to make all traditional, customary or reasonable academic uses of the immediate content of that course (the License).

- 1. The "immediate content" of a course includes both the ideas and the expression arising *ex tempore* as the course is actually taught and delivered to students in the classroom (or otherwise at an assigned time or place); and this is so even when a permanent record of the delivery of the course is simultaneously made, as in the case (for example) of a videotaped recording of a lecture. To this extent "the immediate content" of the course is subject to the License.

- 1. Recording of lectures may only be done with the permission of the instructor presenting the lecture. Once given, such permission may be withdrawn for particular lectures or for portions of lectures. Permitted recordings of lectures may be archived by the University library. Any access to such archived recordings shall be for private scholarly purposes only. Such archived recordings, the time for which they will be retained, and their distribution for scholarly purposes, or any other purpose, shall be subject to limitations defined in writing to the University Archivist by the instructor.

Student recording of lectures, when permitted by the instructor, shall be for private study only. Such recordings shall not be distributed to anyone else without authorization by the instructor whose lecture has been recorded. However, the instructor may arrange through the Office of Information Technology to make recorded lectures available to students enrolled in the class on such terms and conditions as he or she prescribes. Unauthorized distribution is a cause for disciplinary action by the Judicial Board.

A [check sheet](#) shall be completed by the instructor at the beginning of each semester. The instructor shall maintain a copy and retain one in the departmental files. S/he should communicate to the students in the class what, if any, permission has been granted to tape the course content.

- 2. But works which are created outside the classroom (or otherwise beyond the immediate temporal setting in which a course is taught or delivered) - works (for example) such as books, texts, articles, notes for lectures, outlines, photographs, videos, films, recordings, audiovisual works and the like - are not part of "the immediate content" of a course, even if they are created expressly for the purpose of being assigned or used (in whole or in part) in the actual teaching or delivery of a course. Rights in these works are not subject to the License created by this Policy, though of course they remain subject to other more general legal or customary principles applicable to fair use, whether in the academy or elsewhere.
- C. The License shall be presumed to spring into existence automatically, by virtue of a course's approval for credit by Duke with the consent of any individual rights-holder; no additional formality shall be required. No royalty shall be payable for the License, sufficient consideration for which shall be deemed to reside in the mutual benefit realized by Duke and the consenting rights-holder, as well as by the individual members of the university community.
- D. The License shall include a particular right in students duly enrolled in a course to take class notes for their personal use; but notes in a course shall not be taken or disseminated for commercial purposes unless approved by the instructor.
- E. The License also shall include a right in Duke to offer the course, or to develop and offer derivative courses of instruction, in both conventional and non-conventional settings (including

courses intended for use in internet distance education projects), whether at Duke or elsewhere. The License shall continue to be available to Duke even if the faculty member in whom individual rights otherwise vest should leave Duke.

- F. No claim of rights in teaching style or the like will be recognized under this Policy; but individual instructors may claim personal rights of privacy against non-consensual commercial exploitation of their name, likeness or private personality.
- G. A willing instructor who creates a highly original or singular course ordinarily may expect a preference (as against the claims of others) with respect to any assignment to teach that course (whether in conventional or unconventional settings) from time to time; but no continuing entitlement is implied as against reasonable administrative considerations to the contrary, including the particular demands or prerequisites of the curriculum.

IV. Particular Provisions Applicable to Internet Distance Education Projects

Given the increasing presence of digital technologies, and the growing likelihood that distance education projects via the internet may bring about significant changes in the practices and fortunes of the academy, it appears prudent to establish additional provisions particularly applicable to such projects:

- A. Duke may appropriately consider any internet distance education project that offers the promise of securing and advancing Duke's place among the leading universities of the world. To that end, Duke may participate in the development of such projects with members of its own community; or it may enter into relationships with persons outside the established academic community. In either case, it may enter into such projects on terms and conditions which are fair and reasonable in the circumstances, whether or not they are customary in the academy, so long as they do not adversely affect the fundamental principles of governance, tenure and academic freedom otherwise recognized in conventional settings at Duke from time to time.
- B. An individual member of the Duke Faculty, who is employed on a permanent full time or equivalent basis, and who intends to enter into any non-Duke internet distance education project in which he or she proposes to teach a course regularly or recurrently, shall first disclose the proposed undertaking in advance to his or her Dean or Department Chair (or their designate), who will examine the proposed undertaking in order to insure that no conflict of interest or commitment will arise.
 - 1. Conflicts of interest or commitment will be addressed generally in accordance with the terms of the University Policy on Conflicts of Interest in force from time to time.
 - 2. In addition, a conflict of interest or commitment will be presumed to arise under this Policy on Intellectual Property Rights:
 - a. when an individual proposes to teach a non-Duke internet course substantially equivalent to a conventional course he or she is regularly assigned to teach at Duke;
 - b. when an individual proposes to teach a non-Duke internet course in circumstances likely to be directly competitive with an existing or proposed Duke internet course which he or she has been offered an opportunity to teach;
 - c. when an individual proposes to participate in teaching a non-Duke internet course in circumstances likely to confuse or mislead the public with respect to his or her primary obligations or allegiance as a member of the Duke Faculty; or
 - d. when an individual proposes to participate in teaching a non-Duke internet course in circumstances likely to impair the continuing performance of his or her primary responsibilities at Duke.

The Dean or Department Chair (or their designate) who examines a proposed undertaking in which a conflict of interest or commitment presumptively arises under this Sub-Paragraph (2) may determine that the conflict is trivial, or that it can be cleared on terms reasonably calculated to serve the best interests of Duke and the individual faculty member alike, and in either case shall give notice to that effect in writing within ninety days, both to the individual and to the Provost; but in the absence of such a determination the individual shall not proceed further with the undertaking as proposed while remaining a member of the Duke faculty.

A faculty member who has engaged appropriately in a non-Duke distance education project as provided above shall nevertheless repeat the process of notice and clearance annually thereafter with

respect to his or her continuing participation in that project. If changed circumstances thereafter create a conflict as provided above, and the conflict cannot reasonably be cleared, the faculty member will withdraw from the project within one year of the date when the existence of that conflict is determined.

C. The University Intellectual Property Board (established by Article VIII of this Policy) may develop additional interpretations or regulations reasonably designed to implement these provisions, and may promulgate additional requirements with respect to prior notice and clearance. But the purpose of all such additional interpretations, regulations or requirements will be to avoid unreasonable conflicts and the appearance of evident professional impropriety, rather than to limit unduly an individual's ability to engage in suitable outside professional activities, including distance education projects; and to that end, Duke will exert reasonable efforts to clear such conflicts and to eliminate any appearance of impropriety through appropriate disclaimers, licenses or the like.

V. Provision for Declaring Extraordinary Exceptions

The Provost, acting upon the advice or recommendation of the University Intellectual Property Board, and with the concurrence of the Executive Committee of the Academic Council, may declare additional exceptions to these principles prospectively, on just and reasonable terms, when a particular transaction or category of work appears to require extraordinary treatment. Works created specifically for or in the context of the emerging digital or internet environment, and particularly when intended directly for use in distance education ventures in which the University proposes to invest its own singular identity, may justify extraordinary treatment more often than do works in traditional media. Exceptions limited to compulsory non-exclusive licenses from an individual creator to Duke, accompanied by suitable provisions for royalty payments by Duke, will appear just and reasonable more often than will appropriations of a creator's entire intellectual property rights in a work.

VI. Moral Rights

The moral rights of each individual creator will be respected to the extent practicable in every case contemplated by this Policy; and in no case will the University fail to recognize an individual creator's entitlement to acknowledgment, attribution or other appropriate credit, to the fullest extent practicable.

VII. University Name and Identity

- A. Intellectual property rights arising in Duke University's name, logos and other impedimenta of identity belong to Duke. Such rights may be licensed from time to time upon suitable terms and conditions approved by the President or his/her delegates, taking into full and appropriate account the research, teaching and collegial missions of the University.
- B. Members of the Duke Community may identify themselves as such from time to time, with such indicia of their status as is usual and customary in the academy; but any use of Duke's name, logos or impedimenta of identity shall be reasonably calculated to avoid any confusing, misleading or false impression of particular sponsorship or endorsement by Duke, and when necessary shall include specific disclaimers to that end.

VIII. University Intellectual Property Board

- A. This policy shall be interpreted and administered by a new University Intellectual Property Board, to consist of seven members appointed by the Provost, no fewer than four of whom shall be members of the faculty nominated by the Executive Committee of the Academic Council (and from among whom the Committee's Chair shall be appointed). Members of the Board shall serve initial terms of one to three years (as designated by the Provost); upon the expiration of each such initial term, successor members of the Board shall be appointed thereafter for a term of three years. A member may be reappointed from time to time upon renomination.
- B. The Board shall publish such additional interpretations, regulations and requirements, and shall take such other administrative actions, as are necessary to the suitable discharge of its duties and the adequate functioning of this Policy, including specific provisions for the further appointment

of its members; but in every case the Committee's interpretations, regulations and requirements, as well as its administrative actions, shall be consistent with the provisions expressed in this Policy.

- C. The University Patent Policy Committee (formerly known as the University Intellectual Property Committee), shall have jurisdiction over the University Patent Policy, as further provided in Article XD. hereof.

IX. Appeals and Arbitration

A person aggrieved by the proposed application of any provision of this Policy may appeal within six months from the appearance of such grievance for a plenary ruling, on such grounds as appear relevant, just and reasonable, first, to the Provost of the University (or the Provost's delegates), who shall give decision within no more than ninety calendar days from the lodging of the appeal; and second, within ten business days after the Provost's decision, to the President of the University (or the President's delegates), who shall give decision in no more than ninety days from the date of the Provost's decision, and whose ruling shall end the University's claim of appellate jurisdiction in the matter. Thereafter, the aggrieved person may proceed as of right to binding arbitration before a single arbitrator pursuant to the commercial arbitration rules of the American Arbitration Association. Each party shall bear its own costs in connection with the proceedings; but in the event an Arbitrator finds that a party has proceeded in bad faith the Arbitrator may award costs and expenses (including attorneys' fees) to the other party.

X. Effective Date; Prior Works

- A. This Policy shall take effect upon approval by the President and the Provost, when concurred in by the membership of the Academic Council, and by the Board of Trustees of the University.
- B. The 1996 University Policy on Copyrightable Work shall be superseded by this Policy upon the effective date hereof.
- C. This Policy on Intellectual Property Rights shall constitute the sole Duke University Policy governing all non-patent intellectual property rights of every kind arising in any work of the intellect (cf, Article I, fn 1), and in any medium in which the work may be embodied or expressed.
- D. This Policy on Intellectual Property Rights, and the Policy on Inventions, Patents, and Technology Transfer (effective July 1, 1996) (the Patent Policy), shall be construed in *pari materia* so as to give reasonable force and effect to the provisions of both policies. Otherwise, the Patent Policy shall not be affected in its application to the disclosure and subsequent management of inventions, patents or technology transfers; and the jurisdiction of the Patent Policy Committee with respect to the Patent Policy shall continue unabated, *pro tanto*.
- E. In the event of any conflicting interpretation of the two Policies by the Intellectual Property Board and the Patent Policy Committee, the President, the Provost, and the Chair of the Academic Council (acting jointly as a committee of the whole, to be chaired by the President) shall resolve the issue promptly; and their decision in the matter shall be binding upon both the Board and the Committee. In such a case, a "person aggrieved" by their decision (as contemplated in Article IX of this Policy) may elect thereafter to appeal as provided or to proceed directly to arbitration.
- F. Intellectual property rights in works created prior to the effective date of this Policy shall be treated in accordance with the principles articulated herein, to the extent that such treatment is practicable, just and reasonable.

Interpretations of the Policy on Intellectual Property Rights as it Relates to Online Courseware

1. Definitions
 - a. The term internet courseware, as used in this interpretation, refers to any fixed audio/visual work or sound recording that is created for, based on, or adapted or derived from a Duke-sponsored internet distance education course of any type. internet courseware may include recorded lectures, presentation slides, videos and video clips as well as other works to which copyright adheres. Material created for online use by students enrolled in courses that meet for regularly scheduled face-to-face class sessions is not included in this definition unless it is used in an internet course.
 - b. The term creator refers to the person or persons, including students, faculty and staff, who would be the owner(s) of copyright in a specific piece of internet courseware through the application of the Copyright Law of the United States (Title 17 of the U.S. Code) if that piece of courseware were not a work made for hire. This interpretation does not have any reference to third-party materials that are incorporated into courseware.
2. General principles
 - a. The Duke University Policy on Intellectual Property Rights, including the license allowing all members of the Duke community to make “all traditional, customary or reasonable academic uses” of course content, applies to all Duke community members, whether they are teaching on campus, off campus or online.
 - b. This interpretation affirms the general principle of individual ownership expressed in section I(A) of the Policy on IP Rights.
 - c. This interpretation affirms that section IV(B) of the IP Rights policy concerning conflicts of interest applies in its entirety to creators of internet courseware.
3. Courseware and Clause II(A)3 of the IP Rights Policy
 - a. In the absence of a written agreement, and regardless of whether or not an internet courseware creator receives support for the internet course from the University, section II (A)3 concerning works made for hire shall not apply to that courseware. When a separate, written agreement between a creator and the University that determines the question of ownership has been negotiated, however, that agreement shall have effect.
4. Courseware and Clause III(B) of the IP Rights Policy
 - a. The license created by section III(B) of the IP Rights policy for “traditional, customary or reasonable uses” will be deemed to arise in regard to internet courseware in its entirety. In addition, the following special terms apply to this license in internet courseware:
 - i. Any and all revenues generated by courses in which the internet courseware is used, other than direct tuition payments made to the University, will be subject to cost recovery and profit sharing arrangements between the creator(s) and the University, the policy for which will be determined by the Provost in consultation with the Advisory Committee for Online Education.
 - ii. Attribution rights will be respected whenever the internet courseware is used, regardless of whether or not the creator remains a member of the Duke community. Attribution shall be given for all such uses to both the creator(s) and the University.
 - iii. In accordance with section IV(B) of the IP Rights policy concerning conflicts of interest, reuse of the internet courseware on non-Duke platforms or in association with any institution with which the University does not have a formal agreement will be subject to the approval process described therein. This process shall also be used to seek approval whenever a third-party, not subject to the IP Rights Policy and this interpretation, is expected to make a contribution to the courseware. The revenue-

sharing provisions in section 4(a)(i) of this interpretation shall also apply in those situations.

- iv. Revisions of the courseware carried out by anyone other than the creator(s) shall be approved by those creators.

Duke University Copyright Guidelines for Electronic Course Content

Duke University expects all members of the University community to respect copyright law (Title 17 of the United States Code). The principles of copyright law that apply to electronic course content are the same as those that apply to printed course material, regardless of whether the electronic content is textual or audio-visual, or where it is stored (e-reserves, AFS, Blackboard, iTunesU, for example). If permission would be required for a print use, it will be required for an analogous electronic use.

Duke also affirms that the exceptions to a copyright owner's exclusive rights that are provided by the law, especially the fair use provision, are integral to the balance between exclusive rights and productive, socially beneficial new uses of works. Fair use requires a fact-specific analysis that should be considered carefully whenever deciding whether or not permission is required.

The digital age has made potential course content available in a wide variety of ways, and faculty can often choose amongst several formats to make reading, viewing and listening materials available to students. If it is possible to link to material that is either publicly available on the Web or available to the Duke community through a database licensed by the University Libraries, further permission is not needed to use that material.

When it is necessary to make a copy of the material, rather than simply linking to it as described above, permission is not needed if the works are in the public domain (generally, material published before 1923) or are offered freely under a Creative Commons license. For other material, a fair use analysis should be considered; if fair use is determined not to apply to the specific use, permission must be obtained.

A fair use analysis is based on four factors found in section 107 of the Copyright Act: the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used in relation to the entire work and the effect of the use on the potential market for or value of the copyrighted work. A detailed explanation of the application of these factors is available at <http://library.duke.edu/blogs/scholcomm/copyright-in-teaching/> and the checklist that follows can help guide a reasonable decision about fair use. For many activities at Duke, these circumstances will be especially important when relying on fair use:

- Your use is nonprofit and educational,
- You are using only a small part of a work and no more than is needed to accomplish your teaching objective, and
- Access to the portion of a copyrighted work is restricted to students registered for the specific class in which it is needed.

For each use for which fair use is claimed, a copy of the completed checklist can be retained to show the good faith of that claim; this is especially important when all of the above circumstances do not apply to a particular use.

When relying on fair use, materials should be attributed properly and marked to indicate that they are subject to copyright protection. As noted above, copyright protected course content should be kept behind password barriers so that only students in the class can access it. Campus-supported course websites, such as those using Sakai, require passwords for access by default. If you have questions about how to implement password protection on other systems, contact the Center for Instructional Technology at cit@duke.edu. Materials should remain available only for a limited time, usually no longer than necessary for a particular class use.

When permission is needed, for example where a large portion (several chapters) of a book is used, the Copyright Clearance Center (<http://www.copyright.org>) can usually assist in obtaining and collecting fees for the necessary authorization. If analogously large portions of audio or video recordings are used, similar collective permission organizations may exist, or the distributor can be contacted directly. When permission is not available after reasonable efforts or a rights holder can not be found (so-called "orphan works"), a persuasive fair use analysis becomes more likely.

Questions regarding these guidelines may be directed to the director of copyright and scholarly communications or the University Counsel's Office.

Checklist for Fair Use Analysis

This checklist is a tool to assist you as you apply the fair use balancing test to specific situations in which you want to use copyrighted materials. If a particular use is fair use, it may proceed without authorization from the copyright owner; if the use does not fall within fair use, permission is necessary.

The fair use analysis is always circumstantial and never entirely certain. For each of the four fair use factors below, determine whether each listed circumstance favors or disfavors fair use based on the specific material in question and the use desired. Where the circumstances favoring fair use outnumber those against it, you can feel comfortable in relying on the fair use exception. Where less than half the circumstances favor fair use, you should seek permission or consider alternatives to using the work as planned. If the factors appear evenly split or you have questions about interpretation, please feel free to contact the director of copyright and scholarly communications or the University Counsel's Office.

FACTOR ONE – PURPOSE OF THE USE

Favoring Fair Use

- Educational
 - Teaching (including multiple copies for classroom use)
 - Research
 - Scholarship
 - Criticism
 - Comment
- Transformative or Productive use (Changes the work to serve a new purpose)
- Nonprofit use.

Disfavoring Fair Use

- Commercial, entertainment or other use.
- Verbatim or exact copy, not transformative.
- Profit generating use.

FACTOR TWO – NATURE OF THE COPYRIGHTED MATERIAL

Favoring Fair Use

- Factual, nonfiction, news
- Published work

Disfavoring Fair Use

- Creative or consumable work. (art, music, feature film, fiction; workbook, case study or test)
- Unpublished work

FACTOR THREE – AMOUNT COPIED

Favoring Fair Use

- Small quantity used (e.g. single chapter or journal article, other short excerpt (less than 10-15% of the whole work)).
- Portion used is not central to work as a whole.
- Amount is appropriate to the educational purpose.

Disfavoring Fair Use

- Large portion or entire work.
- Portion used is central or the “heart” of the work.
- Includes more than necessary for educational purpose.

FACTOR FOUR -- EFFECT ON THE MARKET FOR THE ORIGINAL

Favoring Fair Use

- No significant effect on the market or potential market for the copyrighted work.
- One or few copies made and/or distributed.
- No longer in print; absence of licensing mechanism.
- Restricted access (limited to students in a class or other appropriate group).
- One-time, spontaneous use (no time to obtain permission).

Disfavoring Fair Use

Cumulative effect of copying

Patent Agreement

This agreement is made by me with Duke University in consideration of my employment and/or my utilization of university research facilities.

I agree to notify the University (or any individual, corporation or governmental agency which the university may specify) promptly of any invention which I believe to be patentable and which I conceive or develop while employed by the University or while using any university research facilities, in order that determination of the rights and equities in such invention may be made in accordance with the Duke University Policy on Inventions, Patents, and Technology Transfer.

In the event the University desires to seek patent protection on any such invention which has been determined to be university property, I agree to assign to the University all my rights, title, and interest in and to such invention and to supply all information and execute all papers necessary for the purpose of prosecuting patent applications thereon. I understand that expenses for making such assignments and procuring such patents shall be paid by others than myself. I also understand that the University reserves the right to abandon the prosecution of any patent application.

If the University receives revenue from patents on inventions assigned by me pursuant to this agreement, I understand that I will share in these funds according to the distribution schedule set forth in the patent policy.

I further agree to do all things necessary to enable the University to fulfill its obligations to any person, corporation, or other agency sponsoring the particular research projects in which I am or may be engaged.

I understand that this agreement is part of the terms of my employment and that any contract of employment heretofore or hereafter entered into between me and the University shall be deemed to include this agreement except to the extent that an express provision of such contract of employment is inconsistent therewith.

_____	_____
Name (Print or Type)	Signature
_____	_____
Department	Date

University-Industry Guidelines

Preamble

Duke University wishes to increase its cooperation with private industry in the search for new knowledge that can be of service to Society. Duke believes that it is possible to maintain academic traditions and values that advance the search for truth through free inquiry, while at the same time finding ways to combine its academic perspectives with the resources of private industry to investigate important questions of interest to the research sponsor, the university, its faculty, and the Public as a whole. This document is a statement of principles and policies that will guide Duke in establishing fruitful research joint ventures with private firms.

There are, to be sure, potential conflicts between the missions of academic institutions and industrial sponsors of research. A university perceives its *raison d'être* to be the generation and dissemination of knowledge for the benefit of Society as a whole. Viewing knowledge as a public good, a university subscribes to the scientific tradition of fully and promptly making public all research findings so that others may build upon them. Industry, on the other hand, must be able to recoup and profit from its investments in research by capturing, and often guarding, new knowledge in order to be successful.

Largely because of these differences in outlook, the production of new knowledge in the United States has in the past been rather rigidly divided between a public sector producing public goods (with universities supported by governments and philanthropy as a vital element) and a private sector producing information for proprietary use. The barriers between these two sectors may have inhibited the production of valuable knowledge by making it difficult to bring together the unique resources available only in universities with the private capital and research capabilities of industrial firms. While useful collaborations have occurred, the Public would benefit substantially if the conflicts perceived between the public responsibilities of universities and the private interests of corporate research sponsors could be resolved in light of a higher common objective.

Duke believes that the overarching value to be served in these matters is the pursuit of useful knowledge and that this goal can be advanced both through maintenance of its own academic and scientific traditions and through cooperative projects with interested parties. Where these two paths to new knowledge necessarily diverge, Duke will seek to accommodate the conflict whenever possible. In cases where the university is convinced that special arrangements are necessary to protect a research sponsor's essential interests, Duke will seek a constructive solution to a sponsor's problems within the policy limits described herein. However, as noted in detail below, Duke must also be satisfied that its own commitments to free inquiry, to education, to collegiality within the university, and to enlarging the common pool of knowledge will not be prejudiced by the terms of any particular arrangement.

The establishment and maintenance of research relationships with industry will be facilitated if all parties recognize from the beginning that the university adheres to certain principles and is guided in its actions by certain policies. For such policies to be effective in a rapidly changing environment, such as we have today, they must be wisely and flexibly interpreted. Interpreting the policies given below will be the responsibility of the Research Policy Committee. This committee is charged with advising the provost regarding the implementation of these policies, as well as with recommending any changes in the policy that may prove necessary or advisable.

The overriding goal of this policy is to promote close and imaginative working relationships between the university and industry that will nurture the development of new knowledge while still maintaining the integrity and independence of the university, its faculty, and students.

Section I: Policy

Acceptance of a Research Project

Circumstances may arise where it is considered to be in the University's best interests for a particular principal investigator to do research for a private or corporate sponsor. In such cases, the investigator may feel some pressure to participate in such research. It is especially important that investigators be free not to accept grants or contracts that, in their view, circumscribe their independence or control of their professional work.

POLICY: No principal investigator shall be required to accept specific research grants or contracts as a condition of employment at the University. However, this policy does not alter

the terms of employment for principal investigators hired by the University to direct or contribute to identified research efforts.

Direction of Research: Limits on the Sponsor's Power to Direct or Control Research

While public or private research sponsors may reasonably expect to define broadly the project they will support, university principal investigators may expect to have discretion in designing and modifying their sponsored research. Although the sponsor may consult on matters of concern, generally it is not appropriate for a sponsor to specify in detail how the work is to be done beyond that agreed to in the scope of work defined in the contract or grant.

POLICY: A sponsor shall have the privilege to define broadly the topic of the research to be funded. The university principal investigator shall have final authority over the design and control of that research.

Limits on the Control of Sponsors Over the Scope of Legally Free-Standing Research Units

From time to time the University may choose to establish, in cooperation with a sponsor or sponsors, a research institute, center, or program that is legally free-standing from the university, but that depends upon faculty of the University for partial staffing. In such a situation, a sponsor may seek a formal voice in how its committed funds are spent. The situation, while offering important opportunities, also poses certain risks. In particular, if inappropriate control over the unit's research program is provided to the sponsor, the academic freedom of the faculty involved may be diminished.

POLICY: The University shall not participate in a joint free-standing research unit that would restrict the academic freedom of the faculty. The provost, advised by the Research Policy Committee, shall determine whether this risk exists and, if so, whether the level of risk is acceptable. The review by the committee and the provost shall take place before the university decides whether to enter into an agreement to create such a unit.

Publication

Tradition has long held that university researchers must be free to publish their research results. This freedom is essential if the university is to be the source of new knowledge for society. Therefore, it must be vigorously guarded. At the same time, good business practice requires that sponsors protect their proprietary rights, trade secrets, or other confidential information. These separate and legitimate interests may diverge on questions relating to publication. Clearly, it is in both the researcher's and the sponsor's best interests to find ways to protect academic freedom while at the same time meeting the nondisclosure requirements of the sponsor.

There are three ways in which a sponsor may affect the process of publication: by reviewing materials prior to publication; by delaying the date of publication; and by preventing publication.

A. Review Prior to Publication and Resulting Delay

The university has traditionally allowed a sponsor to review materials prior to publication, but such review has been allowed only under certain circumstances and has been limited to a reasonable period of time. This practice has been followed in order to prevent inadvertent disclosure of a sponsor's proprietary information and/or to allow the sponsor time to file proper proprietary protection on research-generated technology. Such a review may delay publication for no more than a brief period.

POLICY: A sponsor may, prior to publication, review materials resulting from research it has sponsored in those cases where possible proprietary right may be involved or where the University has been provided a sponsor's proprietary information. Such reviews should not delay submission of a publication for more than ninety (90) days, except with the approval of the provost.

B. Preventing Publication

While having due regard for the sponsor's interests, the university encourages the publication of research results. Therefore, the university will refrain from publication of a sponsor's proprietary information;

however sponsors cannot prevent the use of information necessary to enable complete and accurate publication of the research results. As a matter of policy the final determination of what may be published or not published normally will remain with the University.

POLICY: Final determination of what may be published or not published shall remain with the University. Limitation's on the University's right to publish its research results may only be accepted by the provost after detailed review and upon the advice of the Research Policy Committee.

Communication among Research Colleagues

When a sponsored research project deals with proprietary information, the sponsor may wish to restrict the researcher's freedom to discuss the research with colleagues. While recognizing the need for researchers to protect the sponsor's proprietary rights, the university recognizes a concomitant responsibility to honor the researcher's membership in an intellectual community. It is essential that the free exchange of ideas among colleagues not be inappropriately restricted.

POLICY: Agreements to treat as confidential information generated by research done at the University are ordinarily unacceptable. There may, however, be situations where exceptions to these guidelines are consistent with the university's educational, professional, and scholarly principles. Such exceptions are granted by the provost only after detailed review and upon the advice of the Research Policy Committee.

It is also the responsibility of each individual researcher to protect freedom to communicate with colleagues and to refuse to enter into sponsored agreements that will restrict that freedom in unreasonable or unacceptable ways.

Freedom to Do Related Work

One potential concern of a sponsor may be that a faculty member whose research it is funding will do closely similar research for a second sponsor. This could undermine the first sponsor's competitive and legal position. To address this concern, the sponsor may sometimes ask the university to include language in the sponsoring contract assuring that such parallel research will not take place. The university has a different concern: that such language might limit the academic freedom of the researcher to do research in related but different areas.

POLICY: A sponsor may request that, prior to entering into additional sponsored research agreements to do research that is closely similar to the research sponsored by that sponsor, a researcher will notify the sponsor of that intention. In such situations, the University will only consider restricting the freedom of the researcher to do such related work if the first sponsor raises a concern about protecting its proprietary rights prior to the signing of the second agreement. The University will agree to restrict the activities of a researcher to do related work only if there is a reasonable possibility that the work done for the second sponsor will infringe on the proprietary rights of the first sponsor under the pre-existing sponsored agreement.

Best Efforts

A sponsor making a financial commitment to a particular research project may desire to reduce its risk by stipulating the expected results as specifically as possible. While recognizing the sponsor's right to require reports to be provided by certain dates, the university is not able to guarantee to a sponsor that a particular research project will succeed or produce particular results. Instead, the university will commit to using best efforts in conducting a research project.

POLICY: Since state-of-the-art research is by nature unpredictable and without guarantee of success, research within the University is conducted on a best efforts basis. However, a good faith effort will be made to organize research projects in a manner that is sensitive to the special needs and time constraints of the sponsor.

Graduate Student Involvement

- A. Graduate Students and Proprietary Information. An essential aspect of education, in particular graduate education, is the development and dissemination of new knowledge through publication of research results. This reflects the academic community's belief that the sharing of knowledge advances knowledge. In this context, the use of confidential information in research poses risks. When faculty participate in research that involves the handling of proprietary information, the university believes that a student's participation under such circumstances should be monitored by a third, disinterested party.

POLICY: In general, students shall not participate in projects that, because of confidentiality or other factors, might constrain their right to publish or communicate freely. Exceptions to this policy must be approved in writing by the student's chair (or chairs, if the faculty member is in a second department) or dean (or deans if the faculty member is in a second school). The student shall also sign this document to signify understanding of the issues involved. Copies of the signed document must be sent to both faculty member and student before the student may become involved in the project.

- J. Graduate Student Involvement in Faculty's Outside Professional Activities. The university recognizes that benefits may accrue to students, and in particular graduate students, who are able to participate in the outside professional activities of faculty. Such participation may result in intellectual growth, the acquisition of new skills in frontier areas of knowledge, and additional income. At the same time, it is understood that these arrangements are likely to change the relationships between faculty and student in ways that are not always desirable. For example, a graduate student who, though very able, is not making satisfactory progress toward a degree because of absorption in a faculty member's growing new business, may present a dilemma for the instructor/supervisor. It should be added that the dilemma is one that the student may well be unaware of or unconcerned about. Most students welcome involvement in a faculty member's outside professional activity, and may not realize the potential problem the situation may create for the faculty member.

POLICY: To protect the student and the University, the appropriate chair and dean must give prior approval, in writing, for any involvement of students in the outside professional activities of faculty. The student must also sign this document, to signify understanding of the issues involved. Copies will be sent to both faculty member and student. The chair or dean is asked to review the case. In situations where, in the chair's and dean's judgment, the quality of the student's education or other university interests are in jeopardy, such arrangements should not be approved.

Conflict of Commitment and Outside Professional Activities

- A. Definition of Conflict of Commitment: A conflict of commitment can be said to exist when a member of the university community has a relationship that requires a commitment of time or effort to non-university activities such that an individual, either implicitly or directly, cannot meet their usual obligations to the university. Obligations to the university are not discharged solely by meeting classes but require availability of faculty to students outside the classroom, participation in various committees, supervision of graduate and postdoctoral students, and progress in research programs. Any relationship with an outside organization that requires frequent and/or prolonged absence from the university presents a conflict of commitment.

POLICY: Faculty members shall avoid relationships that constitute a conflict of commitment.

1. Conflict of Commitment Procedures - Disclosure of Conflict of Commitment: It has long been recognized that consulting, in certain situations, can create in a faculty member a conflict of commitment. The university's policy of restricting a faculty member's consulting to one day a week addresses this issue in part. Among other situations in which faculty may face a conflict of commitment are ownership or management responsibilities by a faculty member in an enterprise outside of the university.

POLICY: To assure that the university is informed about arrangements that may pose a conflict of commitment, faculty members shall disclose at least once a year and in writing their outside relationships with corporations or other business entities as outlined in the Conflict of Interest Policy (REF). Information disclosed shall include the name of the company, and the nature and scope of the relationship.

2. Research Policy Committee

POLICY: In cases where a faculty member wishes to appeal an interpretation or decision made under this policy by a chair, dean, or provost, or where a chair, dean, or provost wishes to consult others for advice before making such a decision, the case may be brought to the Research Policy Committee.

Section II: Administrative Issues

Research Policy Governance at Duke University

There are at least eight offices and nine committees that have research-related responsibilities at the university. At present, coordination among these units is primarily informal, although individual units have some formal ties to each other as well. These units and their functions are:

Research Administrative Structure

- Office of Research
- Medical Center Development Office
- Office of Research Administration (School of Medicine)
- Office of Licensing & Ventures
- Office of Research Support
- Office of Sponsored Programs
- Office of University Development
- Research Integrity Office (School of Medicine)

Committees/Councils

- Committee on Conflict of Interest (non-Medical Center)
- Institutional Animal Care and Use Committee
- Institutional Biosafety Committee
- Institutional Review Board (School of Medicine)
- Misconduct in Research Committee
- University Patent Policy Committee
- Research Policy Committee
- Conflict of Interest Committee (School of Medicine)
- University Research Council (non-Medical Center)
- University Review Committee on the Use of Human Subjects in Nonmedical Research

Research Policy Committee

The Research Policy Committee is responsible at the request of the provost for reviewing university research policy, maintaining liaison with existing research committees and councils, reviewing major institutional proposals, and smaller proposals that have important policy implications.

Membership

The Research Policy Committee consists of representatives from both the faculty and administration. The committee is chaired by the vice provost for research. Five faculty members, knowledgeable about research and sponsored projects issues and representing a spectrum of fields, shall be appointed by the vice provost for research on the recommendation of the Academic Council and with the concurrence of the provost. Members who serve by virtue of their office or are appointed by a senior administrator are:

- Dean of the Graduate School;
- One member appointed by the Chancellor for Health Affairs;

One member appointed by the Senior Vice President for Alumni Affairs and Development;
One member appointed by the University Counsel.

Policy on Research Records: Sharing, Retention and Ownership

As Approved by the Academic Council May 5, 1994

Revised by Research Policy Committee January 2007

The preparation, sharing and retention of appropriate records are essential components of any research endeavor at the University. The University, its faculty and its trainees have a common interest and a shared responsibility to assure that research is appropriately recorded, shared and retained. Original records may be required to protect the University's intellectual property rights, to answer ongoing questions regarding management of a research program, to address possible questions that may arise regarding the propriety of research conduct and to comply with the data sharing requirements of many sponsors. Most importantly, it is essential that original research records be mutually available to all the collaborators on a research project.

Definition of Research Records

Research records include, by way of example but not limitation, material contained in research notes, laboratory notebooks and in other media such as computer disks and instrument printouts. Significant research materials or products generated by any research are also part of the record and should be retained and available.

Sharing of Research Records

Research records must always be available to collaborators (co-investigators, supervisors and their trainees). In collaborative projects, all investigators should know the status of all contributing research records and have access to them consistent with confidentiality restrictions. Investigators also should be aware if their research records are subject to specific data sharing requirements of a sponsor.

Retention of Research Records

Faculty, or the responsible investigators, have the obligation to ensure that, for all aspects of their research program, sufficient records are kept to document the experimental methods and accuracy of data collection as well as the methods and accuracy of data interpretation. This policy does not create an obligation to retain the research records of an unfunded project unless it results in publication or involves the use of animals or human subjects. Research records should be archived for a minimum of five years after final reporting or publication of a project (or longer if required by an external sponsor, law, rule or regulation). The archived records should be the originals. In addition, the records should be kept for as long as may be required to protect any patents resulting from the work. If any questions regarding the research are raised during the required retention period, the records should be kept until such questions are fully resolved. In the event an investigator leaves the University for any reason, the original research records must be retained at the University and the investigator's department and collaborators notified as to their location.

Ownership of Research Records

The primary owner of research records is the University. The University has the right of access to the supporting records for all research carried out through the University with the understanding that information or data that would violate the confidentiality of sources or subjects involved in the research should not be disclosed. In addition, extramural sponsors providing support for research at Duke University may have the right to review any data and records resulting from that extramural support.

Duke University Policy and Procedures Governing Misconduct in Research

Effective November 1995

Revised January 2007

The following policy and procedures shall apply to all research conducted at Duke University. The procedures delineated herein shall be the exclusive method for handling allegations of misconduct in research made against faculty. Allegations involving non-faculty researchers shall typically be handled in accordance with the procedures for those non-faculty groups. However, in all cases in which the research is funded externally, the Misconduct Review Officer (see paragraph one under Procedures below) shall be notified of the allegation and shall determine the procedure to be followed.

Policy

Duke University strives to foster an atmosphere of honesty and trust in which pursuit of knowledge can occur. Integrity of research forms the foundation of respect among scholars and students and between the academic world and the public. All members of the university community share responsibility for maintaining this climate of trust. Occasionally, however, scholars may, inadvertently or not, violate accepted norms of professional behavior, thereby jeopardizing the reputation of the university and possibly damaging their careers and those of colleagues.

Misconduct is especially serious in collaborative research, where the reputations of several researchers pursuing different components of an integrated project may be damaged by the actions of one or more partners. Colleagues in a cooperative venture bear mutual responsibility for ensuring the integrity of research performed and published jointly under their names.

Principal investigators must bear primary responsibility for ensuring the integrity of collaborative research performed under their supervision whether by faculty or non-faculty. Investigators, department and division chairpersons, and center directors are expected to make periodic and reasonable inquiries concerning the integrity of the activities conducted under their supervision.

The policy and procedures concerning misconduct in research are regularly reviewed and modified, as necessary, by the Research Policy Committee, a standing committee of the university. The Committee is also responsible for notifying the academic community of misconduct in research policy and procedures; for ensuring that the research community is educated in the standards for the conduct, reporting, and supervision of research; and for consulting with individuals about the policy and procedures governing misconduct in research.

Misconduct--What Is It?

Misconduct in research is defined as fabrication, falsification, or plagiarism. Fabrication is defined as making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

In addition, other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research may also constitute misconduct in research. The definition does not include honest error or honest differences in interpretations or judgments of data.

Examples of Activities Representing Misconduct in Research

The following are but examples of misconduct; the list is not comprehensive and does not include all activities that would constitute misconduct:

1. claiming the ideas or words of another to be one's own;
2. including false statements or data in research proposals, progress reports, publications, or related documents;
3. manipulating research procedures or data so as to bias results; and,

4. misusing confidential material such as manuscripts and grant proposals received in the peer review process and proprietary information or materials.

Examples of Research Practices That Are Inappropriate But Do Not Generally Represent Misconduct in Research

1. maintaining inadequate research records, especially for results that are published or are relied on by others;
2. failing to give appropriate recognition to people who have made significant contributions to the research;
3. conferring or requesting authorship on the basis of a specialized service or contribution that is not significantly related to the research reported in the paper;
4. refusing to give peers reasonable access to unique research materials or data that support published papers;
5. releasing preliminary research results, especially in the public media, without providing sufficient data to allow peers to judge the validity of the results or to reproduce the experiments; and,
6. neglecting to supervise others properly in work for which the faculty member is responsible.

Addressing Additional Issues in the Conduct of Research

Institutional mechanisms are currently in place to address disputes centering on questions of authorship and data utilization (Authorship Dispute Board), financial improprieties (Internal Audit Office), human research subjects (Institutional Review Board), and the use of animals in research (Institutional Animal Care & Use Committee). Although such cases will be reviewed and governed by those bodies as to compliance with relevant regulations and ethical standards, they are not precluded from additional review under the procedures governing misconduct in research. Criminal acts will be handled through the appropriate law enforcement agencies.

Procedures: The Structure

Two parallel structures for handling allegations and investigations of misconduct in research have been established: for the Schools of Medicine and Nursing (Medical Center), the vice chancellor for medical center academic affairs (the vice chancellor) has ultimate authority; for the Schools of Arts & Sciences, Engineering, Earth and Ocean Sciences, Law, and Business (university), the vice provost for research (the vice provost) has responsibility.

Misconduct Review Officer

Two members of the academic administration are designated as Misconduct Review Officers (MRO)--one for the university, appointed by the provost, and one for the Medical Center, appointed by the chancellor for health affairs. The MRO is responsible for:

1. receiving and handling allegations of misconduct in research in the manner provided for in the procedures set forth below;
2. providing necessary administrative support for the relevant Standing Committee on Misconduct in Research and, as necessary, for an ad hoc committee;
3. coordinating communications with the parties involved in the misconduct review process, and maintaining a secure repository for misconduct review documentation; and,
4. taking appropriate action to safeguard and preserve relevant data or evidence relating to the allegation, and/or to ensure the health and safety of patients or personnel at Duke University.

Standing Committee on Misconduct in Research

Two Standing Committees on Misconduct in Research (SCMR) are established—one for the university and one for the Medical Center:

1. the Executive Committee for the Academic Council provides a list of nominees for the University SCMR to the provost, who appoints the University Committee; and,
2. the Basic Science Faculty Steering Committee and the Clinical Sciences Faculty Council on Academic Affairs provide a list of nominees for the Medical Center SCMR to the chancellor for health affairs, who appoints the Medical Center Committee.

The SCMR is responsible for:

1. conducting an inquiry into allegations (with or without admissions of misconduct) referred from the relevant MRO to distinguish between misconduct and carelessness or incompetence;
2. determining if the allegation warrants a formal investigation;
3. advising the MRO of the need to ensure the health and safety of research participants and to preserve and protect physical evidence such as research data; and,
4. reporting to the MRO on the outcome of the inquiry in a written report accompanied by all relevant documents.

Ad Hoc Committee on Misconduct in Research

A decision that an investigation is warranted is made by the vice provost or the vice chancellor (as appropriate), on the basis of the SCMR's inquiry into the allegation or as a result of an appeal by the complainant(s) of the SCMR's finding. If the decision is to proceed with an investigation, the vice chancellor/vice provost will appoint an ad hoc committee to determine whether misconduct occurred. Additionally, a legal advisor shall be appointed to serve the ad hoc committee.

Formation of the ad hoc committee will be governed by two principles: first, the need for total impartiality on the part of the committee members, and second, the need for specific knowledge of the research field.

The ad hoc committee will consist of at least three members selected to ensure that the investigation is carried out as completely and competently as possible. The ad hoc committee may include senior professors and external experts with knowledge of the research field of the individual suspected of misconduct and/or persons with expertise in other areas as necessitated by the nature of the research field or by the nature of the allegations.

Procedures: The Process

Duke University recognizes the importance of addressing allegations of misconduct in research in a timely fashion and with the utmost fairness, sensitivity, and confidentiality. Thus, the university has established a process for handling these allegations. This process is in conformance with guidelines promulgated by the National Science Foundation and Public Health Service; in certain instances, it may be modified to the extent necessary to conform to additional requirements of funding agencies.

To the extent allowed by law, the University shall maintain the identity of respondents and complainant(s) securely and confidentially and shall not disclose any identifying information as it conducts the research misconduct proceeding and any subsequent proceedings, except to:

1. those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and,
2. in the case of research supported by the Department of Health and Human Services, the Office of Research Integrity.

To the extent allowed by law, any information obtained during the research misconduct proceeding that might reveal the identity of human subjects participating in the research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research misconduct proceeding.

The procedures outlined below are designed to ensure that charges of alleged misconduct are addressed as judiciously as possible, and that any retaliation against a person bringing an allegation in good faith is strictly prohibited. The objective is to define clearly the responsibility for integrity shared by the Duke community, and to make the preservation of trust more secure.

The Allegation

Any individual having reason to believe that a researcher has committed misconduct in research (as defined above) should report the matter in writing to the researcher's department or division chairperson, division chief, dean, or the appropriate MRO. Allegations addressed to other than a MRO shall be promptly forwarded to the appropriate MRO, who will immediately notify the provost and the vice provost (university) or the chancellor for health affairs and the vice chancellor (Medical Center) that such an allegation has been made.

Appropriate efforts will be made to protect the positions and reputations of those making allegations of misconduct, or providing related information, from any reprisals or retaliation unless those allegations or that information is judged to be baseless and malicious or reckless in nature. If, at any point in the misconduct review process, it is determined that the allegation or information was in fact baseless and malicious or reckless, the matter will be dealt with in accordance with existing university policies and mechanisms, e.g. the Harassment Policy or the Human Resources Work Rules.

Assessment of the Allegation by the Misconduct Review Officer

Within seven (7) days after receiving an allegation of misconduct in research the MRO will assess the allegation to determine if it meets the definition of research misconduct and is sufficiently credible and specific so that the potential evidence of research misconduct may be identified.

Specifically, the MRO will:

1. as necessary, ask the complainant(s) for more information;
2. discuss the allegation with the person(s) accused of misconduct, the respondent(s);
3. determine if the issues which form the basis of the allegation are appropriate for consideration through misconduct review mechanisms, including whether they should be handled through other mechanisms (such as the Authorship Dispute Board, Internal Audit Office, Institutional Review Board, or Institutional Animal Care & Use Committee);
4. refer the matter to the appropriate review body(ies) as necessary. The MRO may consult with others in making this determination and referral; and,
5. as necessary, safeguard and preserve relevant data or evidence and ensure the health and safety of personnel and research subjects.

The confidentiality of the allegation will be maintained to the extent possible.

If, at the conclusion of his or her assessment, the MRO determines that there are no adequate grounds for the allegation and that no further assessment is warranted, the MRO will submit to the vice provost /vice chancellor a written report documenting the reasons for the decision and will advise the complainant(s) of the decision.

If the individual who reported the suspected misconduct disagrees with the conclusions of the MRO's assessment, he or she may make a direct request to the vice provost or the vice chancellor to review the matter. The vice provost/vice chancellor, on his/her own review of the conclusions and circumstances surrounding the allegation of misconduct, may decide that no further action is required or may require a formal inquiry by the SCMR.

If the MRO or the vice provost/vice chancellor determines that the issues are appropriate for consideration through misconduct review mechanisms, the MRO will notify the chairperson of the appropriate SCMR of the need for action and will provide to the chairperson all materials in his or her possession related to the allegation. The MRO will notify in writing the vice chancellor/vice provost, the chancellor for health affairs/provost, the appropriate school dean, the person suspected of misconduct, and the complainant(s) that an allegation inquiry will be conducted under these procedures. The notification will include the substance and the source of the allegation.

Allegation Inquiry by Standing Committee on Misconduct in Research

The appropriate SCMR shall conduct an inquiry into the allegations (with or without admission of misconduct) referred from the MRO or the vice provost/vice chancellor to distinguish between carelessness or incompetence and misconduct; to determine if the allegation warrants a formal investigation; to advise the MRO of the need to ensure the health and safety of research participants, and to preserve and protect physical evidence such as research data; and report to the MRO the outcome of the inquiry in a written report accompanied by all relevant documents.

Prior to or at the beginning of the inquiry, the respondent(s) will be provided written notification of the inquiry and contemporaneously the MRO will sequester all research records and other evidence needed to conduct the research misconduct proceeding. If the inquiry subsequently identifies additional respondents, they shall be promptly notified in writing. A copy of the Duke University Policy and Procedures Governing Misconduct in Research will be provided to all respondents.

Upon notification by the MRO or the vice provost/vice chancellor that an allegation inquiry is required, the chairperson of the SCMR will promptly convene the committee. During the allegation inquiry process, the SCMR shall review available evidence of the alleged misconduct (e.g., plagiarized text, papers containing falsified data,

etc.) to the extent necessary for it to determine whether a formal investigation is warranted. As noted above, the committee shall recommend action as necessary to ensure the health and safety of research participants and to preserve and protect physical evidence such as research data. All individuals involved in the process are expected to cooperate with all efforts to obtain or safeguard data.

The respondent(s) will be given the opportunity to respond to the allegation during an interview with the SCMR, and in writing if desired. The committee may conduct additional interviews with any individuals who may have knowledge of the events in question and may request additional documents as necessary to fulfill its responsibilities. The allegation inquiry will remain confidential to the extent possible.

At the conclusion of its inquiry the SCMR will submit a written report to the MRO; this report shall contain the following information:

1. the names and positions of the respondent(s) and complainant(s);
2. a description of the allegations of research misconduct;
3. any external support involved, including, for example, grant numbers, grant applications, contracts, and publications listing external support;
4. the basis for recommending that the alleged actions do or do not warrant an investigation; and,
5. any comments on the report by the respondent(s) or the complainant(s).

Unless there are extenuating circumstances, the SCMR inquiry shall be concluded within sixty (60) days of inauguration by the MRO. If the report is not submitted within that period, the report will document the reasons for the delay.

If the SCMR determines that an investigation is not warranted, the report will detail the reasons for the determination. The report and all records obtained by the SCMR during its inquiry will be sent to the MRO and will become a permanent institutional record, but no record will appear in the personnel record of the person suspected of misconduct. The MRO will promptly provide a copy of the report to the respondent(s) and to the vice provost/vice chancellor, and will notify in writing the complainant(s) and third parties as necessary of the findings. If the complainant(s) disagrees with the conclusions he/she may submit, within seven (7) days of receipt of the SCMR notification of findings, a direct written request to the vice provost/vice chancellor to review the conclusions. The vice provost/vice chancellor shall review the material received from the SCMR, and shall determine either that no further action is required or that investigation by an ad hoc committee is warranted.

If an investigation is determined to be warranted, the MRO will provide a copy of the SCMR's report and all relevant documents to the respondent(s) and to the vice provost/vice chancellor, advise the complainant(s) of the conclusions, and advise third parties on a need-to-know basis. In such cases, any written comments from the respondent(s) must be provided to the MRO within fourteen (14) days of receipt of the allegation inquiry report; these comments shall be appended to the report.

Investigation by Ad Hoc Committee

On the basis of the SCMR's allegation inquiry, and/or an appeal by the complainant(s) of the SCMR's finding, the vice provost/vice chancellor shall determine in writing whether an investigation is warranted. If an investigation is deemed to be warranted, the vice provost/vice chancellor will appoint an ad hoc committee to determine whether misconduct did or did not occur. The vice provost/vice chancellor also will appoint a legal advisor to serve the ad hoc committee. The MRO will promptly provide to the chairperson of the ad hoc committee the entire record amassed by the SCMR.

The university shall take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding: those conducting the investigation shall be selected on the basis of the expertise that is pertinent to the matter and, prior to selection, potential committee members shall be screened for any unresolved personal, professional, and/or financial conflicts of interest with the respondent(s), complainant(s), potential witnesses, or others involved in the matter. Any such conflict that a reasonable person would consider to demonstrate potential bias shall disqualify the individual member from selection for service on the ad hoc committee.

Within thirty (30) days after the submission of the SCMR's report to the MRO, the ad hoc committee will initiate its investigation into the alleged misconduct. The ad hoc committee is authorized to obtain expert consultation and to secure any necessary documentation or data, and all personnel are obliged to cooperate.

The respondent(s) shall be notified in writing of the allegations to be investigated. Such notice will be sufficiently in advance of the interview with the ad hoc committee to allow for interview preparation. The respondent(s) shall also receive written notice of any new allegations within a reasonable time after the ad hoc committee makes a determination to pursue allegations not addressed in the inquiry or in the initial notice of the investigation. The respondent(s) will have access to materials used in the investigation, but will not be provided with committee minutes, summaries or notes prepared by the committee or individual committee members, or other deliberative documents. Throughout the investigation, the person suspected of misconduct has the right to legal counsel at his/her own expense; such legal counsel may be present during interviews by the ad hoc committee but may not speak on behalf of the respondent(s). Counsel's role will be as an observer who may advise the respondent(s) in private, but without material disruption of the progress of the investigation.

Interviews will be conducted with the complainant(s) and respondent(s), as well as others who might have information regarding key aspects of the allegations; refusal to participate will be dealt with according to existing university mechanisms for upholding faculty and employee standards of conduct. Written summaries of interviews will be provided to the interviewed party for comment, and written comments received from the interviewed party will be included in the record.

It is recognized that new elements of misconduct may come to light during the investigation; this information will be considered. The point at which the additional information or an additional allegation of misconduct is received, as well as its relation to the original allegation, will be considered in decisions as to whether the information or allegation is treated as a separate issue or as part of the current investigation. The MRO will inform the respondent(s) promptly of any additional acts potentially constituting misconduct in research which have been identified, and the manner in which that information will be reviewed.

In sum, in conducting an investigation the ad hoc committee shall:

1. make diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of the allegations;
2. interview each respondent(s), complainant(s), and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent(s), and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of investigation; and,
3. pursue diligently all significant issues and leads discovered that are determined to be relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion.

The ad hoc committee will prepare its final report within one hundred and twenty (120) days of initiation of the investigation unless there are extenuating circumstances. In developing its findings, the ad hoc committee shall act by simple majority vote of the committee members, based upon the preponderance of evidence

The ad hoc committee's report, in draft form and without any recommended course of action or sanctions, will be made available by the MRO to the respondent(s) and, if deemed appropriate, to the complainant(s), so as to resolve, if possible, any fundamental factual discrepancies. Concurrent with the provision of the draft report, the respondent(s) will be provided either supervised access to the evidence on which the report is based or copies of such evidence, unless such evidence had been provided previously to the respondent(s). The respondent(s)—and complainant(s), if applicable—will have thirty (30) days to provide written comments to the MRO. These comments will be considered by the ad hoc committee in its preparation of its final report, to which such comments will be attached.

The final report of the investigation will do the following:

1. include a list of the committee members;
2. describe the nature of the allegations of research misconduct;
3. describe how and from whom information was obtained;
4. list the individuals interviewed by the committee;
5. describe and document the external research support related to the case, including, for example, grant numbers, grant applications, contracts, and publications listing sponsored support;
6. describe the specific allegations of research misconduct considered in the investigation;

7. include the institutional policy and procedures under which the investigation was conducted;
8. identify and summarize the research records and evidence reviewed during the investigation, and identify any evidence sequestered but not reviewed. The report should also describe any relevant records and evidence not sequestered and explain why.
9. provide a finding as to whether research misconduct did or did not occur for each separate allegation of research misconduct identified during the investigation, and if misconduct was found,
 - a. identify it as falsification, fabrication, or plagiarism (or another form of misconduct in research) and whether it was intentional, knowing, or in reckless disregard,
 - b. summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent(s) and any evidence that rebuts the respondent's explanations,
 - c. identify any relevant external support,
 - d. identify any publications that need correction or retraction,
 - e. identify the person(s) responsible for the misconduct, and
 - f. list any current support or known applications or proposals for support that the respondent(s) has pending; and,
10. include any written comments made by the respondent(s) and/or complainant(s) on the draft investigation report.

The report will be addressed and delivered to the vice provost/vice chancellor. A copy of the final report will be provided to the MRO and respondent(s), and the complainant(s) will be informed of the ad hoc committee's findings by the MRO.

If, on the basis of the investigation, an individual is found to have engaged in misconduct, the report will also recommend an appropriate course of action. The recommended action may include sanctions as well as adequate steps to ensure that the institution meets its obligations to affected third parties, including funding sources, journals, the scientific community, research subjects, and referral sources.

The vice provost/vice chancellor may relieve the person suspected of misconduct from some or all duties at any time during the course of the investigation, but only if it is determined that serious harm to the individual or to others could be caused by the individual's continued performance. Salary payments will continue during any such suspension.

Admission of Misconduct in Research

The procedural stages described above anticipate denial of the allegation by the respondent(s). If the respondent(s) admits to an allegation of misconduct at any stage, the MRO will be informed immediately. Depending upon the procedural stage at which the admission occurs, the respondent(s) should work with the MRO, SCMR, or ad hoc committee to develop a written statement that is fully responsive to the allegation. The statement should also include language attesting that the admission is a true admission, freely given, and not a false one derived from circumstances that may have pressured the respondent(s) into making a false admission. The statement should be signed by the respondent(s) and witnessed by the MRO or chair of the committee involved. Whenever such an admission of misconduct is forthcoming, the MRO or committee involved will exercise due diligence to ascertain that the admission is freely given and that no circumstances are present that might have pressured the respondent(s) into making a false admission. Such admissions will alter some of the specific procedures described in above sections of this document. However, the overall scope and intent of the procedural stages are retained, and the following guidance is provided.

If misconduct in research is admitted to the MRO during the initial assessment, then at the completion of that stage, the MRO will notify the vice provost/vice chancellor and forward the file to the Standing Committee. In such a situation, the role of the SCMR will differ from its usual role: its particular function will be to undertake an independent evaluation of the admission of misconduct, issue a report of its findings, and recommend an appropriate course of action, including sanctions.

The SCMR will:

1. review the materials available and interview the respondent(s);
2. conduct a limited inquiry to determine if the admission by the respondent(s) is freely given; and,

- ascertain whether acts of misconduct other than those admitted by the respondent(s) might have occurred.

The SCMR has the discretion to interview other individuals in conducting its review of the admission of misconduct, including the complainant(s). In completing its Report, the SCMR will include a list of the evidence reviewed, a summary of relevant interviews, its evaluation of the admission of misconduct, and the conclusions of its inquiry.

If misconduct in research is admitted at the SCMR or ad hoc committee stage, then the committee receiving the admission will inform the MRO, who will inform the vice provost/vice chancellor. The committee will then proceed to complete its report of findings in the manner described above for the SCMR. When an admission of misconduct occurs during a committee stage of procedure, that committee's evaluation of the admission of misconduct will be sufficient, with no mandatory need for additional committee review as in the case of admission to the MRO.

Final Determination by University Official

Within fourteen (14) days of receipt of the ad hoc committee's report, the vice provost/vice chancellor shall review the report, render in writing a final determination, including the imposition of sanctions as appropriate, and provide a copy of the determination to the respondent(s). In making this determination, the vice provost/vice chancellor shall not be expected to review independently the evidence considered by the ad hoc committee, but may request clarification or additional information from the ad hoc committee if necessary. The complainant(s) and appropriate third parties will be advised of the final determination.

The respondent(s) has the right to appeal in writing, within fourteen (14) days of receipt of the final determination by the vice provost/vice chancellor. The appeal must be delivered to the vice provost/vice chancellor and to the provost/chancellor for health affairs. If the respondent(s) elects to appeal the determination, the provost/chancellor for health affairs will consider whether the final determination and the sanctions imposed are supported by facts referenced in the ad hoc committee's report. The provost/chancellor for health affairs may request clarification or additional information from previous review bodies if necessary, and the respondent(s) will be afforded an opportunity to meet with the provost/chancellor for health affairs. The chancellor for health affairs will inform the provost of any decisions affecting faculty status. Unless there are extenuating circumstances, the entire appeals process must be completed within thirty (30) days of receipt of the final determination.

If misconduct in research is found and the appropriate sanction is determined to be dismissal from the university, the president and the respondent(s) will be so notified. The respondent(s) will be entitled to a hearing in accordance with existing procedures for dismissal; for faculty members, the procedures are detailed in the Faculty Handbook, Appendix N. If there are no existing procedures applicable to the individual in question, the opportunity for a hearing will be afforded under appropriate related procedures.

Notification of External Research Sponsors

If, on the basis of the allegation inquiry, it is determined that an investigation is warranted, and if the individual accused of misconduct is participating in an externally funded research project, the MRO will advise the appropriate office in the sponsoring entity in writing. In the case of a pending proposal, the MRO will follow the sponsor's guidelines in regard to notification. Notification will occur on or before the date the investigation begins and will include the name of the person(s) involved, the general nature of the allegation, and any identifying application or grant number.

Sponsors will also be notified in writing if at any stage of the inquiry or investigation any of the following conditions exists:

- the health or safety of the public is at risk;
- there is an immediate need to protect human or animal subjects;
- there is an immediate need to protect funds or equipment, e.g., HHS resources or interests are threatened;
- there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
- it is probable that the alleged incident is going to be reported publicly;

6. there is a reasonable indication of possible violations of civil or criminal law--in which case notification within twenty-four (24) hours of obtaining that information is required; or,
7. the institution determines that the research community or public should be informed.

If an investigation is initiated and the ad hoc committee determines at the end of ninety (90) days that it will be unable to complete its investigation in the usual one hundred and twenty (120) days, the sponsor will be so notified in writing. The notification will include an explanation for the delay, an interim progress report, and an estimated date of completion. All documents or reports required by law or regulation to be sent to federal agencies will be forwarded in a timely manner consistent with legal requirements. All sponsors will be advised of the resolution of the investigation at the conclusion of the process. In the interim, administrative action will be taken to protect sponsor funds and to insure that the purposes of the sponsored activity are carried out.

With regard to external sponsors, the Duke University administration will make diligent efforts to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed; they will also undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, have made allegations.

The vice provost will file "assurances of compliance" and other documents as appropriate with sponsoring and regulatory agencies.

Record Retention

All documents related to allegations of misconduct in research will become permanent institutional records and will be maintained in strictest confidence under the direction of the MRO.

Guidelines for Authorship and Authorship Dispute Resolution

As approved by the Academic Council March 20, 2008

INTRODUCTION

Duke University has instituted authorship guidelines and dispute resolution procedures to supplement its policy on Misconduct in Research. A separate but complementary policy was deemed advisable because many allegations of misconduct actually stem from and involve disputes over authorship. Because disputes over authorship rarely involve research misconduct, the Misconduct in Research policy is usually not the appropriate mechanism for resolving such disputes.

Some departments and divisions at the University already provide guidelines for authorship to faculty and students, and expectations are clear on all sides. However, too frequently this does not happen, and bitterness and accusation may result. This policy on authorship, therefore, is designed to fill in the gaps and offer broad guidance across the University.

COMMUNICATING RESPONSIBILITIES AND EXPECTATIONS

Within the academic environment there is often some level of expectation regarding authorship or acknowledgement on the part of those contributing to a work. As a result, it is an appropriate practice to address questions of authorship at the earliest practical stage of a research project. Such communication can clarify roles, spur motivation, and minimize disappointments among the participants. Major questions that should be addressed are the following:

- Who will be named as an author or acknowledged as a contributor if the study is submitted for publication or presentation?
- What will be the order of authorship?
- What are the responsibilities and expectations for each contributor to the study?
- Are there any intellectual property or confidentiality issues involved that may affect publication?

It is important to recognize that roles often change during the course of a project and it may not be possible to appropriately evaluate each author's relative contribution to the work until the manuscript (or presentation) is actually written or even finalized for publication. For this reason, it is important for all involved parties to re-discuss authorship whenever significant changes occur and make it clear to all participants from the start that final decisions about authorship can be extended until the time of submission.

It is also the expectation that the senior investigator(s) associated with a given research project is(are) responsible for anticipating possible disagreements concerning authorship credit and for initiating conversations on the matter before students and other collaborators have invested substantial time on the project.

RECOMMENDED PRINCIPLES OF AUTHORSHIP

A salient fact about authorship is that markedly different traditions of joint authorship exist among different disciplines. Given these variances, specific and universal rules cannot apply. However, a set of general principles should serve as a guide for authorship inclusion across the University.

- Authorship should be restricted to those individuals who have met **each** of the following three criteria: 1) made a significant contribution to the conception and design of the project, or the analysis and interpretation of the data, or other substantial scholarly effort; 2) participated in drafting, reviewing and/or revising the work; and 3) approved the final version for publication.
- Each author should have participated sufficiently in the work to take full responsibility for his or her contributions to the content.
- As a practical matter, with multi-authored publications it is usually important to designate or acknowledge one individual as the Lead Author, who takes responsibility for the integrity of the work as a whole. This Lead Author often also serves as the corresponding author.
- The Lead Author has responsibility for 1) including as co-authors all those who meet the three criteria defined above; and 2) obtaining from all co-authors their agreement to be designated as such.

- The order of authorship should be a joint decision of the co-authors. If a decision cannot be reached, the Lead Author should have final say.
- Acquisition of funding, collection of data, or general supervision of a research group does not justify authorship unless the individual also fulfills the above three criteria.
- Anyone who does not meet the above authorship criteria but who has made other substantial contributions (such as technical help, writing assistance, etc.) should be acknowledged in the final product.
- Honorary or courtesy authorships are inconsistent with the principles of this policy and, as such, are unacceptable.

DISPUTE RESOLUTION

Disputes over authorship are best resolved at the local level by the authors themselves or in consultation with the laboratory chief, chair or head of department(s), or dean, as appropriate.

If resolution at the local level cannot be achieved, the matter can be referred to the Authorship Dispute Board in one of two ways. If the matter is taken to the Authorship Dispute Board with the mutual agreement of all parties, the decision of the Board will be binding on all parties. If the matter is taken to the Authorship Dispute Board without the mutual agreement of all parties, the decision of the Authorship Dispute Board is not binding, but the Board will make a written recommendation that will be provided to all parties of the dispute and can be made public by any of the parties involved.

COMPOSITION OF THE AUTHORSHIP DISPUTE BOARD

The Board shall consist of the following:

- One chair and three faculty members jointly appointed by the provost and the dean of the School of Medicine and approved by the Executive Committee of the Academic Council.
- Two *ex officio* members of the administration, the vice provost for research and the vice dean for research.
- One graduate or professional student appointed by the Graduate and Professional Student Council
- One postdoctoral fellow appointed by the Duke University Postdoctoral Association
- If appropriate, the Board may call upon the expertise of other members of the Duke University faculty.

Any member of the Board involved in attempted resolution of the complaint prior to its consideration by the Authorship Dispute Board will recuse him or herself.

This policy is indebted in part to authorship policies from the following institutions: Harvard University, University of California-San Diego, University of California-San Francisco, University of Pennsylvania, and the Washington University-St. Louis. This policy incorporates authorship principles developed by the International Committee of Medical Journal Editors. More information can be found at <http://www.icmje.org/>.

Principal Investigator Status

It is the University policy that only those whom the University has or intends to have an on-going employment or contractual relationship may serve as Principal Investigators or Program Directors for projects, research or otherwise, supported by external funding sources. This policy is implemented as follows:

Campus Components

The status of principal investigators is granted as a matter of privilege to regular rank faculty and to select senior administrative staff. This status is available to faculty on the tenure track and to other regular rank faculty on the Research Professor or Professor of the Practice tracks. In special instances, other members of the University community may request permission to serve as Principal Investigator. Requests for PI status should be sent on behalf of the individual with an approval and endorsement from the relevant department chair (if applicable) to the dean: requests for faculty and other members appointed to university institutes and centers should be sent with an approval and endorsement from the relevant institute director and center director (if applicable) to the vice provost for interdisciplinary studies. The request should include an endorsement and an assurance that the department or institute/center will assume responsibility for the conduct of the grant or contract.

School of Medicine Components

The status of principal investigator is granted as a matter of privilege to all regular rank faculty in the School of Medicine. In special instances, non-regular rank faculty, senior administrators and other members of the School of Medicine community may request permission to serve as principal investigator with the approval and endorsement of their departmental chairperson. In granting such approval, the chairperson assures that the department will assume responsibility for the conduct of the grant should the principal investigator not remain with the University for the duration of the project.

Policy on Open Access to Research

Adopted by Academic Council, 18 March 2010

The Faculty of Duke University is committed to disseminating the fruits of its research and scholarship as widely as possible. In addition to the public benefit of such dissemination, this policy is intended to serve faculty interests by promoting greater reach and impact for articles, simplifying authors' retention of distribution rights, and aiding preservation. In keeping with these commitments, the Faculty adopts the following policy.

Each Faculty member grants to Duke University permission to make available his or her scholarly articles and to reproduce and distribute those articles for the purpose of open dissemination. In legal terms, each Faculty member grants to Duke University a nonexclusive, irrevocable, royalty-free, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do so, provided that the articles are not sold. The Duke faculty author remains the copyright owner unless that author chooses to transfer the copyright to a publisher.

The policy will apply to all scholarly articles authored or co-authored while the person is a member of the Faculty except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. The Provost or Provost's designate will waive application of the license for a particular article or delay access for a specified period of time upon written request by a Faculty member.

To assist the University in distributing the scholarly articles, each faculty member will make available, as of the date of publication or upon request, an electronic copy of the final author's version of the article at no charge to a designated representative of the Provost's Office in an appropriate format (such as PDF) specified by the Provost's Office. The Provost's Office will make the article available to the public in Duke's open-access repository. In cases where the Duke license has been waived or an embargo period has been mutually agreed, the article may be archived in a Duke repository without open access for the period of the embargo, or permanently in cases of waiver.

The Office of the Provost, in consultation with the Executive Committee of the Academic Council, will be responsible for interpreting this policy, resolving disputes concerning its interpretation and application, and recommending changes to the Faculty from time to time.

The Faculty calls upon the Library Council and Duke University Libraries to develop and monitor a plan for a service or mechanism that would render compliance with the policy as convenient for the faculty as possible.

The policy and service model will be reviewed after three years and a report presented to the Faculty.

For more information on the implementation of this policy, see <http://library.duke.edu/openaccess/> or contact the director of copyright and scholarly communications at Duke University Libraries.

APPENDIX Q: UNIVERSITY COMMITTEES

The Executive Committee of the Academic Council (ECAC) serves as the committee on committees. University Committees are appointed by the president, provost, and other senior officers with faculty nominations provided by ECAC. Board of Trustees Committees are appointed by the Board with faculty nominations provided by ECAC. Academic Council committees are appointed by ECAC. Faculty members not nominated by ECAC are assumed to represent themselves rather than the faculty as a whole.

During the academic year the committee lists are posted on the Academic Council web site (<https://academiccouncil.duke.edu/university-committees>) when completed rosters are received from appointing administrator(s).

Below are listed ongoing committees:

UNIVERSITY COMMITTEES

Committees appointed by the President

- Advisory Committee on Investment Responsibility
- Athletic Council
- Campus Sustainability Committee
- Committee on Facilities and Environment (CFE)
- Committee on Honorary Degrees
- Duke Forest Committee
- Founders' Day Planning Committee
- Harassment Grievance Board
- President's Art Advisory Committee
- President's Council on Black Affairs
- Transportation Advisory Committee
- University Gift Policy Committee
- University Judicial Board
- University Priorities Committee

Committees appointed by the Provost

- Academic Programs Committee (APC)
- Appointment, Promotion, and Tenure (APT), Advisory Committee on
- Assessment of Educational and Administrative Support, Committee on
- Authorship Dispute Board
- Bass Connections Advisory Council
- Bass Professorships, Advisory Committee on
- Campus Conflict of Interest Committee
- China Faculty Council
- Council for the Arts
- Distinguished Professorships (DP), Advisory Committee on
- Duke University Press Editorial Advisory Board
- Global Priorities Committee
- Institutional Review Board for the Protection of Human Subjects in Non-Medical Research
- Intellectual Property Board
- Library Council
- Misconduct in Research Committee
- Licensing and Ventures Board, Office of (This Committee jointly reports to the Provost and Chancellor for Health Affairs)
- Online Education, Advisory Committee on (ACOE)
- Radiological Safety, University Committee on

Research Policy Committee
TUNL (Triangle Universities Nuclear Laboratory) Advisory Committee
University Schedule Committee
University Scholar/Teacher-of-the-Year Award, Committee on the

Additional Committees

Duke University Union Board
Information Technology Advisory Council (ITAC)
Master's Advisory Council (MAC)

ACADEMIC COUNCIL COMMITTEES

Academic Council
Executive Committee of the Academic Council (ECAC)
Faculty Committee on Elections
Faculty Compensation Committee
Faculty Hearing Committee
Faculty Scholars Committee

TRUSTEE COMMITTEES

Executive Committee
Academic Affairs Committee
Audit, Risk and Compliance Committee
Business and Finance Committee
Facilities and Environment Committee
Human Resources Committee
Institutional Advancement Committee
Medical Center Academic Affairs Committee
Undergraduate Education Committee

Information on school and/or departmental committees is obtained through the office of the respective dean or department chair.

APPENDIX R: STUDENT RECORDS POLICY

Duke University Policy and Procedures under the Family Education Rights and Policy Act

Duke University adheres to a policy of compliance with the Family Education Rights and Privacy Act. The policy (1) permits students to inspect their education records, (2) limits disclosure to others of personally-identifiable information from education records without the student's prior written consent, and (3) provides students the opportunity to seek correction of their education records where appropriate.

1. Definitions

Student means an individual who is or who has become in attendance at Duke University. It does not include an individual who was an unsuccessful applicant for admission to the university.

Education records include those records which contain information directly related to a student and which are maintained as official working files by the university. The following are not education records:

- Records about students made by professors and administrators for their own use and not shown to others;
- Campus police records maintained solely for law enforcement purposes and kept separate from the education records described above;
- Employment records, except where a currently-enrolled student is employed as a result of his or her status as a student;
- Records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment. However, these records may be reviewed by an appropriate professional of the student's choice;
- Records which contain only information relating to a person's activities after that person is no longer a student at the university

2. It is the policy of Duke University to permit students to inspect their education records.

RIGHT OF ACCESS

Each student has a right of access to his or her education records, except financial records of the student's parents and confidential letters of recommendation received prior to January 1, 1975.

WAIVER

A student may waive his or her right of access to confidential recommendations in three areas: Admissions to any educational institution, job placement, and receipt of honors and awards. The university will not require such waivers as a condition for admission or receipt of any service or benefit normally provided to students. If the student chooses to waive his or her right of access, he or she will be notified, upon request, of the names of all persons making confidential recommendations. Such recommendations will be used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time, and the revocation will apply to all subsequent recommendations.

TYPES AND LOCATIONS OF EDUCATION RECORDS

University Registrar

Undergraduate, Graduate, and Professional Schools:

114 S. Buchanan St., Smith Warehouse, Bay 9

Academic records, Computer files (biographical data, course information)

Medical School, Allied Health Registrar

Suite 0385 Seeley Mudd Building
Academic records

Departments

Departmental Offices; Chairmen, Director of Undergraduate Studies, Director of Graduate Studies
Grade reports, biographical data, results of certain examinations, other advisory information. (Records kept vary with the department.)

Colleges and Schools

Deans' offices of each college and school
Admissions information, progress towards degree information, financial aid information

Student Affairs

Undergraduate: Office of Student Conduct, 200 Crowell Building - Student disciplinary records;
Housing, Dining and Residence Life, 218-B Alexander Ave. - On-campus housing records
Graduate and Professional Students: See each school for location and type

Assistant/Associate Deans

Pre-Law Advisor; 04 Allen
Pre-Business Advisor; 02 Allen
Correspondence, advisor's recommendations, notes of conferences
Pre-Med Advisor; 011 Allen
Letters of evaluation, personal information sheet, transcript, pre-professional recommendations, test scores (if student permits)

Counseling and Psychological Services (CAPS)

214 Page Building
Biographical data, summaries of conversations with student test results. (Where records are made and used only for treatment purposes, they are not education records and are not subject to this policy.)

Financial Aid

Undergraduate: 2127 Campus Drive, Annex
Medical School: Suite 0385 Seeley Mudd Building
Graduate and Professionals Schools: 2127 Campus Drive
Financial aid applications, needs analysis statements, awards made (note: students do not have access to parents' confidential statements)

Career Center

114 S. Buchanan St., Smith Warehouse, Bay 5
Recommendations, unofficial copies of academic records for undergraduates and some graduate students (note WAIVER section); professional student records in respective professional school career centers

Bursar's Office

American Tobacco Campus, Washington Building, Bay 10
Records of financial payments

Office of Student Loans

2127 Campus Dr., Annex
Promissory notes, copies of correspondence

DukeCard Office

100 West Union Building
Records of DukeCard financial transactions

PROCEDURE TO BE FOLLOWED:

Requests for access specifying the records to be inspected should be made in writing to the University Registrar, Box 90754, Durham, NC 27708-0754. Medical and Allied Health student requests for access specifying the records to be inspected should be made in writing to the School of Medicine Registrar, DUMC Box 3878. The university will comply with a request within a reasonable time, at most within 45 days. In the unusual case, arrangements will be made for the student to read his or her records in the presence of a staff member. It is the policy of Duke University to limit disclosure of personally identifiable information from education records without students' prior consent.

DIRECTORY INFORMATION

The following categories of information have been designated directory information:

- Name(s)
- Addresses
- Duke Unique ID
- Telephone listing(s)
- Email addresses
- Place of birth
- Photograph(s)
- Major fields of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- Most recent previous education institution attended

The university will give annual public notice to students of the categories of information designated as directory information and will allow a reasonable period of time after such notice for the student to inform the university that the information should not be considered directory information as to him or her.

Directory information may appear in public documents and may otherwise be disclosed without student consent unless the student objects as provided above.

PRIOR CONSENT NOT REQUIRED

Prior consent may not be required for disclosure of education records to the following parties:

- School officials of Duke University who have been determined to have legitimate educational interests. School officials include instructional or administrative personnel who are or may be in a position to use the information in furtherance of a legitimate objective, a person serving on the Board of Trustees, a student serving on an official committee, such as a disciplinary committee, a volunteer or contractor outside of Duke who performs an institutional service or function for which Duke would otherwise use its own employees and who is under the direct control of the institution with respect to the use and maintenance of personally identifiable information from education records. Legitimate educational interests include those interests directly related to the academic environment;
- Officials of other schools in which a student seeks or intends to enroll or is enrolled. Authorized representative of the Comptroller General of the U. S., the Attorney General of the U.S., the U. S. Secretary of Education, and State and local educational authorities, but only in connection with the audit or evaluation of federally supported educational program, or in connection with the enforcement of or compliance with federal legal requirements relating to these programs. These officials will protect information received so as not to permit personal identification of students to outsiders, and the data shall be destroyed when no longer needed for the purposes above;

- In connection with a student's application for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions;
- State and local officials to which such information is specifically required to be reported by effective state law adopted prior to November 19, 1974;
- Organizations conducting educational studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to outsiders, and the information will be destroyed when no longer needed for these purposes;
- Accrediting organizations for purposes necessary to carry out their functions;
- Parents of a student who is a dependent for income tax purposes;
- Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- In response to a court order or subpoena (*The university will make reasonable efforts to notify the student before complying with the court order*);
- A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding;
- Parents of a student under the age of 21 who has been found with an alcohol-related disciplinary violation.

PRIOR CONSENT REQUIRED

In all other cases, the university will not release personally-identifiable information in education records or allow access to those records without prior consent of the student. Unless disclosure is to the student himself or herself, the consent must be written, signed, and dated, and must specify the records to be disclosed and the identity of the recipient. A copy of the record disclosed will be provided to the student upon request and at his or her expense.

RECORD OF DISCLOSURES

The university will maintain with the student's education records a record for each request and each disclosure, except:

- disclosures to the student himself or herself;
- disclosures pursuant to the written consent of the student;
- disclosures to instructional or administrative officials of Duke University;
- disclosures of directory information

The record of disclosure may be inspected by the student, the official custodian of the records, and other university and governmental officials.

It is the policy of Duke University to provide students the opportunity to seek correction of their education records.

REQUEST TO AMEND RECORDS/RIGHT TO A HEARING

A student who believes that information contained in his or her education records is incorrect, misleading, or violative of privacy or other rights may submit a written request to the University Registrar, specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the responsible person at the origin of the record in question. Within a reasonable period of time of receipt of the request, the University will decide whether to amend the records in accordance with the request. If the decision is to refuse to amend, the student will be so notified and will be advised of the right to a hearing.

Conduct of the hearing:

The hearing will be conducted by a University official who does not have a direct interest in the outcome. The student will have a full and fair opportunity to present evidence relevant to the issues raised

and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney. The university official conducting the hearing will, after considering all relevant information, make a recommendation to the University Registrar.

Decision:

Within a reasonable period of time after the conclusion of the hearing, the university will notify the student in writing of its decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the university decides that the information in the student's records is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the university will amend the records accordingly.

RIGHT TO PLACE AN EXPLANATION IN THE RECORDS

If, as a result of the hearing, the university decides that the information is not inaccurate, misleading, or otherwise in violation of the student's right, the university will inform the student of the right to place in his or her record a statement commenting on the information and/or explaining any reasons for disagreeing with the university's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept and will be disclosed whenever the contested portion of the record is disclosed.

APPENDIX S: USE OF UNIVERSITY LANDS AND FACILITIES

STATEMENT OF POLICY

USE OF UNIVERSITY LANDS AND FACILITIES

Revision Approved by the Executive Committee of the Board of Trustees on January 22, 2016

The land and facilities of Duke University are private property and shall be used primarily to carry out the mission of the University as a nonprofit educational, research and health care institution including the conduct of instruction, research, general university programs and related administrative uses. Use of university land or facilities shall be permitted when consistent with these functions and with the university's status as a tax-exempt educational institution. Uses of Duke University land and facilities must conform to all applicable laws and regulations related to the proposed use. The university reserves the right to deny use of its lands and facilities to any individuals and entities. This policy is applicable to all Duke University land and facilities but excluding the Duke Forest, the Searle Center, and the Washington Duke Inn and Golf Club, and excluding the properties of Duke University Health System, Inc.

Buildings and Structures

Regularly scheduled Duke University educational programs have absolute priority of use for all facilities. After this priority is observed, the facilities of the university will normally be made available to other users in the following order of priority: first – use by the university community, and second – limited use by outside users, as described below. Exceptions to the normal priorities may be permitted by the president or provost where the interests of the university so require. Requests for use of facilities should be made to the specific facility or, if not known, to the Office of the Vice President for Public Affairs and Government Relations.

Use by University Community

Priority is given to academic departments, schools, and academic programs of the university for educational purposes. Subject to the availability of space, employees, students, officially recognized groups and organizations (defined as student organizations, honor societies, fraternities, sororities, and religious associations officially recognized by the university) may reserve space for educational purposes. All other users, including university related groups and organizations (defined as groups and organizations not officially recognized or affiliated with the university, but related because of the promotion of interest of the university community, the academic professions and related interests of the faculty, students or staff, or which perform other services to the university and its community, such as credit unions, educational-related professional associations and fraternities, employee organizations, student-run businesses, charitable community organizations, and other public educational institutions) are subject to review and approval by the Office of the Vice President for Public Affairs and Government Relations.

Outside Users

University facilities are not normally made available to users other than members of the university community. This policy applies to both commercial and non-commercial users. When made available to outside users, the use must be for a purpose that is related to the nonprofit status of the university as an educational, research and health care institution and a fee may be charged. Exceptions to this policy may be made by the Office of the Vice President for Public Affairs and Government Relations. All requests by outside users should be made in writing and at least sixty (60) days prior to the intended beginning date of use, to the Office of the Vice President for Public Affairs and Government Relations.

Outdoor Areas

Events and activities on the grounds of the campus, including use of sound amplification equipment and construction for exhibits or other purposes, must be approved in advance and in writing by the Office of the Vice President for Student Affairs for student groups and by Event Management for all other users.

Commercial Use

Commercial enterprises will not be afforded use of university facilities for profit-making or advertising purposes. Exceptions to this policy may be made by the Office of the Vice President for Public Affairs and Government Relations. Any commercial activity on the grounds of the campus must be approved in advance and in writing by the Office of the Vice President for Public Affairs and Government Relations.

Political Use

In some cases, facilities at Duke may be used for partisan political purposes or for political forums in accordance with this policy and in consultation with the *Campus Political Activity and Engagement with Federal Officials* policy. Fund-raising is not permitted. Any questions should be directed to the Office of the Vice President for Public Affairs and Government Relations.

Principles Governing Internal Room Use Fees

One purpose of publishing these principles is to provide for consistency across the university's major academic units in making university facilities available to the university community. While the frame of reference in these principles is the "schools," the principles outlined below are intended to apply to institutes, centers and academic and administrative support units that exercise day-to-day control of university facilities. Development of these principles has been coordinated through the Office of the Provost with input from the Academic Financial Leadership Group and the Deans Cabinet. The principles outlined below are intended to apply to all schools of the university:

1. Schools have the right to schedule their classes and meetings in space the school controls, and to also protect a reasonable amount of space for unplanned meetings or needs of the school, before making their space publicly available to those outside to the school.
2. Schools should make space not needed for their own classes, meetings and events available to faculty, staff and students from other schools under reasonable conditions. The opportunity to request space should be clearly documented and available through appropriate on-line scheduling tools.
3. Schools should not charge their own faculty, staff or students, other schools or other members of the university community for the use of their space and its standard furnishings and equipment. It is appropriate to charge for incremental, out-of-pocket costs for table or chair rentals, additional housekeeping, special security, etc. This provision is not intended to preclude the regularized sharing of space costs within schools which routinely allocate such costs to the department or program level.
4. Schools may charge outside groups a reasonable fee for use of their space. Permission to use university space by outside groups should only be granted consistent with Duke's official policy on the use of university lands and facilities as set forth above.
5. Established public event spaces that operate on a cost recovery budget model will continue to operate with reasonable fees to both internal and external users. Examples include the Washington Duke, Thomas Center, Bryan Center, Doris Duke Center, Nasher Art Museum, and the Searle Center. Members of the university community should use these established public spaces for major events when local facilities do not suffice. It is appropriate for schools to decline room requests for major events from members of the university community when such public facilities are available.

APPENDIX T: SANFORD SCHOOL OF PUBLIC POLICY

Bylaws for the Sanford School of Public Policy

June 6, 2018

Amended June 6, 2018, May 1, 2017, August 24, 2015, September 8, 2014, January 6, 2014, August 29, 2013, May 21, 2012, November 28, 2011, February 21, 2011, May 5, 2010

Modified appendixes June 6, 2018, June 15, 2017, June 14, 2016, June 25, 2015, August 1, 2014, July 7, 2014, January 6, 2014, August 29, 2013, June 15, 2012

I. Mission Statement

The mission of the Sanford School of Public Policy is to educate tomorrow's leaders and improve the quality of public policymaking through research, professional training, and policy and community engagement.

II. Voting Rights

A. Determination of Rules Governing Voting Rights and Other Procedural Matters

Tenured faculty with a primary appointment in the Sanford School of Public Policy will determine rules governing voting rights and other procedural matters, subject to University regulations.

An amendment to these bylaws will be adopted if two-thirds of the tenured faculty who are not on leave vote affirmatively for adoption at a faculty meeting. Proposed amendments will be distributed by the Dean's office at least five days prior to that faculty meeting.

B. Assignment of Voting Rights (see Appendix 1)

The "Tenured and Tenure-Track Faculty" of the School (hereafter the TTT Faculty) consists of the Dean and all tenure-line full-time Duke faculty with rank of Assistant Professor, Associate Professor, or Professor, and with primary appointment in the School, together with any other tenure-line Duke faculty (including those with joint appointments between the Sanford School and another unit) added by majority vote of the tenured faculty with primary appointments in PPS.

The "Voting Faculty" of the School consists of the TTT Faculty and other members of the regular-rank faculty granted the vote based on the recommendation of the Dean and supported by a majority vote of the tenured faculty with a primary appointment in Public Policy.

Ordinarily, the right to vote will be extended to regular-rank faculty with full-time, multi-year appointments who are significantly involved in the School's teaching or research missions.

C. Quorum

A quorum is required for every vote that is mandated by these Bylaws and that occurs in a meeting of the faculty. A quorum consists of two-thirds of the tenure-line faculty of rank relevant to the vote as specified in these bylaws. Faculty members who are on leave are not counted against the quorum unless they attend the meeting. By agreement with the Dean, a faculty member may attend a meeting by telephone. For votes taken electronically, two-thirds of the tenure-line faculty eligible to vote on the issue and not on leave must cast a ballot for the vote to be valid.

D. Voting Procedures

A meeting must be held for all votes with the following exceptions. An electronic or other remote vote will be held for the following procedures:

- Initial appointment of a regular rank non TTT faculty member if the candidate has been employed for a minimum of three years by Duke prior.
- Renewal of non-tenure line regular rank faculty
- Promotion from assistant to associate research professor
- Secondary appointment

“Other Matters for Decision by the Faculty” falling under Section VI and a) and b) in these bylaws are ordinarily voted on in meetings but may be held by electronic vote if the Executive Committee agrees.

Electronic or remote votes must be conducted by a procedure that gives reasonable assurance of confidentiality and a defined deadline for submitting a vote. In the case of any electronic vote, any faculty member who chooses to do so may vote by secret paper ballot, rather than electronically.

All votes pertaining to TTT faculty and to changes of these bylaws must be held in face to face meetings, with the following exception: Generally, votes are not taken in the initial meeting in which the written report that evaluates an internal assistant professor’s qualifications for promotion is discussed. Instead, within a week there will either be an additional faculty meeting to discuss and vote on the case, or there will be an electronic vote on the case. Whichever process is chosen should remain confidential.

III. Definition of Faculty Titles

The Sanford School of Public Policy follows the University’s nomenclature regarding faculty titles, as defined in the most recent articles in the Faculty Handbook.

The following titles are available for regular-rank appointments in Public Policy:

- assistant professor
- associate professor
- professor
- associate professor of the practice
- professor of the practice
- assistant research professor
- associate research professor
- research professor
- senior lecturer
- lecturer

In addition, the Dean will make appointments using non-regular-rank titles as appropriate.

IV. Appointment Procedures

Any new appointment, promotion, or contract renewal for a member of the regular-rank faculty requires an affirmative vote by a majority of that portion of the voting faculty who are qualified by rank and tenure status, who are not on leave, and who attend a meeting (if that is required for the decision at hand) called by the Dean. Voting is by secret ballot.

Prior to the vote, a written report will be distributed to the faculty members who are eligible to vote. This report will describe the search process (in the case of a new appointment) and the qualifications of the candidate.

A. Initial appointments

1. The TTT Faculty vote on whether to offer an initial appointment to a tenure-line position. The entire Voting Faculty vote on initial appointments for other regular rank faculty positions.
2. The tenure status and rank of initial offers are determined by the relevant subgroup of faculty consistent with University regulations.
 - For tenure-line appointments, the relevant subgroup consists of the TTT Faculty with equal or higher rank than that which is proposed.
 - For other regular rank appointments, the relevant subgroup consists of the Voting Faculty with equal or higher rank than that which is proposed.

B. Reappointments

For renewal of contract for a tenure-line assistant professor, the TTT Faculty holding rank of associate professor or professor vote on reappointment at the rank of assistant professor.

On votes for candidates for reappointment to the same regular non-tenure track rank, all regular rank faculty, who hold the same rank as the candidate or a higher rank are eligible to vote.

C. Tenure and Promotion:

The TTT Faculty with tenure and rank of associate professor or professor vote on internal promotions from assistant professor to associate professor with tenure. The TTT Faculty with rank of professor vote on promotions to that rank.

For a promotion review of a member of the regular rank, non-tenure-line faculty, all those Voting Faculty members are eligible to vote who have rank equal to or higher than the rank to which the candidate is being considered for promotion.

All votes on recommendations for promotion of members of the regular-rank faculty other than lecturers require a majority vote. Such votes shall occur by secret ballot.

D. Secondary Appointments

In the case of secondary appointments, the entire Voting Faculty votes on the initial appointment. In the last year of the term of a secondary appointment, the Dean, in consultation with the Executive Committee, will determine whether it is to be renewed, and for how long.

V. Criteria for Appointments, Reappointments, and Promotions for Regular Rank, Non-Tenure Track Faculty in Public Policy

Appointments will either be made after an open search or after a waiver has been approved. Dossiers in support of appointment or promotion to associate or full rank will follow posted Sanford guidelines as approved by the Provost in accordance with the Faculty Handbook. These guidelines may be revised by the Sanford Executive Committee and are subject to Provost approval.

A. Lecturer

Lecturer: Candidates for teaching positions who have completed a master's degree or JD or the equivalent, will be considered for appointment as lecturer. Exceptions to the requirement of completion of an advanced degree must be satisfactorily justified in the report of the review committee.

Reappointment to lecturer: Satisfactory performance as a Duke teacher is required for reappointment to lecturer. Reappointment also requires satisfactory performance in administration, program development, research and writing, and fundraising, to the extent that these activities are included in the job definition.

Senior Lecturer: Senior lecturers for initial appointment, promotion or reappointments must be assessed by the teaching community as having made a distinctive contribution to the craft of teaching as demonstrated by excellence in teaching and some of the following factors: curricular innovation, exemplary pedagogy, participation in national conferences on the scholarship of teaching and learning, writing and or mentoring about teaching, an exemplary record of student mentoring, or an original contribution to program development.

Promotion or reappointment to senior lecturer requires continued excellence in demonstrating the performance of a senior lecturer.

B. Professor of the Practice:

Candidates whose appointments are justified by contributions to the policy process, or by their scholarly qualifications and contribution to the administrative and teaching mission of the school, will be considered for appointment as "Professor of the Practice" or "Associate Professor of the Practice."

Initial Appointments: Initial appointment as Professor of the Practice will be reserved for those who have had a highly distinguished career in government, journalism, politics, documentary studies, the private sector, the nonprofit sector, or in administration and teaching in the Sanford School of Public Policy. The appropriate basis for evaluating distinction depends on the particular area of the candidate's contribution, but would ordinarily include such indicators as seniority, rank within the relevant organization, reputation among peers, quality of publication (if any), honors and awards, and demonstrated ability to translate experience into useful lessons for students.

Initial appointment as Associate Professor of the Practice will be for individuals whose careers show significant achievement but not at the level of distinction and seniority that would warrant appointment at the level of professor of the practice.

Reappointments and Promotion: Satisfactory performance as a teacher of undergraduate or professional students is normally required for reappointment at both levels. Reappointment also requires satisfactory performance in administration, program development, research and writing, and fundraising, to the extent that these activities are included in the job definition. For initial appointment or promotion to full professor, 3 external letters are required. For reappointment to full professor, 2 of these may be substituted by internal letters from Duke faculty external to Sanford.

Professors of the Practice also will be evaluated based on evidence of continued engagement and achievement in their professions outside their University responsibilities, as evidenced by relevant research, writing and involvement with the media; service on major governmental commissions; service on other professional commissions, task forces or comparable groups; governmental or other service (including consulting) during leave periods; professional honors and awards; external funding for their teaching; programs and other University activities in the U.S. and overseas; or other professional activities; or by their administrative and teaching contributions to the Sanford School and its reputation.

Promotion from Associate to full Professor will be based on further achievement related to University responsibilities or recognition within his or her profession outside the University. Evidence of such further achievement and recognition will be based on the same criteria noted above as well as peer recognition. Examples of such achievements by those appointed primarily on the basis of their contributions to administration and teaching are in Appendix III.

C. Research Professor:

Research faculty differ from tenure-track faculty in that they typically undertake fewer instructional assignments and are frequently supported by external research funds. Nonetheless, research faculty, in addition to involvement in research projects, may participate in administrative and teaching activities in the Sanford School to the extent that these activities are included in their job description. Consequently, decisions about appointment, renewal, and promotion of research faculty are based on assessment of scholarly accomplishment and promise and on availability of external research funding to support their work, as well as on an assessment of the execution of any additional duties laid out in their contract.

Assistant Research Professor: An Assistant Research Professor should hold a Ph.D. in a policy related field and have completed a dissertation (or other additional work) that shows promise with respect to scholarship and/or a set of skills that serve as critical inputs into particular projects.

Associate Research Professor: An Associate Research Professor should meet the Assistant Research Professor criteria and be accomplished scholars. Since many research faculty are supported by external funding sources, excellence may be established through academic publications, non-academic research publications, and successful grant applications. As Associate Research faculty member should have demonstrated the ability to maintain an active research agenda and develop scholarly collaborations, to obtain grants, and to publish and otherwise distribute research findings through a variety of outlets. To the extent that an associate research professor works on teams, the ability of the professor to play either a leadership role or a consistently supportive role should also be recognized. In addition, to the extent that is appropriate for a particular appointment based on the contract, the criteria applied in tenure-track faculty review decisions will be used to evaluate teaching, administrative, and service contributions.

Reappointment: Satisfactory performance in research and other activities specified in the job description is required for reappointment.

Research Professor: Research professors should have an established research record comparable with the record of a tenured professor. That means that they should meet the same threshold as a tenured full professor in being widely recognized as outstanding by others in the field. In addition, satisfactory performance in research and other activities specified in the job description is required for reappointment. Research professors are expected to maintain an active program of research through grant funding, academic publications, and scholarly collaborations.

Reappointment and promotion: For reappointment or promotion to research professor, letters will be required from four arms-length sources external to Duke.

D. Distinguished Professorships

From time to time the Dean may recommend to the Provost appointment of a Sanford School faculty member to a distinguished professorship. This recommendation can only be made after the proposed appointment has been reviewed favorably by the Sanford School Distinguished Professorships Committee.

The following procedures apply to nominations for two types of distinguished professorships: those that “belong to” the Sanford School (either endowed or eponymous), and those University chairs that are assigned by the Provost.

The Distinguished Professors Committee (DP Committee) will consist of all full-rank distinguished professors (DP) with primary appointment in the Sanford School of Public Policy. Those who are eligible for service on the committee may opt out during a semester in which they are on leave. They should state their intention by written communication to the Dean.

A Chair of the committee will be elected from its membership each year by an absolute majority vote of the Committee.

Process:

Nominations for a distinguished chair may be made by any regular rank faculty member, and submitted to the Chair of the DP Committee. Nominations will be solicited annually. Only members of the Sanford faculty, or those who have been made a formal offer to join the Sanford faculty, are eligible for consideration. Nominations will be kept strictly confidential and consist of a dossier containing the candidate’s current curriculum vitae, a nominating statement describing why the individual is outstanding, and names of six arm’s length experts external to the institution who are qualified to evaluate the candidate.

The nominations in any one year will be reviewed according to a two-step process. In the first step, the Committee shall meet and select from the pool of nominees those candidates who by their CV and nominating letter are deemed to meet or exceed the minimum expectations for a DP. These candidates will be selected by an absolute majority of the committee membership in a secret ballot.

In the second step, the Committee will solicit letters from four or more arm’s length experts external to Duke University. These letters may include, but will not be limited to, the names suggested by the nominator. The Committee Chair will assign the candidate’s dossier to two members of the Committee, who will be responsible for leading the discussion for their assigned candidate. A secret ballot will be taken after each candidate is discussed on a motion to recommend the candidate to the Dean for DP designation. The Dean does not vote, but will attend all meetings at which votes are taken. A majority of the Committee must attend and vote in favor in order for a candidate to be recommended as “school chair eligible.”

The Dean will consider the vote and advice of the Committee in recommending candidates for a distinguished professorship to the Provost. The Dean may draw from the resulting pool of faculty recommended as eligible by the DP Committee any candidate(s) he or she wishes to recommend to the Provost for any type of University-wide named chair. The recommendation will consist of a nomination letter to the Provost.

Should the Committee recommend more candidates for DP designation than are awarded, the names will remain in a pool of faculty that are deemed “School Chair Eligible” for three years. After three years, the candidate will have to be reconsidered by the Committee.

Each year, at the end of the academic year when reviews of the candidates have been completed, the DP Committee Chair shall forward to the Provost’s Office for retention purposes all records related to each school chair candidate’s nomination.

VI. Other Matters for Decision by the Faculty

Decisions regarding the following issues shall be decided by secret ballot of the Voting Faculty following review by the Executive Committee.

- a. Creation of a certificate program or undergraduate minor within Public Policy Studies; and
- b. Creation of a new degree program

The Executive Committee shall make decisions, based on consensus (with a quorum of five elected members), regarding the following issues:

- c. Changes in requirements for the undergraduate major or for one of the graduate degree programs;
- d. Modification of a certificate program or undergraduate minor within Public Policy Studies;
- e. Other issues that the Dean, in consultation with the Executive Committee determines warrant Executive Committee decision, or on which the Dean wishes to gain Executive Committee input or approval; and,
- f. Other duties assigned to the Executive Committee by the Dean or by documents approved by the Dean

Matters pertaining to Section VI a) – d) should be coordinated with the Associate Dean for Academic Programs before review by the Executive Committee.

Matters pertaining to Section VI a) – d) should receive appropriate consultation and coordination before being brought to the Executive Committee for final ExCom action. Appropriate consultation and coordination will depend on the significance of the proposals but include circulation of the written proposals to the full faculty with opportunities to provide timely feedback. Individuals putting together a particular proposal should consult with ExCom early in the process regarding what constitutes such appropriate consultations and coordination in that particular instance.

If the Executive Committee cannot reach a decision on matters pertaining to Section VI c) – d) after due deliberations, the matter will move to a faculty vote.

The Executive Committee may, at any time, decide that a matter brought before it by the Dean warrants a full faculty discussion and vote, and refer the decision to the full faculty. If the Executive Committee decides that a matter requires such full faculty attention, the matter may go before the faculty in a regular faculty meeting or be decided via an electronic vote, according to the method that the Executive Committee considers most appropriate.

When the Executive Committee is scheduled to decide on an issue under Section IV c) – d), a notice and information regarding the issue must go out to the full voting faculty with appropriate advance notice; any faculty member may submit their views in advance to the committee and attend the Executive Committee discussion in connection with such a meeting.

VII. School Officers

Sanford School officers consist of the Dean, appointed by and reporting to the Provost; the Director of Undergraduate Studies (appointed by the Dean of Arts and Sciences by recommendation of the Sanford Dean); the director of the PhD program (appointed by the Dean of the Graduate School by recommendation of the Sanford Dean); and the Directors of Graduate Studies (appointed by the Sanford Dean) who oversee the Master of Public Policy and the Master of International Development Policy programs.

The Dean may appoint a Senior Associate Dean of Faculty, and other Associate and Assistant Deans, and delegate to them specified decanal responsibilities. An addendum to these Bylaws provides a current listing of such positions and their responsibilities.

VIII. Standing Committees

The Sanford School Executive Committee. This Committee shall consist of the Dean (as chair), five members of the TTT Faculty (including at least one member with rank of assistant professor and one with rank of associate professor), and two members of the Voting Faculty who are not on the tenure line. The Senior Associate Dean of Faculty will serve as an *ex officio* member.

Members of the Executive Committee (other than *ex officio*) will ordinarily serve staggered two-year terms. Election will be by secret ballot at the beginning of fall semester each year. Members of the Voting

Faculty will choose from a list of eligible faculty members that excludes those who are unable or choose not to serve. To be counted, a ballot must include votes for the same number of candidates as there are vacancies in the 5 TTT positions, and for the same number of candidates as there are vacancies in the 2 non-TTT positions. Furthermore, if there is no TTT assistant professor with a continuing term, then each ballot must include at least one vote for an assistant professor. If there is no TTT associate professor with a continuing term, then each ballot must include at least one vote for an associate professor.

Those candidates who get the most votes among the TTT candidates, and the most among the non-TTT candidates, will fill the vacancies in these two categories, with the proviso that there must be at least one assistant professor and one associate professor serving on the Executive Committee.

If an elected member resigns, the remainder of his or her term will be filled by the faculty member next in line in the vote count for the appropriate category.

The Committee will advise the Dean on such matters as he or she brings before it. As specified in section VI of the Executive Committee will dispose of certain issues by vote.

An *ad hoc* subcommittee of the Executive Committee will be appointed by the Dean from time to time to serve as an Appointments Committee. This Committee will be chaired by the Senior Associate Dean of Faculty. The Committee has two areas of responsibility:

- Review nominations for secondary appointments and make a recommendation to the Dean about whether to proceed with a faculty vote on appointment
- Review proposals to initiate a review of a specific person for a new regular-rank non-tenure-line primary appointment without a search.

The Sanford School Honor Board. The composition and responsibilities of the Honor Board are described in detail in a separate document.

Admissions Committees for the MPP, MIDP, and Doctoral program are appointed by the Dean in consultation with the appropriate program director, and in each case advise that director on admissions and financial-aid decisions.

The Administrative Committee, consisting of all levels of Sanford Deans, advises the Dean on matters that he or she brings forward.

Sanford School Distinguished Professorships Committee, consists of all full-rank distinguished professors (DP) with primary appointment in the Sanford School of Public Policy. Those who are eligible for service on the committee may opt out during a semester in which they are on leave. They should state their intention by written communication to the Dean.

A Chair of the committee will be elected from its membership each year by an absolute majority vote of the committee.

APPENDIX 1
SANFORD SCHOOL OF PUBLIC POLICY FACULTY

TTT faculty as of fall 2018:

Ananat, Barnes, Bermeo, Brownell, Carnes, Clotfelter, Conrad, Darity, Dodge, Gassman-Pines, Gibson-Davis, Goss, Jentleson, Jeuland, T. Johnson, Kelley, Komisarow, Korstad, Krishna, Mayer, Meeks, Merli, Miles, Mohanan, Napoli, Nuamah, Pattanayak, Pearson, Peck, Pfaff, Pizer, D. Price, V. Price, Rangel, Rose, Sanders, Sexton, D. Taylor, and Whetten

Other voting faculty as of fall 2018:

Adair, Admay, Babinski, Bennett, Brown, Charney, Fernholz, Fleishman, Gifford, Gill, Glenday, Harris, Kelly, Krupp, Lansford, McCorkle, Mirovitskaya, Mlyn, Muschkin, Owen, Philipsen, Pickus, Pomerantz, Profeta, Rogerson, Schanzer, Shukla, T. Taylor, and Vaupel

APPENDIX 2
DEANS OF THE SANFORD SCHOOL OF PUBLIC POLICY (as of fall 2009)

Dean of the Sanford School

Senior Associate Dean of Faculty, with the following responsibilities: (revised spring 2014)

- *Ex officio* member of the Executive Committee
- Chair of the Appointments Committee
- Primary responsibility for managing faculty searches, appointments, and reviews
- Shared responsibility (with the Dean) for counseling faculty members on career development
- Responsibility for any other responsibilities delegated by the Dean

Associate Dean for Finances and Administration, with the following responsibilities:

- Chief financial and administrative officer
- Primary responsibility for short- and long-term budget development, grant administration, human resources management, facilities planning, space utilization, and major construction/renovation projects

DEANS OF THE SANFORD SCHOOL OF PUBLIC POLICY (as of fall 2010)

Associate Dean for International Academic Programs (Open position AY2015-16)

- Implement the Global Semester Abroad in India and, on behalf of the School, explore the possibility of building additional academic ventures upon this platform.
- Explore and, in consultation with the Dean, initiate academic collaborations involving Sanford faculty and students, initially in India and later in other countries.
- Help develop and oversee other overseas academic enterprises as determined by the Dean.

Associate Dean for Executive Education Programs (Open position AY2015-16)

- Establish in consultation with the Dean the School's Ex Ed goals and policies and ensure their consistency with University policies.
- Advise on related strategies and provide assistance as needed in their implementation.
- Coordinate specific programs involving several Schools (e.g. Kunshan in China and VNU in Vietnam) and liaise on behalf of the School with the University on such programs.

- Promote collaboration among the School's faculty and Centers undertaking Ex Ed and identify potential synergies.
- Ensure the longer term sustainability of Ex Ed programs.

Associate Dean for Development and Alumni Relations

- Direct all phases of a development and alumni relations program for the Sanford School, including principal and major gifts, annual fund and stewardship;
- Serve as primary liaison to the Sanford School's Board of Visitors;
- Provide oversight of the alumni relations program, including student engagement, life-long engagement, and volunteer and philanthropic cultivation.

Assistant Dean for Communications and Marketing

- Develops and implements an integrated external communications program
- Brand management,
- Media relations,
- Advertising and marketing,
- Design and development of web-based, multimedia and traditional publications,
- Promotion of public events and management of the school's social media initiatives.

DEANS OF THE SANFORD SCHOOL OF PUBLIC POLICY

Assistant Dean of Academic Programs and Student Affairs (as of fall 2011)

- Strategic leadership and effective management for the administrative support of the undergraduate and graduate programs of the Sanford School
- Development of new initiatives, as well as management and oversight of student affairs functions, ranging from marketing and recruitment to career transitions and outreach to alumni, in coordination with the Associate Dean for Development & Alumni Relations
- Administrative lead on new program development
- Supervision of program staff and program budgets
- Oversee coordination with other Duke professional schools and offices regarding dual degrees, student services and technology
- Strategic planning of Faculty FTE's across academic programs

Associate Dean for Academic Programs (as of fall 2012)

Oversees and coordinates all domestic degree-granting programs and administrative staff that support them. In order to fulfill those responsibilities, the Associate Dean:

- In conjunction with the Administrative Committee, oversees curriculum planning and reviews of all academic degree-granting programs, and other programs (e.g., SACS review, Geneva, HLP or National Security Public Policy Fellows) as designated by the Dean.
- Has a dotted line reporting relationship with the DGSs for the PhD, MPP, and MIDP programs, and the DUS. The Associate Dean will provide input into the annual reviews of the directors.
- Manages the academic program infrastructure for SSPP (but not MIDP) – the Assistant Dean for Academic Programs and Student Affairs and Director of Career Services report directly to the Associate Dean.
- Ensures planning of future course schedules (with the assistance of the DUS), with attention to faculty responsibilities in fulfilling core teaching requirements and meeting evolving student needs; resolves differences among directors regarding who should teach in which programs.

- Ensures faculty adherence to course-load obligations, endorses exceptions to rules and (with the Senior Associate Dean of Faculty) leave/sabbatical requests to the dean, oversees points accrued toward course relief and eligibility for sabbaticals.

Associate Dean for Strategy and Innovation (as of fall 2014)

Strategic Planning

- Assist the Dean in coordinating strategic planning for the Sanford School.
- Work with the Dean to develop means for carrying out the strategic plan, and to monitor progress towards goals established in the plan.
- Work with the Dean to establish and monitor a system for ongoing input into Sanford's strategic thinking from students, staff, faculty, alums, and other relevant groups.

Engagement and Impact

- Work with faculty, staff, students, alumni and other stakeholders to develop new programs and initiatives to increase engagement and impact.

Fostering Innovation

- Work with other associate deans, faculty directors, students, and key staff to institutionalize practices that encourage innovation in research, teaching and engagement.
- Develop and carry out a plan for engaging with other innovation activities on campus.
- Work with the Dean to oversee the administration of innovation funds and activities.

Assistant Dean for Career and Professional Development (new as of spring 2015)

- Provide strategic leadership and effective management for the Office of Career Services within the Sanford School
- Ensure that all Sanford undergraduate and MPP students successfully complete the policy internship requirement
- Provide advising and programming for Sanford undergraduate and MPP students for improving career exploration and job search skills
- Create and nurture relationships with employers, including alumni
- Collaborate with MPP Director of Graduate Studies to provide professional development programs for MPP students
- Participate on cross-Sanford and cross-university committees and teams to provide career-related perspectives to plans and initiatives

APPENDIX 3

Examples of further achievements for promotion to Professor of the Practice for Associate PoPs appointed primarily on the basis of their administrative and teaching contribution to the Sanford School.

Besides involvement with senior Sanford Faculty Committees (such as the Executive Committee) and other Committees for the appointment or reappointment of Sanford faculty, the following would be examples of such further administrative and teaching contributions by Associate Professors of the Practice:

Administration

- Contributions to the Sanford School's administration:
 - Membership of important School Committees (such as ExCom)
 - Introduction to academic and/or administrative innovations
- Contributions to the University's administration/management e.g. through:
 - Membership of important Duke University administrative or policy task forces

- Membership of Committees on important University appointments (including Dean of the Sanford School, senior staff at DKU)

Teaching and Research

- Invitation as guest speaker or visiting faculty at Duke overseas programs (e.g. DKU, India) and at other U.S. universities or abroad
- Publication of research, thought pieces and essays, textbooks, web case studies, and/or preparation & teaching of MOOCs in their area of expertise
- Assessed by the teaching community as having made a distinctive contribution to the craft of teaching as demonstrated by excellence in teaching and some of the following factors: curricular innovation, exemplary pedagogy, participation in national conferences on the scholarship of teaching and learning, writing and/or mentoring about teaching, an exemplary record of student mentoring, or an original contribution to program development.

Service and Engagement

- Active contributions to national or international professional or service associations
- Contribution to the reputation of Duke/Sanford through design and/or evaluation of public policy programs at other universities in the U.S. or abroad

Other Engagement

- Any other contributions listed under the general criteria for reappointment and promotion of Associate Professors of the Practice

APPENDIX U: TRAVEL

INTERNATIONAL TRAVEL

Duke funds, sponsors or coordinates over 10,000 international trips each year (source: Duke Travel Registry and SAP). Given the increase in international travel by Duke faculty, staff and students over the last decade, several policies and practices have been initiated to ensure that travelers have the resources and support to effectively and safely conduct teaching and research abroad.

International Travel Clinic for Employees

Per the Duke University “Vaccination/Travel Health Review”(HR Policy 11.02; eff. 5/20/2011), Faculty and Staff traveling abroad on Duke related business should receive appropriate pre-travel health care and any required vaccinations based on their destination and planned activity. The applicable Duke cost center or program will pay for direct costs associated with obtaining the necessary vaccinations that are recommended for travel to non-U.S. destinations when the assignment is a requirement of, or directly related to, the faculty or staff member’s current position at Duke (excludes travel for vacation or sabbatical).

In order to gain access to experienced international travel health care providers and to manage the cost of required pre-travel health care for the institution, Employee Occupational Health and Wellness created an Outbound Travel Clinic which charges “at-cost” rates for vaccinations and tests. Faculty and staff can learn more and complete an intake form at <https://hr.duke.edu/policies/international/vaccinations-travel-health-review>.

Cigna Medical Benefits Abroad

Effective July 1, 2013, Duke contracted CIGNA for its Medical Benefits Abroad (MBA) coverage. The CIGNA Global Health Benefits' Medical Benefits Abroad® (MBA) offers eligible employees and dependents supplemental health insurance for unexpected injuries and illnesses that may occur while traveling internationally on Duke business on trips that are short-term in duration (i.e., less than a six month assignment abroad). Travel abroad for greater than six months indicates an expat assignment and is considered a qualifying event which allows employees to move into a health insurance plan that covers healthcare costs outside the U.S.

Coverage under the CIGNA MBA plan is available with no enrollment, no deductible and no co-pays for full-time, benefits-eligible employees, his/her spouse or same-sex partner and dependent children up to age 26. Employees must have primary coverage through Duke or another insurance provider. **Your MBA plan includes:**

- Hospital admissions, surgeries, outpatient medical care, and ambulance service for emergency medical treatment
- Prescription drugs and replacement medicine for lost prescriptions that are medically necessary
- Medical evacuations in case you require immediate medical attention and adequate facilities are not locally available
- Personal travel of up to seven days when taken in combination with your business trip
- Medical care for you and your family members that are traveling with you

Should something come up, call the number on the CIGNA MBA ID card to reach the customer service team. To learn more please visit: <https://hr.duke.edu/benefits/medical/medical-insurance/medical-benefits-abroad>.

If you need a certificate of insurance for visa purposes stating this coverage, please contact globaltravel@duke.edu.

International SOS

Duke University has contracted for travel assistance and evacuation services from International SOS. Note: this is the preferred provider when it comes to evacuation or assistance while you're traveling abroad and covers students as well as faculty and staff of Duke University. There is additional coverage available for employees, offered as part of an insurance package through Human Resources (note: this is the Accident Insurance noted above). However ISOS offers more defined and tailored services for today's international traveler and has partnered with CIGNA for seamless coverage if you become ill or injured while abroad. The SOS network of multilingual critical care and aero-medical specialists operates 24 hours a day, 365 days a year from SOS Alarm Centers around the world.

While you are abroad, you should always attempt to activate University staff as instructed during any travel orientation, if you had one, when you, a staff or student become ill or injured. If you are not able to reach University staff, you should contact ISOS as they will begin to meet your needs immediately as well as notify our on-call staff in the United States. Please be aware that some of the services outlined below which SOS provides have additional charges (noted with an asterisk). Should you activate a service which has an additional charge, you authorize Duke University to bill you for this charge once we have been informed of the actual amount by ISOS. Please know that such charges may not be billed until after you have returned from your time abroad.

Services

- Emergency evacuation (fees may apply)
- Medically-supervised repatriation
- Companion ticket
- Additional travel & accommodation arrangements after medical evacuation (fees may apply)
- Repatriation of mortal remains
- Return home of minor children
- Medical monitoring
- Inpatient admission & ID of receiving physician
- Emergency & routine medical advice
- Medical & dental referrals
- Outpatient referrals
- Outpatient case management
- Claims assistance
- Outpatient medical expense guarantee & payment (Fees will apply.)
- Inpatient medical expense guarantee, cost review & payment (Fees will apply.)
- Dispatch of medication & medical supplies (Fees will apply.)
- Legal referrals
- Emergency message transmission
- Translations & interpreters (Fees may apply.)
- Lost document advice
- Ground transportation & accommodations for accompanying family members (*Fees may apply.*)
- Emergency personal cash advances (Fees will apply.)
- International SOS Clinics
- Security Services
- Security evacuation assistance
- Online travel security information
- Access to security crisis center

If you have any questions about ISOS, please contact the Office of Corporate Risk Management, email: corprisk@duke.edu; online at <http://www.finsvc.duke.edu/insurance/travel/isos.php>.

Travel Documentation Support

In an effort to ensure Duke faculty and staff enter their non-U.S. host country under the correct visa category, the Office of Global Administrative and Travel Support provides assistance with travel documentation such as passports, visas and residency/work permits.

As soon as you become aware of your international trip or assignment, please contact globaltravel@duke.edu for assistance.

Resources for Teaching/Research Abroad

Through the University-wide Global Administrative Support Initiative, a myriad of policies, procedures and resources have been collected and created that support teaching and research abroad. From support in renewing your passport or securing the right entry visa and free WiFi in over 100 countries via Duke's partnership with EduRoam, to tips on what to pack or how to alert someone of your food allergy when English isn't the language: you can find this and more that will help you travel, teach, live and work abroad at <https://global.duke.edu/admin/> or email globaltravel@duke.edu for pre-travel orientation materials specific to your destination.

International Travel Policy

All faculty traveling abroad with students should be aware of the Duke University International Travel Policy which applies to all travel outside the United States that is done with University funding, for credit, organized or sponsored by Duke. The policy mandates that ALL students, whether Undergraduate, Masters or PhD students, register their travel and emergency contact details at <http://travel.duke.edu/> when traveling abroad for Duke. All travelers are highly encouraged to register their travel plans in the confidential Duke Travel Registry. It is how we locate travelers following a natural or manmade disaster that occurs internationally. The Restricted Regions List (<https://global.duke.edu/admin/travelpolicy/rrl.php>), the Travel Registry and the Global Travel Advisory Committee were all implemented as part of the International Travel Policy. Duke's Restricted Regions List (RRL) destinations are appointed by the Provost who receives advice from the Global Travel Advisory Committee (GTAC). GTAC members represent all schools (Deans propose members to the Provost for appointment and they serve a two-year term, renewable upon mutual agreement) and major units that fund, organize or sponsor travel abroad (e.g., GEO and DukeEngage). If an Undergraduate wishes to travel to an area on Duke's RRL s/he must first petition the Provost for a waiver of the University restriction. It is the responsibility of the faculty member traveling with the student or overseeing their activity, to ensure that the student has adhered to the policy, receiving a waiver for travel and that they have registered their trip prior to leaving the U.S. Graduate and Professional students wishing to visit a destination on Duke's RRL are allowed to do so, only after they have signed a 'High Risk Travel Waiver/Release Form' acknowledging they are aware that Duke has restricted the destination because it is deemed 'high risk' for travelers and they understand Duke and it's providers may be limited or unable to aide them while they are in the destination should they have an emergency.

Faculty should be aware that Duke's RRL supersedes the U.S. State Department Travel Warnings and Alerts whereas the State Department may advise against travel, Duke may not hold that same opinion and travel may be allowed. Also, U.S. Sanctions and Embargoes are embedded in the RRL and if a destination is marked to be cleared by Export Controls prior to travel, faculty should contact the Office of Export Controls (<https://export.duke.edu/>) here at Duke prior to making their travel plans. For more information on the International Travel Policy or to request a review of a destination by the Global Travel Advisory Committee, please visit <http://travel.duke.edu/> or email globaltravel@duke.edu.

Travel Orientation

If you would like to request an orientation for your department, office or class regarding international travel, introduction to the benefits that cover Duke travelers and information on your planned destination and what to do in the event of an emergency abroad, please request one by emailing globaltravel@duke.edu.

Through the University-wide Global Administrative Support Initiative, a myriad of policies, procedures and resources have been collected and created that support teaching and research abroad. From free WiFi in over 100 countries via Duke's partnership with EduRoam, to tips on what to pack or how to

open a bank account in a non-U.S. country so that you can conduct research: you can find this and more that will help you travel, teach, live and work abroad at www.global.duke.edu/admin or email globaltravel@duke.edu

Accident Insurance (domestic and international)

It is the policy of the university to provide travel accident insurance for its faculty and staff employees to afford them financial protection while they are traveling on university business, whether domestically or internationally.

- A. Eligibility. All officers of the university and its professional and administrative staff members are covered by this policy.
- B. Coverage. Coverage is provided for eligible employees in an amount of up to \$200,000 in the event of injuries that result in death, dismemberment, or loss of sight, and for up to \$5,000 for related medical expenses, provided the injuries sustained
 1. occur while the employee is traveling on university business;
 2. are in consequence of and occur during the course of the trip, the destination of which requires the employee to travel outside the city in which he or she is regularly employed or in which he or she lives;
 3. occur while riding, including boarding or alighting from, a vehicle designed for the transportation of passengers, while on business of the university and in the city of employment;
 4. occur while riding as a passenger in or acting as a pilot of an aircraft that is operated by an employee of the university who has logged not less than one hundred hours as pilot in command and has obtained written approval from a university officer to pilot said aircraft, while on university business and not engaged in transportation of passengers for hire.

For this purpose, university business is used to mean an assignment by or with the authorization of the university for the purpose of furthering the business of the university or a trip made by invitation of another institution or person because of the position held by the employee with the university.

- C. Coverage is not provided
 1. while the employee is on vacation, leave of absence (except sabbatical), or commuting between his or her residence and his or her place of employ; or
 2. for any loss resulting from suicide, disease or medical/surgical treatment thereof, declared or undeclared war, racing, endurance tests, or participation in any speed or performance contest.
- D. Effective Duration of Coverage. The policy is effective for the duration of any period of covered travel commencing when the employee leaves his or her residence or place of employment, whichever occurs last, and ending upon his or her return to his or her residence or place of employment, whichever occurs first. For this purpose, any loss that occurs within one hundred days after the date of accident from injuries sustained during a covered accident shall be deemed to have occurred during the effective duration of coverage.
- E. Contributions. No contribution or application for coverage is required from any employee. Coverage is automatic and the university pays in full all premiums and administrative costs of the program.

This program will obviate the necessity for individuals to take out personal accident insurance for each trip, and expenses for flight insurance are not reimbursable.

Personal Property

The university provides insurance on the business property (books, calculators, typewriters, and other office equipment) personally owned by faculty members and professional employees while within the premises of Duke University.

Excluded from coverage are rare books, manuscripts, bills, currency, deeds, notes and securities, jewelry, furs, clothing, and other personal effects covered by homeowner's policy and not related to employment.

This policy is on an all-risks basis subject to customary policy exclusions including wear and tear, mechanical breakdown, nuclear reaction, and others.

The maximum limit of liability per person is \$15,000. Each claim will be adjusted on the actual cash value (replacement cost less depreciation) at the time of loss less \$250 deductible per claim.

No contribution or application for coverage is required from any employee. Coverage is automatic and the university pays in full all premiums and administrative costs of the program.

A copy of the policy is available for review in the Office of Corporate Risk Management, American Tobacco Campus, Washington Building, Ste 1000.

Coverage for lost or stolen personal items may also be covered if it occurred while traveling on a trip that you purchased using a Duke University issued procurement card from Bank of America. Consult your CardMember agreement for details on the insurance that is provided by Bank of America Merrill Lynch.

APPENDIX V: PICKETS, PROTESTS, AND DEMONSTRATIONS

Statement of Policy

Duke University respects the right of all members of the academic community to explore and to discuss questions that interest them, to express opinions publicly and privately, and to join together to demonstrate their concern by orderly means. It is the policy of the university to protect the right of voluntary assembly, to make its facilities available for peaceful assembly, to welcome guest speakers, and to protect the exercise of these rights from disruption or interference.

The university also respects the right of each member of the academic community to be free from coercion and harassment. It recognizes that academic freedom is no less dependent on ordered liberty than any other freedom, and it understands that the harassment of others is especially reprehensible in a community of scholars. The substitution of noise for speech and force for reason is a rejection and not an application of academic freedom. A determination to discourage conduct that is disruptive and disorderly does not threaten academic freedom; it is, rather, a necessary condition of its very existence. Therefore, Duke University will not allow disruptive or disorderly conduct on its premises to interrupt its proper operation. Persons engaging in disruptive action or disorderly conduct shall be subject to disciplinary action, including expulsion or separation, and also charges of violations of law.

Students planning a picket, protest, or demonstration should contact University Center Activities & Events (919-684-4741) for guidance and further information.

Rule

Disruptive picketing, protesting, or demonstrating on Duke University property or at any place in use for an authorized university purpose is prohibited.

While Duke University recognizes the right to voluntary assembly, members of the university community must recognize that the Medical Center provides care for individuals needing uninterrupted medical services in tranquil surroundings. Accordingly, all pickets, demonstrations, mass assemblies, and protests shall be confined to campus areas and are strictly prohibited in or around any Medical Center building.

Hearing and Appeal

Students. Cases arising out of violations of this policy will be heard by the University Judicial Board. The University Judicial Board shall have jurisdiction over members of the student body, members of the faculty, and administrative personnel of the university not subject to the Personnel Policy Handbook. Hearings will be conducted with regard for academic due process. The decision of the University Judicial Board shall be final if the accused is exonerated or if there is no appeal. In other cases, students may appeal to the president, or, in his or her absence, the provost, in which case such appeal shall be solely on the record of the proceedings before the hearing committee of the University Judicial Board. Argument on appeal shall be written submission, but the president may, in addition, require oral argument.

A hearing committee will consist of two faculty members, one dean, and two students. These students will be selected from members of the judicial boards or governments in the undergraduate, graduate, or professional colleges or schools. The chair of the hearing committee will be designated by its members.

Faculty. The procedures for faculty members will follow the arrangements provided under the regulations for the guarantee of tenure in the university.

Amendments

These regulations on pickets, protests, and demonstrations may be changed or amended by the university at any time but any such change or amendment shall be effective only after due notice or publication. These regulations supersede any regulations heretofore issued on the subject.

APPENDIX W: DUKE UNIVERSITY/DUKE UNIVERSITY HEALTH SYSTEM HARASSMENT POLICY AND PROCEDURES

Harassment Policy

Effective date: 1/1/1994

Revised: 6/1/1995

Revised: 1/20/2005

Updated 10/31/2012, September 2013, April 2015, June 2016, November 2016

Administrative responsibility for implementing the Duke University Harassment Policy rests with the Office for Institutional Equity (OIE).

I. Introduction

Harassment of any individual for any reason is not acceptable at Duke University. Harassment is a form of prohibited discrimination and may arise in situations unique to a given interpersonal relationship or in actions rooted in an attitude toward a group. Sexual harassment is perhaps the most commonly understood form of harassment, but it is important to note that harassment on any demographic basis—including age, color, disability, national origin, sex, gender identity, gender expression, race, religion, class, veteran status, institutional status, or sexual orientation—also occurs and is expressly forbidden. Abuse of the relationship between teacher and student, or provider and patient, is of particular concern because of the educational and health care missions of Duke University. In all cases, harassment undermines the University's commitments to excellence and to respect for the dignity and worth of all individuals.

Administrative responsibility for implementing the Duke University Harassment Policy rests with the Office for Institutional Equity (OIE). Dr. Benjamin D. Reese, Vice-President for Institutional Equity has been the Duke University Coordinator for 1) Section 504 of the Rehabilitation Act of 1973 and 2) the Age Discrimination Act of 1975. Howard Kallem, Director of Title IX Compliance, has been designated the Duke University Coordinator for Title IX of the Education Amendments of 1972. They may both be contacted at The Office for Institutional Equity, Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Durham, North Carolina 27708. You may contact them by telephone at: (919) 684-8222 or by email at ben.reese@duke.edu or howard.kallem@duke.edu.

This policy against harassment is consistent with the University's valuation of academic freedom. Duke University is committed to the free and vigorous discussion of ideas and issues, which the University believes will be protected by this policy. This Harassment Policy shall be applied in a manner that protects the academic freedom of all parties to a complaint. Academic freedom and the related freedom of expression include, but are not limited to, the civil expressions of ideas, however controversial, in the classroom, residence halls, and other teaching and student living environments.

In addition to this Harassment Policy and Procedures, Duke University and Duke University Health System also provide educational programs to raise the level of understanding about the nature of harassment and ways to prevent its occurrence. These programs may be found on the web site of the Office for Institutional Equity: <http://www.duke.edu/web/equity/>.

Note: The Duke University Sexual Misconduct Policy is applicable in cases involving sexual or related misconduct by undergraduate, graduate or professional students. This policy is administered by the Duke University Office of Student Conduct, 200 Crowell Hall, (919) 684-6938, conduct@duke.edu. This policy can be viewed at <http://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-IX>.

The Student Sexual Misconduct Policy applies to any instance in which any Duke student is alleged to have engaged in sexual or related misconduct, regardless of the complainant's or respondent's sex, gender, sexual orientation, or gender identity. The university may respond to any complaint of sexual misconduct that occurred within a student's career, from matriculation to graduation (including breaks, leaves of absence, or periods of dismissal), whether on or off campus. The disciplinary process is available as an option until an accused student graduates.

If you are a **Duke employee, faculty or physician** and have a concern or question regarding these procedures or any provision of Duke's harassment policy, you may contact OIE at (919) 684-8222, your department chair, supervisor, manager, or director or Duke Human Resources Staff and Labor Relations. In these instances, the Duke Harassment Policy would apply.

If you are a **Duke applicant for employment, applicant for admissions, visitor or patient**, there are resources to assist you with your concern or question involving harassment. You may contact the office or department with whom you directly interacted or you may contact OIE at (919) 684-8222. If you are an applicant for employment, you may also contact Duke Human Resources. If you are an applicant for admission, you may also contact the admissions office of the appropriate school. In these instances, the Duke Harassment Policy and the Duke Non-discrimination Policy would apply.

Anyone can consult directly with The Office for Institutional Equity for guidance at 919-684-8222 or at: <https://oie.duke.edu/>.

II. Definitions¹

Harassment may take two forms:

The first form of harassment is unwelcome verbal or physical conduct—which may or may not be sexual in nature—that, because of its severity and/or persistence, interferes significantly with an individual's work or education, or adversely affects an individual's living conditions.

The second form of harassment occurs if a person uses a position of authority to engage in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment or education; or
- submission to or rejection of such conduct is used as a basis for decisions affecting an individual's education or employment.

The conduct alleged to constitute harassment under this Policy shall be evaluated from the perspective of a reasonable person similarly situated to the complainant and in consideration of the context of the behavior.

Harassment must be distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

Examples of conduct that may constitute harassment include:

¹ The University and Health System adopt the definitions of harassment found in the Equal Employment Opportunity Commission (EEOC) Guidelines, the Department of Education's Office for Civil Rights and relevant U.S. federal caselaw. The Duke Harassment Policy expands upon those definitions by including, among other things, harassment on the basis of sexual orientation and gender identity.

Moreover, alleged harassing conduct may also be criminal in nature. If you believe you have been subjected to criminal behavior, you may choose to submit a report to Duke Police or a local law enforcement agency. Pursuit of a criminal complaint does not preclude appropriate and responsive University action or action pursuant to this policy.

Other University rules, policies, and manuals (e.g., the Duke University Statement of Nondiscrimination, the Duke Staff Handbook, the undergraduate Duke Community Standard guide) may prohibit behavior that is not definable as harassment per se. Persons who believe they have been subject to inappropriate behaviors not covered by this Harassment Policy, or who are unclear about whether those behaviors constitute harassment, are encouraged to seek assistance from their supervisors, Duke Human Resources, Staff and Labor Relations, Duke University Office of Student Affairs and/or the Office for Institutional Equity.

- *Continued unwelcomed questioning about intimate or personal matters outside the scope of work or learning*
- *Unwelcome touching or physical acts outside the scope of work or learning*
- *Unwelcome comments or jokes of a sexual or explicit nature*
- *Unwelcome comments or conduct regarding an individual's race, color, religion, sexual orientation, gender identity, age, disability, etc.*
- *Sending e-mails that contain unwelcome, extreme or persistent messages, images or language*
- *Persistently joking about an individual's age, disability, country of national origin, color, sexual orientation, religion, gender identity, etc.*

Harassment can occur outside of conduct sexual in nature. Harassment may also be verbal, non-verbal or physical and the above list is not exhaustive, but intended only to provide general examples of possible prohibited conduct. In considering whether conduct has violated the harassment policy, the totality of the circumstances is examined. Members of the Duke community are encouraged to bring specific questions and concerns to the attention of the appropriate Duke University administrator, as set forth in subsequent sections of this policy.

Allegations of sexual misconduct committed by undergraduate, graduate, and professional students (including peer-on-peer misconduct) are addressed through the Duke University Student Sexual Misconduct Policy: Duke's Commitment to Title IX. This policy may be found at: <https://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-IX>. For more information regarding this policy, you may contact Duke University Office of Student Conduct at (919) 684-6938.

As used herein, ***complainant*** refers to the person making an allegation or complaint of harassment.

The term ***respondent*** refers to the person against whom the allegation or complaint of harassment is made.

An ***allegation*** is a statement by a complainant that he or she believes an act of harassment has occurred.

A ***complaint*** is a formal notification, either orally or in writing, of the belief that harassment has occurred. A complaint is handled through either the informal or formal process for resolving claims of harassment.

III. Scope

Duke Staff, Faculty, Students

This Harassment Policy applies to all persons who are enrolled at or employed by Duke University and Duke University Health System, including their entities and subsidiary organizations, while they are on university property or are participating in a university-related activity off-campus. All aspects of the Harassment Procedures described below apply to situations in which both complainant and respondent are enrolled or employed at Duke University or its subsidiaries. However, the Duke University Student Sexual Misconduct Policy: Duke's Commitment to Title IX is applicable in cases involving student peer-to-peer physical sexual misconduct. Claims by or against a member of the Office for Institutional Equity will be handled by the Office of the President or his or her designate.

All Others

Situations that involve other individuals (*e.g.*, visitors, patients, graduates of Duke University, applicants for admission or employment, or former employees) who believe they have been harassed by someone either employed by or enrolled at Duke University or Duke University Health System, either on campus or in a university-related activity, may be addressed only through the informal process for handling complaints described under the Procedures for Evaluation and Resolution of Claims of Harassment under Section III ("Management of Harassment Complaints"), Subsection D ("Informal vs. Formal Process for Managing Complaints of Harassment").

Situations in which Duke University or Duke University Health System employees or students believe they have been harassed by visitors to the University or contractors or vendors serving the University will be resolved through the informal process.

Individuals who have questions about the Harassment Policy or who wish to file a complaint of harassment should contact the Office for Institutional Equity, Director of Harassment Prevention, Smith Warehouse, 114. S. Buchanan Blvd., Bay 8, Box 90012, Durham, North Carolina 27708, by telephone at 684-8222 or visit the OIE website: <https://oie.duke.edu/>.

IV. Statute of Limitations

An allegation or complaint of harassment should be submitted to the appropriate individual or office as soon after the offending conduct as possible. A complaint against a student may be filed at any time and is actionable under the university's disciplinary process up to the point the accused student graduates. For all other respondents, a complaint must be filed no more than one year after the most recent conduct alleged to constitute harassment. While the Office for Institutional Equity may grant a reasonable extension of any other deadline established in the following procedures, the one year limit in which complainants may submit an allegation or complaint shall not be extended. This statute of limitations is intended to encourage complainants to come forward as soon as possible after the offending conduct and to protect respondents against complaints that are too old to be investigated effectively. If the nature of the allegation or complaint is particularly egregious, as determined by the Office for Institutional Equity, OIE has the authority to act as complainant beyond the one-year statute of limitations, provided that this office initiates the complaint within a year of learning about the alleged incident(s) and the evidence is available to support an effective investigation.

V. Confidentiality

Duke University and Duke University Health System recognize that confidentiality is important. Breaches of confidentiality compromise the ability of the University to investigate and resolve claims of harassment. Duke University and Duke University Health System will attempt to protect the confidentiality of harassment proceedings to the extent reasonably possible. All participants in the process (including the complainant and respondent, witnesses, advisors, mediators, members of hearing panels) are expected to respect the confidentiality of the proceedings and circumstances giving rise to the dispute. Until resolution has been achieved, participants are expected to discuss the matter only with those persons who have a genuine need to know.

Although the University and Health System are committed to respecting the confidentiality and privacy of all parties involved in the process, they cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include:

- when the University or Health System is required by law to disclose information (such as in response to legal process)
- when disclosure of information is determined by the Office for Institutional Equity and/or the department to be necessary for conducting an effective investigation of the claim
- when confidentiality concerns are outweighed by the University or Health System's interest in protecting the safety or rights of others.

VI. Retaliation

Any individual who believes s/he has been subjected to harassing conduct is encouraged and has the right to seek support, utilize available resources and come forward with his/her concern or complaint. Fear of retaliation should never be an obstacle to reporting an incident of alleged harassment. The Duke Harassment Policy, as well as Title IX, Title VI and other applicable federal laws prohibit retaliation against a complainant or an individual who participates in an investigation of or follow-up to a complaint of harassment. This policy prohibits retaliation:

Against the Complainant: It is a violation of Duke's Harassment Policy to retaliate against a complainant for making a claim of harassment. If warranted, the appropriate senior administrator may

monitor performance review, promotion, reappointment, grading, or other evaluation—or, to the extent possible, may reassign the supervisory relationship—to ensure that retaliation does not occur.

Against the Respondent: A claim of harassment is not proof of prohibited conduct. A claim shall not be taken into account during performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the University’s Harassment Policy has been violated. If necessary and appropriate, such decisions shall be deferred until the claim is resolved.

Against a Witness or Participant in the Investigation: It is also a violation of the Duke Harassment Policy to retaliate against individuals providing information related to a complaint.

Claim of Retaliation: A claim of retaliation by a complainant, respondent or witness may be pursued using the steps followed for an allegation or complaint of harassment.

VII. False or Malicious Complaints

Knowingly filing a false or malicious complaint of harassment or of retaliation is a violation of the Harassment Policy. Such conduct may be pursued using the steps followed for a complaint of harassment.

Procedures for Evaluation and Resolution of Claims of Harassment

I. Introduction

Responsibility for implementing the Duke University and Duke University Health System policy and procedures regarding harassment rests with the Office for Institutional Equity (OIE). However, other University and Health System personnel are also available to provide consultation and assistance. For example, Human Resources Staff and Labor Relations representatives, as well as department managers, directors and supervisors can assist employees. Academic department chairs, school deans and academic advisors can work with faculty and students in providing guidance about responding to situations that may constitute harassment. **Harassment Prevention Advisors**, who are trained by OIE, are available to assist students with harassment and/or Title IX concerns. The names and contact information for Harassment Prevention Advisors are available on the OIE website (<https://oie.duke.edu/>).

Some forms of harassment may violate federal and state laws, and a complainant or respondent may choose to invoke external processes to resolve his or her concerns instead of or in addition to pursuing the procedures set forth herein. Some forms of harassment may also be criminal in nature. A complainant may choose to utilize the complaint handling processes below, report the alleged conduct to Duke Police and/or local law enforcement or both. Any internal process proceeds without regard to an external process unless University Counsel instructs otherwise.

II. Informal Resolution

A. Range of Possible Mechanisms for Informal Resolution

Although none of the actions set forth below is required before an individual may file a complaint, the University and Health System encourage use of these mechanisms for informal resolutions. This list is not exhaustive. Actions taken utilizing any of these mechanisms do not necessarily constitute a finding of harassment. Should the following mechanisms fail to resolve the matter satisfactorily, a complaint may be filed as outlined in section “Management of Complaints of Harassment.”

1. **One-on-One Meeting.** The complaining party, either alone or with another person, may choose to meet with the individual whose behavior is disturbing, discuss the situation and make it clear that the behavior is unwanted and should cease.
2. **Intervention by Supervisor.** The complaining party may contact an individual with supervisory authority and request assistance in addressing the behavior.
3. **Intervention by Harassment Prevention Advisors (HPAs).** A student may contact the Office for Institutional Equity (OIE) and request the intervention of an HPA or contact an HPA directly to assist with the offending conduct.

4. **Facilitated Conversation or Mediation.** A complainant may contact the Office for Institutional Equity (OIE) and request the assistance of a facilitator or mediator.

Note: Allegations of sexual assault cannot be addressed through the informal resolution process.

B. Achievement of Resolution

The informal process shall extend no longer than 45 business days after the allegation is made. Any resolution achieved may include, but is not limited to, withdrawal of the allegation without the right to reassert it; an agreement to terminate and not repeat specific conduct; an apology; and/or participation in education, training, or counseling. Where appropriate, the Office for Institutional Equity (OIE) shall review resolutions to ensure that the parties fully understand the terms. If there is any sanction agreed to as part of the resolution, the official responsible for implementing the sanction must maintain a record. Resolution need not imply an admission of culpability.

All resolutions must be agreed to, and signed by, by both parties. They are binding in that a formal complaint may not be filed later on the same set of circumstances. However, any conduct admitted by the respondent as part of the resolution may be considered in any future harassment proceedings. Any breach of the terms of an informal resolution agreement may result in disciplinary action or a further claim of harassment.

C. Consultation with Office for Institutional Equity

The Office for Institutional Equity should be consulted with in any case involving a complaint of harassment.

III. Management of Harassment Complaints

A. Filing a Complaint

1. By an individual

This process begins with the filing of a complaint. The complaint may be submitted to several resources, including OIE, HR Staff and Labor Relations, your department supervisor, manager or director. Students who wish to file a complaint may contact OIE, their department chair, school dean, academic advisor, an HPA or the Office of Student Conduct. If a complaint is filed with any Duke office, department or school other than OIE, the respective office or department is required to convey a record of the complaint to OIE. The department is also required to communicate with OIE with respect to how it intends to respond to the complaint and convey in writing how the matter was resolved.

A complaint filed with OIE, including Title IX sexual harassment complaints, should be directed to either one of the following OIE administrators:

Director of Harassment Prevention
Office for Institutional Equity
114 S. Buchanan Blvd., Bay 8
Box 90012
Durham, North Carolina 27708
(919) 684-8222

or

Duke University Title IX Coordinator
Office for Institutional Equity
114 S. Buchanan Blvd., Bay 8
Box 90012
Durham, North Carolina 27708
(919) 684-8222

The complaint may initially be communicated either orally or in writing. In either case, the filing of the complaint will be documented in writing.²

2. By the Office for Institutional Equity

OIE may file a complaint of harassment against any individual this office has a compelling reason to believe has engaged in harassment.³ Under these circumstances, OIE shall function as the complainant. In connection with such a complaint, the Chancellor, Provost, or Executive Vice-President, or his or her designate, shall perform all functions assigned to OIE in the process for formal resolution of harassment complaints as outlined in section “Formal Process for Managing Complaints of Harassment.”

B. Initial Management

The complaint shall include the names of the complainant and the respondent and the details of the conduct alleged to constitute harassment. In order to make the determination about the appropriate process for management of the complaint, OIE will examine the initial complaint and may request a written response from the respondent. In this case, OIE will mail or provide a copy of the complaint to the respondent within five business days of its receipt; within ten business days thereafter, the respondent must submit a written response to the charges of harassment to both the complainant and OIE.⁴ Within five business days after receiving the response (or, if no response was called for, within five business days of receiving the complaint), OIE will, after consultation with the complainant, initiate the process to be followed in handling the complaint.

C. Relevance to Future Proceedings

As is the case with informal resolution of an allegation, any conduct admitted to by the respondent as part of the resolution of a complaint may be used against him or her in a future proceeding.

D. Informal vs. Formal Process for Managing Complaints of Harassment

Complaints of harassment may be resolved through either the informal or formal process as described below. Use of the informal process is generally more expeditious and less polarizing than the formal process. The Office for Institutional Equity will discuss with the complainant the options for handling the complaint through either the informal or formal process.

When appropriate, the University may take interim preventive measures to insure the safety of the individual(s) submitting the complaint. These measures may be taken during the investigation or follow-up and prior to any determination regarding whether there has been a violation of the harassment policy.

Regardless of whether the informal or formal complaint handling process is used, substantive and, when warranted, procedural developments regarding an investigation will be communicated to the parties. All individuals involved in the resolution of complaints, whether through the formal or informal process, will receive training on the Policy and Procedures and on harassment standards and principles.

In cases in which the matter clearly falls outside the purview of this Harassment Policy, OIE shall make the appropriate referrals.

1. Informal Complaint Process

In the informal process for managing complaints of harassment, the Office for Institutional Equity and/or the department (in consultation with OIE) will investigate and manage the complaint. Tools available for managing the complaint in this informal process include, but are not limited to, one-on-one

² In some cases, the Office for Institutional Equity or the supervisor may have an obligation to investigate the complaint whether or not the complainant’s signature is obtained when the complaint is reduced to writing.

³ The University’s responsibility to appropriately address instances or patterns of harassment is not limited to the Office for Institutional Equity. If a manager, supervisor, or other individual with oversight responsibility becomes aware of possible harassment, either through an allegation or by observation, he or she has an obligation to respond to it, even without the complainant’s desire to proceed, as well as notify OIE of the possible harassment.

⁴ In certain circumstances, OIE has the discretion to extend this and other deadlines within this policy. In such cases, OIE will notify the parties of the extension.

meetings, appropriate investigation or follow-up, supervisory intervention, mediation, (although not for complaints of sexual assault), and/or education and training. The informal process shall take no longer than 45 business days from the time of the filing of the complaint; if the process will take longer, the parties will be notified (including as to the reasons for the delay). All parties will be given the opportunity to provide and to review information obtained during any investigation.

If an investigation is undertaken and there is a finding that the respondent violated the University's Harassment Policy, a recommendation regarding appropriate disciplinary action(s) will be made to a responsible official taking into consideration all of the circumstances of the current incident(s) as well as any prior admissions and/or findings of harassment. Examples of the types of remedial action that may be recommended in cases involving respondents who are faculty or non-faculty staff are the following: participation of the respondent in counseling; prohibition of the respondent from participating in grading, honors, recommendations, reappointment and promotion decisions, or other evaluations of the complainant; letter of reprimand placed in the respondent's personnel file; restrictions on the respondent's access to University facilities; limitations on merit pay or other salary increases for a specific period; or suspension or dismissal/termination from the University.

After consultation with OIE, the responsible official shall explain in writing the reason(s) for imposing any sanction(s) and remedies other than those recommended. Such written explanation shall be provided to OIE and maintained with OIE's record of the case, which shall be treated as a confidential document. OIE shall verify that all sanctions have, in fact, been imposed.

In addition to the aforementioned disciplinary action, the resolution of the complaint shall include an examination by the responsible official of what actions may be taken to reasonably remedy any negative consequences flowing from a violation of the harassment policy, as well as what actions can be taken to reasonably minimize the recurrence of such conduct.

The parties will be notified in writing of the outcomes concurrently within 15 business days of the completion of the investigation, including the findings and (consistent with the Family Educational Records Privacy Act, if applicable) any sanctions and other remedial actions.

2. Formal Complaint Process

a. Harassment Hearing Procedures

(1) Structure of the Hearing Panel

If, on the basis of consultation between the Office for Institutional Equity and the complainant, a determination is made by the complainant to initiate a formal hearing process, within ten business days OIE shall appoint a hearing panel selected by lot from the membership of the Harassment Grievance Board.⁵

⁵The Grievance Board shall consist of twenty-eight members, selected as follows from the University and its subsidiary organizations:

Twelve members of the Board shall be appointed by the Executive Committee of the Academic Council from among the various regular-rank faculties, including four from the clinical or research faculty of the Duke Health System.

Eight members of the Board shall be selected from among the non-faculty staff of the University by the Executive Vice President.

Four members of the Board shall be selected by the Duke Student Government (DSG) from the undergraduate student population, and four members shall be selected by the Graduate and Professional Students Council (GPSC) from the graduate/professional student population.

The appointing authority for each category of members shall consult with the Office for Institutional Equity prior to selecting any member to the Board to ensure that the members selected within each category reasonably represent the population of the University and its subsidiaries.

All members of the Board shall serve for a renewable two- or three-year term. Vacancies on the Board shall be filled in the same manner as members are selected. A member of the Board appointed to fill a vacancy shall serve the remaining term of the member being replaced.

OIE shall maintain the roster for each category of Board membership (faculty, non-faculty staff, and students) and coordinate training for members of the Board.

With one exception, hearing panels will consist of five members. These panelists will reflect the categories of the complainant and respondent (i.e., faculty, non-faculty staff, student). Two representatives from each party's category will be drawn from the membership of the Harassment Grievance Board. One additional member will be drawn from a category not represented by either party to the complaint. If the category of the complainant and the respondent is the same, a panel of three members is permissible. All members of such panels will be voting members and will participate in all activities of the hearing and the deliberation, including voting on the findings and recommendations for possible sanctions if a respondent is found to be in violation of the Duke University and Duke University Health System Harassment Policy. The chair of the hearing panel shall be elected by the members of the panel.

(a) Use of former members of the Harassment Grievance Board

When the number of Harassment Grievance Board members able or willing to serve on a panel is insufficient, panel members may be selected from former members of the Harassment Grievance Board.

(b) Right of Objection to the Composition of the Hearing Panel

Each party may object to the potential appointment to the hearing panel of any member of the Grievance Board because of perceived conflict of interest, bias, or prejudice. In naming the members of the hearing panel, the Office for Institutional Equity will take these objections, along with any concerns raised about conflicts of interest, into account in finalizing the panel. Members of the hearing panel must disclose any potential conflict of interest; no member of the panel may hear a case involving a party who is from his or her hiring unit. Any member who has a conflict of interest shall be replaced by lot from the pool of members in the same category.

(2) Initial Steps of Harassment Panel

After appointment of the hearing panel, the panel will convene to select its chair and to determine the most appropriate manner in which to proceed with the case.

The panel will review the documents and determine whether the complaint warrants a formal hearing procedure. If the panel decides that the case should be handled via the informal resolution process, it will remand the case to OIE for management. If it decides that the case warrants a formal hearing procedure, it will arrange the ensuing steps of the process. A decision by the hearing panel to forgo a formal hearing process is subject to appeal.

Prior to the hearing, or at any point during the proceedings, the chair may consult with the Office for institutional Equity about the complaint to determine the need for any consultants to assist the panel. At the chair's request, OIE may assign an appropriate consultant to assist the panel with technical issues relating to the type of harassment alleged. The chair may also arrange consultation with the University's legal counsel.

(3) Conduct of Hearing Process

Within the hearing process, all parties to the complaint must conduct themselves in a civil manner.

In all hearings, the following procedures are intended to protect the rights of both parties and to assure the fairness of the process:

- The hearing must be completed no later than fifteen business days after the panel is appointed, except for good cause or by agreement of the parties. The panel chair shall give parties written notice of the time and place of the hearing.
- Both parties shall attend the hearing. Neither party may be compelled to testify. The panel shall not draw a negative inference from the failure of either party to testify.
- The hearing is not a legal proceeding, but an internal mechanism for resolving complaints of harassment. Accordingly, each party has the right to one representative. This representative may help with preparation of the case, may be present when the case is heard, and may confer with the party during the hearing. The representative may address the hearing panel or question witnesses.

- Both parties have the right to present evidence, including a written opening statement or summary of their case, and to call a reasonable number of witnesses as determined by the hearing panel. Witnesses may be present only when testifying.
- Using a general standard of relevance to the complaint being heard, the panel shall determine what testimony will be permitted at the hearing. In most cases of alleged sexual harassment, the only sexual history admissible as evidence is that of the parties with each other to show that the conduct at issue was substantially similar to previous and/or subsequent behavior or that the conduct at issue was part of a pattern.
- Both parties have the right to question all witnesses, subject to reasonable limits imposed by the panel. However, the parties cannot question each other directly, but must submit their questions through the hearing panel.

(4) Standard of Proof

A violation of the harassment policy must be established by a preponderance of evidence. A preponderance of the evidence standard means that in the best judgment of the hearing panel or fact-finder, more likely than not a violation of the Harassment Policy occurred. The complainant has the burden of proof.

(5) Deliberation of the Hearing Panel

- a. Reaching a Finding – A majority vote of the panel shall decide whether a violation of the Duke University and Duke University Health System Harassment Policy has occurred. For a panel of five members, at least three votes constitute a majority; for a panel of three, two votes.
- b. Considering Prior Admissions and/or Findings of Acts of Harassment -- Before recommending corrective action, the panel may hear testimony regarding any prior determination that the respondent violated the University’s Harassment Policy, including any prior admissions and/or findings of harassment. The panel may also consider information concerning any prior findings of harassment at another institution. Any such prior determination may be considered by the panel in its recommendation of corrective action(s).
- c. Recommending Corrective Action(s) -- If the panel finds that the respondent violated the University’s Harassment Policy, it shall recommend appropriate corrective and/or disciplinary action(s), taking into consideration all of the circumstances of the current incident(s) as well as any prior admissions and/or findings of harassment. The panel has the power only to recommend and not to determine corrective actions. (See “Implementation of Corrective Actions,” below.) Examples of the types of remedial action that the panel may recommend in cases involving respondents who are faculty or non-faculty staff are the following: participation of the respondent in counseling; prohibition of the respondent from participating in grading, honors, recommendations, reappointment and promotion decisions, or other evaluations of the complainant; letter of reprimand placed in the respondent’s personnel file; restrictions on the respondent’s access to University facilities; limitations on merit pay or other salary increases for a specific period; or suspension or dismissal from the University.

In addition to the aforementioned disciplinary action, the resolution of the complaint shall include an examination by the responsible official of what actions may be taken to reasonably remedy any negative consequences flowing from a violation of the harassment policy, as well as what actions can be taken to reasonably minimize the recurrence of such conduct.

(6) Hearing Panel Report

Within ten business days following the conclusion of the hearing, the panel shall deliver to the Office for Institutional Equity a written two-part report. Part one shall summarize the information considered in the deliberative process and shall record the vote of the panel on the findings; the second part of the report shall detail, and record the vote on, the recommended corrective action(s), if any. Each part shall be signed separately by all members. Within 10 business days of receipt, OIE shall forward a summary of the findings, but not the recommended corrective action(s), if any, to the complainant and respondent, and a

copy of both the findings and the recommended corrective action(s) to the official responsible for implementing the panel's decision.⁶ The Provost will be notified of the resolution of all cases involving faculty.

a. Implementation of Corrective/Disciplinary Action(s)

Within fifteen business days after receiving the panel's report, the responsible official shall decide upon and (consistent with the Family Educational Records Privacy Act, if applicable) notify the parties in writing of corrective and/or disciplinary actions. In all cases in which a respondent is found to have violated the Harassment Policy, the responsible official may adopt in whole or in part the panel's recommendations for corrective action(s) or may impose any other lawful sanction(s) that the official deems appropriate, based on the panel's findings of fact. The finding itself is not subject to review by the responsible official.

After consultation with the Office for Institutional Equity, the responsible official shall explain in writing the reason(s) for imposing any sanction(s) other than those recommended by the panel. Such written explanation shall be provided to OIE and maintained with OIE's record of the case. Members of the hearing panel shall have access to a copy of the responsible official's written explanation, which shall be treated as a confidential document. OIE shall verify that the sanction has, in fact, been imposed.

b. Appeals Process

The findings of the panel shall become final ten business days after delivery of the report on the findings unless either the respondent or complainant files a written notice of appeal with the appropriate body (see 1-4 below) within that time. Appeals shall be made according to, and on the grounds allowed by, existing appeals procedures as follows:

- (1) **Faculty:** The Faculty Hearing Committee
- (2) **Non-Faculty Staff:** Duke Staff Handbook, Dispute Resolution Process
- (3) **Undergraduate Students:** Appellate Board procedures outlined in the Bulletin of Information and Regulations.
- (4) **Graduate/Professional Students:** The judicial procedures of the individual schools.

If no such procedures exist, the dean of the graduate or professional school to which the student belongs.

c. Record Keeping and Monitoring

Whenever there has been a finding of violation of the Duke University and Duke University Health System Harassment Policy, the responsible official will prepare a summary statement of the final disposition, which will become a part of the respondent's departmental file or disciplinary record; as such it is subject to the same rights to access, privacy, and confidentiality as other items in such files.

The Office for Institutional Equity shall maintain a file on each case in which it is aware of an evaluation of alleged harassment, whether the case has been handled through an informal or formal process.

⁶If the respondent is a member of the faculty, the responsible official is the dean of the school to which the respondent belongs or her or his designate. If the respondent is a non-faculty clinician or staff, the responsible official is the senior level officer within the respondent's area of employment, or her or his designate. If the respondent is a graduate or professional student, the responsible official is the Dean of the Graduate School or the professional school to which the student belongs. If the respondent is a post-doctoral fellow, research associate, or individual not otherwise categorized above, the responsible official is the senior level officer vested with professional oversight of the area or department, or her or his designate. Respondents who are undergraduate students utilize the process within the Student Affairs Office of Student Conduct.

This file shall include a written statement of the final disposition of the case. The file shall be subject to the confidentiality provisions of the Harassment Policy.

APPENDIX X: THE DUKE COMMUNITY STANDARD

Revised August, 2007

Duke University is a community dedicated to scholarship, leadership, and service and to the principles of honesty, fairness, respect, and accountability. Citizens of this community commit to reflect upon and uphold these principles in all academic and non-academic endeavors, and to protect and promote a culture of integrity.

To uphold the Duke Community Standard:

- I will not lie, cheat, or steal in my academic endeavors;
- I will conduct myself honorably in all my endeavors; and
- I will act if the Standard is compromised.

The Honor System

Students

Each undergraduate student admitted to Duke University is required to sign the Community Standard before matriculating. The Honor Council speaks to the incoming class each year and sponsors a class signing of the Community Standard as well as follow-up discussions on issues of academic integrity.

The Duke Community Standard (DCS) stresses the commitment that students share with all members of the community to enhance the climate for honesty, fairness, respect, and accountability at Duke University. Students affirm their commitment to foster this climate by signing a pledge that includes taking constructive action if they witness or know about behavior they perceive to be inconsistent with the DCS, which may include violation of university policies. Although there are no disciplinary sanctions associated with the failure to act, students are nonetheless expected to take action—to do something—as a responsibility of membership in the Duke Community.

The university recognizes that it is not always easy to act in these situations, but several alternatives are available to suit a student's level of comfort and confidence. These alternatives are not mutually exclusive.

- Speaking directly with the individual exhibiting the behavior, both to gain clarity about the situation and to inform the individual about the concern.
- Publicly calling attention to the behavior as it is occurring.
- For incidents involving social behaviors, alerting residence hall, Student Affairs, or other university staff. The information provided will give staff an opportunity to address the matter informally or through appropriate formal channels.
- For cases involving academic integrity, alerting the instructor that cheating may be occurring in the course. This alert can be in any form, including anonymous notification, and the reporting student will not be identified. The information provided will allow the faculty member to consider corrective measures, in consultation with staff in the Office of Student Conduct, and to address the topic with the class or suspected student(s).
- Directly alerting staff in the Office of Student Conduct (684-6938, conduct@duke.edu), who will confer with the faculty member involved, if an academic issue, or with the reporting student(s), strategizing next steps. Maintaining the confidentiality of the source is possible, but may limit the extent of action that can be taken.

Faculty

Faculty play a critical role in creating a climate of honesty, trust, fairness, respect, responsibility, and courage¹. Students rely on the faculty to establish clear class expectations, to promote an atmosphere in which learning with integrity is encouraged, and to confront situations of academic dishonesty. Faculty teach in different formats and have differing philosophies about teaching. Here are several useful general strategies that teachers are encouraged to adopt in the classroom²:

- Include a statement about the Duke Community Standard on your syllabus.
- When completing an exam or assignment, ask students to write and sign a pledge that states “I have adhered to the Duke Community Standard in completing this assignment.”
- Stress the importance of academic integrity in class. Discuss why it should matter to the student, why it matters to you, to your discipline, and to Duke University. Indicate how citation shows respect for other scholars.
- Be a role model: Cite sources in your lectures.

¹ The six fundamental values of academic integrity endorsed by the Center for Academic Integrity.

² Modified from information found in McCabe, D. L. and Pavela, G. (1997), “The Principled Pursuit of Academic Integrity.” *AAHE Bulletin*, vol. 50 no. 4, 11-12, and Cole, S. and Kiss, E. (2000), “What Can we do About Student Cheating?” *About Campus*, vol. 5, no.2, 5-12.

- Encourage students to come to you or to go to the Writing Studio if they are confused about citation practices or other research standards.
- Make sure your students understand not only what counts as plagiarism and cheating but also how to avoid engaging in these practices. Talk to them about managing their time, taking notes correctly, and using the Internet appropriately.
- Explain your expectations clearly. Provide written guidelines about collaborating with peers, citing sources, using notes or exams from previous classes, and accessing information during an examination.
- Assign focused and specific research topics and don't allow last-minute changes of topic.
- Reduce the opportunities and hence the temptation to cheat on exams; one method for doing so is to change exam questions between semesters or distribute alternate versions of the same exam.
- Act on suspected cases of academic integrity violations—students interpret inaction as a lack of caring about the issue. Discuss these cases with the staff in the Office of Student Conduct at (919) 684-6938.

As stated in the Faculty Handbook, “[m]embers of the faculty are expected to consult with the Associate Dean of Students/Director of the Office of Student Conduct regarding cases of possible academic misconduct” (section 6.3). Additionally, they may also consult with their department chair or the appropriate academic dean, who is expected to confer with the Office of Student Conduct.

The Undergraduate Disciplinary System

The purpose of the undergraduate disciplinary system is to promote honesty, fairness, respect, and accountability within the university community and to provide a fair and effective mechanism for resolving cases in which an undergraduate student (or group) is alleged to have violated the standards or policies of the university.

Faculty members and instructors are obligated to report any suspicion of academic dishonesty to the Office of Student Conduct by contacting staff in the Office of Student Conduct at 684-6938 or conduct@duke.edu. The staff will advise as to the appropriate method for handling the case (see below). Minor, first-time infractions may be resolved between the faculty member and the student. However, more serious cases, or repeat offenses, must be handled more formally through the Office of Student Conduct.

Upon receipt of a possible case of academic dishonesty, the Office of Student Conduct will conduct an investigation and determine whether the case should proceed with disciplinary action. Depending on the nature of the circumstances and whether the student accepts responsibility, cases are resolved either administratively with Student Conduct staff or through the Undergraduate Conduct Board, a body comprised of faculty, staff, and students. In any case, the faculty member bringing forward the complaint will be asked to provide information about the incident and the hearing officer/panel will determine whether a violation occurred. If it is determined that academic dishonesty occurred, the hearing officer/panel will also determine an appropriate response balancing the student's educational interests and the university's interests in maintaining consistent and high standards. (If the case is forwarded to the Undergraduate Conduct Board, the faculty member will likely be asked to be present at the hearing to answer questions about the issue.)

The faculty member will determine the appropriate grade for the assignment/course. A student may be penalized in grading only if the student has accepted responsibility for academic dishonesty or been found responsible for such through the Office of Student Conduct. Instructors are expected to communicate with students how they will grade academically dishonest work.

Optional, One-time Faculty-Student Resolution

This option for resolving cases of academic dishonesty is reserved for first-time, minor infractions by Duke undergraduates. The faculty member must first contact the Office of Student Conduct to discuss the appropriateness of this option with respect to the nature of the offense, as well as to learn of any prior violations by the student. If there is no record of prior offenses and the case appears to be one that, if adjudicated by a panel of the Undergraduate Conduct Board, would result in probation or a sanction less

severe than probation, it may be resolved between the faculty member and the student. Otherwise, the case must be forwarded to the Office of Student Conduct.

A faculty-student resolution may result in a reduced grade on the assignment, a reduced grade in the course, additional assignments, and/or other educational initiatives. (Both parties must agree upon the outcome.)

The outcome(s) of a faculty-student resolution must be reported by the faculty to the Office of Student Conduct for record keeping. This resolution will not become part of the student's disciplinary record unless there is a second violation, at which time both cases will be noted on the student's disciplinary record.

Process

The faculty member shall first contact the Office of Student Conduct to discuss the appropriateness of this option with respect to the nature of the offense, as well as to learn of any prior violations. Staff in the Office of Student Conduct may be reached at 684-6938.

If the student has no record of prior offenses and the case appears to be one that, if adjudicated by a panel of the Undergraduate Conduct Board, would result in probation or a sanction less severe than probation, it may be resolved between the faculty member and the student. This determination will be made by staff in the Office of Student Conduct.

The faculty member shall meet with the student and present any information relevant to the case.

The student shall have an opportunity to respond to the allegations.

If the faculty member believes that academic dishonesty has occurred, the faculty member should complete a Faculty-Student Resolution form, including the proposed outcome, and present this form to the student. The form may be found on the web site of the Office of Student Conduct at <http://studentaffairs.duke.edu/conduct/undergraduate-disciplinary-system/types-resolution/faculty-student-resolutions>.

Upon receipt of the proposed resolution, the student has 48 hours to consider and seek advice on whether to admit responsibility and accept the resolution.

If the student accepts the resolution, she/he should sign the Resolution form in the presence of the faculty member. The faculty member should then forward a copy of the form to the Office of Student Conduct (Box 90893 or email conduct@duke.edu).

If the student does not accept the proposed resolution, the Office of Student Conduct will initiate the formal disciplinary process.

The Administration

The Dean of Arts and Sciences or the Dean of the Pratt School of Engineering will ensure that the academic departments regularly review the Duke Community Standard and its requirements and the faculty's responsibilities with relation to academic dishonesty. The deans will also take steps to assure that new faculty understand both the Duke Community Standard and the regulations about academic dishonesty to which they are subject.

When the deans receive allegations of widespread violations of the Duke Community Standard, they will meet promptly with the relevant faculty, directors of undergraduate studies, and department chairs, helping them to develop effective responses to whatever problems are found to exist.

APPENDIX Y: STEPS IN THE PROCESS OF APPROVING NEW ACADEMIC DEGREES AND CHANGING THE NAME OF A UNIT

*Approved by Provost and ECAC September 20, 2000
Amended October 22, 2015*

New Academic Degrees

Final approval of all new academic degrees must come from the Board of Trustees. In the normal course, consideration of degree proposals takes between several months to a semester. In situations where the merits are absolutely clear and a reason to expedite is present, the approval process after the proposal emerges from the school or institute may be completed in somewhat less than two months, but such a tight schedule is not optimal to full faculty consideration. It is therefore best if the initiators of new degree proposals first determine the date of the Board of Trustees meeting at which they would want the proposal considered and work backwards with the appropriate faculty review committees to develop a calendar that is feasible for all involved.

While there is no fixed “recipe” for a degree proposal, a typical proposal would normally include:

- Introduction of Proposed Degree
- Rationale for the Degree/Program
- Relationship to Existing Programs (including whether proposal marks a potential “substantive change” for Duke¹)
 - At Duke (Graduate, Undergraduate, Professional)
 - At Other Institutions
- [Substantive Change Checklist](#)
- Statement of Resources Needed
- Review of Resources (personnel, finances, library materials) Available
- Statement of Additional Resources Required
- Potential or Actual External Funding
- Five-Year Student, Faculty and Resource Projection
- Students
- General Characteristics of Applicant Pool
- Opportunity Available to Graduates
- Degree Requirements (hours, courses, prerequisites, examinations, papers, internships, experience)
- Descriptions of New Courses to be Offered and Identification of Teaching/Supervisory Faculty (with vitae)
- Where relevant, Administrative Structure/Oversight of the Degree Program

The normal process for initiation and consideration of new degree proposals should follow the steps listed below. It is essential that the Provost be kept fully apprised of all considerations going on at the school levels concerning new academic degrees:

¹ “Substantive change” is a technical term defined by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) as “a significant modification or expansion of the nature and scope of an accredited institution.” There are 15 different kinds of substantive change as outlined in the relevant policy: <http://www.sacscoc.org/pdf/081705/Substantive%20change%20policy.pdf>. Questions about this policy should be addressed early on with the Vice Provost for Academic Affairs at 684-2631.

Initiation of a new degree/program proposal normally begins within an existing academic unit (i.e., departments, divisions, other degree-granting subunits, or schools) and should first be vetted by the entire faculty or the designated governing bodies of that unit's faculty, as appropriate, and by faculty of other relevant units in the case of interdisciplinary degrees.

The unit forwards the complete proposal and a letter of support from the chair to the relevant dean or director. If the Provost has not yet been informed about the proposed program, the dean or director should do so at this point.

The dean or director presents the proposal to the school's or institute's governing body for its approval.

If the degree is an undergraduate or professional degree, the dean or director then forwards the proposal to the Provost. If it is a graduate degree, the proposal must first be submitted to the Dean of the Graduate School for consideration by the Executive Committee of the Graduate Faculty. It would then be forwarded to the Provost.

The Provost, after such consultation and advisement as he or she considers appropriate, forwards the proposal to the Executive Committee of the Academic Council. In this consultation, the Provost may refer the proposal to the Academic Priorities Committee for its consideration and recommendation.

ECAC reviews the proposal and schedules a presentation to the Academic Council. The Council generally receives the proposal at one meeting and votes on the proposal at a subsequent meeting. If the degree is approved, the Academic Council then forwards the resolution to the Provost and the University Secretary for presentation to the Board of Trustees.

The Board of Trustees votes approval or disapproval. (Trustees meet four times a year, in late September or early October, December, February and May).

Examples of degree proposals and meeting dates for ECAC and Academic Council, as well as other information, are available at the Academic Council Office, phone (919) 684-6447, or the Provost's Office, phone (919) 684-2631.

Changing the name of a unit

The normal process for initiation and consideration of proposals to change the name of a unit should follow the steps listed below. It is essential that the Provost and Vice Provost for Academic Affairs be kept fully apprised of all considerations by the proposing unit.

Initiation of a proposal to change the name of a unit typically begins within an existing academic unit (i.e., departments, divisions, other degree-granting subunits, or schools) and should first be vetted by the entire faculty or the designated governing bodies of that unit's faculty, as appropriate, and by faculty of other relevant units in the case of interdisciplinary units.

The unit should forward the complete proposal and a letter of support from the chair to the relevant dean or director. If the Provost and Vice Provost for Academic Affairs have not yet been informed about the proposed program, the dean or director should do so at this point.

The dean or director should then present the proposal to the school's or institute's governing body for its approval.

The dean or director should then forward the proposal to the Provost and Vice Provost for Academic Affairs.

The Provost, after such consultation and advisement as he or she considers appropriate, will forward the proposal to the Academic Programs Committee. If their recommendation is positive, the Provost will forward the proposal to the Executive Committee of the Academic Council (ECAC) for its consideration and recommendation.

ECAC will review the proposal and schedule a presentation to the Academic Council for review and vote. If the proposal is approved, the Academic Council will forward the resolution to the Provost, Vice Provost for Academic Affairs, and the University Secretary for presentation to the Board of Trustees.

For units with no faculty governance body, the Dean of the College/School or Director of the Institute/Center should submit the proposal to the Provost and Vice Provost for Academic Affairs.

APPENDIX Z: POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS

Adopted March 2002; revised July 1, 2018

Duke University is committed to maintaining learning environments as free as possible from conflicts of interest, exploitation, and favoritism.

The integrity of the student-teacher relationship is of fundamental importance to the central mission of the university. Students look to their professors for guidance and depend upon them for assessment, advancement, and advice. Faculty-student romantic or sexual consensual relationships create obvious dangers for abuse of authority and conflict of interest that can be actual, potential, and apparent.

Faculty-undergraduate student romantic or sexual relationships are problematic under any circumstance. The inherent power differential between faculty and undergraduate students undermines the possibility of meaningful consent. Such relationships introduce dynamics that detract from the educational mission of the University.

Faculty-graduate student romantic or sexual relationships are problematic if the graduate student is dependent upon the faculty member for access to research opportunities, supervision of thesis or dissertation work, and assistance in pursuing job opportunities. In addition, consensual romantic or sexual relationships between faculty and graduate students may impede the education of students not directly involved in the relationship through real or perceived unfairness in treatment or evaluation. However, romantic or sexual relationships between consenting faculty members and graduate students are unobjectionable if the faculty members and students in question do not bear an educational relationship with one another.

Undergraduate Students

Consensual romantic or sexual relationships between faculty members and undergraduate students enrolled in Duke University or participating in Duke programs are prohibited.*

Any violation of this policy with respect to undergraduates shall be deemed misconduct as that term is used in the Faculty Handbook. Violation of the policy may result in sanctions for the faculty member, including but not limited to, mandatory training or counseling, reprimand, probation, suspension, loss of privileges, demotion, removal of title(s), or termination. The relevant Dean shall determine sanctions for violations. The faculty member may appeal the Dean's decision on sanction to the Provost.

*This policy will apply to any consensual romantic or sexual relationship between a faculty member and an undergraduate student that exists on the date this policy becomes effective. However, any faculty member in such a relationship may apply to the Provost for an exception to this policy. Such application should be made within thirty (30) days of the effective date of this policy.

Graduate Students

Consensual romantic or sexual relationships between faculty members and graduate students are prohibited except under the following circumstances:

- (a) the faculty member has no current role, and is not expected to have any role in the future teaching, supervising, mentoring, or evaluating the student and the faculty member and graduate student are in different schools; or

- (b) if the faculty member and the graduate student are in the same school: (i) the faculty member has no current role, and is not expected to have any role in the future teaching, supervising, mentoring, or evaluating the student; and (ii) the faculty member reports the relationship in writing immediately to the relevant Dean, with copy to the [Institutional Ethics and Compliance Program](#), and represents to the Dean that there are no reasons that require prohibiting the relationship.

A faculty member who has had a past romantic or sexual relationship with a graduate student is prohibited from teaching, supervising, mentoring, or evaluating the student.

A faculty member is not required to report consensual romantic or sexual relationships that fall into category (a) above. A faculty member is required to report to the relevant Dean any current consensual romantic or sexual relationships that fall into category (b) above.

Any violation of this policy with respect to graduate students may be deemed misconduct as that term is used in the Faculty Handbook. Failure to report a consensual romantic or sexual relationship falling under category (b) above is a violation of this policy. Violation of the policy may result in sanctions for the faculty member, including but not limited to, mandatory training or counseling, reprimand, probation, suspension, loss of privileges, demotion, removal of title(s), or termination. The relevant Dean shall determine sanctions for violations. At his or her discretion, the Dean may appoint an existing or *ad hoc* faculty committee to advise on sanctions. The faculty member may appeal the Dean's decision on sanctions to the Provost.

Teaching Assistants, Research Assistants, Tutors, Graders, and Other Students Charged with Academic Instruction of Other Students

Consensual romantic or sexual relationships between any student charged with academic instruction and students receiving such instruction are prohibited. This applies to teaching assistants, research assistants, tutors, graders and any other students who provide academic instruction to any other student.

The relevant Dean or his or her designee is empowered to address and remediate situations in which students charged with academic instruction are involved in a consensual romantic or sexual relationship with any student subject to such instruction. Remedial measures may include regrading exams or papers or no longer allowing a student to continue serving in an instruction role. Any violation of this policy by students may violate student conduct policies.

Definitions

Duke University: Duke University and related entities, including Duke University Medical Center and Health System.

Faculty: all Duke University regular rank faculty and all non-regular-rank faculty titles in the Faculty Handbook, faculty of other institutions when teaching at Duke or in Duke programs, and faculty of other institutions who participate in Duke academic matters affecting students (*e.g.*, serving as an external review on a Ph.D. committee).

Students: all those enrolled full-time or part-time in any program of Duke University and its various schools. A student's status as "student" ceases at the time the student graduates or otherwise separates from his or her educational program at Duke. Any reference to "Graduate" students includes professional school students.

Consensual relationships: romantic or sexual relationships willingly undertaken by the parties.

NOTE: Consensual relationships between employees, including between faculty members, are covered under Duke Human Resources policies. For purposes of this policy, trainees such as postdoctoral appointees and graduate medical trainees are considered employees.

REVISIONS TO THE 2002 FACULTY HANDBOOK

As of June, 2018

Date of Change	Page(s)	Description of Changes
June, 2018	Cover page	1. Changed date to June, 2018
June, 2018	Table of Contents	2. Updated the title of Appendix Z
June, 2018	Appendix T	3. Updated the Sanford School of Public Policy Bylaws including adding the June 6, 2018 date for the amended document and modified appendixes, and updating the sections on Voting Procedures, Re-appointments, Tenure and Promotion, Other Matters for Decision by the Faculty, Standing Committees, and revisions to the faculty list
June, 2018	Appendix Y	4. Updated the link to the Substantive Change Checklist
June, 2018	Appendix Z	5. Updated the title of the document to the Policy on Consensual Romantic or Sexual Relationships Between Faculty and Students and included the new text
April, 2018	Cover page	6. Changed date to April, 2018
April, 2018	Chapter 1	7. Revised the title and updated the description of the Vice Provost for Undergraduate Education; updated sections on the Office of Information Technology and Duke University Information Technology Security Office, and added the Web Accessibility Initiative to the Disability Management System section
April, 2018	Chapter 4	8. Updated links to policies/forms (Distinguished Professorships Policy; Special Compensation in Addition to Base Salary, Extraordinary Pay and Supplementary Pay; Flexible Work Arrangement form; Leave Application form
April, 2018	Chapter 5	9. New version of document as provided by the Office of Research Support
April, 2018	Appendix P	10. Updated the link to the checksheet for videotaping of lectures
September, 2017	Cover page	11. Changed date to September, 2017; updated the non-discrimination policy/statement
September, 2017	Table of Contents	12. Removed the link in Appendix A to the University's governing documents; corrected the title of Appendix W replacing Duke University Health System with Duke Health

Date of Change	Page(s)	Description of Changes
September, 2017	Chapter 1	<p>13. Added the faculty, Provost’s and President’s statement on excellence, diversity and inclusion; inserted new link to the University’s governing documents; corrected the number of times a year the Board of Trustees Executive Committee meets and corrected the name of the Audit Committee to Audit, Risk and Compliance; updated the selection of a chair in the Medical School (basic science or clinical department); changed the section on Medical and Allied Health Education to Medical and Health Professions Education and updated it; under University and Medical Center Archives, changed Duke Medicine to Duke Health and removed Duke University Medical Center from the second paragraph; added ‘technology innovation; labs and support’ to the description of the Office of Information Technology; updated the link to the Office of News and Communications; updated the link to the policies under the section on Office of Public Affairs and Government Relations</p>
September, 2017	Chapter 2	<p>14. Updated the Law School’s text related to Appointment, Promotion, and Tenure and the Rules of the School of Law in the section on Bylaws of the Professional Schools</p>
September, 2017	Chapter 3	<p>15. Added the section on Appointment, Reappointment, and Promotion of regular rank non-tenure track faculty for schools and institutes under the provost and the June 2017 revision date</p>
September, 2017	Chapter 4	<p>16. Updated the section on Faculty Compensation – Extraordinary Pay; changed Duke Medicine to Duke Health in the flexible work arrangements policy section; removed hyperlink and inserted the link to the Flexible Work Arrangement Form; in the sections on temporary parental leaves for regular rank and non-regular rank faculty, updated the titles of those in the Schools of Medicine and Nursing responsible for developing the plans for management of clinical and teaching responsibilities; removed hyperlink and inserted the link to the form to request a temporary parental leave, temporary medical leave, or tenure clock relief; updated the link to the distinguished professorships policy; parking subsidy for emeriti faculty extended to 2019</p>

Date of Change	Page(s)	Description of Changes
September, 2017	Chapter 5	<p>17. New version of document as provided by the Office of Research Support; 5.1.1.9 Research Administration and Research Support, changed the School of Nursing Research Affairs office to Center for Nursing Research and removed “with the exception of NIH Type 5 applications”; 5.1.1.5 added a paragraph on embargoed/sanctioned countries; updated the link and contact information for the Faculty Ombuds; updated the contact information for the Office of Foundation Relations and the Office of Duke Health Foundation Relations and Corporate Giving; updated the links to the Conflict of Interest reporting system, Vaccination and Health Review Policy, Fieldwork Safety Policy, Duke University Safety Manual, Duke University Laboratory Safety Manual, Report of Work-Related Injury or Illness, Recombinant DNA Registration Forms and SOP Templates, Policy on Biological Agents and Toxins; removed hyperlinks to the Fieldwork Safety Policy, Safety Plan, and Safety Guidelines for Fieldwork and added one link to the Fieldwork website</p>

Date of Change	Page(s)	Description of Changes
September, 2017	Chapter 6	<p>18. Under the Class Changes section added links to the detailed policies for undergraduates in Trinity College and the Pratt School of Engineering; updated the I-Incomplete Work section; added a description and link for the School of Nursing Personal Integrity Policy and Guidelines; under Grading, I-incomplete work, added ‘at most’ to the sentence on the School of Nursing (In the School of Nursing one year, at most, is allowed for completion.); Graduate and Professional School symbols, added CR and NC to the Graduate School, W to Medicine and changed Graduate Nursing to School of Nursing and corrected the credit and no credit symbols; School of Medicine course audit policy replaced with new version; School of Medicine grade appeal process replaced with new version; added a link to the Student Sexual Misconduct Policy; Class Changes section, added links to the Divinity School and Sanford School bulletins and updated the section on the Graduate School; Summer Session section, added that courses may not be added without permission from the student’s academic dean; changed Class Lists to Class Rosters; updated the section on Education Records/Family Education Rights and Privacy Act; updated the link to the Varsity Athletic Participation site; replaced the link to the Rules of the School of Law 3-16 through 3-18 with the appropriate text on examination requirements, submission of papers, and marks of incomplete in the School of Law; replaced the link to the Rules of the School of Law 3-15 with the appropriate text on repetition of courses; replaced the link to the Rules of the School of Law 3-19 with the appropriate text on reporting of grades; replaced the link to the Rules of the School of Law 3-20 with the appropriate text on grade changes</p>
September, 2017	Chapter 7	<p>19. Updated the title to Director of Copyright & Scholarly Communications and removed the name; under the Medical Center Library Profile, changed one reference to Duke Medicine to Duke Health; removed the section on the Rubenstein Library Renovation from the University Libraries chapter; changed Duke Medicine to Duke Health</p>

Date of Change	Page(s)	Description of Changes
September, 2017	Appendix A	20. The text of the governing documents was added to the appendix replacing the link to the documents on the Office of the University Secretary website that had previously appeared
September, 2017	Appendix C	21. Updated the link to the Board of Trustees Procedures for Appointment and Review of Officers; added the Sanford School of Public Policy to the section on Selection of Administration Personnel
September, 2017	Appendix E	22. Revised the Procedures for Faculty Recruitment, Promotion and Tenure – Faculty Recruitment section, the offer letter will now be written by the dean’s office with copies to the department and provost’s offices; Promotion and Tenure section, changed the number of suggested external referees (up to three) in 2. and the number of letters requested from outside referees (at least six) in 3.
September, 2017	Appendix F	23. Under V. Procedures, inserted new text for the section on leaves of absence and review and evaluation of continuing faculty (review of faculty on term contract/regular rank nontenure-track faculty) and updated the dates of passage and effect at the end of the document
September, 2017	Appendix I	24. Replaced a link with the text for the Law School’s procedures for appointment, promotion and tenure
September, 2017	Appendix J	25. Updated the section on materials to be submitted by the department in support of nominations for tenured appointments and promotions including new links; updated the procedures and criteria for appointment, promotion, and tenure by removing references to the disbanded Basic Sciences Appointments, Promotions, and Tenure Committee
September, 2017	Appendix N	26. Changed the title to Faculty Umbuds and Faculty Hearing Committee and replaced the appendix text with a new version
September, 2017	Appendix P	27. Updated the title of the Director of Copyright and Scholarly Communications and removed the names of the Director and the specific person in the University Counsel’s Office to contact for assistance; corrected instructions on password protection of copyrighted course content on websites

Date of Change	Page(s)	Description of Changes
September, 2017	Appendix Q	28. Removed the Presidential Awards Screening Committee and the Patent Policy Committee; corrected the name of the Board of Trustees Audit Committee to Audit, Risk and Compliance; added the Faculty Hearing Committee to the list of Academic Council Committees
September, 2017	Appendix T	29. Added new effective date of June 15, 2017 and changed the amended and modified appendices dates; updated the section on Criteria for Appointments, Reappointments, and Promotions for Regular Rank, Non-Tenure Track Faculty in Public Policy; updated the list of faculty in Appendix 1 and added Appendix 3
September, 2017	Appendix U	30. Updated version of Appendix U (travel) added
September, 2017	Appendix W	31. Made the changes in the document which were approved in June and November, 2016
September, 2017	Appendix Z	32. Inserted new links to the Harassment Policy and the Nepotism (Hiring of Relatives) Policy
February, 2016	Cover page	33. Changed date to February, 2016, updated the discrimination statement, and added the contact information for the director of Title IX compliance and Age Discrimination Act coordinator
February, 2016	Table of Contents	34. Corrected the table of contents for Appendix P; removed 'and principles governing internal room use fees' from the title of Appendix S; corrected the title of Appendix Y to reflect the addition of changing the name of a unit
February, 2016	Chapter 1	35. Updated sections on the Office for Institutional Equity and Harassment Prevention and Gender Equity, Continuing Education, Office of University Development, and the Office of Alumni Affairs-Duke Alumni Association
February, 2016	Chapter 4	36. Updated the section on the Faculty Hearing Committee; edited emeriti faculty library access and identification card wording; added dean, School of Medicine's support of parking for emeriti faculty and changed the date for review of the emeriti parking policy to 2017
February, 2016	Chapter 5	37. New version of document as provided by the Office of Research Support with additional changes to the section on Office of Licensing and Ventures, Vice Deans for Basic Science and Clinical Research and cost sharing

Date of Change	Page(s)	Description of Changes
February, 2016	Chapter 6	38. Incorporated changes from the School of Medicine including sections on Class Changes: Withdrawals and Additions, grading, course audit, incomplete work, W-withdrawal from a course, W-medical leave of absence, reporting grades, holidays, and severe weather attendance policy and also from the School of Nursing to the sections on Class Changes: Withdrawals and Additions, Academic Year, grading symbols, and withdrawal from a course
February, 2016	Chapter 7	39. Section on the Rubenstein Library renovation was updated to reflect the summer 2015 completion of the renovations and opening to students/researchers when classes begin in fall 2015
February, 2016	Appendix C	40. Updated the section on Faculty Participation in the Appointment and Retention of Administrators including the addition of the link to Board of Trustees' Procedures for Appointment and Review of Officers; added to section IV Faculty Ombuds and Faculty Hearing Committee that complaints of discrimination or harassment may also be filed with the Office for Institutional Equity or when involving a student with the Office of Student Conduct
February, 2016	Appendix K	41. Added the most recent version of the School of Nursing Faculty Governance Association Bylaws
February, 2016	Appendix N	42. Added to the section on jurisdiction that complaints of discrimination or harassment may also be filed with the Office for Institutional Equity or when involving a student with the Office of Student Conduct
February, 2016	Appendix P	43. Replaced the Policy on Inventions, Patents, and Technology Transfer with a new version; removed the Interpretations of the Policy on Inventions, Patents, and Technology Transfer; updated the section on Interpretation of the Policy on Inventions, Patents, and Technology Transfer Reaffirming the Rights of Undergraduate Students
February, 2016	Appendix Q	44. Updated the list of Provost committees
February, 2016	Appendix R	45. Corrected the location of the Medical School's Allied Health Registrar and Medical School Financial Aid Office and added the procedure to be followed for Medical and Allied Health student requests for access to records

Date of Change	Page(s)	Description of Changes
February, 2016	Appendix S	46. Incorporated the new University Lands and Facilities and changed the name of the appendix (removed from the title: policy principles governing internal room use fees)
February, 2016	Appendix T	47. Updated the Sanford School of Public Policy Bylaws
February, 2016	Appendix W	48. Added a link to the Discrimination Grievance Procedure
February, 2016	Appendix Y	49. Added to the title and the procedure for changing the name of a unit
April, 2015	Cover page	50. Changed date to April, 2015
April, 2015	Appendix T	51. Updated the Sanford School of Public Policy Bylaws including sections on quorum, voting procedures, definition of faculty titles, reappointments, secondary appointments, other matters; added senior lecturer; revised formatting of dates on which certain School Deans were established
April, 2015	Appendix W	52. Added the section on reporting sexual misconduct involving students and corrected the outline levels under (6) Hearing Panel Report
October, 2014	Cover page	53. Changed date to October, 2014
October, 2014	Table of Contents	54. Changed Ombudsman to Ombuds in Appendix N Ombuds and Faculty Hearing Committee; removed the confidentiality policy from Appendix C (moved to Chapter 3); removed 'terms and definitions' from Appendix O: Financial Conflict of Interest Policy
October, 2014	Chapter 1	55. Added the Global Education Office for Undergraduates to the description of the Vice Provost of Undergraduate Education; added three new offerings to the Continuing Education section; removed the section on the Office of Community Affairs; updated the section on the Office of Durham and Regional Affairs
October, 2014	Chapter 2	56. Added the Senior Lecturer title to the Rank and Title section; in Faculty Governance updated the section for the Pratt School of Engineering and added the Dean of the School of Nursing to the membership of The Medical Center Executive Committee
October, 2014	Chapter 3	57. Moved the section on Confidentiality Policy from Appendix C to Chapter 3 and deleted the August 2009 revision date as it had been added in error

Date of Change	Page(s)	Description of Changes
October, 2014	Chapter 4	58. Changed Ombudsman to Ombuds; updated the nondiscrimination statement in the Faculty Hearing Committee section; updated access to identification cards and removed sentence on library carrel space in the Retirement section; corrected School of Nursing titles in the sections on Faculty Governance, Faculty Recruitment, and Temporary Parental Leaves – Non-Regular Rank Faculty, and updated the Leave Request Process for Leaves for Non-Academic Reasons for the School of Nursing
October, 2014	Chapter 5	59. New version of document as provided by the Office of Research Support; changed Ombudsman to Ombuds
October, 2014	Chapter 6	60. Added Campus Life to the section on Services Provided by the Division of Student Affairs and revised the web addresses; revised first paragraph of the I-Incomplete Work and W-Withdrawal from a Course sections and edited the Excused Absences: Trinity College and the Pratt School of Engineering section pertaining to Varsity athletic participation; Law School grading symbols updated; updated a web address in the Academic Dishonesty section and made minor text revisions
October, 2014	Chapter 7	61. In the section on the Ford Library at the Fuqua School of Business, updated the list of subscription databases
October, 2014	Appendix C	62. In the appendix on Academic Freedom and Academic Tenure, replaced Ombudsman with Ombuds; added the nondiscrimination wording in the section on the Faculty Ombuds and Faculty Hearing Committee; moved the section on Confidentiality Policy to Chapter 3
October, 2014	Appendix E	63. Corrected a typographical error in the table of contents of the appendix on the Pratt School of Engineering
October, 2014	Appendix F	64. Replaced Ombudsman with Ombuds in the Divinity School Bylaws
October, 2014	Appendix G	65. Replaced Ombudsman with Ombuds in the Nicholas School of the Environment Faculty Bylaws
October, 2014	Appendix H	66. Replaced Ombudsman with Ombuds in the Fuqua School of Business Faculty Bylaws

Date of Change	Page(s)	Description of Changes
October, 2014	Appendix I	67. Corrected a committee name to read the Law School Lateral Faculty Appointments Committee (removing 'and Promotion') in the Law School's Procedures for Appointment, Promotion, and Tenure
October, 2014	Appendix N	68. Replaced Ombudsman with Ombuds and updated the nondiscrimination statement wording in the appendix on the Ombuds and Faculty Hearing Committee
October, 2014	Appendix O	69. Updated the sections on the Duke University Conflict of Interest Disclosure Form and the Institutional Conflict of Interest in Research Implementation in the appendix on Financial Conflict of Interest Policy
October, 2014	Appendix Q	70. Updated the list of University Committees appointed by the President and Provost
October, 2014	Appendix T	71. Updated the date of the Sanford School Bylaws and modified appendixes; updated the list of faculty; added the position of Associate Dean for Strategy and Innovation
October, 2014	Appendix X	72. Updated a website to the Office of Student Conduct and changed some references from the Associate Dean of Students/Director of the Office of Student Conduct to staff in the Office of Student Conduct in the appendix on the Duke Community Standard
January, 2014	Cover page	73. Changed date to January 2014
January, 2014	Table of Contents	74. Added Interpretations of the Policy on Intellectual Property Rights as it Relates to Online Courseware to Appendix P in the Table of Contents and changed the name of Appendix U from Travel Insurance to Travel
January, 2014	Chapter 1	75. Updated a link in the Office of Information Technology section
January, 2014	Chapter 2	76. Updated the section on Faculty Governance, Academic Council with new numbers of members from the faculty and of the Executive Committee and the appointment procedures for the vice chair and faculty secretary
January, 2014	Chapter 4	77. Updated section on Other Matters Relating to Leaves regarding university contributions to the Faculty and Staff Retirement Plan while on sabbatical leave; updated the link to the memo on special compensation in addition to base salary
January, 2014	Chapter 5	78. Updated the link to the Vice Provost for Research

Date of Change	Page(s)	Description of Changes
January, 2014	Chapter 6	79. Added to Faculty Responsibilities to Students sections on scheduling of field trips and funding field trips
January, 2014	Appendix D	80. Updated the link to the Arts and Sciences Chair's Handbook for detailed information on the procedure for appointments, reappointments, promotion and tenure in A&S (supplements the Provost's procedures)
January, 2014	Appendix P	81. Added the Interpretations of the Policy on Intellectual Property Rights as it Relates to Online Courseware; updated links to the certification process for conducting research with human subjects, the Belmont Report and the IP check sheet for taping of lectures
January, 2014	Appendix Q	82. Added the Office of Licensing and Ventures Steering Committee
January, 2014	Appendix T	83. Updated the Sanford School Bylaws with the January 6, 2014 version that included changes to Distinguished Professorships
January, 2014	Appendix U	84. Changed the name of Appendix U from Travel Insurance to Travel and replaced the text with the new version
September, 2013	Cover page	85. Changed date to September 2013
September, 2013	Table of Contents	86. Added Principles Governing Internal Room Use Fees to Appendix S in the Table of Contents
September, 2013	Chapter 1	87. Changed DUMAC, LLC to DUMAC, Inc. and updated the description; updated the section on the IT Security Office (ITSO); revised the section on the Division of Student Affairs; updated a link in the section on the Office of Public Affairs and Government Relations; revised wording under the Office of University Development; updated number of alumni in the Office of Alumni Affairs – The Duke Alumni Association section
September, 2013	Chapter 4	88. Retirement section – Added stipulation that a letter from the emeriti faculty member's department is required to obtain a Duke Identification Card; parking subsidy for emeriti faculty was extended through June, 2014 (premium lots remain excluded) and will be reviewed every two years; updated link to Distinguished Professorship Policy

Date of Change	Page(s)	Description of Changes
September, 2013	Chapter 5	89. New version of document as provided by the Office of Research Support with changes from the School of Medicine. Individual changes are too numerous to list, but include: separating out Corporate Relations and Foundation Relations (rather than Corporate and Foundation Relations); updating research policies for undergraduate and graduate students; updating sections on Export Controls and Fieldwork Safety; updating section on Use of Select Biological Agents and Toxins (added 'Toxins' and updated language in the section)
September, 2013	Chapter 6	90. Made minor grammatical changes; added new link for the School of Medicine Bulletin; added 'at the latest' text to the timeframe for resolving an assignment of 'I' (incomplete); added to the 'Religious Holidays' section that instructors are expected to accommodate students wishing to observe a religious holiday; added Program II to the section on Academic Advising, Trinity College and Pratt School of Engineering; revised sections on Academic Dishonesty (Trinity College and Pratt School of Engineering) and Services Provided by the Division of Student Affairs
September, 2013	Chapter 7	91. Replaced dated references to the library system with main library system or Duke University Libraries; added section on the Rubenstein Library renovation
September, 2013	Appendix B	92. Updated the Bylaws of the Academic Council by adding the faculty secretary to the Executive Committee of the Academic Council and designating that a valid ballot for the election of ECAC members must contain selections equal to the number of open seats
September, 2013	Appendix D	93. Updated the link to Chapter 3 in the section on the Procedure for Appointments, Reappointments, Promotions and Tenure in Arts & Sciences
September, 2013	Appendix L	94. APT Process for Tenure Track Faculty With Primary Appointments in Clinical Departments – Updated the general considerations and Departmental Level Review, Initiation of Review for Promotion/Tenure section
September, 2013	Appendix O	95. Updated the link for the Conflict of Interest Disclosure Form and updated the section on Institutional Conflict of Interest in Research Implementation with the April, 2013 version

Date of Change	Page(s)	Description of Changes
September, 2013	Appendix Q	96. Updated the list of University Committees appointed by the President and Provost and Academic Council Committees
September, 2013	Appendix S	97. Added Principles Governing Internal Room Use Fees
September, 2013	Appendix T	98. Removed June 24, 2011 from the date on which the Bylaws for the Sanford School of Public Policy modified appendixes were made; updated the faculty in Appendix 1 of the bylaws
September, 2013	Appendix W	99. Revised the Statute of Limitations section to include specific statements on complaints against students and other respondents
September, 2013	Appendix X	100. Updated the section on the Undergraduate Disciplinary System
September, 2013	Appendix Y	101. Updated the link to the substantive change checklist
September, 2013	Appendix Z	102. Updated the link in the Resources section to the Nepotism section of Chapter 4 of the Faculty Handbook
April, 2013	Appendix P	103. Added the interpretation of the Policy on Inventions, Patents, and Technology Transfer Reaffirming the Rights of Undergraduate Students
February, 2013	Cover page	104. Updated the date of the Handbook to February 2013
February, 2013	Chapter 4	105. Revised the tenure clock relief policy
February, 2013	Appendix P	106. Changed eligibility for principal investigator status in the School of Medicine (see School of Medicine Components); removed the policy manual reference and August 1997 date
November, 2012	Cover page	107. Updated the date of the Handbook to November 2012
November, 2012	Chapter 3	108. Added School of Nursing to the introduction of applicable faculty; added Flexible Work Arrangement language to the section on Appointment and Promotion with Tenure; Promotion and Tenure section revised including an update to the appeal process
November, 2012	Chapter 6	109. Updated the block scheduling policy for Trinity College, Sanford School of Public Policy, Pratt School of Engineering, Nicholas School of the Environment, and Graduate School
November, 2012	Appendix B	110. Replaced the Bylaws of the Academic Council with the new version

Date of Change	Page(s)	Description of Changes
November, 2012	Appendix C	111. Updated the section on the review of the Provost, Chancellor for Health Affairs, and Executive Vice President
September, 2012	Cover page	112. Updated the date of the Handbook to September 2012 and updated the nondiscrimination statement
September, 2012	Table of contents	113. Changed the name of Appendix R to Student Records Policy and Appendix W to Duke University/Duke University Health System Harassment Policy and Procedures
September, 2012	Chapter 1	114. Revised the section on Selection of Institute Directors; updated sections on Continuing Education, Summer Session, and the Division of Student Affairs; added the section on the Information Technology Security Office; updated number of issues of Duke Magazine sent each year
September, 2012	Chapter 4	115. Corrected text to indicate final responsibility for granting sabbatical leaves rests with the Provost; Family Medical Leave wording changed to reflect that it must be taken concurrently with other paid leaves where eligible; updated description of campus online publications accessible to Emeriti faculty; deleted reference to Emeriti status being included on the Duke Identification Card; updated availability of parking subsidy
September, 2012	Chapter 5	116. New version of document as provided by the Office of Research Support with changes from the School of Medicine. Individual changes are too numerous to list, but include: Research Administration and Research Support section; School of Medicine Compliance; Office of Licensing and Ventures; Safety Training Requirements; Use of Hazardous Materials

Date of Change	Page(s)	Description of Changes
September, 2012	Chapter 6	117. Updated website links; revised procedure to clear an I (incomplete work); revised excused absences for Trinity College and Pratt School of Engineering regarding short-term illness; revised location of guidelines on undergraduate teaching assistants; updated Regular Scheduling section to include the Nicholas School of the Environment; updated the Satisfactory/Unsatisfactory Grading System; corrected the School of Nursing name in the Reporting Grades section title; updated the website in the section on Academic Dishonesty; replaced the Services Provided by the Division of Student Affairs section with new text; added grade level X for the Sanford School to the Graduate and Professional School Symbols section; revised the section on repetition of courses for the Sanford School
September, 2012	Chapter 7	118. Changed the number of libraries to six, changed the Rare Book, Manuscripts and Special Collections Library to the David M. Rubenstein Rare Book & Manuscript Library, and added the Rubenstein Library to the description of the Perkins Library System
September, 2012	Appendix B	119. Updated the Bylaws of the Academic Council
September, 2012	Appendix C	120. Changed the appointment process for Dean review committees so they are appointed by the provost after the appropriate consultation as designated in the appendix
September, 2012	Appendix D	121. Replaced the Arts and Sciences Council bylaws with the new version and updated the dates of approval and amendments
September, 2012	Appendix H	122. Added the updated Fuqua School of Business faculty evaluation, appointment, promotion, and tenure criteria and procedures and faculty bylaws
September, 2012	Appendix J	123. Basic Sciences School of Medicine - Added to membership section the eligibility stipulation for departments where tenure track faculty represent less than half the total faculty; added the procedure for amending the bylaws; removed 1993 revised approval date of the bylaws; revised section on promotion to tenure and professor and tenure appointments

Date of Change	Page(s)	Description of Changes
September, 2012	Appendix L	124. Updated the Bylaws of the Clinical Sciences Faculty Council on Academic Affairs sections on membership of the Faculty Council and election procedures; Clinical Sciences appointment, promotion, and tenure process - updated the sections on the Medical Center Clinical Sciences APT Committee and process and final action, and added administrative support section
September, 2012	Appendix P	125. Policies Related to Research - Changed the appointment of the University of Patent Policy Committee and its Chair from the Provost to the President; added a note on the 2012 expansion of the University Patent Policy membership; corrected wording in the section on Principal Investigator Status/Medical Center Components to reflect that faculty appointed to regular rank tracks IV and V may serve as PIs under stated conditions
September, 2012	Appendix Q	126. Updated the list of University Committees
September, 2012	Appendix R	127. Changed the name of the appendix to Student Records Policy; updated the appendix text
September, 2012	Appendix S	128. Use of University Lands and Facilities - Added the section on Political Use
September, 2012	Appendix T	129. Sanford Bylaws updated with new dates of changes; addition of the amendment adoption process; addition of the Associate Dean for Academic Programs to the Administrative Committee; updated the list of faculty; addition of the Associate Dean for Academic Programs
September, 2012	Appendix U	130. International Travel Assistance Provider – added resources available through Duke Employee Occupational Health and Wellness
September, 2012	Appendix V	131. Changed contact for students planning a picket, protest, or demonstration to University Center Activities & Events
September, 2012	Appendix W	132. Changed the name of the appendix to Duke University/Duke University Health System Harassment Policy and Procedures and updated the document with the new/correct version
September, 2012	Appendix X	133. Updated the link for the Office of Student Conduct; updated the Process section/process if the student does not accept the resolution
March, 2012	Cover page	134. Updated date of the Handbook to January 2012

Date of Change	Page(s)	Description of Changes
March, 2012	Table of Contents	135. Appendix O – changed wording to reflect the posting of the new Financial Conflict of Interest Policy
March, 2012	Appendix O	136. Replaced the Financial Conflict of Interest Policy with the new version; updated link for information on the Conflict of Interest Policy
March, 2012	Appendix P	137. Replaced the University-Industry Guidelines with the new version
March, 2012	Appendix Q	138. Updated the list of University Committees
March, 2012	Appendix U	139. Replaced the Travel Insurance Abroad section with International Travel Assistant Provider text and updated the address for the Office of Corporate Risk Management
September, 2011	Cover page	140. Updated Duke University’s non-discrimination/harassment statement with wording provided by the Office for Institutional Equity
September, 2011	Chapter 1	141. Revised the descriptions of Continuing Education, the Office of Alumni Affairs-Duke Alumni Association, the Office of Durham and Regional Affairs, and the Office of Information Technology; changed Dean of the Faculty of Arts and Sciences to Dean of Arts and Sciences; changed Residence Life and Housing Services to Housing, Dining & Residence Life; updated description of the Office for Institutional Equity (OIE) and the section on Harassment Prevention and Gender Equity
September, 2011	Chapter 3	142. Added “authorized university institutes” where appropriate
September, 2011	Chapter 4	143. Added “authorized university institute” where appropriate in Faculty Recruitment section; revised section on Faculty Compensation, Nine-Month Appointments; updated the following subheadings under the Emeritus Faculty Services and Facilities Use section: Computer Services, Directory Listing, Duke Chronicle and Duke Today, and Parking Privileges
September, 2011	Chapter 5	144. Updated chapter on Research – Organizational Structure for Sponsored Projects and Research Related Policies including the addition of a section on Policy on Open Access to Research
September, 2011	Chapter 6	145. Revised Audit section; changed Residence Life and Housing Services to Housing, Dining & Residence Life and updated description
September, 2011	Chapter 7	146. Updated the chapter on the University Libraries

Date of Change	Page(s)	Description of Changes
September, 2011	Appendix C	147. Changed Dean of the Faculty of Arts and Sciences to Dean of Arts and Sciences
September, 2011	Appendix K	148. Replaced the School of Nursing Bylaws with the School of Nursing Faculty Governance Association Bylaws
September, 2011	Appendix N	149. Ombudsman and Faculty Hearing Committee – updated I. Purpose and III. Jurisdiction #6 with new wording provided by the Office for Institutional Equity
September, 2011	Appendix O	150. Statement added that a new Conflict of Interest Policy will be effective January 1, 2012 and posted soon thereafter; corrected a typographical error
September, 2011	Appendix P	151. Added appropriate wording to the Principal Investigator Status section regarding institutes/centers; replaced Office of Corporate and Venture Development with the Office of Licensing & Ventures; changed the appointment of the University Patent Policy Committee from the President to Provost; Added the Policy on Open Access to Research; added a statement to the University-Industry Guidelines section stating that new guidelines will go into effect January 1, 2012
September, 2011	Appendix Q	152. Updated the list of University Committees
September, 2011	Appendix T	153. Revised the Sanford School Bylaws and appendices 1 and 2
September, 2011	Appendix X	154. Replaced Dean of Trinity College with Dean of Arts and Sciences
September, 2011	Appendix Y	155. Added language regarding university institutes as appropriate
January, 2011	Chapter 1	156. Revised description of the Offices of Federal Relations (Duke University) and Government Relations (Duke Medicine); Office of Alumni Affairs-Duke Alumni Association – updated number of alumni cited; deleted section on the Office of Alumni and Development Communications; updated section on the Office of University Development; added information on Medical Center Archives; updated the Office of Information Technology section; Updated the section on Student Affairs; removed “Trinity College” from the title of Dean of the Faculty of Arts & Sciences
January, 2011	Chapter 2	157. Joint Appointments and Secondary Appointments – added the directors (institutes/centers) where appropriate

Date of Change	Page(s)	Description of Changes
January, 2011	Chapter 4	158. Reorganized and updated sections pertaining to leaves of absence; Retirement section - Replaced “This Month at Duke” with “Duke Today” and revised the wording regarding Pre-retirement (formerly partial retirement); Base Salary Determination for Term of Academic Appointment and Joint Funding of Academic Appointments, and Retirement were revised to include units/directors as appropriate; Updated Medical Center appointments and vacation time sections (Eleven-month Appointments in the Medical Center changed to twelve-month); updated link to the School of Medicine’s Distinguished Professorship policy; updated link to Human Resources webpage under “Health Insurance”; updated Nine Month Appointments section with new summer supplement policy
January, 2011	Chapter 5	159. Updated Chapter 5 – Organizational Structure for Sponsored Projects and Research Related Projects
January, 2011	Chapter 6	160. Faculty Responsibilities to Students – added section on Textbooks; edited grading symbols; replaced pass/fail grading section with Satisfactory/Unsatisfactory Grading System; updated section on Incomplete Work; updated Deviations From Regularly Scheduled Class Times; revised the excused absences of Trinity College and the Pratt School of Engineering; deleted section on Education Records/Recommendations for Students; Updated the section on the Division of Student Affairs; Law School – revised Class Changes/Withdrawals and Additions section by changing the sixth day to the seventh day for altering registration
January, 2011	Appendix B	161. Bylaws of the Academic Council, updated the mode of election
January, 2011	Appendix C	162. Revised various sections to include procedures for University Institutes and Centers (units)
January, 2011	Appendix D	163. Bylaws of the Arts and Sciences Council, updated the membership of the Arts and Sciences Council; Procedures for Appointments, Reappointments, Promotions, and Tenure in Arts and Sciences – added link for additional information
January, 2011	Appendix F	164. Corrected typos in the Divinity School Bylaws
January, 2011	Appendix G	165. Updated version of the Nicholas School of the Environment faculty bylaws added

Date of Change	Page(s)	Description of Changes
January, 2011	Appendix K	166. School of Nursing Bylaws: Updated Section 6 – Appointment/Promotion/Tenure Committee
January, 2011	Appendix O	167. Added sections on Institutional Conflict of Interest in Research Policy and Institutional Conflict of Interest in Research Implementation
January, 2011	Appendix Q	168. Updated list of University Committees
January, 2011	Appendix S	169. Outdoors Area – Removed outdated links.
January, 2011	Appendix T	170. Added the Sanford School of Public Policy Bylaws
January, 2011	Appendix W	171. Updated link in footnote
January, 2011	Appendix X	172. Updated the link in the Process section
January, 2011	Appendix Y	173. Replaced the Vice Provost for Academic and Administrative Services with the Vice Provost for Academic Affairs as the contact
August, 2009	Chapter 1	174. Replaced the mission statement with a link to all governing documents; updated the Board of Trustees standing committees; revised the list of administrators so they are consistent with what appears in the University Bylaws; Academic Organization – added the Sanford School of Public Policy; added the section on Interdisciplinary University Institutes and Centers; Updated descriptions for the Office of Public Affairs and Government Relations, Offices of Federal Relations and Government Relations (Duke Medicine), Office of Alumni and Development Communications, Office for Institutional Equity, Office of University Development, Office of Alumni Affairs, and Administrative Services section; added a description for the Division of Student Affairs; Departments section – revised the policy for appointing department chairs as Board of Trustee approval is no longer necessary; Continuing Education Section - updated the professional development certificate courses of study; changed the name of the Study Abroad Office to the Global Education Office for Undergraduates; added the Disability Management System section
August, 2009	Chapter 2	175. Revised the definition of the university faculty; added the Sanford School of Public Policy to the Faculty Appointments and Faculty Governance sections; Faculty Appointments and Joint/Secondary Appointments – updated to reflect that Board of Trustees approval is required only for tenure positions

Date of Change	Page(s)	Description of Changes
August, 2009	Chapter 3	176. Introduction and Dossier sections – added the Sanford School of Public Policy; Appointment, Promotion, and Tenure section revised to reflect that the Board of Trustees needs to approve the appointment or promotion of tenured faculty
August, 2009	Chapter 4	177. Faculty Recruitment section revised to reflect that the Board of Trustees needs to approve tenured appointments; Distinguished Professorships – revised description of the provost’s Advisory Committee on Distinguished Professorships; Retirement section updated including website to access online phone directory and the Trading Post
August, 2009	Chapter 5	178. Updated Chapter 5 – Organizational Structure for Sponsored Projects and Research Related Projects
August, 2009	Chapter 6	179. Updated name and description of the Alcohol and Substance Abuse Prevention Center and Health Promotions and the Office of Gender Violence Prevention and Intervention; Added the Sanford School to the appropriate sections (Academic Dishonesty, Class Changes, Examinations, Grading, Repetition of Courses, Incomplete Work, Withdrawal From a Course, Reporting Grades, Undergraduate Grad Review Procedure); Academic Integrity Section – added link to Appendix X; Academic Dishonesty section updated; Exclusion of Disruptive Students – changed Senior Associate Dean to academic appellate officer; Class Changes – enhanced the description of minimum course load; Academic Advising – updated formal advising by faculty members description; corrected various sections throughout the chapter with changes provided by the Trinity Deans
August, 2009	Chapter 7	180. Updates made to the descriptions of the University Libraries as needed
August, 2009	Appendix A	181. Replaced text with link to the University’s governing documents on the webpage of the Office of the University Secretary
August, 2009	Appendix B	182. Bylaws of the University Faculty – corrected page formatting
August, 2009	Appendix C	183. Review of Administration Personnel – Revised the review of the President; added the Sanford School of Public Policy
August, 2009	Appendix D	184. Updated references from Study Abroad to its new name of Global Education for Undergraduates

Date of Change	Page(s)	Description of Changes
August, 2009	Appendix F	185. Divinity School bylaws revised as tenure-track and non-tenure appointments no longer require Board of Trustee approval
August, 2009	Appendix G	186. Nicholas School of the Environment bylaws revised as appointment of Division Chairs no longer requires Board of Trustee approval
August, 2009	Appendix J	187. Section C2 added membership terms for APT Committee; Materials to be Submitted by the Department in Support of Nominations for Tenured Appointments and Promotions – updated what is to be submitted and the website for additional information
August, 2009	Appendix L	188. Medical Center Clinical Sciences APT Committee – updated number of members from seven to ten
August, 2009	Appendix Q	189. Updated names of Committees (University, Academic Council, and Trustee)
August, 2009	Appendix R	190. Changed Office of Judicial Affairs to Office of Student Conduct
August, 2009	Appendix V	191. Added that students planning a picket, protest, or demonstration should contact the Office of Student Affairs and Facilities
August, 2009	Appendix W	192. Changed Office of Judicial Affairs to Office of Student Conduct and updated website
August, 2009	Appendix X	193. Replaced Associate Dean for Judicial Affairs with Associate Dean of Students/Director of the Office of Student Conduct; reorganized the position of the sections; updated the Undergraduate Disciplinary System section
May, 2009	Table of Contents	194. Changed the title of Appendix A to Governing Documents
May, 2009	Cover page	195. Updated the date from December, 2008 to May, 2009
May, 2009	Chapter 1	196. Removed the header “undergraduate education” on page 3; updated the description of the faculty of A&S; corrected the name of the Nicholas School
May, 2009	Chapter 6	197. Corrected the link for information on academic dishonesty; updated the Dean of Students Office description to include the position of Assistant Dean of Students/Case Manager and the Alcohol and Substance Abuse Prevention Center
May, 2009	Appendix A	198. Changed the title of the Appendix to “Governing Documents”

Date of Change	Page(s)	Description of Changes
May, 2009	Appendix D	199. A&S Accelerated Sabbatical Policy – added sentence to first paragraph indicating that Chairs are responsible for certifying that faculty have met all criteria.
May, 2009	Appendix F	200. Divinity School Bylaws –V. Procedures, updated V. B. Procedures for review and evaluation of continuing faculty (faculty on term contract, regular rank nontenure-track) and removed dean’s leaves from Section D
May, 2009	Appendix K	201. School of Nursing Faculty Bylaws updated
May, 2009	Appendix P	202. Guidelines for Authorship and Authorship Dispute Resolution – eliminated an incorrect reference to the appendix in the first sentence
May, 2009	Appendix R	203. Types and locations of education information – corrected location (to Office of Judicial Affairs) where students can obtain their judicial and disciplinary records
December, 2008	Cover page	204. Updated the date and revised the equal opportunity language

Date of Change	Page(s)	Description of Changes
December, 2008	Chapter 1	<p>205. Updated the language describing some of the positions under General Administration including: the Board of Trustees, Vice President for Alumni Affairs and Development, Vice President for Durham and Regional Affairs, Vice President for Public Affairs and Government Relations, Vice President for Public Affairs and Government Relations, Vice President and Athletic Director, Vice President and General Counsel, Vice President and University Secretary</p> <p>206. Office of Alumni Affairs section, updated the circulation figure for Duke Magazine</p> <p>207. Office of Research section, updated some of the offices with whom it works</p> <p>208. Administrative Services section, removed Internal Audit from responsibilities</p> <p>209. Continuing Education section, updated the title of the Duke Management Training Program, added 'internal auditing' to the list of professional development certificate courses, and updated the reporting relationship of the Director</p> <p>210. Summer Session section, updated the reporting relationship of the Director</p> <p>211. University Archives section, updated website address and phone number</p> <p>212. Office of Information Technology section, revised text</p> <p>213. Updated language describing the Office of Alumni and Development Communications and the fiscal and academic years and DUMAC, LLC sections</p>
December, 2008	Chapter 2	<p>214. Corrected the University Bylaw on faculty from XXI to XXIV under the responsibilities section</p> <p>215. Duke University Medical Center: Medical, Nursing and Allied Health Education section, revised the second paragraph replacing MedPAC with the Medical Center Executive Committee and updating its composition</p>

Date of Change	Page(s)	Description of Changes
December, 2008	Chapter 4	<p>216. Leaves of Absence section, removed wording on Dean's leaves for A&S faculty; updated Sabbatical Leaves section</p> <p>217. Updated section on Nepotism</p> <p>218. Retirement-Emeritus Faculty services and Facilities Use section, updated computer services paragraph; changed the OIT phone number in the Directory Listing paragraph; omitted eDuke News from the 'Computer Services' section; added information on the electronic newsletter to be available fall, 2008; corrected the name of the editor of This Month at Duke; omitted Faculty Commons section (no longer relevant); extended parking privileges for Emeriti Faculty through June, 2009; revised wording on health insurance section</p>
December, 2008	Chapter 5	<p>219. Changed the name of the chapter to Research – Organizational Structure for Sponsored Projects and Research Related Policies, and revised the text to reflect the necessary changes since the last update</p>
December, 2008	Chapter 6	<p>220. Exclusion of disruptive students section, changes in wording made in numbers 1 and 2 pertaining to the W designation</p> <p>221. School of Medicine honor code and compact between teachers and learners of medicine added</p> <p>222. Class Changes for the Graduate School and Trinity College and the Pratt School of Engineering sections, changes made in the notation of courses from which a student withdraws</p> <p>223. School of Medicine academic dismissal policy and withdrawal from the MST program prior to completion of the PhD degree requirements sections added</p> <p>224. Class Changes for Summer Session section, replaced "WP or WF" with W</p> <p>225. Class Lists section, deleted a sentence on auditing courses</p> <p>226. Added School of Medicine retesting, absences, and testing policy</p> <p>227. Grading section, removed WF from the Divinity School</p> <p>228. Undergraduate Symbols section, added Withdrawal as a symbol and description; made the following additions: Graduate – added W, Graduate Nursing and Law – added W, WP, WF, Medicine – replaced P, F with H. HP, P, F, I, Nicholas – added W</p>

Date of Change	Page(s)	Description of Changes
		<p>229. Added School of Medicine grading and course audit sections</p> <p>230. Incomplete work section, added Trinity and Pratt to the sentence regarding by when work must be completed to receive a grade other than F. Added Fuqua and Nicholas to the Graduate School as allowing one year for completion of work</p> <p>231. Updated the Withdrawal from a Course paragraph</p> <p>232. Midterm Grades for Undergraduates section, deleted “and are sent to their parents or guardians” from the last sentence of the paragraph and added that midterm grades are recorded on transcripts and are also available to advisors and academic deans on ACES and STORM</p> <p>233. Added School of Medicine grade appeal process</p> <p>234. Added approved School of Medicine holidays for medical students and the School of Medicine severe weather attendance policy</p> <p>235. Added School of Medicine student personal and professional advisory system for MD program students</p> <p>236. Grade changes section, deleted the five paragraphs pertaining to the procedure for a student to question a final grade</p> <p>237. Undergraduate grade review procedure section, added the approval date</p> <p>238. Religious holidays section, added additional paragraph regarding procedures in Trinity College and the Pratt School of Engineering</p> <p>239. Notification of Varsity Athletic Participation: Trinity College and the Pratt School of Engineering, new section added</p> <p>240. Inserted new section on the Division of Student Affairs</p>
December, 2008	Chapter 7	<p>241. Corrected the number of libraries</p> <p>242. Instructional Services and Resources for Classes and Labs section, updated the website address</p> <p>243. Law and Perkins Libraries – updated those sections</p> <p>244. Other Perkins system libraries – updated</p> <p>245. Lilly and Music Libraries, updated their collection figures</p> <p>246. University Archives, updated the description</p>
December, 2008	Appendix A	<p>247. Added the updated version of the University Bylaws</p>

Date of Change	Page(s)	Description of Changes
December, 2008	Appendix D	<p>248. Procedures for Appointments, Reappointments, Promotions, and Tenure in the Arts and Sciences - updated the wording and added a link to the Faculty Affairs website</p> <p>249. Added new Arts and Sciences Accelerated Sabbatical Policy</p>
December, 2008	Appendix I	<p>250. School of Law procedures for appointment, promotion and tenure – updated wording of the last paragraph</p>
December, 2008	Appendix O	<p>251. Updated the link for the Conflict of Interest Disclosure Form and added the link to the ORS website for information and instructions for using the form</p>
December, 2008	Appendix P	<p>252. Corrected a typographical error</p> <p>253. Changed Office of Science and Technology to Office of Corporate and Venture Development</p> <p>254. Replaced Grants and Contracts with Office of Research Administration</p>
December, 2008	Appendix Q	<p>255. Updated description of the Executive Committee of the Academic Council (ECAC) and the names of University Academic Council, and Trustee Committees</p>
December, 2008	Appendix S	<p>256. Changed the name of the Appendix to Use of University Lands and Facilities; added newly approved wording</p>
December, 2008	Appendix W	<p>257. Revised wording of the forms of harassment in paragraph one</p>
May, 2008	Chapter 1	<p>258. Updated the section on accreditation</p>
May, 2008	Chapter 2	<p>259. Updated the name of the Nicholas School of the Environment</p> <p>260. Updated reference to the University Committees Appendix to Appendix Q (see below)</p>
May, 2008	Chapter 3	<p>261. Updated the name of the Nicholas School of the Environment</p>
May, 2008	Chapter 4	<p>262. Updated references to the Ombudsman and Faculty Hearing Committee Appendix to Appendix N (see below)</p> <p>263. Updated the name of the Nicholas School of the Environment</p>

Date of Change	Page(s)	Description of Changes
May, 2008	Chapter 6	<p>264. Grade changes – corrected the title of “Director of Undergraduate Studies” by adding “for the department” as there is no one Director of Undergraduate Studies</p> <p>265. Dean of Students Office – corrected the name of the office by removing “the undergraduate dean’s office” from the first sentence</p> <p>266. Updated the Duke Community Standard language so it is consistent with Appendix X</p> <p>267. Updated the name of the Nicholas School of the Environment</p>
May, 2008	Appendix C	<p>268. Added the Dean of Undergraduate Education to the sections on Selection of Administration Personnel (IA4) and Review of Administration Personnel (IIA)</p> <p>269. Revised the wording of III. Mutual Obligations, term appointment notification (revised wording of section D2, deleted previous D3, moved previous D4 to D3 and revised).</p> <p>270. Updated references to the Ombudsman and Faculty Hearing Committee Appendix to Appendix N (see below)</p>
May, 2008	Appendix F	<p>271. Added the most recent version of The Divinity School Articles of Organization/Bylaws of the Faculty Policies and Procedures</p> <p>272. Updated reference to the Ombudsman and Faculty Hearing Committee Appendix to Appendix N (see below)</p>
May, 2008	Appendix G	<p>273. Updated the name of the Nicholas School of the Environment</p>
May, 2008	Appendix M	<p>274. Changed Appendix M (Ombudsman and Faculty Hearing Committee) to Appendix N</p> <p>275. Added the Graduate School Bylaws as the new Appendix M</p>
May, 2008	Appendix N	<p>276. Appendix N (University Committees) changed to Appendix Q</p> <p>277. Added Ombudsman and Faculty Hearing Committee as the new Appendix N (see above)</p>
May, 2008	Appendix P	<p>278. Added the guidelines on authorship and authorship dispute resolution and the copyright guidelines for electronic course content</p> <p>279. Updated reference to the Ombudsman and Faculty Hearing Committee Appendix to Appendix N (see above)</p>
May, 2008	Appendix Q	<p>280. Added University Committees as the new Appendix Q (see above)</p>

Date of Change	Page(s)	Description of Changes
May, 2008	Appendix S	281. Updated the name of the Nicholas School of the Environment
May, 2008	Appendix T	282. Removed Appendix T, Duke Homesites, as the Duke Homesites policy became obsolete in the 1990's when the last homesite was sold.
May, 2008	Appendix W	283. Updated reference to the Ombudsman and Faculty Hearing Committee Appendix to Appendix N (see above)
May, 2008	Appendix X	284. Updated the Duke Community Standard including the sections under 'Students' and 'The Undergraduate Disciplinary System' as well as the phone numbers and email addresses cited in the document
May, 2008	Appendix Y	285. Added the Substantive Change Checklist link
February, 2008	Chapter 1	286. Revised the description for the Chancellor for Health Affairs, President and CEO of the Duke University Health System 287. Updated titles and removed VP for Student Affairs from General Administration section 288. Added a description for the Dean of Undergraduate Education
February, 2008	Chapter 2	289. Under 'Rank and Title' updated the titles for clinical departments in the School of Medicine
February, 2008	Chapter 3	290. Promotion and Tenure – added the term “division” to the first sentence
February, 2008	Chapter 4	291. Leaves of Absence—Academic Research, Sabbatical Leaves – corrected the article of the University Bylaws where the sabbatical leaves are described
February, 2008	Chapter 5	292. 5.1.1.1 Office of the Vice Provost for Research – modified first sentence 293. 5.2.1.2 Roles and Responsibilities – modified first sentence
February, 2008	Chapter 6	294. Student Assistants, Undergraduate – inserted new link to the Undergraduate Teaching Assistants policy
February, 2008	Appendix B	295. Revised the Academic Council Bylaws, I.B.3.b. – faculty voting procedures
February, 2008	Appendix E	296. Pratt School of Engineering – revised Article I Faculty Membership and Article IV Engineering Faculty Council, paragraphs 2 and 3

Date of Change	Page(s)	Description of Changes
February, 2008	Appendix P	<p>297. Policy on Inventions, Patents, and Technology Transfer – Moved the definition of “university employees” from IV. Report of Inventions to I. Preamble and Objectives</p> <p>298. Policy on Intellectual Property Rights – Modified I. General Principles, A. Moved the footnote to I. General Principles, C. Also modified Article III-B and III-B1 and B2 to include information on the taping of lectures; added a check sheet for instructors to complete designating any permission they give to tape their lectures</p>
September, 2007	Appendix A	299. Replaced the Bylaws of the University with the most recent version
September, 2007	Appendix D	<p>300. Bylaws of the Faculty of A&S – added the last sentence in I. Membership</p> <p>301. Removed Articles of Organization of the A&S Council as the information is now included in the Bylaws of the A&S Council</p> <p>302. Updated the link for APT procedures</p>
September, 2007	Appendix I	303. Procedures for Appointment, Promotion, and Tenure - Updated the Law School’s web address; added the new/correct Committee titles in the first sentence
September, 2007	Appendix K	304. School of Nursing Faculty Bylaws: altered term of service for the FGA Chairperson-Elect; updated Article VII. Program Faculty, Program Level, and Standing Committees; changed method of filing committee reports from hard copy to posting on DUSON computer network; revised student participation in the various committees; revised Section 6 APT Committee
September, 2007	Appendix L	305. Updated the titles of the administrative faculty to reflect the changes in titles/responsibilities in the Medical Center
September, 2007	Appendix N	306. Updated the titles of the Trustee Committees
September, 2007	Appendix P	307. Replaced Policy on Data Retention and Access with Research Records: Sharing, Retention, and Ownership; deleted the Policy on Facilities and Administrative Costs
September, 2007	Appendix Y	308. Added footnote on “substantive change” policy (Commission on Colleges of the Southern Association of Colleges and Schools/SACS)

Date of Change	Page(s)	Description of Changes
September, 2007	Cover page	309. Updated paragraph 4 to reflect updated anti-discrimination language
September, 2007	Chapter 1	<p>310. Revised responsibilities for the Vice President for Student Affairs</p> <p>311. Updated the Board of Trustees Committees to reflect their current names</p> <p>312. Updated the description of the Vice President for Institutional Equity</p> <p>313. Updated the Continuing Education section to include the current names of their programs</p> <p>314. Added the web address to the Office of Information Technology description</p> <p>315. Added section on the Vice President for Durham and Regional Affairs and Offices of Federal Relations and Government Relations (Duke Medicine)</p> <p>316. Updated the following sections: Senior VP for Public Affairs and Government Relations, Office of Public Affairs and Government Relations, and the Office of Community Affairs</p> <p>317. Updated SACS accreditation wording</p>
September, 2007	Chapter 2	318. Updated the Law School's web address
September, 2007	Chapter 4	<p>319. Minor changes made in Faculty Recruitment section regarding equal employment opportunity wording</p> <p>320. Eleven-month Appointments in the Medical Center – added last sentence in the paragraph regarding extraordinary pay</p> <p>321. Faculty Recruitment section – updated process for School of Nursing</p> <p>322. Emeriti Faculty – extended the parking subsidy through June, 2008; added the link to the Duke Retirement Planning Guide</p>
September, 2007	Chapter 5	323. Chapter on Sponsored Research substantially revised to reflect the new structure and responsibilities

Date of Change	Page(s)	Description of Changes
September, 2007	Chapter 6	<p>324. Updated the Law School’s web address; under “Grade Changes” revised the reference to the correct rule (3-20)</p> <p>325. Updated the section on “Grade Changes” and added the section on “Undergraduate Grade Review Procedure”</p> <p>326. Grade Changes – added the student appeal policy</p> <p>327. Class Changes: Withdrawals and Additions – revised the paragraph on Trinity College/Pratt School; for the School of Nursing, added a sentence at the end regarding refund of tuition/fees policy.</p> <p>328. Examinations – For Trinity College/Pratt School, revised the first paragraph on Block Scheduling</p> <p>329. Grading – revised definition for ‘N’; revised symbols for the Divinity School</p> <p>330. Added the undergraduate grade review procedure</p>
September, 2007	Chapter 7	331. University Libraries – inserted entirely new, updated Chapter
September, 2007	Chapters 1, 2, 4-7 and Appendices A, E, I, J, K, O, P, R, W	332. Dates of changes of these sections on the revisions list were changed from August, 2006 to January, 2007 when the changes were actually posted to the online version of the Faculty Handbook
June, 2007	Chapter 3	333. Updated the appointment, promotion, and tenure appeal process
June, 2007	Appendix D	334. Added revised Bylaws of the Arts & Sciences Council
May, 2007	Chapter 4	<p>335. Added Flexible Work Arrangement policy and updated the Tenure Clock Relief section to reflect this addition</p> <p>336. Added link to distinguished professorship policies</p> <p>337. Added link to special compensation in addition to base salary memo to the sections on special compensation, extraordinary pay, and supplemental pay</p>
March, 2007	Appendix C	338. Report on Procedures for Appointments, Reappointments, and Promotions for Regular, Non-tenure Track Faculty – clarifications added to page 10, section F, numbers 1-3 added
February, 2007	Appendix P	339. Section on Policy and Procedures Governing Misconduct in Research rewritten
December, 2006	Appendix K	340. School of Nursing Bylaws significantly rewritten
December, 2006	Appendix J	341. Updated weblink on page 6

Date of Change	Page(s)	Description of Changes
August, 2006	Appendix A	342. Article V Committees – updated the names of two of the Committees; Article VIII Membership – changed the number of Trustees on the Audit Committee from four to five
August, 2006	Appendix E - Pratt School of Engineering	343. Modified text in Article II Faculty Responsibility; Article III Faculty Meetings; Article IV Engineering Faculty Council; added Article V Professional Degree Programs, which changed the numbering of Article VI State of the School (previously V) and Article VII Amendment of Bylaws (previously VI)
August, 2006	Appendix I – Law School, Page 1	344. Revised first sentence in paragraph 3 on faculty voting and revised paragraph 4 to include new citation of the Law School rules
August, 2006	Appendix O – Conflict of Interest Policy	345. Deleted outdated Conflict of Interest Form; replaced with text and a link
August, 2006	Appendix P – Policies Related to Research	346. Replaced Appendix P with new text
August, 2006	Appendix R – Education Records	347. Replaced ‘Registrar’ with ‘University Registrar’
August, 2006	Appendix R	348. Revised section II on inspection of educational records (C 1, 3, 4, 5, 6, 7 and II D) and revised section III on disclosure of identifiable information, (A1-Directory Information and B1b- prior consent)
August, 2006	Appendix W – Harrassment Policy & Procedures	349. Page 2 - Revised footnote 2 on harassment claims of undergraduate students
August, 2006	Chapter 7	350. Replaced section on the University and School of Law Libraries with new text and added the section on the Divinity School Library
August, 2006	Chapter 6, Page 12	351. Updated Services Provided by the Office of Student Affairs and the Duke University Health Center
August, 2006	Chapter 6, Page 11	352. Revised Education Records section, paragraph on Recommendations for Students
August, 2006	Chapter 6	353. Revised section on Excused Absences: Trinity College and the Pratt School of Engineering
August, 2006	Chapter 6, Page 8	354. Revised second paragraph of the section on Grade Changes and section on Midterm Grades for Undergraduates and the section on Reporting Grades (except Law, which has its own section)
August, 2006	Chapter 6, Page 7	355. Added new final sentence to X-Absence From Final Examination section; revised section on I-Incomplete Work

Date of Change	Page(s)	Description of Changes
August, 2006	Chapter 6, Page 1	356. Added the policy on the exclusion of disruptive students
August, 2006	Chapter 6	357. Revised 'ACES Web' to read 'ACES' throughout the Chapter
August, 2006	Chapter 6, Page 5	358. Grading section – revised undergraduate and graduate and professional school grading symbols
August, 2006	Chapter 6, Page 4	359. Revised Examinations – Regular Scheduling section and Class Lists
August, 2006	Chapter 6, Page 3	360. Replaced the paragraph for the Graduate School in the section Class Changes: Withdrawals and Additions, Academic Year
August, 2006	Chapter 6	361. Revised School of Law policies on grade changes, reporting grades, absence from final exam, repetition of courses, and examinations (added the website for School of Law rules and revised numerical grades in the examinations section)
August, 2006	Chapter 5	362. Chapter was substantially rewritten
August, 2006	Chapter 4	363. Updated sections under 'Retirement' including: computer services, obtaining a phone directory, and parking for Emeriti Faculty. The Duke Dialogue publication has been replaced with This Month at Duke. Directions on accessing Duke Today online were added.
August, 2006	Chapter 4, Page 11	364. Revised section on the Retirement Planning Guide for Faculty
August, 2006	Chapter 2	365. Revised the Rank and Title section to add changes to the School of Medicine's regular rank non-tenure track titles
August, 2006	Chapter 2	366. Bylaws of the Professional Schools – added link to the Law School web page
August, 2006	Chapter 1	367. Updated the sections on the Vice President for Alumni Affairs and Development, Office of University Development, and the Office of Alumni Affairs, and added the section on the Office of Alumni Affairs and Development Communications
August, 2006	Chapter 1, Page 7	368. Revised description of the Office of Public Affairs and Government Relations and the Office of Information Technology
August, 2006	Chapter 1, Page 6	369. Corrected title of the Office for Institutional Equity
August, 2006	Chapter 1, Page 5	370. Revised sections on Continuing Education, Libraries, and University Archives
April, 2006	Appendix Z	371. Z-2, Z3 edited incorrect sentence

Date of Change	Page(s)	Description of Changes
February, 2006	Chapter 6, Page 5	372. Revised the grades for the Graduate School and the Nicholas School of the Environment and Earth Sciences
February, 2006	Chapter 6, Page 7	373. Revised I-Incomplete Work, paragraph 3
February, 2006	Chapter 4	374. Revised tenure clock relief policy
September 2005	Appendix W	375. Footnote 6, paragraph 6, revised term length
September 2005	Appendix P	376. Revised by the Office of Research Support
September 2005	Chapter 5	377. Revised by the Office of Research Support
September 2005	Appendix K	378. Revised section on Faculty Appointments, Promotion and Tenure, Updated Faculty By-Laws
September 2005	Chapter 4	379. Revised section on Distinguished Professorships, Revised section on Temporary Parental Leave, Regular Rank Faculty, Revised section on Temporary Parental Leave, Non-Regular Rank Faculty
September 2005	Chapter 1	380. Updated University ByLaws, Revised section for Vice President of Institutional Equity, Revised section on the Office of Institutional Equity
March 2005	Appendix W	381. Replaced entire appendix
February 2005	Chapter 4	382. Made revisions to “Temporary Medical Leaves” , page 4-4 and 4-5 to comply with changes made in Leaves of Absence and Tenure Clock Relief Policy
September 2004	Chapter 2, Page 2	383. Revised section on University Professorships
September 2004	Chapter 4, Page 1	384. Revised section on University Professorships
September 2004	Chapter 4, Page 4	385. Revised equal opportunity statement
September 2004	Chapter 4, Page 11	386. Revised statement on emeriti parking
September 2004	Chapter 5	387. Total revision of chapter
September 2004	Appendix B	388. Added letter C to Section V on page 1, revised section 3 and 4 under Mode of Election on page 2
September 2004	Appendix O, Page 5	389. Revised Conflict of Interest Policy Disclosure form
September 2004	Appendix P	390. Total revision of appendix
September 2004	Appendix Q	391. Deleted – information now in Appendix P
September 2004	Appendix S, Page 1	392. Revised equal opportunity statement
April 2004	Appendix E, Page 2	393. Article IV – Added “The term shall begin on July 1 and end on June 30. 394. Added “the continuing and newly-elected 395. Added last sentence in Article IV
April 2004	Chapter 3, Page 2, 3	396. Insert new procedure for establishing the review committee at originating academic unit. 397. Insert “disciplinary or” 398. Delete “ In such cases the candidate my communicate relevant interdisciplinary concerns directly to the deans (text replaced by new text on previous page.)

Date of Change	Page(s)	Description of Changes
		399. Insert “including the dean’s written assessment”
April 2004	Chapter 6, Page 4	400. Last sentence in first paragraph under Examinations changed
August 2003	Chapter 1, Page 1	401. Added Board of Trustees Committees: the Audit Committee, the Human Resources Committee and the Institutional Advancement Committee.
August 2003	Chapter 1, Page 2	402. Eliminated “coordinating services for persons with disabilities” as one of the responsibilities of the Vice President for Institutional Equity. It is now the responsibility of the Director of the Office of Services for Students with Disabilities.
August 2003	Chapter 1, Page 5	403. Changed the name of the Office of Continuing Education and University Summer Programs to Duke Continuing Studies.
August 2003	Chapter 1, Page 6	404. Changed the name of the Office of the Vice President for Institutional Equity to the Office of Institutional Equity.
August 2003	Chapter 4, Pages 4-6, 11-12	405. Added footnote to Temporary Medical Leaves policy. 406. Added the Temporary Parental Leaves policy. 407. Added the Tenure Clock Relief policy. 408. Updated policies for Retirement, including Partial Retirement, the Retirement Planning Guide for Faculty, and Emeritus Faculty Services and Facilities Usage.
August 2003	Chapter 5	409. Entire section regarding Grants and Contracts has been changed.
August 2003	Chapter 6, Pages 1-2, 8-10, 12	410. Added section on Academic Integrity. 411. Under Trinity College and Pratt School of Engineering, replaced Honor Code policy with the Duke Community Standard. 412. Revised policy on the impact of religious holidays on class scheduling and attendance. 413. Revised policy on Excused Absences, Trinity College and the Pratt School of Engineering. 414. Added information regarding the use of undergraduate teaching assistants. 415. Replaced sections of Evaluation of Faculty by Students. 416. Changed name of Duke University Health Service to Duke University Health Center.

Date of Change	Page(s)	Description of Changes
August 2003	Appendix A, Pages 6, 8-10	<p>417. Added Board of Trustees Committees: the Audit Committee and the Human Resources Committee.</p> <p>418. Edited Article VIII to reflect the powers and duties of the Business and Finance Committee.</p> <p>419. Added Article VIII., description of the membership, powers and duties of the Audit Committee.</p> <p>420. Added Article XIV., Human Resources Committee membership.</p>
August 2003	Appendix D, Page 8	421. Updated URL for the Procedures for Appointment, Reappointments, and Promotions in the Arts and Sciences.
August 2003	Appendix K, Page 4	422. Added Section 14: Judicial Board, including Membership and Functions.
August 2003	Appendix N, Page 1	423. Updated University Committees from Academic Priorities Committee to Academic Programs Committee; added the Transportation Advisory Committee and University Priorities Committee; and removed the Parking Task Force and the President's Advisory Committee on Resources.
August 2003	Appendix W, Pages 1, 3	<p>424. Updated the Purpose of the Duke University Harassment Policy to include sexual harassment or harassment on the basis of age, color, disability, ethnic or national origin, gender, race, religion or sexual orientation.</p> <p>425. Updated Procedures for Resolution of Claims of Harassment to include resolution of harassment grievances via external processes.</p>
August 2003	Appendix X	426. Total overhaul of the Duke University Undergraduate Honor Code section to reflect The Duke Community Standard.