

# Table of Contents

## Faculty Handbook

Faculty Handbook .....	2
Table of Contents .....	4
Chapter 1: The University .....	5
Chapter 2: The University Faculty and Its Organization .....	29
Chapter 3: Faculty Appointment, Promotion, and Tenure .....	38
Chapter 4: Professional Affairs of the Faculty .....	52
Chapter 5: Duke University Research Policy Manual .....	76
Chapter 6: Faculty Responsibilities with Respect to Students .....	81

## Faculty Handbook > Appendices

Appendix A: Governing Documents .....	111
Appendix B: Bylaws of the University Faculty .....	135
Appendix C: School Bylaws and Rules .....	142
Appendix D: Academic Tenure .....	143
Appendix E: Schools' Appointment, Promotion, Tenure, and Other Procedures .....	151
Appendix F: Faculty Ombuds and Faculty Hearing Committee .....	217
Appendix G: University Committees .....	227
Appendix H: Travel .....	228
Appendix I: Pickets, Protests, and Demonstrations .....	235
Appendix J: Duke Policy on Prohibited Discrimination, Harassment, Related Misconduct	
Summary Guide .....	237
Appendix K: Steps in the Process of Approving New Academic Degrees and Changing the	
Name of a Unit .....	241
Appendix L: Policy on Consensual Romantic or Sexual Relationships Between Faculty and	
Students .....	244
Appendix M: Policies Related to Intellectual Property, Copyright, and Consulting .....	249
Appendix N: Master List of Acronyms .....	261

## Faculty Handbook

Duke Faculty Handbook Revisions .....	265
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# Faculty Handbook

## The Duke University Faculty Handbook

Access the full PDF [here](#).

### Preface

This Faculty Handbook outlines the policies and procedures pertinent to faculty at Duke University as well as a number of useful resources. It defines the mutual understanding of our faculty and our administration regarding those policies and procedures -- and as such it represents the foundational document for Duke's culture of shared governance. Its content has been approved both by Duke's Academic Council on behalf of the faculty and by Duke's provost on behalf of the administration.

Duke's shared governance model ensures that its faculty – both individually and through their elected representatives on the Academic Council – are engaged participants in the processes that shape our University. This model, first adopted in 1972,<sup>[1]</sup> is continually re-affirmed by mutual agreement of our faculty and our administration. The core principles of shared governance at Duke include the establishment of the role of the Academic Council as the primary delegate of decision-making powers retained by the University faculty, the commitment by University administrative leadership to meet regularly with the Academic Council and its Executive Committee. Except in emergencies, all major decisions and plans that significantly affect academic affairs should be submitted to the Academic Council for an expression of views prior to implementation or submission to the Board of Trustees. Both the Duke faculty and its administration affirm the role of shared governance both for establishing the policies and procedures of this handbook and for supporting the broader mission of Duke University.

This edition of the Duke University Faculty Handbook contains policies and procedures pertinent to faculty at Duke University as of June 2025. While there is an expectation that revisions to the Faculty Handbook will periodically occur, any changes to policies that directly engage the faculty will be brought to the Executive Committee of Academic Council (ECAC) each semester for consultation and review. Because of the range of subject matters and authority for them, these policies and procedures are subject to change, with approval by Academic Council, at any time. Duke faculty are responsible for checking the website <https://provost.duke.edu/faculty-resources/faculty-handbook/> to keep abreast of alterations and additions.

Individual units are responsible for keeping all referenced links in the Faculty Handbook up to date.

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[1] This model is known as the [Christie Rules](#), following its proposal by a faculty committee chaired by Professor

George Christie and subsequent adoption in 1972 by the Academic Council and provost.

# Table of Contents

Chapter 1: The University

Chapter 2: The University Faculty and Its Organization

Chapter 3: Faculty Appointment, Promotion, and Tenure

Chapter 4: Professional Affairs of the Faculty

Chapter 5: Duke University Research Policy Manual

Chapter 6: Faculty Responsibilities with Respect to Students

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Appendix A: Governing Documents

Appendix B: Bylaws of the University Faculty

Appendix C: School Bylaws and Rules

Appendix D: Academic Freedom and Academic Tenure

Appendix E: Schools' Appointment, Promotion, Tenure and Other Procedures

Appendix F: Faculty Ombuds and Faculty Hearing Committee

Appendix G: University Committees

Appendix H: Travel

Appendix I: Pickets, Protests, and Demonstrations

Appendix J: Duke Policy on Prohibited Discrimination, Harassment, and Related Misconduct

Appendix K: Steps in the Process of Approving New Academic Degrees and Changing the Name of a Unit

Appendix L: Policy on Consensual Romantic or Sexual Relationships Between Faculty and Students

Appendix M: Policies Related to Intellectual Property, Copyright, and Consulting

Appendix N: Master List of Acronyms

# 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: <https://trustees.duke.edu/mission-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, to uphold the institutional statement of values and culture outlined on the <https://values.duke.edu/> site and actively foster full participation in university life.

### Academic Freedom and Responsibility

Academic freedom is fundamental to the life of Duke University and its core pursuits of education, research, and service. In 2025, a faculty committee charged with reviewing Duke's academic freedom policies recommended that the importance of academic freedom to the university be demonstrated by the policy's placement in the first chapter of the Faculty Handbook. The committee's full report on academic freedom and responsibility is available [here](#).

Policy:

#### I. Academic Freedom

- A. To teach and to discuss in their 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 their other academic duties.

- C. To act and to speak in their capacity as a citizen without institutional censorship or discipline.

## II. Mutual Obligations

The principles of academic freedom impose certain obligations both upon Duke University and upon members of the faculty. As members of learned professions, faculty members of Duke University should 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.

## III. Resources for faculty

1. Ombudsman
2. Faculty Hearing Committee.
3. Guidance on Advocacy
4. Campus Security Crisis Response Team

## Governing Documents

The governing documents of Duke University (aims, 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 [Appendix A](#)). However, the functions of the trustees and officers are described briefly below.

## The Board of Trustees

The Board of Trustees is the governing body of Duke University. As the university's fiduciary, the board is responsible for Duke's long-term health, overseeing and aligning its strategic direction, educational policy, finances, and operations with the mission of the university. Through its two affiliated boards, it oversees the Duke University Health System and DUMAC, Inc. (Duke University Management Company), the university's investment company. The board consists of thirty-six elected members and the president, *ex officio*, and it regularly meets four times a year but may call special meetings at the chair's discretion. 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(s) and organizes itself into both standing and ad hoc committees and strategic task forces. The former includes the Audit and Compliance Committee, Executive Committee, External Engagement Committee, Governance Committee, Graduate and Professional Education and Research Committee, Resources Committee, and Undergraduate Education Committee. Both standing committees and ad hoc committees and strategic task forces 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 Board of Trustees persons to hold the other senior offices of the university.

## **Provost**

The provost is the executive officer of the university responsible for all educational affairs and activities, including research and the libraries of the university. The provost has powers and duties as assigned by the president, including appointments and promotions of faculty, and strategic, academic, and budgetary oversight and authority for all schools. 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.

## **Executive Vice President for Health Affairs**

The executive vice president for health affairs is the chief academic officer for Duke Health and Dean of the School of Medicine, exercising strategic, academic, and budgetary oversight and authority over the School of Medicine and all affiliated academic institutes and programs. The executive vice president for health affairs is also the university official providing oversight of the Duke-NUS Medical School in Singapore. The executive vice president for health affairs reports to the president and consults regularly with the provost and the president on all relevant academic matters, particularly those that are strategic, interdisciplinary, and have major budgetary significance. The executive vice president for health affairs ensures 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 academic entities within the purview of the executive vice president for health affairs. The executive vice president for health affairs also serves as dean of the School of Medicine and, in that capacity, reports to the provost.

## **Executive Vice President**

The executive vice president is the university's chief financial and administrative officer, under the president, responsible for all business and finance, including accounting and auditing, preparation of budgets, fiscal planning, and the non-academic operations of the University.

## **Vice President and University Counsel**

The vice president and university counsel reports to the president, and at the request of the Board of Trustees, shall report directly to that body, and is 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.

## **Secretary to the Board of Trustees**

The secretary to the Board of Trustees reports to the president and is a member of the President's Cabinet. The secretary has the powers and duties as outlined in the university bylaws and as assigned by the president, and is the custodian of the seal of the corporation.

## **Treasurer**

The treasurer, reporting to the president or other officer of the university as directed by the president, 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.

## **Faculty Affairs**

## **The Office of the Vice Provost for Faculty Advancement**

The Office of the Vice Provost for Faculty Advancement provides leadership, guidance and oversight of university-wide strategies and programs to support Duke faculty throughout their career stages, including early career faculty, mid-career faculty, senior faculty, and emeriti faculty. The office offers faculty and leadership development programs and partners with Duke schools, departments and other academic units to recruit, hire and retain faculty; works collaboratively with academic units and relevant administrative units to help promote an environment that lives up to the Duke values of respect, trust, inclusion, discovery and excellence; and advocates for policies and practices that ensure that faculty have the resources and support they need to succeed at Duke.

## **The Office of Faculty Affairs Administration**

The Office of Faculty Affairs Administration encompasses all provost-area activities related to appointments, promotion and tenure (AP&T), professorships, faculty HR records, and faculty data systems and analysis, which includes [Scholars@Duke](#) and [dFac](#). The office provides assistance to the provost and deans' offices on a range of faculty matters. The office also works with academic, administrative units, and technology units across the university to coordinate the processes, standards, and systems that make information about Duke faculty easier to collect, process, maintain, analyze, and share. The office strives to build a culture of efficiency, stewardship, and transparency as it relates to faculty procedures and faculty data.

## **Academic Organization**

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

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 (VPUE) develops and articulates Duke's vision for a transformative undergraduate experience designed to prepare students to become engaged global citizens and future leaders. To this end, the VPUE works closely with the president, provost, vice provost/vice president for student affairs and other senior administrators and faculty in Trinity College, the Pratt School of Engineering, the Sanford School of Public Policy, and the Nicholas School of the Environment to provide strategic vision and leadership related to academic, co-curricular, and residential aspects of the undergraduate experience. The VPUE directs the Office of Undergraduate Education (OUE), which includes offices that support academic success, provide intellectual community, and offer experiential education opportunities for students across Duke's four undergraduate-serving schools. OUE is home to the university's first-generation, low-income access and outreach efforts, study away programs, academic support resources, pre-major advising, and faculty-student-engagement programs, to name a few. Learn more at <https://undergrad.duke.edu/>.

## **Undergraduate Education**

### **Trinity College 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.

### **Pratt School of Engineering**

The dean of the Pratt School of Engineering is advised by the Engineering Faculty Council and by members of the faculty who hold a primary or secondary appointment in that school.

## **Graduate Education**

### **Graduate School**

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. Departments, schools, and programs where graduate degrees are offered appoint a director of graduate studies (DGS) who works closely with the Graduate School and the graduate students in their 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.

### **Divinity School**

The dean of the Divinity School is advised by the Committee on Faculty and by faculty.

### **Fuqua School of Business**

The dean of the Fuqua School of Business is advised on administrative and academic matters by the Faculty Advisory Committee and by members of the faculty.

### **Nicholas School of the Environment**

The dean of the Nicholas School of the Environment is advised by the Faculty Council and by members of the faculty.

### **Pratt School of Engineering**

The dean of the Pratt School of Engineering is advised by the Engineering Faculty Council and by members of the 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 and by faculty.

### **School of Law**

The dean of the School of Law is advised on administrative and academic matters by the faculty.

## **School of Medicine; Medical and Health Professions Education**

The executive vice president for health affairs/dean of the School of Medicine is the chief academic officer for all health professional education programs, except those administered by the School of Nursing. All medical and allied health education programs are administered by the executive vice president for health affairs/dean of the School of Medicine, through the vice dean of medical education with advice from the relevant faculty committees and faculty in constituent instructional groups including physical therapy, physicians' assistants, doctorate and occupational therapy and other health professions programs. The vice dean of education is responsible to the executive vice president for health affairs/dean of the School of Medicine and the provost for all academic activities in School of Medicine. The executive vice president for health affairs/dean of the School of Medicine maintains consistency between university and School of Medicine academic policy.

## **School of Nursing**

The dean of the School of Nursing is advised by the Faculty Governance Association (FGA) Executive Committee and by members of the faculty.

## **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. 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. These deans recommend appointment to the provost. 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. 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 Duke University Health System, Inc. (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 their recommendation to the provost and the president of Duke University.

## **Interdisciplinary University Institutes, Initiatives, and Centers**

The university institutes, initiatives, and centers (UICs) are non-departmental, university-wide bodies that foster interdisciplinary, cross-school teaching, research, service, and community engagement, and that receive central core funding as a portion of their budget. UICs typically convene cross-school faculty and graduate student working groups and facilitate external grant proposals.

All UICs have the opportunity to develop curricular programs (e.g., certificates, minors, co-majors, and master's degrees) so long as they are approved by standard university processes, as well as co-curricular programs. UICs may also appoint non-regular rank faculty and collaborate with a school or department on a joint faculty appointment. University institutes, but not initiatives or centers, have the opportunity to appoint non-tenure track, regular rank faculty through established processes if so authorized by the provost and Academic Programs Committee. Centers may affiliate within an institute, with any associated curricular programs or faculty appointments residing in the host institute.

UICs, both individually and collectively, periodically undergo formal review processes established by the provost and engaging the wider university faculty community. A review of the UICs as a whole should take place every five to seven years. The resulting findings and recommendations inform decisions regarding ongoing operation, sunseting, or reconfiguration, as well as the extent of central core investment. Upon the invitation of the provost, units may be considered for institute status through an established and rigorous governance process that includes careful consideration by the Academic Programs Committee.

Institutes establish and conduct review processes for any affiliated centers, hubs, and projects, which may be established on the basis of a clearly defined time span without the possibility of renewed internal funding. The conclusions and recommendations that emerge from such reviews will inform decisions regarding continuation of individual centers and ongoing institute funding.

Each institute will maintain bylaws that are approved by the institute's faculty governance body, endorsed by the vice provost for interdisciplinary studies, and approved by the provost. Each university institute or initiative 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 executive vice president for health affairs/dean of the School of Medicine.

## **Selection of UIC Directors**

UIC directors will generally be appointed for a five-year period, with annual performance reviews. In year four of the five-year term, assuming the director seeks an additional term, the provost begins a more formal appointment and review process that includes appointment of a special faculty committee to evaluate the performance of the director. The committee will conduct interviews and invite comments from relevant stakeholders and units, and will present the provost with a written report. At the conclusion of the review process, the provost will recommend reappointment or initiate selection of a new director.

Whenever the university seeks a new director, the UIC faculty governance body and relevant faculty and faculty leadership will be consulted, and the provost may appoint an internal candidate or launch an internal or external search. As needed, the provost may also appoint an interim director. For a search, the provost will appoint a search committee which will include representation from both the UIC and the wider university faculty. Search committees may also contain members from outside the university, such as a representative from a UIC external advisory board. The search committee will seek and vet qualified individuals from inside and/or outside the university, depending on the search scope, and make recommendations to the provost. The provost will report the appointment to the Board of Trustees.

For UICs with dual reporting structures to the provost and School of Medicine, the executive vice president for health affairs/dean of the School of Medicine and provost will jointly initiate and direct director search, appointment, and review processes.

Directors of centers affiliated within an institute are appointed for a specified time, typically no longer than three years, by that institute's director, in consultation with the institute's faculty governance body and the vice provost for interdisciplinary studies. Reviews of center directors involve similar consultation.

### **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 appropriately reporting on them to the provost's office as part of the school's standard annual report.

## **Learning Innovation & Lifetime Education**

The Vice Provost for Learning Innovation and Digital Education oversees Learning Innovation & Lifetime Education (LILE). LILE is Duke University's central source for teaching and learning innovation on campus and through Duke's professional, continuing, and online education offerings. Our research-driven educational consulting and market-driven lifetime learning opportunities serve all learners, from pre-college to post-career.

### **Instructional Support & Development**

LILE partners with faculty to support student-centered, active learning for more equitable, accessible, and inclusive experiences that help all learners achieve learning outcomes. Opportunities to receive support from LILE include:

- One-on-one consultations via open office hours and email
- Self-service teaching guides on course design and delivery
- Workshops and events on teaching strategies and educational technologies
- Services that provide ideas and feedback on current teaching practices
- Advising and support for original teaching and learning research
- Fellowships and institutes to create connections among faculty who are passionate about learning, sharing ideas and contributing to education innovation
- Support for developing online courses and programming (visit [online.duke.edu](https://online.duke.edu) to see Duke's current catalog of online learning opportunities - many of which are hosted on Coursera)

Additionally, LILE builds and supports Duke's learning technology ecosystem and conducts and disseminates teaching and learning research. Learn more about LILE's work and opportunities for faculty at [learninginnovation.duke.edu](https://learninginnovation.duke.edu).

## **Continuing Studies Programming**

LILE provides local and global programs to lifelong learners of all ages. Local adult learners pursuing an undergraduate degree are admitted and receive academic advising through the Academic Studies unit of this office. Undergraduate and graduate non-degree coursework and auditing of Duke classes are also arranged through Academic Studies. The Duke Continuing Studies Employee Tuition Rate Program offers discounts on up to two courses in fall and spring semesters or one course per summer term. The program is designed to make Duke academic coursework more accessible to employees through reduced tuition and audit rates for most undergraduate courses.

Other continuing studies programs include:

- Duke Pre-College provides advanced summer academic enrichment experiences for middle and high school students through commuter, residential and online options.
- The Nonprofit Management program offers capacity building, leadership, and skill workshops specialized for the nonprofit industry.
- The Professional Certificates unit provides online continuing education programs that award completion certificates in business/finance, technical writing, human resources, legal studies, management, Six Sigma/Lean, and technology solutions.
- The Osher Lifelong Learning Institute is a membership organization offering noncredit online and in-person educational, social, and volunteer opportunities to working and post-career adults in the Duke community.

All continuing education programs are open to faculty members and their families. Additionally, LILE welcomes any faculty interested in teaching a continuing studies course to contact them at [learnmore@duke.edu](mailto:learnmore@duke.edu).

For detailed information, see <https://learnmore.duke.edu/>.

## **Summer Session**

Summer Session, housed within LILE, is part of Duke University's twelve-month academic offerings and upholds the same academic standards and credentials as fall and spring semesters. While some professional schools offer summer coursework, virtually all offerings in Arts and Sciences are at the undergraduate level. The Global Education Office for Undergraduates and the Marine Lab both sponsor summer coursework in addition to Summer Session offerings. Each school and department is responsible for selecting their courses and faculty, subject to consultation with and approval from the director of Summer Session.

For detailed information, see <https://learnmore.duke.edu/>.

## **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 Duke Health Archives**

The Duke University Archives is the official archival repository of the university and is part of the Rubenstein Rare Book and Manuscript Library. The University Archives identifies, acquires, manages, and preserves university records of enduring value and makes them available for use in accordance with policies approved by Duke University's Board of Trustees, administration, and faculty. For information concerning access, collection, and transfer to the Archives, go to <https://library.duke.edu/rubenstein/uarchives/>.

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. Duke Health 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, visit online at <https://archives.mc.duke.edu/>.

## Administrative Services

The [executive vice president](#) oversees Duke's administrative and financial affairs, including facilities, finance, human resources, operations, and information technology.

The Office of Audit, Risk and Compliance (OARC) performs independent internal audits, plans, and oversees the university risk management process, and oversees the institutional ethics and compliance program. To ensure OARC's independence, the chief audit, risk and compliance officer reports administratively to the president of the university and the chief executive officer (CEO) of DUHS, and functionally to the audit committees of the Board of Trustees, Duke University Health System, and DUMAC, Inc.

## Office for Institutional Equity (OIE)

The [Office for Institutional Equity \(OIE\)](#) provides education and support for the Duke University and Duke Health community to advance Duke's shared values of respect, trust, inclusion, discovery, and excellence. OIE responds to and supports the prevention of complaints of discrimination, harassment, and sexual misconduct. OIE also publishes the annual Affirmative Action Program and can provide education, data, and other resources to support hiring and promotion practices to encourage diversity. Finally, the office offers outreach, education, team building and coaching, and diversity publications in support of the Duke community. OIE collaborates internally and externally to best leverage its resources to support all students, staff, and faculty at Duke.

## Harassment Prevention, Non-Discrimination, and Title IX

Duke University is committed to encouraging and sustaining a learning and work community that is free from harassment and prohibited discrimination. The institution prohibits discrimination on the basis of individual's age, color, disability, gender, 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. It admits qualified students to all the rights, privileges, programs, and activities generally accorded or made available to students.

Questions or comments about discrimination, harassment (including sexual harassment and sexual violence), relationship violence, and stalking can be directed to the Office for Institutional Equity. Additional information, including the complete text of the Policy Prohibiting Discrimination, Harassment and Related Misconduct, and appropriate complaint procedures, may be found by contacting the Office for Institutional Equity or visiting its website at <https://oie.duke.edu/>. Questions or comments about discrimination, harassment (including sexual harassment and sexual violence), relationship violence, and stalking committed by a student may also be directed to the Office of Student Conduct; additional information, including the complete text of the policy and complaint procedure for such misconduct, may be found at <https://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix>.

OIE responds to protected-class-based discrimination and harassment including sexual misconduct matters. This area also implements and monitors Duke's Policy on Prohibited Discrimination, Harassment and Related Misconduct (PPDHRM). OIE provides advice, assistance, and education to individuals and groups concerning harassment prevention and non-discrimination, including handling complaints. OIE also addresses gender equity in the workplace and classroom, working to ensure that Duke complies with Title IX, a federal law banning sex discrimination.

Faculty, staff, and students can use the confidential online Incident Reporting tool to provide OIE with preliminary information concerning incidents of protected status harassment, discrimination and related misconduct involving students, faculty, or staff. OIE will respond to all submissions regardless of the nature of the report and will forward it to the office responsible for addressing it, as appropriate. Report a concern here: [https://oie-duke-gme-advocate.symplcity.com/public\\_report/index.php/pid555357](https://oie-duke-gme-advocate.symplcity.com/public_report/index.php/pid555357).

## **Affirmative Action Programs, Equitable Hiring and Promotion Practices, and Data Evaluation**

The Equal Opportunity and Affirmative Action area of the Office for Institutional Equity is responsible for preparing Duke's Affirmative Action Plans (AAPs) and Equal Employment Opportunity reports (EEOs). This area also works to implement Duke's policies on [Equal Opportunity and Affirmative Action](#) related to pay discrimination and prejudicial promotion practices, including performing investigations. In addition, OIE conducts federally mandated and internal EEO data analytics; provides consultation services, education, and training; and serves as a liaison between Duke and governmental agencies in the areas of contract compliance, reporting, and regulatory matters.

## **Diversity, Equity & Inclusion**

The Diversity, Equity, and Inclusion area provides consultation, needs assessment, strategy design, coaching, educational workshops, and learning solutions related to diversity, equity, and inclusion. OIE also offers the Duke University Health System (DUHS) Diversity Education for Staff course to improve patient-centered care. OIE programs are designed to raise awareness, increase understanding, and enhance skill development to optimize the working and learning environments at Duke.

See the following link for a list of educational offerings: <https://oie.duke.edu/training-workshops-and-educational-sessions>.

## **Accommodating Persons with Disabilities**

The Vice President for Institutional Equity is the designated compliance officer for the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 so if you have a concern about the implementation of a reasonable accommodation or disability discrimination you may report it to OIE. If you are seeking a disability accommodation, please contact Disability Management Systems (DMS). <https://access.duke.edu/>.

## **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 or [sdao@duke.edu](mailto:sdao@duke.edu).

### **Disability Management System--Employment and Public Accommodations**

Faculty members wishing to explore possible coverage and reasonable accommodations under the ADA should visit the DMS website at <https://www.access.duke.edu/> and submit a request for accommodations. If you have questions about the ADA process, please 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](mailto: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 innovation at Duke University in collaboration with departments, groups, and individuals within the university community.

OIT effectively manages technology resources providing training and support for tools and services including: account access; collaboration and productivity; phones and conferencing; email, calendar, and events; video and audio; data and analytics; and high-performance virtual computing environments. It also supports labs and computer classrooms; wireless and wired computer networks; and other advanced technology spaces. The OIT Service Desk and knowledgebase website offer direct customer support. To learn more, visit the OIT website ([oit.duke.edu](https://oit.duke.edu)) or contact the OIT Service Desk by live chat ([oit.duke.edu/help](https://oit.duke.edu/help)), to get help.

## 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 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 set of university-wide security services, technologies and processes, education and awareness training, monitoring for IT security related events, threat and vulnerability management, and incident management. ITSO, reporting directly to the University's Chief Information Officer, collaborates with campus schools, departments, and business units on a wide variety of IT security-related issues and practices. Faculty may be interested in Duke Unlock multifactor authentication (<https://oit.duke.edu/what-we-do/applications/duke-unlock>); 1Password Password Manager (<https://oit.duke.edu/what-we-do/applications/1password>); or participating in the Duke Security Challenge (<https://idms-web-selfservice.oit.duke.edu/security>).

### Other key resources include:

- Duke University IT Security Primer: <https://security.duke.edu/secure/policies-procedures-and-standards/security-program/duke-university-it-security-primer/>
- Security policies and procedures: <https://security.duke.edu/policies-procedures-and-standards/>
- Duke's minimum security standards: <https://security.duke.edu/policies-procedures-and-standards/device-security/minimum-security-standards-laptops-desktops/>
- Offered services, including vendor risk assessments: <https://security.duke.edu/security-services/>
- Security guides: <https://security.duke.edu/security-guides/>

To learn more, visit <https://security.duke.edu>, or contact ITSO by email at [security@duke.edu](mailto:security@duke.edu); or on a public Microsoft Teams channel – [IT Security Office](#).

## **Office of Communications, Marketing and Public Affairs**

The Office of Communications, Marketing and Public Affairs (CMPA) leads Duke's communications and marketing programs to advance Duke's strategic priorities and promote the university's reputation, including crisis communications and issues management. 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 including the media. CMPA sets and maintains university policies on media, visual identity, social media, digital and strategic communications, and related matters. Those policies and standards can be found at <https://communications.duke.edu>. In addition, the office provides counsel and information to institutional leaders on internal and external communications and related issues.

## **Duke University Office of Government Relations, Duke State Relations and Duke Health Government Relations**

Several offices at Duke University work together to advocate for favorable policies and inform the community about the activities of the federal and state governments that affect Duke. The Office of Government Relations and Duke State Relations are University-based, while Duke Health Government Relations is based in Duke Health. All three 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 Duke University Office of Government Relations is responsible for national public policy issues related to the university and includes Duke's office in Washington, D.C. (Duke in DC) <https://dukeindc.duke.edu/>. The office also coordinates and works with faculty and senior leadership on issues involving international government relations. Duke State Relations is responsible for relations with the State of North Carolina policymakers for the University, Duke Health and Duke LifePoint Healthcare, while Duke Health Government Relations focuses on federal issues for the Duke University Health System and Schools of Medicine and Nursing. The Duke University Office of Government Relations and Duke State Relations report directly to the vice president for government relations, while Duke Health Government Relations reports jointly to the vice president for government relations and the CEO of DUHS.

## **Duke Community Affairs**

Duke Community Affairs (DCA) forges purposeful partnerships with our neighbors to improve health and well-being in communities. Through engagement via scholarship, service, and collaboration, Duke builds ongoing connections with reciprocity and equity that reflect the values of respect, trust, inclusion, discovery, and excellence.

Duke Community Affairs builds upon a history of university and community relationships extending back to the 1990s with the Duke-Durham Neighborhood Partnership (DDNP) and later the expansion to the Office of Durham and Regional Affairs (DARA). Building upon this 30-year foundation of community engagement work, today DCA connects area community partners and local government with the people, research and institutional resources of Duke University and Duke Health.

In 2021, DCA launched the Strategic Community Impact Plan (SCIP) developed with input from more than 650 community partners and Duke collaborators. This document now serves as a guide for prioritizing Duke's community engagement efforts around five focus areas:

- Housing - Housing affordability and infrastructure
- Health - Food security and nutrition
- Education - Early childhood and K-12 readiness
- Employment - College and career readiness
- Community - Nonprofit capacity

Learn more about Duke Community Affairs and the SCIP at:

<https://community.duke.edu>.

## Office for Research and Innovation

The Office for Research & Innovation (OR&I) supports Duke's commitment to excellence and integrity in research and scholarship by providing infrastructure to empower, enable, and safeguard research and scholarly activities at Duke. In addition, Duke is committed to translating our research for the substantial benefit of society, and works to encourage and support faculty, trainees, and staff to ensure that their research serves the public good. We enable partnerships with other entities, including government, industry, non-profit, community organizations, and academic institutions in order to achieve Duke's mission.

OR&I provides a centralized focus for the development of research activities across the institution, and has university-wide responsibility for research policy, coordination with external research sponsors (including federal funding agencies), compliance, scientific integrity, research conflicts of interest, and technology transfer. In addition, the Office for Research & Innovation works closely with management center-based resources and provides pre- and post-award services, animal and human subjects research oversight, and research development activities.

Within the Office for Research & Innovation are the Offices of Scientific Integrity, Export Controls, Translation and Commercialization, External Partnerships, Postdoctoral Services, and Research Initiatives. The office also works in concert with such university committees as the Executive Research Oversight Committee (EROC), Research Administration Continuous Improvement (RACI) initiative, the Research Policy Advisory Committee, and the Authorship Dispute Board. OR&I coordinates with the deans of all university schools, to facilitate research excellence throughout the university.

## Alumni Engagement & Development

Alumni Engagement and Development (AED) partners with faculty members to engage Duke's global network of over 190,000 alumni and friends, harness the extraordinary talents of the broader Duke community, and secure philanthropic support enabling Duke to strengthen its educational and research missions and advance strategic priorities.

Benefits for faculty partnering with AED:

- Highlight your research at events and programs
- Connect with industry experts across the alumni community
- Identify guest speakers for academic and co-curricular engagements
- Meet with alumni when you travel
- Learn how to work with donors and foundations
- Partner on programs to highlight the work of centers, units, and initiatives
- Recruit alumni to participate in class projects

Colleagues across AED partner with faculty to bolster the office's four areas of engagement: communications, experiential, philanthropic, and volunteer. Faculty collaborations range from donor meetings to enhancing your students' classroom experience to serving as an expert in education programs. For guidance on getting involved, visit the "Ways to Engage" section on <https://alumni.duke.edu/lifelong-learning/connecting-faculty-alumni>.

Key AED teams that partner with faculty year-round include:

### Lifelong Learning

The Lifelong Learning (LL) team is comprised of two arms: Alumni Education and Duke Travels. In accordance with the Duke University mission statement, the LL team provides "wide ranging educational opportunities, on and beyond our campus, for traditional students, active professionals, and lifelong learners" ([trustees.duke.edu](https://trustees.duke.edu)). Through Lifelong Learning programs, faculty share their research and expertise with alumni, parents, donors, and friends in initiatives that range from short-term speaking engagements to extended engagements that last several weeks.

- **Alumni Education** creates, curates, and collaborates learning opportunities working with the schools, units, and initiatives across the university. Each year, nearly 100 faculty members help to keep our community engaged and connected intellectually. Programs range in topics from academic or cultural exploration to professional and personal development, and are delivered in a variety of formats (virtual and in-person, live and asynchronous). Programs are typically interdisciplinary by design, creating opportunities for faculty to connect with one another in similar disciplines, and allow faculty to network the broader Duke community and share their scholarship with a diverse audience.
- **Duke Travels** offers 40-50 high quality educational group travel programs annually, through which it stewards and engages Duke constituents with the university and each other. Faculty on these journeys offer destination-related expertise in conversations and lectures, engaging deeply with participants on all aspects of the itinerary. They also speak on Duke's global strategic initiatives including the university's commitments to education. In line with Duke's Climate Commitment, the travel program partners with destination-focused tour operators who demonstrate their climate initiatives by minimizing tourism's negative environmental impacts and maximizing the positive contributions it can make to local communities. To learn more about the travel programs or connect with the Duke Travel team, contact [duketravels@duke.edu](mailto:duketravels@duke.edu).

In addition to the programs they create and facilitate, the LL team oversees faculty engagement for all of AED, assisting colleagues across the office by aligning their program needs with faculty expertise. The main point of contact for this coordination is the **Senior Director of Faculty Engagement**. For questions about collaborating with AED, contact [lifelonglearning@duke.edu](mailto:lifelonglearning@duke.edu).

## Foundation Relations

With decades of combined experience in fundraising, the Office of Foundation Relations supports Duke faculty and leaders in developing relationships and fundraising approaches with philanthropic foundations. The Foundation Relations team strives to make the entire process seamless and effective by offering the services below. Contacting Foundation Relations before approaching a foundation is required by the university—and it may greatly increase your chances of success.

Foundation Relations can:

- Explain the basics of foundation fundraising
- Help you define your approach and develop a high-quality, competitive proposal
- Identify foundations that may be interested in your work
- Serve as a liaison to foundations

- Review your letters of intent and proposals
- Advise you on grant reporting and stewardship
- Organize and facilitate foundation visits on and off campus

Duke Health has its own **Office of Foundation Relations & Strategic Partnerships** to support faculty in the School of Medicine and the School of Nursing. Learn more about working with the Office of Foundation Relations at AED at <https://foundationrelations.duke.edu/>.

## Alumni and Student Connections

The Alumni and Student Connections team supports faculty, academic departments, and students with alumni engagement. Alumni serve as a vital bridge between a department's history and future, and those who stay engaged with their department are more likely to offer financial support over time. Moreover, accomplishments of alumni inspire prospective and current students by offering insights into career paths and academic pursuits. They also serve as valuable networking resources, connecting students to research, internships, and job opportunities. When departments consider curriculum changes, alumni can provide valuable input on pedagogical approaches and curriculum elements that connect the application of classroom to industry.

Alumni and Student Connections can:

- Connect faculty and departments with your alumni through direct communication tools
- Connect students with alumni through informational interviews, panels, and mentorship opportunities
- Educate students or student groups on successful networking with alumni
- Consult on initiatives to engage alumni within classrooms or department
- Assist with identifying alumni to invite to campus or feature on your website
- Feature your department's alumni and support students' participation in AED programs

To consult with Alumni and Student Connections, or request support for your department, contact [engagement@daa.duke.edu](mailto:engagement@daa.duke.edu).

## 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. Its primary responsibility is to manage Duke University's endowment assets. In addition, DUMAC manages the university's defined benefit pension plan assets, Duke University Health System's investments, and much of the university's working capital. DUMAC also manages the assets of The Duke Endowment, the private charitable trust established by Duke University's founder, James B. Duke.

## 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.

## Acronyms Appearing in This Chapter

AAPs	Affirmative Action Plans
AED	Alumni Engagement & Development
ADA	Americans with Disabilities Act
AP&T	Appointments, Promotion, and Tenure
CMPA	Office of Communications, Marketing and Public Affairs
DARA	Office of Durham and Regional Affairs
DCA	Duke Community Affairs
DDNP	Duke-Durham Neighborhood Partnership
DMS	Disability Management Systems
DUHS	Duke University Health System

Duke-NUS	Duke-National University of Singapore
DUMAC	Duke University Management Company
EEO	Equal Employment Opportunity
EROC	Executive Research Oversight Committee
FGA	Faculty Governance Association
ITSO	Information Technology Security Office
LILE	Learning Innovation & Lifetime Education
LL	Lifelong Learning
MCEC	Medical Center Executive Committee
OARC	Office of Audit Risk and Compliance
OIE	Office for Institutional Equity
OIT	Office of Information Technology
OR&I	Office for Research & Innovation
OUE	Office of Undergraduate Education
PPDHRM	Policy on Prohibited Discrimination, Harassment and Related Misconduct
RACI	Research Administration Continuous Improvement
SCIP	Strategic Community Impact Plan
UIC	University Institutes, Initiatives, and Centers
VPUE	Vice Provost for Undergraduate Education

# Chapter 2: The University Faculty and Its Organization

## Faculty Rank and Responsibilities

As defined in Article XXI 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 E](#) of this handbook) 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 School of Medicine) associate. Additional information about regular rank non-tenure track faculty may be found in [Appendix E](#) 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 School of Medicine), 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. Tracks I – V will be retired on December 31, 2025. The School of Medicine Clinical Sciences revised their tracks effective January 2021 as described in [Appendix E](#) and now has two promotion pathways: the Career Track and the Tenure Track.

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 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 executive vice president for health affairs/dean of the School of Medicine 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 regarding 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 XXI 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 [Christie Rules](#), adopted in 1972, ensure that the faculty in their commitment to the University, retain decision-making powers, insofar as these powers pertain to University governance and will be delegated by 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. Robert's Rule of Order are used to conduct Academic Council meetings, to facilitate discussions and decision-making. 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 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. More information on university committees can be found in [Appendix G](#) 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](#). All respective school Bylaws and Rules are hosted on the schools' websites (see [Appendix C](#) for links).

## **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.

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.

## **Fuqua School of Business**

The governance of the Fuqua School of Business is the shared responsibility of the dean and the faculty. The Faculty Advisory Committee (FAC) is composed of eight elected faculty representatives, one from each academic area of the school. One of the representatives serves as FAC chair after a school-wide election. The dean and senior associate dean for faculty affairs serve as ex-officio members of the FAC. The FAC discusses questions of strategic and operational importance to the school and makes recommendations to the dean and other school administrators. 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.

## **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.

## **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, and its subcommittees, is charged with developing and monitoring all academic programs in the School. 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.

## **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.

## **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. There are no faculty bylaws in the School of Law. The Rules of the Law School related to Appointment, Promotion, and Tenure are included within the School's rules. A complete copy of the Rules of the School of Law is available in the dean's office and on the Law School website.

## **School of Medicine: Basic Sciences Division and Clinical Sciences**

The Basic Science Faculty Steering Committee is the representative body of the basic science faculty participating in major decisions and plans of School of Medicine and the 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.

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 School of Medicine 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 Governance Association (FGA) of the School of Nursing consists of the regular ranked faculty and an elected executive committee with a set of governing bylaws. The FGA meets regularly to consider matters relating to the academic affairs of the school. Recommendations on policies and procedures that pertain to the admission, progression and graduation of students, the curriculum, and other matters that affect the academic environment are presented by committees on which faculty members and students serve. The Chair of the FGA presides at meetings of the faculty and the FGA executive committee.

## **Trinity College of 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 the council are found within in the School's bylaws.

## Acronyms Appearing in this Chapter

EFC	Engineering Faculty Council
FAC	Faculty Advisory Committee
FGA	Faculty Governance Association

# **Chapter 3: Faculty Appointment, Promotion, and Tenure**

## **Introduction**

The following section on appointment, promotion, and tenure is applicable to the faculty of Trinity College of Arts and Sciences, the Fuqua School of Business, the Divinity School, Pratt School of Engineering, the Nicholas School of the Environment, the Graduate School, the School of Law, the School of Medicine (including the basic sciences), the School of Nursing, the Sanford School of Public Policy, and authorized university institutes.

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 scholarship, a demonstrated commitment to high-quality teaching/mentoring, and a willingness to contribute to university/professional service; the combination of these criteria vary at different stages of one's career.

## **APPOINTMENT, REAPPOINTMENT, AND PROMOTION OF REGULAR RANK TENURE TRACK FACULTY FOR SCHOOLS AND INSTITUTES**

### **Appointment, Promotion, and Tenure**

All tenured members of the university's regular rank faculty are appointed by the Board of Trustees or the Executive Committee of the Board of Trustees upon the recommendation of the provost and/or executive vice president for health affairs/dean of the School of Medicine.

### **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. Exceptions include some tenure-track appointments in creative arts and writing, where the master of fine arts (MFA) may be viewed as a terminal degree. When such an appointment is made, the faculty member will not begin to accrue time toward tenure until the degree is awarded and they have 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 or promotion 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, <https://facultyaffairs.provost.duke.edu/faculty-time-away/types-academic-leaves/>).

## **Appointment and Promotion with Tenure**

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 excellence in scholarship, and whose 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 scholarship. Good teaching/mentoring and university/professional service should be expected but cannot in and of themselves be sufficient grounds for tenure. Sustained scholarly output is required for tenure.

Full professors play a critical role in determining the intellectual quality of the university. 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. 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.

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 and Appendix D of this handbook. Recommendations for external appointments (i.e., hiring individuals not at Duke) should consider 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.

## **Responsibilities of the Department, Program, or School**

All Trustee-authorized faculty hiring units must have a set of formal procedures to govern their internal evaluation processes. A general description of these procedures and best-practices is laid out in the Faculty Affairs Administration website (<https://facultyaffairs.provost.duke.edu/appointment-promotion-and-tenure/>). All academic units are also expected to have developed “tenure and promotion standards” for tenure-track faculty that have been vetted both by the unit’s faculty and the administration, are periodically revisited and amended as determined by the faculty and administration, and are readily accessible by the unit’s faculty. The deans, directors, and department chairs are responsible for submitting any proposed substantive changes to these standards or procedures to the provost for consideration. The provost will review the proposed change and assure that they are generally acceptable and consistent with the policies described herein. Once endorsed, the deans, directors, and department chairs will be responsible for communicating any changes in procedures to all members of the hiring unit and to new members of the faculty at the time of appointment; the revised evaluation procedures should also be posted to the unit’s website.

## **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 their 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, Medicine, 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 their 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. 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 or their designee at the school level 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.

Following completion of the review committee's report, the report shall be shared in advance with the academic unit's faculty, as described by their bylaws, and discussed in a faculty meeting. The faculty who receive the report and who vote in the meeting shall be those who are at rank at or above the rank being sought by the candidate. 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. 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. Unless otherwise specified in a unit's bylaws, a favorable decision means that a majority of the faculty who cast votes voted in favor of the promotion. The head of the academic unit (chair or dean, as appropriate) shall not vote except in the event of a tie.

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. Written 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's Advisory Committee on Appointment, Promotion, and Tenure (AP&T) and the provost. Of note, School of Law, School of Nursing, and clinical departments in the School of Medicine follow an alternative process which is separately described in Appendix E.

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 based on the unit discussion. The faculty member may appeal this decision once to the provost through the dean within two weeks of notification; the provost may seek further information and recommendations from the school and the provost's Advisory Committee on Appointment, Promotion, and Tenure before making a decision. The AP&T committee will be consulted if the Provost chooses to overturn a unit's negative recommendation for promotion or appointment. The Provost will inform the school dean and the candidate of the final decision.

## **Schedule**

For most units (see exceptions below), normal 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, and individual schools set the deadlines for receipt of materials from their recommending units. 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 June 1 when the recommendation of the school and complete dossier, including the dean's written assessment, are submitted to the committee no later than November 1st for promotion to full professor and December 1st for promotion with tenure. The School of Law, School of Nursing, and the clinical departments of the School of Medicine assess dossiers year-round and follow their own schedule.

## **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, Medicine, 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 by and available from the Office of the Provost (see <https://facultyaffairs.provost.duke.edu/appointment-promotion-and-tenure/>).

In Arts and Sciences, the Pratt School of Engineering, the Nicholas School of the Environment, and the School of Medicine, the dean or their designee 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 most 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 their recommendation. All such requests and the resulting information shall be added to the dossier and kept confidential. In the School of Nursing, the respective Division Chair will complete a dossier checklist and the School of Nursing Appointment, Promotion and Tenure (AP&T) Committee is responsible for the dossier review. In schools without departments, including Nursing, the dean shall present in writing their 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 the dean 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**

Except for those in the School of Law, School of Nursing, or clinical departments in the School of Medicine, 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 a minimum 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, the vice provost for Faculty Advancement, 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 usually meet with the AP&T Committee to discuss significant issues raised during 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 Duke faculty members may write to the AP&T Committee (or to the provost, who will refer such letters to the AP&T Committee) regarding 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 at minimum three-quarters of the voting members unless a sufficient number of votes, affirmative or negative, has been cast to represent an absolute majority 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 have been fully and adequately considered.

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

The provost will communicate to the appropriate dean their intended decision and, if negative, the major factors underlying it as summarized by AP&T. 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 act contrary to a positive recommendation from the AP&T Committee, the provost must provide the basis for this decision to the candidate and the chair via the school dean. An appeal of the provost's intended decision, from any or all of these three parties, may then be made within the following two weeks, submitted through the dean. 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 their decision without referral. On any one case the originating academic unit, school, and/or candidate are limited to one appeal, and the provost will inform the candidate, the department chair (if applicable), and the relevant dean of its outcome.

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 their 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 their 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 share their decision 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**

This section updates the findings of Report of the Ad Hoc Committee on Procedures for Appointments, Reappointments, and Promotions for Regular, Non-Tenure Track Faculty. The following guidelines apply to non-tenure track appointments within the Provost Management Center and are not directly applicable to the School of Law, the School of Nursing, and the clinical departments of the School of Medicine, whose policies are discussed in Appendix E.

Regular rank non-tenure track faculty members are integral to the intellectual life and teaching mission of the schools and institutes at Duke, filling important roles, though the roles differ somewhat across 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 appointment. 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 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 of 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, is 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**

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.

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.

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.

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.

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.

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.

The involvement of unit faculty and leadership in non-tenure-track regular-rank reappointments and promotions varies by school, and the associated processes are described in Appendix E as well as individual unit bylaws.

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 report it to the Board of Trustees. In cases where the program or departmental recommendation is unfavorable the candidate may appeal the decision to the provost once within two weeks of the notification date; the provost can seek further information and recommendations from the school before making a decision.

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; the appropriate deans, the provost, the provost's Advisory Committee on Appointment, Promotion, and Tenure, and related committees and staff working for the deans and provost; (5) the president; and (6) the Board of Trustees. All individuals participating in the AP&T 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.

## **Acronyms Appearing in This Chapter**

AP&T	Appointments, Promotion, and Tenure
ECAC	Executive Committee of the Academic Council
FGA	Faculty Governance Association
FHC	Faculty Hearing Committee
FWA	Flexible Work Arrangements
MFA	Master of Fine Arts

*Academic Council March 31, 1988; Revised September 2001; Revised June 2017;  
Revised April 2023; Revised May 2025*

# 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 the Faculty Hearing Committee to appoint a panel to conduct a hearing. The procedures are described in [Appendix F](#) of this handbook. Faculty may also consult with The Office of the Ombuds and the University Ombuds for guidance regarding different options available to the faculty member.

A complete statement of policies and procedures with respect to academic freedom and tenure is attached to this handbook as [Appendix D](#).

## 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 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.

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 school'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 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. The provost will convene an ad hoc Distinguished Professorships Committee as needed to review any special professorships that fall outside a traditional school or discipline.

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:

## 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 [Appendix M: Policies Related to Intellectual Property, Copyright, and Consulting](#).

### Base Salary Determination for Term of Academic Appointment

Responsibility for faculty academic salary recommendations rests with the deans and directors reporting to the provost and the executive vice president for health affairs/dean of the School of Medicine. 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 are approved by the provost and recommendations of directors are approved by the provost or the executive vice president 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 their 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. 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 approved by the provost or executive vice president for health affairs through regular budgetary processes as appropriate. (See also the section entitled Joint Appointments and Secondary Appointments in Chapter 2.) Occasionally, 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 School of Medicine and School of Nursing 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). 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 of Duke Health, any pay for work performed in addition to the faculty member's normal duties as part of their 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 workload (100 percent effort) for which they are 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.

### **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 executive vice president for health affairs/dean of the School of Medicine to provide extraordinary pay. If the extraordinary pay is to be charged to a federal grant or contract, the Office of Research Support (for academic program areas) or the Office of Research Administration (for Duke Health entities) must approve the allowability of the charges before the related work is begun. The provost and executive vice president 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 in determining their eligibility for such payments. For Duke Health Management Center entities, please contact the SOM HR Management Center for details regarding its [Extraordinary Pay Policy](#).

### **Supplementary Pay**

Faculty members may receive supplementary pay for effort outside the term of their appointment according to the following guidelines:

## **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, summer supplements associated with federally-sponsored projects 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 executive vice president 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 of School of Medicine and School of Nursing**

Faculty members outside the School of Medicine and School of Nursing 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 School of Medicine and School of Nursing**

Most faculty members in the School of Medicine and School of Nursing 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 School of Medicine 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 School of Medicine and School of Nursing 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 the School of Medicine and School of Nursing appointments, base salaries cover one month of vacation and annual effort reporting should reflect this fact.

## **Faculty Hearing Committee**

The Faculty Hearing Committee (FHC) 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 age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status. Duke University also makes 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 Office for Institutional Equity. Depending on the nature of the complaint and outcome, the FHC may consider the complaint if it falls within the jurisdiction of the FHC.

The second function of the Faculty Hearing Committee involves academic freedom and tenure. The Faculty Hearing Committee have jurisdiction to consider complaints from faculty such as: 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 F](#) of this handbook.

## **Faculty Recruitment**

When a faculty or staff position becomes vacant in any school or authorized unit, the head of that unit shall consult with leadership – specifically, deans should consult with the provost and directors should consult with provost or executive vice president for health affairs as appropriate. After authorization to fill the position has been obtained, the dean or director shall follow unit policies for filling the position. In all cases these policies shall be consistent with Equal Employment Opportunity (EEO) regulations and university guidelines. 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 Duke Health).

Each department and/or school shall define a full-time workload 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 workload 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 three 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 (FWA) in writing (see [a sample FWA request form](#)) to the department chair, if applicable, or the dean of the school. The approved request, including the agreed upon 1) modification in duties, 2) compensation, and 3) proposed total time for which the flexible arrangement will be in effect, then goes from the department chair to the dean. Approved FWAs will then be sent to the provost for signature. The Provost's Office will monitor usage of this policy.

Tenure track faculty members are automatically eligible for three months of tenure clock relief for each year of approved FWA. However, as outlined in the [tenure clock relief policy](#), there is a three-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 FWA. 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 FWA 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.

## **Sabbatical Leaves**

The primary purpose of sabbatical leave is to increase the value of the professor's further service both to their 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.

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.

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 six years but no less than three years.

Sabbatical leave may be granted upon the written recommendation of the dean of the appropriate college or school, and then approved by the provost.

The year in which sabbatical leave is taken will not count towards eligibility time for subsequent sabbatical leave.

Time on approved paid medical and/or parental leaves will count toward eligibility for subsequent sabbatical leave.

Qualifying faculty who were appointed prior to September 1982 may count time spent as an instructor in their years of service.

When eligibility for sabbatical leave is not clearly established, the case should be discussed with the appropriate dean, provost, or the executive vice president for health affairs/dean of the School of Medicine.

## **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.

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 they expect to use the leave, where they expect to be during the leave, and a clear statement indicating whether they are 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.

The department/division chair will send a letter to their dean, stating whether they endorse the applicant's leave request and whether supplemental instructional funds may be needed to meet teaching obligations during the applicant's leave period.

Copies of these letters should be sent to the provost and, if appropriate, to the executive vice president for health affairs/dean of the School of Medicine.

The dean (department chair in the School of Medicine) will send a letter to the provost (executive vice president for health affairs in the School of Medicine) stating whether they endorse 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.

Upon return from leave, the faculty member is expected to give a full report in writing to their department chair, dean, and to the provost or executive vice president for health 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 their profession and to the university. Thus, in such cases of a remunerative position, policies regarding flexible work arrangements would apply.

Any person granted sabbatical leave is expected to return for at least one year's service following the leave.

## **Other Matters Relating to Leaves**

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 executive vice president for health affairs as appropriate. The provost will then write the faculty member regarding approval.

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.

Information concerning eligibility status may be obtained by contacting the appropriate dean's office or the Office of the Provost.

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.

Questions arise frequently about the pay period (or absence of pay) in connection with leaves. The following dates apply:

- Sabbatical for fall or spring semester--no change in pay.
- Sabbatical for fall and spring semesters--half pay from July through June.
- Leave of absence during the fall semester--no pay or benefits from July through December.
- Leave of absence during the spring semester--no pay or benefits from January through June.
- 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.

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 or state agency. These agreements are intended to enhance cooperation between universities and the federal or state 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

Family Medical Leave (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 inabilities 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).

FML should not exceed 12 weeks within a rolling 12-month period. Military Family Leave, in combination with all FML, 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 nor 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 deemed 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 FML. FML must be taken concurrent with either of these types of leave if the faculty member is eligible under the 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 Duke Benefits Office to determine the procedure for payment under group insurance plans should they go on unpaid status. For additional information on FMLA eligibility, qualifying events and benefits, see the Duke Human Resources website (<https://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 their physician that they are 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 their 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 they are 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 at (919) 684-5600 to determine if a Long-Term Disability Leave is more appropriate for the circumstances (see [Long-Term Disability Leaves](#)).

## **Temporary Parental Leaves – Regular Rank Faculty<sup>2</sup>**

A regular rank faculty member on a multiple-year appointment (regular rank faculty in the School of Medicine and School of Nursing<sup>3</sup>) 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 a child, the adoption of a child (under six years of age), or the birth of a domestic partner's<sup>4</sup> child. A faculty member who adopts a spouse or partner's previous child(ren) is not eligible for this leave. The leave must commence within twelve months of the date of birth or adoption (proximate to birth or adoption for the School of Medicine and School of Nursing)<sup>5</sup>. 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. If both parents are regular rank faculty members on a multiple-year appointment (regular rank faculty in the School of Medicine and School of Nursing), each parent is eligible to receive the parental leave benefit. The head of the academic unit (e.g., the department chair or dean) must indicate in writing to the dean and/or provost, after affirmation of the requestor, that the faculty member requesting parental leave understands that a temporary parental leave is granted to provide time for the faculty member to care for and bond with a newborn or a newly adopted child (under six years of age) within the faculty member's immediate family unit. In the School of Medicine, the department chair and in the School of Nursing, the division chair in consultation with the vice deans for academic and research affairs will develop a plan for management of research 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/executive vice president 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 Faculty**

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 a 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. A faculty member who adopts a spouse or partner's previous child(ren) is not eligible for this 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. If both parents are non-regular rank faculty, each parent is eligible to receive the parental leave benefit.

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, after affirmation of the requestor, that the faculty member requesting parental leave understands that a temporary parental leave is granted to provide time for the faculty member to care for and bond with a newborn or newly adopted child (under six years of age) within the faculty member's immediate family unit. In the School of Medicine, the department chair and in the School of Nursing, the division chair in consultation with the vice deans for academic and research affairs will develop a plan for management of research 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 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 member 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), the request should be accompanied by a physician's statement regarding the medical condition for the faculty member or their 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., department/division chair or dean) must indicate in writing to the dean and/or provost their 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 division chair in consultation with the vice deans for academic and research affairs will develop a plan for management of research 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://facultyaffairs.provost.duke.edu/faculty-time-away/how-initiate-time-away-request/>

## **Long-Term Disability Leaves**

In case of long-term disability (exceeding four months), the faculty member should contact the Office of Benefits Administration 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 executive vice president for health affairs, of the application for long-term disability. The department will be notified by the Office of Benefits Administration 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.

## **Tenure Clock Relief<sup>6</sup>**

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 their 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)

This policy became 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 began January 1, 2006. #6 under the life events that can be expected to markedly delay the research process became 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 three 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.

## **Liability Coverage**

Legal Assistance to Participants in the Academic Peer Review Process

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 those 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 because of the administrative position they hold 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 their 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 their designee.

For more information, refer to <https://hr.duke.edu/policies/hiring/nepotism-hiring-relatives>.

## 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 executive vice president for health affairs/dean of the School of Medicine 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 the proposed date of retirement. 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 their Duke faculty responsibilities gradually prior to full retirement, should initiate discussions with their chair, or dean, or director. The Flexible Work Arrangements Policy is applicable in these situations.

### Retirement Planning Guide for Faculty

Please refer to the Benefits Office website for useful information while planning for retirement: <https://hr.duke.edu/benefits/retirement/retirement-planning-guide>.

### 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 recreational facilities on

the same basis as active faculty (as it relates to individual memberships).

- Computing 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 (Office of Information Technology) Service Desk through phone, live chat, email and service at the Link in Perkins Library (see <https://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 <https://directory.duke.edu>.
- 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. See (919) 684-5600, <https://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 Office for Faculty Advancement.
- 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, 2027. 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.

## Acronyms Appearing in This Chapter

EEO	Equal Employment Opportunity
FML	Family Medical Leave
FMLA	Family Medical Leave Act
IPA	Intergovernmental Personnel Act
OIT	Office of Information Technology
USERRA	Uniformed Services Employment and Reemployment Rights Act

[2] The parental leave policy became 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.

[3] 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.

[4] 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.

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

[6] This policy became 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.

# Chapter 5: Duke University Research Policy Manual

## Duke University Research Policy Manual

### Background

In late 2018, Duke University appointed a President's Advisory Committee on Scientific Integrity and Research Excellence to provide recommendations to university leadership for improving the structure and function of research administration, with a focus on promoting research excellence and integrity. In their report, the Committee recommended the establishment of an institution-wide office for research (now the Office for Research & Innovation) and the development of a Duke University Research Policy Manual to compile the University's current research policies into a single, well organized, searchable volume, separate from the Faculty Handbook, such that policies are easily found and it is clear that the policies apply to everyone in the Duke community engaged in research.

Duke University acted upon both recommendations, establishing the Office for Research in the fall of 2019 and placing the responsibility for university-wide research policy under its purview (Duke University Faculty Handbook, Chapter 1). The Office for Research then chartered the Duke University Research Policy Manual in January 2021, by agreement of the Provost, the Chair of Executive Committee of Academic Council (ECAC), and the Vice President for Research.

The policies and guidance in the Duke University Research Policy Manual establish institutional expectations and requirements for engaging in research at Duke University, noting that some policies may have broader applications than research. The policies are in alignment with the rules and regulations that govern the conduct of research. All members of the Duke University community will be expected to comply with the Research Policy Manual, regardless of their role (faculty, staff, trainee, visiting scholar, etc.) within Duke University or the research setting.

### Faculty input

As described below, Academic Council/faculty input into Duke's research policies is ensured by several mechanisms.

- The Research Policy Advisory Committee (RPAC), where policy revisions and development are initiated and drafted, has a faculty member appointed by ECAC.
- Draft policy revisions that are deemed to involve a material change to members of the research community by the RPAC are submitted to ECAC and

the Executive Research Oversight Committee (EROC) faculty subcommittee for their input.

- EROC, the body delegated with the authority to approve research policies, has faculty representation, with one member appointed by ECAC and at least two others approved by ECAC.

## Process

The Executive Research Oversight Committee (EROC), established in 2019 to oversee the ongoing implementation of the research excellence initiative, was delegated authority to approve research policies and set effective dates for those policies. EROC consists of senior leadership from across the institution, as well as an ECAC member appointed by the ECAC chair and additional faculty members approved by ECAC. In addition, there is a faculty subcommittee of members nominated by ECAC, deans, and other university leadership.

The Vice President for Research & Innovation (VPRI), acting as the head of the Office for Research & Innovation responsible for administering university-wide research policy, has designated the Research Policy Advisory Committee (RPAC) as the primary steward for the Research Policy Manual. This committee is charged with reviewing and improving research policies and procedures, identifying policy and procedural gaps and challenges, and incorporating an assessment of administrative burden into potential revisions to enhance efficiencies and optimize the conduct and administration of research at Duke University. The RPAC solicits faculty input and feedback through coordination and connections to the Faculty Subcommittee of EROC, ECAC, and other guiding faculty and administrative bodies in the University community, as appropriate.

The Research Policy Advisory Committee is comprised of business, administrative, and faculty leaders from the research enterprise at Duke University, as appointed by the Vice President of Research & Innovation in consultation with the Associate Vice Presidents for Research and the Research Policy Manager. The Committee also includes a faculty delegate from the ECAC, as appointed by the chair of that Committee. The RPAC will review all proposed revisions to research policies to determine the nature of the changes.

If, upon review, RPAC determines the revisions would constitute a material change for members of the research community, these revisions would be presented and discussed with appropriate University leadership bodies, including ECAC and the faculty subcommittee of EROC. At the time of presentation to ECAC, that body would have the ability to refer the revisions to the full Academic Council for presentation and feedback. Office for Research and Innovation (OR&I) will provide a summary of feedback and incorporated changes to the relevant leadership bodies including ECAC.

Material policy revisions will have some or all of the following characteristics. Discretion may be applied by RPAC or the VPRI:

- Policy revision would necessitate a change in process or behavior across schools and Management Centers.

- Would implement an internal control or standard that raises compliance threshold above or beyond the expectations of external funders.
- Requires a behavior change that, if not carried out, increases audit or compliance risk to individuals, units, or institution.
- Affects the flow of funds to departments or central units.

Non-material policy revisions will be provided to ECAC and others, communicated to our research community, and published. They will have some or all of the following characteristics:

- Updates to reflect change in office names or position titles.
- Revision is made to align Duke University policy with evolving external expectations, language use and regulations.
- Revisions directly requested and required by an external funder with limited time for updates.
- Revisions reflecting updated language and terminology in regards to process, funder systems, or community standards.

The Duke University Research Policy Manual will be reviewed on a regular schedule and updated, as needed, to align with the rules and regulations governing research conduct and ensure the text is current, clear, and accurate. Some policy changes may be dictated by external funders with a deadline for revision, which may impact the ability to provide sufficient time for feedback; however, notification will be provided to research leadership and ECAC. The Research Policy Advisory Committee will inform ECAC of revisions and provide a summary of material and non-material changes made to the Research Policy Manual no less than bi-annually. Material changes to research policies will be communicated to the research community through the Office for Research & Innovation as appropriate.

## Accessing the Duke University Research Policy Manual

The initial version of the Research Policy Manual was published following endorsement by EROC in December 2022, and presentation and discussion with ECAC (December 2022) and Academic Council (February 2023). The [Duke University Research Policy Manual can be found here](#) and is searchable. This is the same platform where the revised Faculty Handbook resides, and keyword searches find results in both documents.

The table of contents of the Duke University Research Policy Manual follows, allowing faculty direct access to specific sections directly from the Faculty Handbook.

## Table of Contents, Research Policy Manual

### Introduction

1. [The Institution](#)
  - a. [Duke as an applicant organization](#)

- b. [Classified Research](#)
  - c. [Earmarks](#)
  - d. [Lobbying](#)
- 2. [Research Personnel](#)
  - a. [Personnel](#)
    - i. Principal Investigator Eligibility
    - ii. Principal Investigator Roles and Responsibilities
    - iii. Investigator Communication with Sponsor Personnel
  - b. [Effort & Compensation](#)
    - i. Effort Commitment Guidelines
- 3. [Research Integrity](#)
  - a. [Responsible Conduct of Research \(RCR\) Education](#)
  - b. [Guidelines for Authorship and Authorship Dispute Resolution](#)
  - c. [Duke University Policy and Procedures Governing Misconduct in Research](#)
- 4. [Collaborations](#)
  - a. [Individual Research Personnel Collaborations](#)
    - i. Individual Conflict of Interest and Conflict of Commitment in Research
    - ii. Institutional Conflict of Interest
  - b. [Collaborations with Private Enterprise](#)
    - i. University – Industry Guidelines
  - c. [International Collaborations](#)
    - i. Export Controls
- 5. [Research Data](#)
  - a. [Research Data Ownership](#)
  - b. [Research Data Management](#)
  - c. [Research Data Access](#)
  - d. [Research Data Transfer](#)
  - e. [Research Data Retention](#)
  - f. [Public Access Requirements](#)
- 6. [Innovation and Intellectual Property](#)
  - a. [Intellectual Property](#)
  - b. [Policy on Inventions, Patents, and Technology Transfer](#)
  - c. [Interpretation of the Policy on Inventions, Patents, and Technology Transfer Reaffirming the Rights of Undergraduate Students](#)
  - d. [Policy on Open Access to Research](#)
- 7. [Human Participant and Vertebrate Animal Research](#)
  - a. [Human Participant Research](#)
    - i. Duke University Principles and Procedures Regarding Research on Human Subjects (Provost Area Management Center)
  - b. [Animal Care and Use](#)

- 8. Financial and Project Management
  - a. Develop and Submit Proposals
    - i. Internal Submission for External Funding Applications
  - b. Financial Management & Costing
    - i. Cost Sharing
    - ii. Facilities & Administrative Cost Recovery
- 9. Research Equipment Management
  - a. Equipment Transfer Guidelines
- 10. Research Environment Safety: Trainings and Procedures
  - a. Laboratory Safety
  - b. Fieldwork Safety
  - c. Safety Training Requirements
  - d. Laser Safety
  - e. Radiation Safety
  - f. Use of Hazardous Materials
  - g. Use of Recombinant and synthetic nucleic acids in research
  - h. Use of Federally-regulated Biological Select Agents and Toxins

#### Acronyms Appearing in This Chapter

EROC	Executive Research Oversight Committee
OR&I	Office for Research and Innovation
RPAC	Research Policy Advisory Committee
VPRI	Vice President for Research & Innovation

# **Chapter 6: Faculty Responsibilities with Respect to Students**

## **Faculty Responsibilities to Students**

The Duke University 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. At the same time, faculty can expect to be treated with respect and consideration in their dealings with students.

### **Class Attendance**

In accordance with the Faculty Handbook, instructors are expected to attend all class meetings. (For more information on attendance expectations, see section on “Scheduling of Classes and Attendance Regulations”) In times of extraordinary circumstances, faculty may consider providing a virtual option for students to attend class, or for faculty to hold class if an in-person option is unavailable.

### **Course Content**

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

### **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 for regularly scheduled office hours, least two hours per week when teaching classes. If unable to keep those hours, a faculty member will notify students to that effect.

### **Scheduling of Field Trips**

Faculty may not schedule required field trips on days that other classes are in session. The expectation of travel within a course, whether required or optional, should be indicated in the course description available to students at the time of registration, along with estimated course fees or travel expenses. 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. If faculty include embedded travel in their courses, they should take steps to work alongside the [Office of Global Health & Safety \(OGHS\)](#) in Office of Undergraduate Education's division of Experiential Education to mitigate risk, enhance safety, and ensure that issues related to financial aid are fully considered and managed. International trips should be compliant with the [Duke University Travel Policy](#).

## **Funding Field Trips**

Faculty must receive approval from the relevant Dean or Associate Dean of Academic Affairs in a faculty's school for any fee associated with a trip. These fees can have implications for financial aid. 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 assignments 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 post or distribute course syllabi to their classes to provide students with a clear prospectus on their attendance and grading policies, and their schedules and deadlines for assignments and exams. Ideally, faculty will post their syllabi, or Directors of Undergraduate Studies will gather their department colleagues' semester course syllabi and post them to the Syllabus Bank with faculty permission.

## **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 [DukeHub](#). In either case it will then be processed by the bookstore and posted on the schedule of classes, and made available to all students. Keeping in mind the cost of textbooks and course materials, faculty are recommended to consider the use of lower cost/open access/free options when available. Faculty are recommended to partner with Duke libraries to put materials on course reserve.

## **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, being guided by the institutional statement of values and culture, 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.

## **Academic Accommodation**

Faculty members have a responsibility to follow requirements by the Student Disability and Access Office (SDAO) regarding student accommodation needs. Letters provided by the SDAO are provided to faculty on a semester-by-semester basis. The letter provides all necessary information needed for the faculty to initiate the outlined accommodations within the course.

## **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.

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.

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.

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.

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."

## **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**

Duke undergraduates are expected to adhere to the Duke Community Standard 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 a faculty member makes an academic dishonesty allegation, the faculty member should contact the [Office of Student Conduct & Community Standards \(OSCCS\)](#) for advice and guidance on how to proceed. If consultation with the Office of Student Conduct reveals that the offense is minor and that the student has no past record of academic dishonesty, faculty may choose to resolve the matter through a faculty-student resolution, which gives the faculty flexibility in how to sanction students and will not become part of the student's disciplinary record unless there is a second violation.

If, however, after consultation with OSCCS it is deemed that the alleged offense is more serious or the student has a pattern of integrity violations, the Office of Student Conduct will initiate the disciplinary process. Contact the Associate Dean of Students and Director of the Office of Student Conduct, at [conduct@duke.edu](mailto:conduct@duke.edu) or (919) 684-6938.

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 and dealing with a possible case of academic dishonesty can be found at the Office of Student Conduct & Community Standards (OSCCS) web site,

<https://dukecommunitystandard.students.duke.edu/about-osccs/>.

## **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: <https://sanford.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.

## **Fuqua School of Business**

The Fuqua School of Business has established a Fuqua Community Standard to protect and promote a culture of integrity. <https://www.fuqua.duke.edu/fuqua-community-standard>.

## **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, <https://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, <https://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:

[https://nursing.duke.edu/sites/default/files/personal\\_integrity\\_policy1.pdf](https://nursing.duke.edu/sites/default/files/personal_integrity_policy1.pdf)

## **Academic Freedom of Students**

When and if a complaint is lodged against any faculty member asserting that they have abridged an individual's academic freedom, the dean of the appropriate school or college shall receive that written complaint and use their 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:

<https://divinity.bulletins.duke.edu>.

## **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 [DukeHub](#). If a student wishes to withdraw after the drop/add deadline, the student must obtain permission from the director of graduate studies (DGS) 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 <https://sanford.bulletins.duke.edu>.

## **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, <https://medicine.bulletins.duke.edu/>.

## **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**

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 Withdrew (W). If the withdrawal is denied, the student must complete the course and will receive the final earned grade on their 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 they are 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.

### **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 (Trinity) at <https://trinity.duke.edu/undergraduate/academic-policies> and (Pratt) at <https://pratt.duke.edu/undergrad/students/policies>.

More information about the Duke Community Standard can be found at <https://dukecommunitystandard.students.duke.edu/about-osccs/>.

## **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 [DukeHub](#). 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 [DukeHub](#). Contact the Office of the University Registrar for access to [DukeHub](#), 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 meeting pattern 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, 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 or two exams which are scheduled at the same time.

### **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 their 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, <https://registrar.duke.edu/university-bulletins/school-medicine/>.

## **Grading**

Faculty, at the outset of the term, will make clear on their syllabi how grades will be determined, what work in the course will be graded, and what standards will be applied. As required by the University, both midterm grades as well as final grades should be provided in a timely manner.

## **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 Satisfactory/Unsatisfactory (S/U) grading option is intended to encourage students to explore courses they might not otherwise take. S/U courses can count towards general education requirements. 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.

Undergraduate students may count no more than 4 courses taken on a voluntary 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
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
School of Nursing	A, B, C, F, CR (credit), NC (no credit), W

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 their 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 their adviser, director of undergraduate studies (DUS), 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.

### **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/High Pass/Pass/Fail; and Credit/No Credit. 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, <https://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 [DukeHub](#) 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 Incapacitation Form procedure cannot be used for final exams. In the School of Law, arrangements for makeup examinations are made with the dean or their designate only.

## **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 their 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. 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 an "F" or a "U" 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”, the instructor sends a grade change letter to the University Registrar on departmental stationery and signed by the instructor or submit the grade change request using the electronic Change of Grade feature in [DukeHub](#). 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**, the **Nicholas School**, and the **School of Nursing**, 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](#).

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, <https://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 time each semester, instructors are notified via email that grade rosters have been created in [DukeHub](#) and are available for online grade submission. Grade are entered into [DukeHub](#) by the instructor. 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. When a final exam is not be offered, final grades should be submitted within twenty-four hours of the last day of final examinations for that semester. Grades are available to students via [DukeHub](#), 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.

Within a reasonable time after all 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 [DukeHub](#) 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 [DukeHub](#).

### **Grade Changes**

It is important to note that apart from 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 based on errors in calculation or transcription, with permission of the dean, grade changes also may be made on the basis of a compelling reason.

Changes to grades other than those designated by I or X, should be requested in a letter written on departmental letterhead, signed by the instructor and submitted to the University Registrar's office via mail, scanned and emailed as an attachment from the instructor's Duke email account, or submitted by using the Change of Grade feature in [DukeHub](#). Grade change requests may not be delivered by the student. Grade change letters 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 their 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 their 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 DUS. If no satisfactory resolution is reached, the student may make a formal complaint to the DUS 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 they 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.

## **Continuation Requirements**

All students must show satisfactory progress toward graduation to remain in good academic standing.

Consult the appropriate Bulletin for specific semester and annual continuation requirements.

## **Accommodation of Students with Disabilities**

Duke University continues its efforts to welcome individuals with disabilities. In order for the University to ensure timely exploration of necessary accommodations, academic units have identified individuals to serve as Disability Service Liaisons (DSL) who work in collaboration with the Student Disability Access Office (SDAO). 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.

## **How Faculty are Informed of Students' Approved Accommodations:**

### Undergraduate Students

Undergraduate students (Trinity College and the Pratt School of Engineering) must request a formal Professor Accommodation Letter each semester from the SDAO that lists the student's approved accommodation(s). The student is responsible for emailing the instructor, forwarding this letter, and requesting a meeting to discuss how the approved accommodations will be implemented in the class.

### Graduate and Professional Students

After Graduate and Professional students (Graduate School, Fuqua School of Business, Law School, School of Nursing, School of Medicine, Nicholas School of Environment, and Watts School of Nursing) complete the SDAO formal registration process, the DSL and the student receive a Formal Liaison Letter that lists the student's approved accommodation(s). Students are instructed by the SDAO case manager that they must meet with the designated DSL to discuss how approved accommodations will be implemented. The DSL coordinates the implementation of accommodations according to their program's policies and procedures. Please see [Student Rights and Responsibilities](#) and [University Rights and Responsibilities](#) for further information.

The Student Disability Access Office offers guidance for faculty. Current guidance is outlined below, and additional information can be found at the SDAO website: <https://access.duke.edu/resources/information-instructors-access/information-instructors>

- Include a well-written statement on syllabus that includes contact information for the SDAO
- Always provide and implement approved accommodations
- Do not provide supplemental or “on the fly” accommodations
- Maintain role as an educator-not a medical provider; be mindful not to “diagnose” students
- Assure that students with disabilities are evaluated in line with peers
- Do not refer to accommodations as “special accommodations”
- Collaborate with DSL/Undergraduate Academic Dean, DGS, Registrar and Department Chair to make arrangements for students with disabilities that receive testing accommodations
- Ensure testing/classroom accommodations are in place at the time of the assessment (extended test time, minimal distraction testing, rest breaks, scribe, tests/materials in alternative formats, e.g., enlarged font, etc.)
- Provide students with testing accommodations notification of pertinent information regarding alternate testing location, start time of assessment at least 72 hours in advance of the assessment
- Be mindful to [format documents](#) and [videos](#) into accessible formats
- Communicate with Teaching Assistants (TA's) or coordinators to ensure accommodations are properly implemented
- Educate and instruct TA's and coordinators on appropriate confidentiality
- Respond appropriately to disclosure and do not accept medical documentation.

Confer with the DSL as necessary

- Students not registered with the SDAO who request a classroom accommodation should be referred to the SDAO
- Respect students' privacy
- Discuss accommodations with the student in a private setting
- Do not reveal to the class the student's name of accommodation(s)
- When sending emails to a group of students with disabilities, blind copy all students.

If faculty have questions about how to implement accommodations, they are empowered to reach out to students' SDAO case manager, whose name is listed on each student's Professor Accommodation Letter.

## **The Testing Center**

Here at Duke, instructors choose how they will provide testing accommodations to our students. They may choose to provide accommodations themselves within their department or they may choose to provide accommodations through the Testing Center. To learn more about using the Testing Center to provide testing accommodations, visit <https://testingcenter.duke.edu/for-instructors/>.

# **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.

## **Instructors' Absences**

If 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.

### **Illness**

#### Short-term illness

Students notify instructors and their academic deans by means of the Incapacitation Form when they are temporarily incapacitated and hence are unable to attend class or complete an assignment on time. Students submit the Incapacitation Form 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 their instructors authorizing the absence.

### **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 their instructors authorizing the absence.

### **Religious holidays and observance**

In recognition that observances of religious holidays may affect classroom attendance and the submission of graded work, students wishing to observe a specific religious holiday should request their instructors to arrange for a postponement or makeup of work. In Trinity College and the Pratt School of Engineering, 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. 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.

### **Varsity athletic participation**

Varsity athletes, whose athletic travel schedules are governed by strict National Collegiate Athletic Association (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 regard 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>, <https://emergency.duke.edu/>, or <https://today.duke.edu/>. Please note that 684-INFO and <https://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 which can be found on the HR and Office for Institutional Equity (OIE) websites. This policy and the procedures for resolution of harassment claims may be found in [Appendix J](#).

## Student Assistants

### Undergraduate

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

- Assisting the course instructor with class preparation and course materials (e.g., setting up AV equipment or lab specimens, maintaining course website, photocopying)
- Assisting students in help rooms or review sessions outside of class time
- Leading discussion sections or labs
- Assisting course instructor with grading (e.g., homework, quizzes, lab reports)

Trinity College has formulated best practices regarding the use of undergraduate teaching assistants, including issues of grading, selection, supervision, and mentoring. These guidelines and best practices can be found at:

<https://trinity.duke.edu/undergraduate/academic-policies/undergrad-teaching-assistants>

### 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 the Academic Advising Center, Pratt School of Engineering's advising system, and faculty across the undergraduate-serving school provide assistance whenever it is needed. 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 Academic Advising Center (a division the Office of Undergraduate Education) or 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. 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.

After the major is chosen, the responsibility for advising rests with the major department. Departments should ensure that faculty are well-prepared to advise the students who have declared a major in their department. The academic deans for the various divisions, Directors of Academic Engagement, and the Academic Advising Center are also available for consultation.

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 their 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 their 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.

For information on Duke University's policy on student records, see <https://registrar.duke.edu/student-resources/family-educational-rights-and-privacy-act-ferpa/>.

## Evaluation of Faculty by Students

The academic administration of the university urges strongly that departments and professional schools garner student evaluations of their faculty.

### Trinity College and Pratt School of Engineering

Both Trinity College and Pratt use the Watermark system; though, [ABET](#) requires that faculty with primary appointments in Pratt are evaluated by an engineering-oriented evaluation form, but the two systems are well-coordinated and compatible.

Course instructors should encourage students to complete the course evaluation form for their class. Faculty should explain the process to students and encourage them to participate, and whenever possible, it is recommended that faculty ask students to bring a laptop or tablet to class to complete the evaluation at a scheduled time, as return rates are highest when faculty schedule class time for these evaluations. Instructors may add fully customizable questions to their course evaluations or choose from an Item Bank.

Course evaluation reports will be available to instructors and departments when approximately 95% of all final grades have been submitted to the University Registrar. The Office of University Assessment generally publishes reports within the Student Accessible Course Evaluation System (SACES) at the start of the “shopping cart” period, to ensure that students have access to publicly released information when they make enrollment decisions. The Trinity College community has a two-month window between the publications of results to instructors and departments and the opening of the next “shopping cart” period, when students begin to identify possible courses for the following term. In other words, instructors have that time to review their reports and decide whether to withhold evaluation data (i.e., to opt-out). More specifically, the deadline for instructors to indicate the withhold is the first day of the month in which shopping carts open.

If an instructor wishes to withhold their course evaluation results, they must complete the opt-out form by that term’s [deadline](#). This webform is administered and managed by the Office of University Assessment, Trinity College, and can be found on our [forms page](#). No Trinity College administrators or department personnel have access to the form or its aggregated submissions. Individual form submissions are considered confidential; the Office of University Assessment will not share identifiable information with Chairs, DUSs, other department officers or Trinity College administrators. Information collected from the web form will be used to understand instructors’ motivations and interests, improve course evaluation operations, and guide future programs and services.

If an instructor completes the webform by the process deadline, they will be opted out with no further review. Due to the Office of University Assessment work schedule and the timing of SACES updates, in nearly all cases the Office of University Assessment will not make post-deadline changes to SACES.

## Acronyms Appearing in This Chapter

DGS	Director of Graduate Studies
DSL	Disability Service Liaisons
DUS	Director of Undergraduate Studies
FERPA	Family Educational Rights and Privacy Act
GPA	Grade Point Average
LCME	Liaison Committee on Medical Education
MST	Not explained
NCAA	National Collegiate Athletic Association
OGHS	Office of Global Health and Safety
OIE	Office for Institutional Equity
OSCCS	Office of Student Conduct & Community Standards
SACES	Student Accessible Course Evaluation System
SDAO	Student Disability and Access Office
SDAO	Student Disability Access Office
T-Reqs	Trinity Requirement Website
TA	Teaching Assistant

# Appendix A: Governing Documents

## In this Appendix:

[University's Mission Statement](#)

[The Indenture of Trust](#)

[Amended and Restated Charter of Duke University](#)

[The Bylaws of the University](#)

## 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. Alsbaugh, 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.

## **Bylaws of Duke 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 Trustee 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 Governance Committee shall make its recommendations of Trustee candidates to the Board of Trustees, and the Board, after considering the recommendations of the Governance 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. The Board may elect up to three current students or recent graduates as Trustees (“Young Trustees”), and one of the Trustees nominated for election by the graduates of the University may be an officer of the Duke University Alumni Association (the “Duke University Alumni Association Trustee”).

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; provided, however, the terms of the Young Trustees and the Duke University Alumni Association Trustee may be set by the Board for fewer than six years and may not be renewable.

#### **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 11.3. above.

#### **5. Retirement.**

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

#### **6. Emeritus.**

The Board may elect a retiring Trustee as 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 are scheduled to 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 meeting.

#### **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; provided, however, the Chair may elect to hold one or more meetings in which all persons participate 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.

#### **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 one three-year term. The trustee holding the office of Chair may serve out the term 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 to the Board of Trustees (collectively, the "Secretary"). 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, including governing documents of all support entities. 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 Audit and Compliance Committee

c. The External Engagement Committee

d. The Governance Committee

e. The Graduate and Professional Education and Research Committee

**f.** The Resources Committee

**g.** The Undergraduate Education Committee

## **2. Other Committees and Task Forces.**

The Board may authorize and establish other committees from time to time, including task forces to consider strategic priorities proposed from time to time by the administration and approved by the Board. Task forces will be created for a limited purpose and time period, and each task force will operate under a charge specific to the assigned strategic priority. Members may include faculty, students, administrators and others as required by the focus of the task force and designated by the Board. Unless otherwise provided, reference to “committee(s)” in these Bylaws shall include standing committees, other committees, and task forces.

## **3. Committee Membership.**

**a.** The Board of Trustees shall elect the chairs (who shall be Trustees) and other Trustee members of the standing committees at the annual meeting, and in the last year of a Committee Chair’s term, a Vice Chair will be elected by the Board. A Trustee shall normally serve two to four years on a standing committee before being considered for election to a different standing committee. Insofar as practical, Trustee membership on the standing committees shall be rotated. The Board of Trustees shall elect the chairs and other Trustee members of other committees and task forces at any meeting of the Board.

**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.

## **4. Vacancies.**

Any vacancy in a committee’s membership or committee chair shall be filled by the Chair of the Board of Trustees after consultation with the Secretary to the Board.

## **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. It shall be the responsibility of each committee to oversee the administration’s management of risk in all aspects related to that committee’s areas of responsibility.

## **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. Each regular committee meeting shall include an executive session during which those persons in attendance who are not voting members of that committee are excused.

## **7. Attendance and Voting.**

The Chair of the Board of Trustees, the President of the University, and the Secretary to 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 Operations.**

Each committee shall:

- a.** Adopt, in advance, a work plan for each forthcoming fiscal year.
- b.** Name a primary liaison with the University administration.
- c.** Have a charter describing in detail its purposes, authority, responsibilities, membership, and operating procedures.

## **11. Reporting.**

Each 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, each task force chair, 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 Resources 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. 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.
- e. 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.
- f. 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.

### **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. AUDIT AND COMPLIANCE COMMITTEE**

### **1. Membership.**

The Audit and Compliance Committee shall be composed of no fewer than eight Trustees, all of whom shall be active members of the Board of Trustees who are independent of management. The Resources Committee Chair shall serve as an ex-officio member of the Committee. At least one additional member of the Resources Committee shall serve as a member of the Audit and Compliance Committee. The Executive Vice President, University Counsel and the Chief Audit and Compliance Officer shall serve ex-officio as non-voting members. The Academic Council may appoint two non-voting Faculty Observers, with one representing research compliance interests and one providing financial reporting and internal control expertise. The President may appoint other non-voting members of the Committee as required to properly exercise the duties of the Committee. Committee members should be knowledgeable about financial and internal control matters; have a basic understanding of professional accounting standards and the role of independent auditors; and be cognizant of the regulatory environment, financial structure and operation of nonprofit education, research and health care institutions.

### **2. Powers and Duties.**

The Audit and Compliance Committee serves as the representative of the Board in meeting certain of the University’s statutory and fiduciary obligation. The Committee has principal oversight of the system of internal controls and the controls over external reporting, the internal and external audit processes, the regulatory compliance programs and functions, and institutional values and ethical conduct programs. The Committee provides an avenue of communication between the independent auditor, the Office of Audit, Risk and Compliance, and the Board.

## **ARTICLE VIII. EXTERNAL ENGAGEMENT COMMITTEE**

### **1. Membership.**

The External Engagement Committee shall be composed of no fewer than eight Trustees, at least two faculty members, and at least two students (one undergraduate and one graduate or professional). The Vice President for Public Affairs and Government Relations, the Vice President for Durham Affairs, and the Vice President of 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 External Engagement Committee serves as a strategic forum to review, assess and advance issues related to Duke University's external relations. These include the university's practices and policies with regard to marketing and brand management, and engagement with alumni, donors, federal, state, and local governments, the community, partners (corporations, foundations, NGOs, etc.), policymakers, media and the public at large.

## **ARTICLE IX. GOVERNANCE COMMITTEE**

### **1. Membership.**

Membership in the Governance Committee shall be limited to active Trustees, and the Committee shall be composed of eight Trustees, including the Board Chair and President as ex officio members. No more than four of the members of the Executive Committee may be members of the Committee; provided that this limitation shall not apply to any individual who serves on the Executive Committee by reason of being a task force chair. The Secretary and the Associate Secretary 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 Governance Committee shall provide oversight of the governance of the Board of Trustees by monitoring the policies and operations of the Board and its standing committees and task forces, and by making appropriate recommendations to improve Board effectiveness. The Committee is responsible for identifying, recruiting, and evaluating members of the Board and for overseeing leadership succession for the Board and its committees and task forces. The Committee shall serve as a conflict of interest committee to review potential conflicts of interest of the Trustees.

## **ARTICLE X. GRADUATE AND PROFESSIONAL EDUCATION AND RESEARCH COMMITTEE**

### **1. Membership.**

The Graduate and Professional Education and Research Committee shall be composed of no fewer than eight Trustees, two faculty members (including one from the School of Medicine, the School of Nursing, Duke-NUS Graduate Medical School Singapore, or academic institutes and programs affiliated with those schools (collectively, "Duke Health")), and two graduate or professional students (including one from a Duke Health entity). The Provost, Executive Vice President for Health Affairs, and Vice Provost for Interdisciplinary Studies shall serve, ex officio, as non-voting members; the President may appoint other non-voting members of the Committee as needed to properly exercise the duties of the Committee.

### **2. Powers and Duties.**

The Graduate and Professional Education and Research Committee has fiduciary oversight for graduate and professional education and research at the University, including the articulation of the mission of the University as it relates to graduate and professional education and research; enhancing the quality of the relevant programs; considering new graduate and professional schools and degree programs and significant modifications in existing graduate and professional schools and degree programs, including those located outside of Durham; fostering recruitment of the highest quality faculty, development of faculty diversity and other faculty priorities; all matters relating to the graduate and professional student experience (including academic, extra-curricular, and co-curricular affairs) and libraries and library systems; and promoting scholarly research.

## **ARTICLE XI. RESOURCES COMMITTEE**

### **1. Membership.**

The Resources Committee shall be composed of no fewer than eight Trustees, two faculty members, and two students (one undergraduate and one graduate or professional). The Audit and Compliance Committee chair shall serve as an ex-officio member of the Committee. The Executive Vice President, the Executive Vice Provost, the Vice President for Administration, the Vice President for Facilities, the Vice President for Finance, and the Vice President for Information Technology and Chief Information Officer shall serve as ex officio non-voting members of the Committee. The President may appoint other non-voting members of the Committee as required to properly exercise the duties of the Committee.

### **2. Powers and Duties.**

The Resources Committee shall exercise oversight of the following four areas of the University and its operations:

#### **a. Business and Finance.**

The Committee exercises oversight of 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.

#### **b. Facilities and Environment.**

The Committee exercises oversight of all planning, construction, maintenance, expansion, and renovation projects that affect 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 make 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.

#### **c. Human Resources.**

The Committee oversees the University's human resources policies and practices and advises the administration on major aspects of workforce planning, strategy, campus safety and security, and investment to ensure that the workforce configuration and culture are optimally suited to the strategic needs of the University 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.

#### **d. Information Technology.**

The Committee exercises oversight to ensure that the University has adequate information technology infrastructure and security, including technologies and services in support of academic and research functions, as well as administrative systems and infrastructure services.

## **ARTICLE XII. UNDERGRADUATE EDUCATION COMMITTEE**

### **1. Membership.**

The Undergraduate Education Committee shall be composed of no fewer than eight Trustees, at least two faculty members, and at least two undergraduate students. The Provost, Vice Provost for Undergraduate Education, and the Vice Provost/Vice President for Campus Life 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 exercises oversight of the academic, social, ethical, and personal development of undergraduate students. It oversees and recommends policies—as formulated by the senior administration—related 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 XIII. OFFICERS OF THE UNIVERSITY**

1. The Officers of the University shall be a President, a Provost, an Executive Vice President 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 XIV. 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 XV. 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 XXI, 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 Executive Vice President for Health Affairs.

## **ARTICLE XVI. 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 the non-academic operations 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 XVII. EXECUTIVE VICE PRESIDENT FOR HEALTH AFFAIRS**

1. The executive vice president for health affairs is the chief academic officer, exercising strategic, academic, and budgetary oversight and authority over the School of Medicine and all affiliated academic institutes and programs. The executive vice president for health affairs is the university official providing oversight of the Duke-NUS Medical School in Singapore. The executive vice president for health affairs reports to the president and consults regularly with the provost and the president on all relevant academic matters, particularly those that are strategic, interdisciplinary, and have major budgetary significance. The executive vice president for health affairs ensures 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 academic entities within the purview of the executive vice president for health affairs. The executive vice president for health affairs also serves as dean of the School of Medicine. In that capacity, he/she reports to the provost. The Executive Vice President for Health Affairs is an ex officio voting member of the Duke University Health System, Inc. Board of Directors.

## **ARTICLE XVIII. 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 XIX. 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 XX. 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 the same on all duly authorized contracts, deeds, and other documents.

## **ARTICLE XXI. 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 XXII. 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 academic entities that grant tenure, 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, which 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 XXIII. 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 XXIV. ALUMNI**

1. The Alumni of Duke University shall be composed of persons who have completed two consecutive semesters or more in a degree-granting program. 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, that are a part of that Association.

## **ARTICLE XXV. 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 XXVI. SEAL**

1. The corporate seal of the University shall consist of the seal, which is represented in the space below, and which is hereby adopted as the corporate seal of the University.

## **ARTICLE XXVII. 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 XXVIII. 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 XXIX. AMENDMENT OF BYLAWS**

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 to 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 to be effective April 1, 2023.*

<https://trustees.duke.edu/governing-documents/bylaws-duke-university>

# Appendix B: Bylaws of the University Faculty

## In this Appendix:

[Bylaws of the University Faculty](#)

[Bylaws of the Academic Council](#)

### **Bylaws of the University Faculty**

I. The university faculty shall meet annually at a date set by the Executive Committee of the Academic Council and at which time the president of the university shall give an address on a topic of their choice. The university faculty shall also meet at the call of the president, the provost, the Executive Committee of the Academic Council or at the request of at least 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 their 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 their 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.** All 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. Others also eligible to serve on the Academic Council are 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 May 2025*

## **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 they wish, 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 they wish, 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. Vacancies\***

**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 their 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.

\*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.

## **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.

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 and supervision of the administrative personnel of the Academic Council and for 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 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 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,*

# Appendix C: School Bylaws and Rules

The following school bylaws and rules can be found using the following links. Bylaws and rules may be protected behind school firewalls.

Divinity School

<https://divinity.duke.edu/sites/default/files/documents/Divinity-bylaws.pdf>

Fuqua School of Business

<https://www.fuqua.duke.edu/about> or  
[https://www.fuqua.duke.edu/sites/www1.fuqua.duke.edu/files/media/about/faculty\\_approved\\_bylaws\\_changes\\_revised\\_april\\_2023.pdf](https://www.fuqua.duke.edu/sites/www1.fuqua.duke.edu/files/media/about/faculty_approved_bylaws_changes_revised_april_2023.pdf)

Graduate School

<https://gradschool.duke.edu/about/school-governance-strategic-plan/bylaws-graduate-faculty/>

Nicholas School of the Environment

<https://sites.nicholas.duke.edu/intranet/faculty-and-academic-affairs/nicholas-school-of-the-environment-faculty-bylaws/>

Pratt School of Engineering

<https://pratt.duke.edu/about/governance>

Sanford School of Public Policy

<https://inside.sanford.duke.edu/policies/>

School of Law

<https://law.duke.edu/about/community/rules/>

School of Medicine

<https://medschool.duke.edu/education/health-professions-education-programs/doctor-medicine-md-program/about-md-program>

School of Nursing

<https://nursing.duke.edu/faculty-staff-resources/duson-faculty-governance-association>

Trinity College of Arts and Sciences

<https://admin.trinity.duke.edu/arts-sciences-council/bylaws>

# Appendix D: Academic Tenure

In this Appendix:

[Academic Tenure](#)

[Faculty Participation in the Appointment and Retention of Administrators](#)

## 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.) In 2025, a faculty committee reviewed the academic freedom policy. It recommended and Academic Council approved moving the academic freedom policy to the first chapter of the handbook.

### I. 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 School of Medicine, 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 School of Medicine), attains continuous academic tenure at the beginning of their ninth (or twelfth) year of service. Leaves associated with tenure clock relief, or other instances in which the Provost's office expressly grants a tenure clock extension, will not be counted towards this time period. 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.

**D.** A faculty member who has been granted continuous academic tenure will not lose their tenure status if, with mutual consent of the university and the faculty member and with periodic review of the university, they transfer to part-time service.

## **II. 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 they have 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 them 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 their 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 them 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.** 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.

**H.** A faculty member should devote their professional efforts primarily to the promotion of the academic objectives of the university.

### **III. The University Ombuds and Faculty Hearing Committee**

The Office of the Ombuds and University 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. The authority of the University Ombuds and the jurisdiction of the Faculty Hearing Committee is set out in detail in [Appendix F](#). Complaints of discrimination or harassment, including those based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status, should be filed with the Office for Institutional Equity or, where the alleged sexual misconduct is by a student, with the Office of Student Conduct.

## **IV. 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 they have 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 they so request, 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 they wish a hearing.

**C.** Procedures for the hearing are described in [Appendix F](#) of this handbook.

**D.** Suspension of the faculty member during the dismissal proceedings is justified only if serious harm to themselves or to others is threatened by the continuance in the performance of their 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.

## **V. Hearing Procedures for Cases Not Involving Dismissal**

The Faculty Hearing Committee may act on disputed claims within their jurisdiction as defined in [Appendix F](#) 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. 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 and provost 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://policies.duke.edu/policy/university-officers-appointment-and-review>

### **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. Executive Vice President 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 executive vice president for health affairs, at least two faculty members shall be selected from within Duke Health (at least one from the clinical faculty and at least one from basic sciences) and at least two from outside Duke Health. 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, Vice-Provost for 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, Medicine, Nursing, and Public Policy.**

The president and the provost shall initiate a search to fill these positions. 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. When the Executive Vice President for Health Affairs also serves as the dean of the School of Medicine, the search procedures for the Executive Vice President for Health Affairs position described in Paragraph 3, above, will apply.

**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, Vice-Provost for 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 a written report shall be presented to the provost with a copy to the president. During the fourth year of the initial appointment, each dean shall be reviewed unless the dean indicates they do 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 shall discuss with the committee chair or committee their reactions and responses to it.

3. At the end of the fourth year of a dean's term, the president and provost 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 obtains 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.

6. The review process should develop and evaluate information, not make specific recommendations regarding reappointment.

### **C. Review of the Provost, Executive Vice President for Health Affairs, and Executive Vice President**

A review of the provost, executive vice president 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 executive vice president for 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 executive vice president for health affairs, their review committees will include significant representation from administrative offices and from the health system in order to ensure 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. When the Executive Vice President for Health Affairs also serves as the dean of the School of Medicine, the review procedures for the Executive Vice President for Health Affairs position described in this section will apply.

#### **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.

*In the May 2023 revision, Appendix C became Appendix D.*

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[1] Persons hired as instructors prior to May, 1981, will be covered by the earlier policy that allowed instructors to earn time toward tenure.

# Appendix E: Schools' Appointment, Promotion, Tenure, and Other Procedures

## In This Appendix

[Divinity School](#)

[Fuqua School of Business](#)

[Nicholas School of the Environment](#)

[Pratt School of Engineering](#)

[Sanford School of Public Policy](#)

[School of Law](#)

[School of Medicine—Basic Sciences](#)

[School of Medicine—Clinical](#)

[School of Nursing](#)

[Trinity College of Arts and Sciences](#)

The following appendix supports Chapter 3 and the current university policy on appointment, tenure and promotion as well as other procedures that require provost approval.

## Divinity School

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 D](#) of the Duke University Faculty Handbook and further delineated in section III.F.2 of the Divinity School Bylaws and reproduced below. Policies and procedures pertaining to the appointment, review, reappointment, tenure, and promotion of Divinity School Faculty are further delineated in section V.A-B of the Divinity School's Bylaws, Policies and Procedures and reproduced below.

### **Academic Freedom and Tenure (Section III.F.2 of the Divinity School Bylaws)**

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 D](#) 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 their classes any aspect of a topic pertinent to the understanding of the subject matter of the course which they are teaching.

- b. "To carry on research and publish the results subject to the adequate performance of their other academic duties.
- c. "To act and to speak in their capacity as a citizen without institutional censorship or discipline." (Faculty Handbook, App. D.I)

## **Procedures**

### **A. Procedures for Appointment of New Faculty. (Section V.A-B of the Divinity School's Bylaws, Policies and Procedures)**

#### **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 they have 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, they explain their reasons to the Faculty and sends a letter to the candidate informing them of the decision. In the case of unfavorable Faculty decision, the dean also sends a letter to the candidate informing them 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 their own determination in the case, registers their 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 their 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.

## **Fuqua School of Business**

### **Faculty Evaluation, Appointment, Promotion, and Tenure:**

#### **I. Criteria and Procedures for 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 detailed in the school bylaws 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. Timeline for Reappointment and Advancement of Regular-Rank Faculty and Joint Appointments.**

### **A. Timeline 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 their graduate studies by the end of the second year. If the faculty member does not complete their PhD (or equivalent, if relevant) degree by the end of the second year of employment, their 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 their 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 their 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 they wish 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**

1. 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.

2. These reviews will occur during the penultimate contract year, given approval of the dean based on an evaluation of ongoing need for the position and duties and fit of the faculty member for these. If the dean determines there is not an ongoing need for the position or that the current faculty member is no longer a good fit for position needs, the faculty member will be notified in writing with at least one-year notice before position termination. The faculty member may appeal the dean's assessment within one month by requesting the decision to be announced to the Fuqua voting faculty. Two other faculty members may then call a faculty meeting for discussion and vote regarding the position removal decision; this vote will be advisory to the dean.

3. 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 and provide relevant materials:

a. For tenure-track faculty, as specified by the provost's AP&T.

**b.** For Non-tenure-track, regular-rank faculty, the dean's office will request from the candidate a current resume or CV, a statement of past, current, and future contributions to Fuqua and Duke, and any other material deemed relevant to contractual duties. The dean's office may request the faculty member to submit names that might be appropriate to evaluation of the candidate's contribution to the Fuqua School, this will be forwarded to the review committee.

**c.** For Non-tenure-track, regular-rank faculty, the dean's office will provide the review committee with the candidate's most recent contractual duties. The dean's office may also choose to provide the review committee with an assessment of a candidate's contributions to the school, particularly those that are outside the scope of the candidate's most recent contractual duties.

**4.** The review committee shall:

**a.** Examine and comment on the scholarly work of the candidate for tenure track candidates; evaluate and comment on the work related to formal contractual duties for non-tenure track candidates;

**b.** Recommend names for the faculty associate dean to solicit for evaluations of the candidate's scholarship (for tenure track) and comment on the necessity for external evaluations (for non-tenure track); 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.** For faculty with formal research duties: 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. Robert's 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 their recommendation. If the candidate chooses to end the process of evaluation and waive (in writing) their 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. Robert's 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 they are 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 their 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

**(1)** standing in the profession as a scholar;

**(2)** 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:

**(1)** Contributions in terms of course development and delivery;

**(2)** Value as a part of the educational program; and

**(3)** 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 them each year. The faculty associate dean also conducts periodic reviews with full professors.

*Revised 2018*

## **Nicholas School of the Environment**

This document describes the considerations for recommending NSOE faculty for promotion and tenure at Duke University. It complements the information provided in Chapter 3 of the Faculty Handbook and is made available to AP&T members, external letter writers, and to all NSOE faculty on a webpage.

### **Research Excellence in the Nicholas School of the Environment**

Environment encompasses an inherently multi-disciplinary and interdisciplinary domain of scholarship that by advancing and applying the natural, social, and policy/decision making sciences addresses both fundamental questions and important societal challenges. Hence, evaluation of candidates should recognize and value:

1. the diversity of scholarship within and among these disciplines and the associated qualities that constitute an outstanding research record;
2. interdisciplinary contributions both at established interfaces between distinct disciplines and at new interfaces between previously separate areas and modes of inquiry; and
3. engaged scholarship, which is reflected in efforts and products that are often outside the traditional measures of research excellence within disciplines.

Traditional measures of excellence vary among and even within the disciplines represented in NSOE. In the social sciences, research excellence and impact are based on publication in high-impact journals and books from highly-ranked academic presses, citations, awards, and a record of funding, as necessary to support their research and student training. In the natural sciences, research excellence and impact are reflected in publication in highly-regarded and high-impact journals, citations, and a record of funding from competitive grant agencies (e.g., NSF, NIH, NASA, DOE, DOD). Typical publication rates vary widely among social and natural sciences.

Regardless of the field, the review committees and outside reviewers should use quantifiable measures – in the appropriate disciplinary context – to guide and inform a holistic and necessarily qualitative assessment of research excellence.

In addition to presenting their traditional research outputs (papers, books, grants), candidates have the responsibility (and should take the opportunity) to articulate how collaborative, interdisciplinary, and/or engaged scholarship and their products arise from and support the goals of their research program.

NSOE views both disciplinary and interdisciplinary contributions as valuable routes to research excellence. Collaborative scholarship is the norm in many of our disciplines, but should be accompanied by evidence of leadership of substantial elements of collaborative work. Engaged scholarship and its non-traditional products are valued as an integral part of the research output/ scholarly achievement of the candidate, but are viewed as enhancements of rather than substitutes for traditional measures of research excellence.

### **Good Teaching and University Service**

Strong and committed teaching, mentoring, and service are necessary –but not sufficient– for granting tenure. It is challenging to objectively evaluate these, but the fact that their evaluation is challenging does not take away from the importance of these contributions. Annual evaluations by departmental chairs or review committees consider, document, and provide feedback on these areas. The associated documentation is included (e.g., teaching evaluations) in 3-year and tenure review packages.

Education is a central aspect of our mission and NSOE values faculty for their contributions to it. Evidence of teaching excellence includes appropriate and potentially innovative course structure and content, pedagogical training, and recognition by students, faculty peers, and outside organizations. Course evaluations by students may be part of a record of teaching excellence, but suffer from well-understood biases (e.g., by gender) and other limitations. The standard teaching load for tenure track professors is 2.5 courses per year unless a different load has been negotiated with the administration.

We consider whether faculty are shouldering their share and meeting departmental needs of teaching across programs; this includes advising and mentoring students in the undergraduate, professional, and doctoral programs, and serving as advisor of the Master's Project (MP) for professional students, and for undergraduate graduation with distinction, as well as serving as chair or member of doctoral committees.

Service to the School, the University, and to the profession and society beyond the University, is valued but is not considered a substitute for research excellence when making tenure or promotion decisions. A progressively increasing commitment from Assistant to Associate to Full Professor is expected.

### **Promotion to Full Professor**

Advancement to Full Professor can be expected after continued demonstration of academic excellence, productivity and scholarly impact. At this point in their career, candidates should have broadly established reputations as intellectual leaders in their field(s) of scholarship, ideally at a global level, and possibly through media interviews, opinion pieces, etc. As with tenure and promotion to Associate Professor the standards and metrics of research excellence and impact within their fields for promotion to full professor should be grounded in the disciplines and their scholarly cultures. Interdisciplinary, collaborative, and engaged scholarship will continue to be valued as potential elements of research excellence.

Unlike promotion to Associate Professor and its strong focus on research, the candidate for promotion to Full Professor should also demonstrate excellence in either teaching or service or both, and should contribute substantially in both categories. Teaching, mentoring, and advising are central to the mission of our school and important criteria for promotion to full professor. Leadership in service positions is an important contribution to the effective governance of the school and to academic disciplines.

## **Pratt School of Engineering**

### **Procedures for Faculty Appointment, Promotion, and Tenure**

#### **I. Faculty Appointments**

1. When the strategic plan for a department includes hiring new faculty, or when a vacancy is created by resignation, retirement, or other causes, the department chair may 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, faculty track, desired experience level, departmental resources to support the search and hire, search committee membership, including identification of proposed committee chair and diversity advocate, and plans for ensuring an equitable search, including details for how the search will be advertised.
2. Upon approval to proceed with a search, the department chair will send to the dean a written description of the position that constitutes the announcement for the position. The Dean's Office (DO) will approve the ad language after which the position can be posted. The department chair will also ensure all committee members take or have taken over the past two years the Equitable Hiring Practices Workshop offered by the Duke Office of Faculty Advancement.
3. When the priority application deadline has passed, the department chair will request the dean's approval to proceed with evaluating the applications. The request should contain a summary of the pool, actions taken to advertise the

search and attract a diverse pool, and plans for equitable and holistic evaluation of all candidates.

4. After the department has identified one or more highly desirable candidates for the position, the department chair will request the dean's authorization to invite them to the campus for an interview.
5. At the completion of all on-site interviews, the search committee should collect feedback from all departmental stakeholders including faculty, staff, and students, and make a recommendation to the department faculty regarding whether to proceed with making an offer to one or more of the candidates.
6. With support of their departmental faculty based on a vote of eligible faculty (according to departmental bylaws), the department chair will request to make an offer to the candidate(s) to the DO. Upon dean's approval of offer terms, an offer letter will be written by the DO, with copies to the department and Provost's Office. Copies of acceptance or rejection letters should also be provided immediately upon receipt.
7. 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. Please refer to the DO for current file standards.

## **II. Promotion and Tenure**

### ***Candidate Solicitation and Dossier***

1. The promotion and/or tenure action begins with a discussion between the candidate faculty member and department chair, such as during an annual review. The faculty member should consider this feedback as well as their own self-assessment relative to the unit's published tenure and promotion standards document. Through this consultation and consideration, the faculty member determines whether to begin their promotion and/or tenure process.
2. Once the candidate faculty member determines to start the process, the Associate Dean for Faculty Affairs is informed by the department chair and provides approval to the department chair. The Dean's Office (DO) provides instructions regarding the candidate faculty member's timeline and an outline of the APT process to the chair to officially begin the promotion and/or tenure process.
3. The department chair sends the candidate faculty member the solicitation

letter, which outlines the candidate materials needed and the due date to submit the materials. Following the solicitation letter, the DO sends the candidate faculty member access to their secure Duke Box folder, detailed instructions about the required materials, and the approximate timeline for their case.

4. The candidate faculty member prepares a dossier that includes CV, intellectual development statement, synopsis of intellectual interests, top-ten publications, alphabetical list of collaborators, course syllabi, and records of funding and mentoring activities. For all tenure-track cases and promotion to full professor of the practice, the faculty member may suggest up to three scholars outside of the university who are familiar with their work and are capable of writing an independent evaluation. They may also identify three scholars who they prefer not be contacted for a letter, with a brief explanation as to why they should be excluded.
5. The candidate faculty member submits their completed dossier to the DO for review. A confirmation email is sent to the faculty member when all materials are received and a status update of their dossier progressing to the department level.

#### ***Review Committee***

6. The department chair proposes a review committee for the case and submits it to the Associate Dean for Faculty Affairs for approval. For tenure-track cases, the committee should consist of three or more faculty with primary appointments in Pratt and one faculty member from outside the primary department (if the faculty member holds a joint appointment, then the outside department representation should be the joint department). For nontenure-track cases, the committee should consist of at least three faculty with one being from outside the primary unit and one being of the same position type and rank of the proposed reappointment or promotion level (it is also recommended that one of the members be a tenure-track faculty member). Once approved, the department chair will inform the candidate faculty member of the review committee's membership. The DO provides the committee with access to the candidate faculty member's secure Duke Box folder.
7. For all tenure-track cases and promotion to full professor of the practice, the review committee will develop a list of arms-length evaluators to solicit external evaluations of the candidate faculty member. This list can be comprised of the three suggested scholars provided by the candidate faculty member. A minimum of six evaluations are required for tenure-track cases and three for full professor of the practice. The Provost's Office has eligibility

criteria for the external evaluators depending on the rank the candidate faculty member is pursuing. Please view the [Provost Office APT website](#) for the most current criteria and requirements. The official requests for evaluations are sent by the DO on behalf of the review committee chair. External evaluators receive a view link to a secure Duke Box folder of the candidate faculty member's CV, intellectual development statement, and copies of their top-ten publications.

8. Once all evaluations are received, the review committee prepares a report and supplementary materials, evaluating the candidate faculty member's dossier (research, teaching, and service) along with all external letters and a comparison to peers in the field.

#### ***Department Vote & Chair Materials***

9. The review committee's final report (with recommendation) and supplementary materials are included in the candidate faculty member's dossier, which is circulated to the appropriate faculty of the faculty member's department. Only faculty who are regular rank and at equal or higher ranks than that for which the candidate faculty member is being reviewed are eligible to review the case and cast a vote. A faculty meeting is held to discuss the case with eligible voting faculty. Faculty members respond by a confidential vote either for or against the promotion recommendation, providing whatever explanations they consider necessary to support their vote.
  - The agenda for the faculty meeting discussion and vote must be disseminated at least one week prior to the meeting.
  - Conditions for a quorum must be met in the faculty meeting and vote per departmental bylaws.

10. The department chair writes a letter to the dean summarizing the faculty deliberations and vote along with their own opinion on the case. The candidate faculty member is informed of the outcome of the faculty vote (not specific tally, but overall outcome).

#### ***Dean & Submission to Provost***

11. The DO provides a status update to the candidate faculty member of their dossier progressing to the dean level.
12. If the candidate faculty member is recommended for promotion through a majority departmental vote, their full dossier is forwarded to the dean who performs a thorough review of the case; for tenure-track cases this includes review with the Pratt School of Engineering APT Committee (comprising the dean, associate dean for faculty affairs, and all department chairs). The dean then forwards the case to the provost with a letter describing their own evaluation and recommendations along with a reporting of an advisory vote provided by the Pratt APT Committee.

13. The DO provides a status update to the candidate faculty member of their dossier progressing to the provost level.

14. The Provost's Office has their own timeline and processes to review APT cases which Pratt has no control over. The Dean's Office will receive official communication of the outcome of the University APT and BOT approval from the Provost's Office. The dean will communicate the outcome to the department chair, who will communicate to the candidate faculty member.

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.

## **Sanford School of Public Policy**

### **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**

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" in the 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
- lecturer
- senior 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**

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 their 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.

*Revised March 13, 2023; Amended June 26, 2019, 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 March 13, 2023, June 26, 2019 Appendix 1 only, 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*

## **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 they have 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 their written work that is in a state of completion sufficient to satisfy reasonably 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 Meeting Attendance**

**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 48 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.

Assistant, Associate, and Clinical Professors of Law 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 Assistant, Associate, and Clinical Professors of Law and Professors of the Practice absent.

Assistant, Associate, and Clinical Professors of Law (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 April 2023*

#### [Rule 4-3 Appointments, Promotions, and the Granting of Tenure](#)

##### **1. Tenured and tenure-track members of the Faculty and Research Professors.**

Tenured and tenure-track members of the Faculty 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 shall be eligible to vote on reappointments of tenure-track faculty. No affirmative action shall be taken by the Faculty on any recommended appointment or on any matter affecting indefinite tenure, unless by two-thirds majority vote of those members present, eligible to vote, and actually voting. However, for members of the Faculty appointed before 2019, only a majority vote of those members present, eligible to vote, and actually voting shall be required for a matter affecting indefinite tenure.

##### **a. 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:

**(a)** 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 fewer than three years of law school teaching experience in a tenure-track appointment.

**(b)** 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 at least three years of law school teaching experience in a tenure-track appointment.

**(c)** 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.

**(d)** 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 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.

## **b. 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 (8) below).

Ordinarily, during the first semester of the final year of an Assistant Professor'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 shall be reappointed for an additional term of three years and promoted to the rank of Associate Professor.

**(3)** If the dean concludes that it would be in the best interests of the Law School to pursue reappointment and promotion before the final 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 term, the tenured members of the Lateral Faculty Appointments and Promotion Committee shall consider the Associate Professor for reappointment with indefinite tenure at the rank of Professor. (See paragraph (7) 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.

#### **c. 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 as provided in Rule 4-3.2.c(6) for Professors of the Practice.

#### **d. 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 Rule 4-3.1.a(1)(c), 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**

### **a. 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 of Law within the Law School is to contribute importantly to the teaching and service missions of the Law School. A Clinical Professor of Law 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 of Law will contribute to the research mission of the Law School, it is expected that a Clinical Professor of Law 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 and promotions of Clinical Professors of Law will be made at ranks corresponding to those used for tenured and tenure-track professorial appointments (i.e., Assistant, Associate, or Clinical Professor of Law), 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 final year of a Clinical Professor of Law'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 of Law 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 final year of a Clinical Professor of Law's second appointment without the presumption of renewal, a review shall be undertaken by the Lateral Faculty Appointments and Promotions Committee to determine if the candidate should be granted an appointment with the presumption of renewal. For a Clinical Professor of Law'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 of Law'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 of Law 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 final year of a Clinical Professor of Law's initial appointment with the presumption of renewal or any subsequent renewal appointment thereafter, a reappointment review of the candidate 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, evidence of intellectual engagement and leadership in the candidate'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 of Law 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 of Law 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 of Law 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 (i.e., as an Assistant, Associate, or Clinical Professor of Law (Teaching)) 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 appointment as a Clinical Professor of Law under Rule 4-3.2.a (i.e., as an Assistant, Associate, or Clinical Professor of Law, either with or without the presumption of renewal, as appropriate) within three years of their 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 as an Assistant, Associate, or Clinical Professor of Law (Teaching) pursuant to Rule 4-3.2.b, may be considered for appointment as a Clinical Professor of Law under Rule 4-3.2.a at any time at the discretion of the dean. For the avoidance of doubt, any faculty member initially holding an appointment under Rule 4-3.2.b (i.e., Clinical Professor of Law (Teaching)) who is subsequently appointed to a renewal term under Rule 4-3.2.a (i.e., Clinical Professor of Law) shall ordinarily be appointed at the rank and with the security of position, including, without limitation, the presumption of renewal, as would have been the case had the faculty member been reappointed under Rule 4-3.2.b.

**(7)** To provide direction and advice to a Clinical Professor of Law, the dean shall conduct an annual review of the faculty member, including appraisals of the Clinical Professor of Law'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 of Law in advance of the Committee's consideration of the Clinical Professor of Law for an initial appointment with the presumption of renewal, the dean shall generally appoint a mentoring committee to work with the Clinical Professor of Law (as described in paragraph (8) below). In addition to consulting directly with the faculty member for these annual reviews, the dean shall consult with the Clinical Professor of Law'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 of Law during the term(s) of the Clinical Professor of Law's appointment without the presumption of renewal. The mentoring committee shall follow the progress of the Clinical Professor of Law 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 of Law and one tenured or tenure-track member of the faculty, preferably one who is knowledgeable about the Clinical Professor of Law's field.

**(9)** Except as noted in Rule 4-1.2, Assistant, Associate, and Clinical Professors 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 Clinical Professors of Law who have an appointment with the presumption of renewal shall be eligible to vote on the reappointment of Clinical Professors of Law and Professors of the Practice.

#### **b. 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 of Law (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 of Law (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 of Law (Teaching) will be made at ranks corresponding to those used for tenured and tenure-track professorial appointments (i.e., Assistant, Associate, and Clinical Professor of Law (Teaching)), 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 of Law (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 first year of a Clinical Professor of Law (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 of Law (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 first 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 the candidate should be granted an appointment with the presumption of renewal. For a Clinical Professor of Law (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 candidate's non-clinical teaching (if applicable), professional service, other contributions to the Law School, and 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: (a) a self-assessment of the candidate's clinical and non-clinical (if any) teaching; (b) an overview of the changes, if any, proposed for the clinical and non-clinical (if any) course(s) taught by the candidate; and (c) 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 final 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 the candidate 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 of Law (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 (a) substantial evidence that the candidate (i) 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, (ii) in the case of a Clinical Professor of Law (Teaching) teaching in a real client clinic, has not provided high quality supervision with respect to the legal work of the candidate's clinic, or (iii) otherwise failed to meet high standards of competence and professionalism; (b) the termination or material modification of the entire clinical, legal writing or professional skills program; or (c) the termination or material modification of the particular program or course in which the Clinical Professor of Law (Teaching) 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 an Assistant, Associate, or Clinical Professor of Law (Teaching), the relevant Program Director shall conduct an annual review of all such faculty members, including appraisals of each such faculty member's teaching, professional service, and other contributions to the Law School and provide a report to the dean.

**(7)** Assistant, Associate, and Clinical Professors of Law (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.

### **c. 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 of Law and Professors of the Practice of Law.

#### **d. 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.

#### **e. Joint Appointments**

An instructor holding a primary appointment in another division of the University may simultaneously hold a joint 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.

#### **f. Initial Appointment and Periodic Review of Other Non-tenure-track Faculty and Secondary 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):

**(a)** 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

**(b)** 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;

**(c)** Lecturing Fellow in Law (with the Senior rank awarded ten years after receipt of degree), for (i) law-trained library personnel teaching Legal Research; (ii) fixed, short-term appointments in the clinical, professional skills, or legal writing program; (iii) 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**

**(a)** 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 prepare a brief report 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. 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. To provide guidance with respect to initial secondary appointments and reappointments, the faculty has adopted Policy 4-9.

**(b)** 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.

**(c)** 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 subsection (d) below, the dean may act on behalf of the Law School in renewing a secondary appointment without action of the Governing Faculty.

**(d)** 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.

**(e)** 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 April 2023*

# School of Medicine – Basic Sciences

## Appointment, Promotion, and Tenure (AP&T) Processes for Regular Rank Faculty with Primary Appointments in Basic Science Departments

### General Considerations

Appointment, promotion, and the conferring of tenure to regular rank faculty in the Basic Science departments of the School of Medicine follow the guidelines set forth by the Office of the Provost. Detailed guidance for this process is provided by the [Duke University Office of Faculty Affairs Administration](#).

The time from the initial appointment as an Assistant Professor, tenure track, until a decision to, or not to, award tenure is seven years (Tenure Clock). In accordance with university bylaws, if the candidate is not notified of a decision regarding tenure by the end of their seventh year, then tenure is granted by default.

The faculty member and the department 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. Tenure Clock extension requests should be submitted to the School of Medicine AP&T Office using the Tenure Clock Extension Request Form located at [https://medschool.duke.edu/sites/default/files/2024-01/tenure\\_clock\\_extension\\_editable\\_form\\_-\\_version\\_1.24.pdf](https://medschool.duke.edu/sites/default/files/2024-01/tenure_clock_extension_editable_form_-_version_1.24.pdf) at, or close to, the time the need arises. The School of Medicine AP&T Office shall coordinate review by the Dean and then the provost.

For all new hires, a national search must be conducted unless a waiver of the national search requirement is approved by the Dean, School of Medicine.

### **New appointments: Assistant Professor, Associate Professor (tenure track, without tenure)**

#### Criteria

The candidate must have an outstanding research record in their field commensurate with their rank.

The candidate must have the potential to develop an outstanding independent research program, obtain appropriate extramural funding, and become an excellent teacher and mentor.

#### Procedures

The candidate will 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 reviewers. A complete list of requirements is posted on the provost's AP&T website, <https://facultyaffairs.provost.duke.edu/appointment-promotion-and-tenure/>.

A minimum of three letters of recommendation for the level of Assistant Professor and six letters of recommendation for the level of Associate Professor must be obtained. These letters should indicate that the candidate is truly outstanding and provide documentation for this assertion.

A vote of all faculty in the department of rank equal to or higher than the rank sought by the candidate must be conducted and a tabulation retained of the vote. To be valid, a quorum is required, defined as a majority of eligible voting faculty of the department. A majority of these faculty eligible to vote must approve the appointment. The names of the faculty members present and voting along with a numerical tally of the vote is to be included with the dossier as prescribed by the provost's guidelines.

A letter from the department Chair to the Dean, School of Medicine should summarize the search and selection process, including information about the numbers of applications received and interviews conducted. The letter should describe efforts to identify and address any barriers to equal employment opportunity and to cultivate a diverse pool of qualified applicants, and provide an explanation of how the candidate's scholarship contributes to the department's overall academic excellence and teaching, mentoring, research, and service plans.

Under special circumstances, promotion of a current faculty member from Assistant Professor to Associate Professor without tenure will be considered. The review process will be the same as for a new appointment of an Associate Professor without tenure, with the criteria and required documentation established by the reviewing parties on a case-by-case basis.

#### School of Medicine Review:

New appointment recommendations for faculty candidates in the tenure track at the ranks of Assistant Professor and Associate Professor (tenure track, without tenure) will be reviewed by the Dean, School of Medicine.

The final decision shall rest with the provost.

#### **New appointments: Associate Professor with tenure, Professor with tenure**

##### Criteria

For appointments to the rank of Associate Professor with tenure, the candidate must meet or exceed criteria across all five of the following dimensions. Achievement of these criteria must be clearly addressed in both internal and external documentation.

1. 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 the candidate has made as part of their statement of research and teaching contributions

(see Procedures below).

2. Demonstrated success with obtaining external funding sufficient to support the research effort expected from a tenured faculty member in their specific research area, with a strong likelihood of sustained funding at that level.
3. A strong national/international reputation, including invited participation in major meetings in their field.
4. Significant contributions to teaching.
5. Service to the department and university, as well as participation in interdisciplinary collaborations between departments and/or schools.

The rank of Professor with tenure is reserved for those who have clearly met the criteria for tenure and have demonstrated continuous intellectual development and leadership since achieving the rank of Associate Professor with tenure.

#### Procedures

The department Chair will appoint a department AP&T committee comprised of at least three, but preferably five, faculty members of rank equal to or higher than the rank sought by the candidate. At least one of those must be from outside the candidate's primary department. Committee members must not be collaborators or mentors of the candidate. Committee members must be approved by the Dean, School of Medicine or the Executive Vice Dean for Basic and Preclinical Science.

The candidate will 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 requirements is posted on the provost AP&T website (<https://facultyaffairs.provost.duke.edu/appointment-promotion-and-tenure/>).

The candidate will present their work in a public seminar within the six months prior to final consideration of their dossier.

The department AP&T committee 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 qualified individuals suggested by the evaluating faculty of the department, 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.

The submitted dossier will be reviewed and discussed by the department AP&T committee at a formal committee meeting. A vote will be taken of committee members, using secret ballots. The results of that vote and the names of faculty voting will be recorded. Decisions of the department AP&T committee are determined by a majority vote.

The department AP&T committee will forward a summary to the department chair regarding the candidate's fitness for appointment to a rank with tenure, aggregate vote of the committee, and names of the faculty members who voted. Included will be the complete dossier, a written committee report describing the scholarship and impact of the candidate's work, comments about significant publications, and statements from other units if applicable. The written evaluation should include an assessment of the candidate's teaching abilities, if possible. It should also describe the candidate's service at their previous institution(s). Where relevant, it should discuss the candidate's contributions to fostering an equitable and inclusive learning and research environment.

A vote of all faculty with tenure in the department of rank equal to or higher than the rank sought by the candidate must be conducted using secret ballots and a tabulation retained of the vote. To be valid, a quorum is required, defined as a majority of eligible voting faculty of the department. A majority of these faculty eligible to vote must approve the appointment. The names of the faculty members present and voting along with a numerical tally of the vote is to be included with the dossier as prescribed by the provost's guidelines.

A letter from the department chair to the Dean, School of Medicine should summarize the search and selection process, including information about the numbers of applications received and interviews conducted. The letter should describe efforts to identify and address any barriers to equal employment opportunity and to cultivate a diverse pool of qualified applicants, and provide an explanation of how the candidate's scholarship contributes to the department's overall academic excellence and teaching, mentoring, research, and service plans.

#### School of Medicine Review

New appointment recommendations for faculty candidates at the ranks of Associate Professor with tenure and Professor with tenure will be reviewed by the Dean, School of Medicine.

The final decision shall rest with the provost.

#### **Promotions: Associate Professor with tenure, Professor with tenure**

##### Criteria

For promotion to the rank of Associate Professor with tenure, the candidate must meet or exceed criteria across all five of the following dimensions. Achievement of these criteria must be clearly addressed in both internal and external documentation.

1. 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 the candidate has made as part of their statement of research and teaching contributions (see Procedures below).

2. Demonstrated success with obtaining external funding sufficient to support the research effort expected from a tenured faculty member in their specific research area, with a strong likelihood of sustained funding at that level.
3. A strong national/international reputation, including invited participation in major meetings in their field.
4. Significant contributions to teaching.
5. Service to the department and university, as well as participation in interdisciplinary collaborations between departments and/or schools.

The rank of Professor with tenure is reserved for those who have clearly met the criteria for tenure and have demonstrated continuous intellectual development and leadership since achieving the rank of Associate Professor with tenure.

#### Procedures

The department Chair is responsible for ensuring that the School of Medicine requirements for formal annual faculty review are met. All faculty eligible for promotion or tenure must meet at least annually with the Chair or designee to review their progress toward promotion and be advised of their standing in the department.

Any faculty member may formally request that they be considered for promotion or tenure by submitting a letter to the department Chair.

The faculty candidate for promotion to a rank with tenure shall be notified by the department Chair a minimum of one month in advance of a scheduled departmental AP&T committee review.

The department Chair will appoint a department AP&T committee comprised of at least three, but preferably five, faculty members of rank equal to or higher than the rank sought by the candidate. At least one of those must be from outside the candidate's primary department. Committee members must not be collaborators or mentors of the candidate. Committee members must be approved by the Dean, School of Medicine or the Executive Vice Dean for Basic and Preclinical Science.

The candidate will submit to the department AP&T committee 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 requirements is posted on the provost AP&T website (<https://facultyaffairs.provost.duke.edu/appointment-promotion-and-tenure/>).

The candidate will present their work in a public seminar within the six months prior to final consideration of their dossier.

The department AP&T committee 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 qualified individuals suggested by the evaluating faculty of the department, 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.

The submitted dossier will be reviewed and discussed by the department AP&T committee at a formal committee meeting. A vote will be taken by committee members using secret ballots. The results of that vote and the names of faculty voting will be recorded. Decisions of the department AP&T committee are determined by a majority vote.

The department AP&T committee chair will forward a summary to the department Chair regarding the candidate's fitness for promotion to a rank with tenure, aggregate vote of the committee, and names of the faculty members who voted. Included will be the complete dossier, a written committee report describing the scholarship and impact of the candidate's work, comments about significant publications, and statements from other units. The written evaluation should include an assessment of the candidate's teaching abilities, where applicable. It should also describe service that the candidate has provided to the department, school, university or community, and discipline. Where relevant, it should discuss the candidate's contributions to fostering an equitable and inclusive learning and research environment.

Following a positive determination by the department AP&T committee, the complete dossier will be presented to all tenured faculty within the department of rank equal to or higher than the rank sought by the candidate. A vote using secret ballots will be taken at a meeting of these faculty members and the results recorded by the department chair together with the names of those faculty members voting. To be valid, a quorum is required, defined as a majority of eligible voting faculty of the department. A majority of these faculty eligible to vote must approve the promotion. The names of the faculty members present and voting along with a numerical tally of the vote is to be included with the dossier as prescribed by the provost's guidelines. Following the faculty vote, the department Chair will prepare a summary of the candidate's qualifications, the outcome of the departmental vote, names of faculty voting, and the department Chair's personal opinion regarding the candidate's suitability for promotion.

### School of Medicine Review

In the case of a positive recommendation by the department, the complete dossier (see section on dossier) of the candidate shall be forwarded, together with the Chair's personal recommendation, to the School of Medicine AP&T Office. The Dean, School of Medicine, shall include a cover letter to the provost that includes their personal recommendation. The AP&T Office shall then forward the complete dossier 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.

In cases where the department reaches a negative conclusion, the Dean, School of Medicine will be informed and the complete dossier will be forwarded to the School of Medicine AP&T Office for review by the Dean. The dossier will be accompanied by a letter from the department Chair detailing the qualifications of the candidate, the vote by the faculty on the candidate's promotion, the names of the faculty voting, the rationale for the unfavorable decision, and the personal recommendation of the Chair.

The faculty member may appeal a negative departmental decision once to the provost through the Dean within two weeks of notification; the provost can seek further information and recommendations from the school and the Provost's Advisory Committee on Appointment, Promotion, and Tenure before making a decision.

### University Review

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.

In turn, a positive recommendation of the provost, after consultation with the President, is forwarded to the Board of Trustees for their action.

The provost will communicate to the Dean, School of Medicine the final decision.

The Dean, School of Medicine will in turn notify the department chair.

The department Chair, in turn, communicates the decision to the candidate.

If the provost reaches a negative decision, the provost will so notify the Dean, School of Medicine. The 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 Dean, School of Medicine who will send the appeal to the provost, along with the Dean's recommendation for disposition. For any individual case, the department or school is limited to one appeal of the decision by the provost.

### Expectation of Privacy

All documents contained in the dossier, with the exception of the materials submitted by the candidate, are considered confidential as are the identities 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 (4) the provost, (5) the Provost's Advisory Committee on Appointment, Promotion, and Tenure, (6) the President, and (7) the Board of Trustees. All individuals participating in the appointment, promotion, and tenure 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.

### **Materials to be Submitted by the Department to the Provost in Support of Nominations for Faculty Appointments and Promotions with Tenure**

The School of Medicine AP&T Office is responsible for administrative support of department AP&T processes. The dossier should be submitted to the designated SOM AP&T Duke Box folder. The department should retain a copy of the complete dossier in its files. The SOM AP&T Office reviews the dossier for completeness before forwarding to the Provost's Office. Copies of the complete list of materials to be submitted by the department in support of nominations for appointments and promotions with tenure are available on the Duke University Faculty Affairs Administration Appointment, Promotion and Tenure website:  
<https://facultyaffairs.provost.duke.edu/appointment-promotion-and-tenure/>.

## **School of Medicine - Clinical Departments**

Process for tenure track faculty with primary appointments in Clinical Departments.

\*Additional Details and Specific Guidance are Available on the [School of Medicine Website](#).

### **General Considerations**

The School of Medicine has two promotion pathways: the Career Track and the Tenure Track. Determination of the track appropriate for the individual faculty member typically occurs after several years spent at the rank of Assistant Professor.

The ranks of Medical Instructor and Assistant Professor are considered “undifferentiated” with respect to track.

Early career, undifferentiated faculty are considered “tenure eligible”. Understanding that some undifferentiated faculty will follow the Tenure Track, the Tenure Clock begins on the start date of employment at the rank of Assistant Professor.

Identification of the track most conducive to the faculty member's career goals will be determined by mutual agreement of the faculty member and the Department Chair. Assignment of a promotion track (Career Track or Tenure Track) occurs at the time of promotion (or appointment) to Associate Professor.

Track assignments may be changed only with the mutual agreement of the faculty member and the Department Chair.

The time from the initial appointment as an Assistant Professor until a decision to, or not to, award tenure is ten years (Tenure Clock). In accordance with university bylaws, if the candidate in the Tenure Track is not notified of a decision regarding tenure by the end of their tenth year, then tenure is granted by default.

The faculty member and the Department 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. Tenure Clock extension requests should be submitted at, or close to, the time the need arises, and may be requested by any faculty member who is eligible to become tenured (Tenure Clock <10 years) regardless of whether they are currently on the Tenure Track.

Each clinical department determines the number of tenured positions for its respective faculty. These numbers are established by the chair and the dean based on 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.

## **Departmental Level Review**

### Initiation of Review for Promotion and/or Tenure

The Department Chair (or Division Chief) is responsible for ensuring that the School of Medicine requirements for periodic faculty review are met. The requirements are posted on the School of Medicine website. All faculty eligible for promotion and / or tenure must have an annual meeting with their Chair or Chief to review their progress toward promotion.

All faculty at the rank of Assistant Professor should be formally reviewed within five (5) years of initial appointment to Assistant Professor to evaluate progression towards promotion and determine the promotion track. The review is to be conducted by a representative subcommittee or individual designated by the Department Chair in conjunction with the DAPT Committee Chair. Outside letters are not required at this level of review. The faculty member must be apprised of their standing in the department following that review, and a report of that formal review is to be included in the personnel file of the faculty member and forwarded to the DAPT Committee.

Consideration of any faculty member for promotion and/or tenure may be formally requested by the faculty member, Division Chief, or Department Chair at any time. However, a review that would confer tenure may not proceed if a tenured position is not available due to financial and programmatic considerations as determined by the Department Chair.

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 School of Medicine and university levels. It can be initiated at any time the Chair feels appropriate.

### **Department AP&T Committee**

All departments must have a standing (not ad hoc) Department AP&T (DAPT) Committee.

The DAPT Committee is charged with review of academic promotion and tenure decisions for all faculty of the respective department, including those on the Career Track and the Tenure Track.

The Department Chair is responsible for appointing DAPT Committee members. Members should be selected to represent the broad interests of the department. Committee membership (regular and ad hoc) should include Tenure Track and Career Track faculty, with all members at the rank of Associate Professor or full Professor. There should be sufficient representation to evaluate the contributions of faculty across the wide breadth of School of Medicine activities including education, clinical care, clinical research, data science, patient safety and care quality, and practice improvement and innovation.

A committee Chair (or Co-Chairs) shall be appointed by the Department Chair. The committee Chair will be responsible for leading and recording all discussions and votes.

The term of the committee Chair shall be up to 4 years and will be renewable at the discretion of the Department Chair.

The DAPT Committee should include at least five (5) members of the tenured faculty at the rank of Associate Professor or full Professor. In departments with fewer than five tenured faculty, all tenured faculty should be members of the DAPT Committee.

Ad hoc (non-voting) members may be involved in DAPT Committee deliberations for particular cases, if deemed appropriate and necessary.

The Department Chair cannot be a voting member of the committee but may serve as an *ex officio* (non-voting) member.

For departments with strong affiliations with Centers/Institutes that report directly to the dean, at least one faculty member with a joint appointment in the department and Center/Institute should be a member of the committee.

Each member must have a specified term of service of up to 5 years. Terms may be renewable at the discretion of the Department Chair, with input from the DAPT Committee Chair. Terms should be staggered to provide continuity.

The committee membership must be made known to department faculty.

Committee composition should reflect the values of, equity diversity, and inclusion (EDI), and include representation from those underrepresented in medicine.

All committee members must engage in EDI training with content and frequency determined by the Vice Dean for EDI and approved by the dean.

Each committee must produce an annual report for the Department Chair, the Dean of the School of Medicine, and the Clinical Sciences AP&T Committee documenting the demographics, rank, track, and target date for next promotion of each faculty member in their respective department.

The committee must annually approve the Annual Faculty Conference (annual review) forms used by the department to ensure there is a uniform process to prepare faculty for promotion, and to plan for mentorship, sponsorship, and coaching for all faculty, for assessing each faculty member's contributions to EDI, and for documenting professionalism.

The committee must have a defined and actionable plan for performance improvement of the departmental AP&T process and report annually to the Department Chair and the Vice Chairs for Faculty and EDI (or department equivalent) to address concerning trends, identified inequities, other issues, and to advance opportunities for improvement.

The committee must also conduct "outward-facing" work, in which members of the committee, or department officials familiar with the AP&T process, visit component units within or affiliated with the department (e.g., Divisions, Centers/Institutes) on a yearly basis to engage with junior and senior faculty about the AP&T process, preparation for promotion, dossiers, and mentorship. The AP&T representatives should also regularly interview junior faculty in the departmental units to identify any concerns about equity, diversity, and fairness in the AP&T process.

### **Review of the AP&T Dossier**

To prepare for review of the candidacy of a faculty member for promotion and/or tenure, the following documents are to be submitted by the candidate to their department:

#### **Curriculum vitae**

- Annotated bibliography of publications, selected from the curriculum vitae, felt by the candidate to be most representative of their published work.
- Roster of at least eight to ten (8-10) names of individuals qualified to evaluate the candidate's scholarly contributions.
- List of reviewers the candidate may wish not to be used.
- Intellectual Development Statement by the candidate, including what they

view as their accomplishments in the various areas pertinent for promotion and a summary of future plans. This statement should highlight how the candidate's work is aligned with Duke's values.

A screening review of these documents will be conducted by the DAPT Committee (or designee thereof) to evaluate the readiness of the candidate for advancement. In the case of a favorable screening review, the DAPT Committee will notify the candidate of same and request letters of evaluation in preparation for a full committee review.

For considerations at the rank of Professor (Tenure Track or Career Track) and Associate Professor with tenure, the DAPT Committee should solicit at least six (6) letters of evaluation from individuals external to Duke University of their choosing who are qualified to assess the candidate's scholarly contributions. The DAPT Committee shall use its own discretion regarding reviewers the candidate does not wish used. (See table below).

For considerations at the rank of Associate Professor without tenure (either track) the DAPT Committee should solicit at least six (6) letters of evaluation from individuals of their choosing who are qualified to assess the candidate's scholarly contributions. At least 3 letters should be from individuals external to Duke. Up to 3 letters may be from individuals internal to Duke. The DAPT Committee shall use its own discretion regarding reviewers the candidate does not wish used. (See table below).

Table. Letters of Evaluation Requirements

For Promotion To:	Track	Internal Letters	External Letters
Associate Professor without tenure	Career	Up to 3	At least 3
Associate Professor without tenure	Tenure	Up to 3	At least 3
Associate Professor with tenure	Tenure	0	At least 6
Professor without tenure	Career	0	At least 6
Professor with tenure	Tenure	0	At least 6

The submitted dossier will be reviewed and discussed by the DAPT Committee at a formal committee meeting. A vote will then be taken by secret ballot of committee members. Voting privileges are determined by rank of the committee member regardless of AP&T Track of the committee member. Committee members may vote on a decision to promote a faculty member to a rank at or below their own. Career Track faculty may vote on Tenure Track dossiers and vice versa if the voter's rank is at or above the candidate's proposed rank. The results of that vote and the names of faculty voting will be recorded by the Chair of the DAPT Committee:

All votes will be taken by secret ballot and will be recorded

Decisions of the DAPT Committee are determined by a majority vote

The DAPT Committee will forward its findings and record of the aggregate vote to the Department Chair

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 Department Chair for their consideration. That written evaluation should include a formal assessment of the candidate's clinical and teaching abilities, where applicable. It should also include service that the candidate has provided to the department, school, university or community, and discipline, beyond what is typically expected for a faculty member of their rank. If relevant, it should discuss the candidate's contributions to fostering an equitable and inclusive learning and research environment.

For candidates being considered for a tenure appointment, the Department Chair will forward the complete dossier along with their personal recommendation to the School of Medicine Clinical Sciences AP&T Committee (CSAPT) in the following instances:

- In all cases of positive action taken by the DAPT Committee
- In all cases of final tenure evaluation (i.e., in the final year of a candidate's Tenure Clock), regardless of the action taken by the DAPT Committee)
- In the case of a 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.

The Department Chair will notify the candidate and will apprise them of the vote of the DAPT Committee and the recommendation of the Department Chair before the dossier goes forward to the CSAPT Committee.

### **Clinical Sciences AP&T Committee (CSAPT) for the Schools of Medicine and Nursing**

#### Membership

The Clinical Sciences AP&T Committee shall be composed of ten (10) full tenured professors as the voting faculty.

The CSAPT Committee members will be selected by the Dean of the SOM and the Dean of the SON with notification provided to the provost from a list of approved tenured full professors, broadly representing the clinical, research and teaching faculty. Member selection will be made as vacancies occur.

Representation from the School of Medicine on the CSAPT Committee should reflect the missions of the School of Medicine, including research, clinical care and education. Committee membership must include at least one Ph.D. representative.

Representation from the SON will be a tenured faculty from the school's FGA APT committee. Committee composition should reflect the values of EDI and include representation from those underrepresented in medicine.

No department shall have more than two representatives serving at any one time. Department Chairs are ineligible to serve on the committee.

All committee members must engage in EDI training as determined by the Vice Dean for EDI and approved by the dean.

#### Committee Member Selection and Approval Process

The Deans of the SOM and the SON can solicit nominations from current full tenured professors, Department Chairs, Division Chiefs, and Center and Institute Directors.

The recommendations of the Dean of the SOM will be forwarded to the SOM Clinical Sciences Faculty Council (CSFC) for comment and endorsement. The recommendations of the Dean of the SON will be forwarded to the provost.

The complete approved list will then be presented to the provost for information and approval.

Once approved by the Deans and the CSFC, nominees will remain viable candidates until they are either selected or decline the invitation to serve.

If a vacancy occurs, the relevant dean will select members from the list and invite them to serve on the committee. The deans can request additional nominations from the Chairs if a sufficient number of acceptable faculty cannot be obtained.

#### Term

Each faculty member will serve a term of three (3) years, the terms to be staggered to ensure continuity. A member appointed for only one or two years may be reappointed by the provost for a second term of three years, at the discretion of the provost. 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.

#### Chair and Vice Chair of the Committee

A committee Chair shall be appointed by the dean from current and past committee members. The Chair is responsible for leading and recording all discussions and votes.

The Chair shall serve for a 2-year term.

The Chair may serve for six consecutive years as a member and an additional 2 years as Chair.

A committee Vice Chair shall be appointed by the dean 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 dean to fulfill the succession of leadership for the committee, providing continuity and a level of knowledge about the process.

### Procedures of the Committee

A quorum of five (5) members is needed for all decisions.

All votes will be taken by secret ballot and will be recorded.

Decisions of the Clinical Sciences AP&T Committee are determined by a majority vote of those present.

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 AP&T Committee.

The CSAPT Committee shall meet monthly to ensure timely processing of all requests for faculty promotion/tenure.

### AP&T Process and Final Action

The School of Medicine DAPT Committees and the School of Nursing AP&T Committee propose faculty for academic appointment or promotion.

The Clinical Sciences AP&T Committee reviews the dossier of faculty being proposed for ranks with tenure 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. The recommendation is reviewed by the appropriate faculty's dean. All recommendations of the Clinical Sciences AP&T Committee are considered recommendations, advisory to the appropriate dean. It is therefore at the dean's discretion to bring their recommendations to the Executive Committee of the Medical Center Executive Committee (MCEC).

If the dean's review is positive, the candidate's dossier is presented to the MCEC for approval. Appeals of the dean's decision can be made to the provost within two weeks of receiving the dean's decision in writing.

The MCEC recommendation along with the dean's recommendation is forwarded to the provost.

The provost makes a final recommendation and forwards positive appointment recommendations to the Board of Trustees according to existing procedures.

The Dean of the School of Medicine or Nursing shall notify the Department Chair or other appropriate individual of the decision of the MCEC and decision of the provost.

### Administrative Support

The AP&T Office of the Dean of School of Medicine 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 ensure that all supporting documents are available and are submitted for CSAPT review and also to the MCEC and to the provost's office for incorporation into the BOT for final approval. The AP&T Office documents and forwards all decisions by the CSAPT and MCEC to the provost for final approval before submitting to the BOT.

## School of Nursing

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 Duke University School of Nursing. Three regular rank faculty appointment tracks are offered in the School: Track I (tenured/tenure earning), Track II (non-tenure earning clinical, practice track) and Track III (non-tenure earning research) The role and criteria for each Track are provided here with additional details and specific guidance available on the School of Nursing [website](#).

### General Considerations

Determination of the track appropriate for the individual faculty member typically occurs at time of hire.

The criteria for appointment, promotion and tenure within each track are AP&T criteria documents specific to each track. In the criteria documents, many examples are provided regarding how faculty can demonstrate that criteria are met; however, it is important to note that the examples are illustrative, not all are needed to document quality, and examples that are not listed may be used. It is important to recognize that meeting or exceeding the minimal criteria does not guarantee appointment, promotion, or tenure due to financial or programmatic constraints. An overview of each track is described below.

### Faculty Tracks, Appointment, Reappointment, Promotion and Tenure Timepoints.

#### Track I Tenured/Tenure Earning

The role of the faculty member in the Track I, a tenure earning track, is to contribute to our mission by advancing the science of nursing through research as an independent investigator, as evidenced by a program of research, scholarly publications, and extramural research funding. Advancement in Track I is determined by progressive significance and impact of the scholar's research, which receives national or international recognition. All faculty members are expected to demonstrate excellence in teaching and progressive contributions in service.

Untenured tenure track positions are subject to renewal, and these appointments expire on June 30 unless otherwise specified.

The School of Nursing has a 10-year tenure clock. This means the time from the initial appointment in any track in our School until a decision to, or not to, award tenure is 10 years.

If tenure has not been awarded following the ninth year, a candidate for promotion will be notified by our AP&T Committee six months prior to the first day of their tenth year on the tenure track; the faculty member will be notified to submit their materials for tenure review by the first day of their tenth year. If a request for tenure review has not been initiated by a faculty member by the first day of the tenth year, the AP&T Committee will inform the dean and the respective Division Chair that the committee cannot recommend tenure, and the dean will notify the faculty member of the committee's decision.

In accordance with university bylaws, if the candidate in a tenure track is not notified of a decision regarding tenure by the end of their tenth year, then tenure is granted by default. Tenure clock extensions may be granted in extenuating circumstances as described in the Duke University Faculty Handbook.

Tenure may be granted at the time of appointment or through promotion.

## **Track II – Practice**

The role of the faculty member in our Track II, a non-tenure earning practice track, is to contribute to our mission through scholarly practice as a clinician, educator or administrator, as evidenced by dissemination of practice and teaching innovations in scholarly venues and leadership that transforms and improves practice and education. Advancement in Track II is determined by progressive significance and impact of the faculty member's scholarly practice, which receives national or international recognition. All faculty members are expected to demonstrate excellence in teaching and progressive contributions in service.

All faculty appointments in Track II are considered to be term appointments that expire on June 30 unless otherwise specified. Track II appointments are reviewed based on the designated term of reappointment.

## **Track III – Research**

The role of the faculty member in our Track III, a non-tenure earning research track, is to contribute to our research mission in one of two ways, as an independent investigator or as a methodological consultant/collaborator on other DUSON faculty research programs. The faculty member's contributions are evidenced by either an independent program of research or methodological expertise, extramural or intramural research funding, and/or scholarly publications on data-based research and research methods. Advancement in Track III is determined by progressive significance and impact of the faculty member's program of research or methodological area, which receives national or international recognition. All faculty members are expected to demonstrate excellence in teaching and progressive contributions in service.

All faculty appointments in Track III are considered to be term appointments that expire on June 30 unless otherwise specified. Track III appointments are reviewed and reviewed based on the designated term of reappointment.

### **School of Nursing Appointment, Promotion, and Tenure Processes**

The SON AP&T Committee recommends regular rank faculty appointments and promotions at the associate professor and professor ranks in all tracks; recommends tenure actions; and conducts five-year evaluations for untenured Track I faculty members and five-year reviews for Track II and Track III professors for reappointment.

The AP&T Committee is comprised of regular rank faculty members elected by FGA from the eligible pool of members (Track I professors with tenure, associate professors with tenure, and Track II and Track III professors) each for a two-year term. The composition of the committee is six professors with tenure, four associate professors with tenure, and four Track II and Track III professors. The Chair of the committee is elected by the committee and must be a tenured professor. A Track I professor from our AP&T Committee is a member of the School of Medicine's Clinical Sciences Committee, and a Track I committee member serves as an *ex officio* member of the Peer Review Committee.

Faculty may seek promotion or tenure review at any time. It is recommended that the faculty member seek guidance from mentors, their Division Chair, senior faculty and/or AP&T Committee members regarding "readiness" for promotion review given the established AP&T criteria. It is also recommended that faculty pursue professorial advancement one rank at a time (i.e., from the assistant professor rank to associate professor rank, and from the associate rank to the professor rank).

To begin the promotion or tenure review process, the faculty member should review, prepare, and submit the dossier materials indicated on the AP&T Dossier Checklist along with the Division Chair Faculty Promotion Review Sheet to the Division Chair. Once the Division Chair has reviewed the dossier and signed the checklist, the faculty member submits the full dossier and signed checklist to the Director of Faculty Affairs via email. At this point external and student letters are solicited that will be added to the dossier. For faculty candidates who transfer to the School of Nursing from another Duke school at the associate or professor rank, in most cases the AP&T Committee will review the candidate's CV, intellectual statement, teaching evaluations, selected publications and solicit external review letters.

For Track I (tenure) AP&T reviews, at least six letters are needed from individuals external to Duke

who are qualified to write on behalf of the candidate's contributions, with no more than two from the same institution.

For Track II (clinical) and Track III (research) AP&T reviews, a total of six letters are needed from individuals external to Duke who are qualified to write on behalf of the candidate's contributions, with no more than two from the same institution.

### **APT Timeline**

The process for appointment, promotion, or tenure at the associate professor and professor ranks, which includes external reviews, is usually completed within one (1) year from the time the dossier is submitted to the Faculty Affairs Office. Appointments at the assistant professor rank usually occur in less time.

#### School of Nursing AP&T Committee Review Process.

The School's AP&T Committee will take action and vote on all associate professor or full professor appointment, promotion, and tenure cases that are submitted for review at a formal full committee meeting (see **Figure 1.** below). Following the committee's action, the faculty member's dossier along with the AP&T committee's report and vote will be forwarded to the dean for their review and recommendation. The dean's review is considered a separate and independent review of the dossier. For School of Nursing (SON) tenure actions, the School of Medicine (SOM) Clinical Sciences AP&T Committee serves as a second level of review (refer to School of Medicine AP&T processes within this appendix).

Roles in APT Review Process				
SON APT Committee	SON Dean	SOM Clinical Sciences	Medical Center Executive Committee	Duke University Board of Trustees
Reviews & votes on actions at associate rank or higher ✓ Associate Professor with tenure and Professor with tenure, Track I  ✓ Associate Professor, without tenure, Track I  ✓ Associate Professor and Professor, Tracks II and III	Provides recommendation for all actions ✓ Associate Professor with tenure and Professor with tenure, Track I  ✓ Associate Professor, without tenure, Track I  ✓ Associate Professor and Professor, Tracks II and III  ✓ Assistant Professor, Tracks I, II and III* (*no APT Committee review)	Reviews and votes on tenure actions ✓ Associate Professor with tenure and Professor with tenure, Track I	Reviews and votes on tenure actions ✓ Associate Professor with tenure and Professor with tenure, Track I Actions presented for information ✓ Associate Professor, without tenure, Track I  ✓ Associate Professor and Professor, Tracks II and III	Provides final approval on tenure actions ✓ Associate Professor with tenure and Professor with tenure, Track I Actions listed for final action ✓ Associate Professor, without tenure, Track I  ✓ Associate Professor and Professor, Tracks II and III  ✓ Assistant Professor, Tracks I, II and III

**Figure 1.** School of Nursing Roles in AP&T Review Process

#### Processes by Track

##### **A. For Track II and III promotion cases to the Associate Professor and Professor ranks and Track I promotion cases to the Associate Professor without tenure rank**

The dean will review the faculty member's dossier and the AP&T committee's report and provide a letter of recommendation.

With a positive AP&T Committee report and positive recommendation by the dean, the dossier will be forwarded for action by the Medical Center Executive Committee (MCEC).

In the event the dean's recommendation is negative, the case will not move forward, and the faculty member will be notified by the dean that the dossier will not advance.

##### **B. For Track I cases at the Associate Professor with tenure and Professor with tenure ranks**

### 1. School review:

The dean will review the faculty member's dossier and the AP&T committee's report and provide a letter of recommendation.

With a positive AP&T Committee report and positive recommendation by the dean, the dossier will be forwarded for action by the SOM Clinical Sciences AP&T Committee (see next section SOM Clinical Sciences AP&T (CSAPT) review; also described in the School of Medicine AP&T processes found within this appendix).

In the event the AP&T Committee's report and the dean's recommendation are negative, the case will not move forward, and the faculty member will be notified by the dean that the dossier will not advance.

In the event the AP&T Committee's report is positive and the dean's recommendation is negative, the case will not move forward, and the faculty member will be notified by the dean that the dossier will not advance.

### 2. SOM Clinical Sciences AP&T committee (CSAPT) review:

Please review the SOM CSAPT processes (within the Appendix).

One DUSON FGA AP&T representative is a member of CSAPT.

Following a positive action by the SOM CSAPT Committee, the dossier will be forwarded to MCEC with the DUSON AP&T Committee's report, the dean's recommendation, and the SOM CSAPT Committee's recommendation.

Upon negative action by the SOM CSAPT Committee, the dossier will not advance, and the faculty member will be notified by the dean.

However, in cases of a final tenure review, the faculty member's dossier will be forwarded to the MCEC.

### 3. Medical Center Executive Committee (MCEC) level review:

Tenure actions are presented to the MCEC for review and a vote and non-tenure actions are presented to MCEC for information.

Tenure actions approved by MCEC are forwarded for final action at a Board of Trustees meeting.

### **AP&T Tenure Action Appeals**

As reflected in the Duke University Faculty Handbook, a faculty member may appeal a negative tenure action. The appeal must be made in writing to the provost within two weeks of the action. However, a dean's decision on promotion from assistant to associate professor without tenure is final and is not appealable to the provost.

### **Faculty Track Changes**

Track changes are an exception, rather than the rule, for faculty progression. These rare faculty track changes may be accomplished only with the mutual agreement of the faculty member and the dean. A faculty member should also discuss their desire to change appointment tracks with their Division Chair.

Because a change in an appointment track may have implications for the School's resources, particularly when a change to Track I (tenure track) is considered, the dean will review all requests for track changes.

In addition, a faculty member who requests to transfer from Track II or Track III (non-tenure earning tracks) to Track I within the School will accrue time toward tenure as defined by Track I guidelines, and the tenure clock would begin on the date of the appointment to the prior track. The AP&T Committee reviews and makes recommendations for the appropriate rank for a faculty member's track change request as outlined in the process below.

After discussion with their Division Chair, a faculty member forwards a written request to change tracks to the dean for consideration. The request will include a detailed rationale for the change in appointment tracks and the faculty member's CV and intellectual statement. If the dean supports the track change action, the dean will advise the faculty member of this support and forward the requested materials to the AP&T Committee via the Director of Faculty Affairs.

The AP&T Committee will review the request and based on the current AP&T criteria, make a recommendation for rank on the requested track and convey its recommendation to the faculty member. The faculty member can accept or decline the rank recommendation. If the faculty member accepts the AP&T Committee's recommendation, the appropriate review process will begin.

If the AP&T Committee recommends rank at the assistant professor level, a letter of support from the dean is required to effect the change in track to the assistant professor rank. If the AP&T Committee recommends a rank at the associate professor level or higher, a full external review of the dossier will be initiated. In either case, the faculty member remains in their current rank and track until the review process is completed and the change in track/status has been approved by the Board of Trustees. The faculty member will receive formal notification of the change once approved.

*Reviewed April 2023*

## Trinity College of 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: <https://facultyaffairs.provost.duke.edu/>. For more detailed information regarding procedures in Arts and Sciences, see the handbook at:

<https://admin.trinity.duke.edu/faculty-affairs>.

# Appendix F: Faculty Ombuds and Faculty Hearing Committee

## I. Purpose

Duke University (University), with the concurrence of the Academic Council, has established a centralized Office of the Ombuds and University Ombuds and a Faculty Hearing Committee (FHC). The Office of the Ombuds and University Ombuds and the FHC shall function in accordance with the policies and procedures set forth below. As set forth in its Charter, the Office adheres to and has adopted the International Ombuds Association (“IOA”) Standards of Practice and the Code of Ethics for organizational Ombuds programs.

## II. The Office of the Ombuds and University Ombuds

### A. Mission

The mission of the Office of the Ombuds is to enhance an ethical, supportive, and responsive culture for all members of the University community by providing confidential, impartial, informal, and independent conflict resolution services and problem-solving support. The Office of the Ombuds also elevates emerging trends or concerns to the attention of University leadership to improve fairness and effectiveness at a systems level.

The Office of the Ombuds is staffed with full-time professional Ombuds and is led by the University Ombuds. The University Ombuds shall report directly to the president of Duke University. The president will consult with the Executive Committee of the Academic Council (ECAC) for assistance in the search and selection of the University Ombuds and, likewise, the University Ombuds will consult with ECAC regarding the hiring of other professional ombuds within the Office of the Ombuds. The president will consult with ECAC annually to solicit feedback on the work of the Office of the Ombuds.

### B. Authority

The Office of the Ombuds and University 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 Ombuds shall have the authority to discuss 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 D](#) 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 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 Office of the 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, clarifies issues, identifies options, serves as a strategic thought partner, provides referrals and other relevant information, and facilitates one-on-one and group conversations, as appropriate. Consistent with standards set forth by the International Ombuds Association (IOA), the Ombuds "promotes equitably administered processes but does not advocate on behalf of anyone." Among other things, it is expected that:

1. The 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, or make referrals.

2. With the permission of the inquiring faculty or instructional staff member, the Ombuds may confer and discuss the concerns of faculty and instructional staff with appropriate academic officers.

3. The Ombuds will issue an annual report to the president and ECAC. These reports will provide broad, de-identified information about the program and usage, including data, trends and descriptions of outreach and educational activities in a manner that protects confidential information and consistent with generally-accepted organizational Ombuds practices. The Ombuds may also prepare additional periodic reports for other campus stakeholders, schools, and/or departments, as appropriate, such as the Office for Faculty Advancement.

4. The Ombuds will operate independently of existing administrative structures. The Ombuds is not an official of the university and has no authority to make decisions on behalf of the university or on behalf of individual faculty, to conduct formal investigations, to override policies or decisions, or to provide legal advice. The 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 meet 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.

#### **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 address conflict.

2. The Ombuds shall not disclose information of a private or confidential nature, except: 1) with the express permission of the inquiring faculty or instructional staff, and at the sole discretion of the Ombuds; or 2) where the Ombuds determines there is imminent risk of serious physical harm or in cases of suspected abuse, neglect or exploitation of a child or a disabled or elder adult; or 3) where the Ombuds determines it is necessary to defend themselves against a formal complaint of professional misconduct related to a specific matter. The Ombuds shall oppose disclosing confidential information in any formal, administrative or legal matter, unless an appropriate judicial or regulatory authority determines that disclosure is necessary to prevent a manifest injustice or that disclosure is required because the interests served by disclosure clearly outweigh the interests served by Ombuds confidentiality.

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 for Institutional Equity (OIE), Human Resources, the Duke Office of Scientific Integrity (DOSI) or the Office of Audit, Risk and Compliance (OARC). Conversations with the Ombuds do not toll or affect any time limits by which notice of claims must be provided to the university. The Ombuds is not a Campus Security Authority under the Jeanne Clery Act of 1990 as amended nor is the Ombuds a mandatory reporter under Title IX.

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.

For more information about the scope and role of the Ombuds, please see the Duke University Ombuds Charter, visit the Ombuds website, and/or contact the Office of the Ombuds directly.

### **III. The Faculty Hearing Committee**

#### **A. Purpose and Selection**

1. The Faculty Hearing Committee (FHC) is a review body constituted by the Academic Council and its Executive Committee in furtherance of faculty governance. Its purpose is to provide Faculty Members with a process for seeking review and recommendations from an unbiased panel of peers in instances within the FHC's jurisdiction, as defined herein.

2. The FHC consists of at least 12 and up to 18 regular rank faculty members (as defined in [Chapter 2 of the Faculty Handbook](#)) nominated by the Executive Committee of the Academic Council and elected by the Council at large. In its nominations, the Executive Committee shall seek a reasonable representation of the university's academic community. The Executive Committee shall appoint one member of the FHC to act as Chair.

3. FHC members shall serve for three-year terms and may be reelected. However, no person shall serve more than six consecutive years. Departing members shall nonetheless conclude 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**

1. In General. The FHC shall have jurisdiction to consider complaints from faculty concerning one or more of the following matters, except that the faculty hearing process is not applicable to faculty who are subject to a collective bargaining agreement:

a. Allegations of violations of the university's policies concerning academic freedom and academic tenure as set forth in Appendix D of the Faculty Handbook.

b. Allegations of significant 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. Examples of adverse employment actions include but are not limited to actions with respect to a 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.

c. Dismissal for misconduct or neglect of duty.

d. Termination of appointment prior to its expiration date.

e. Allegations of material procedural unfairness or violation with respect to an adverse employment action. (Adverse employment action has the same meaning here as in B.1.b.) A claim of material procedural unfairness or violation may be based on allegations (i) that the decision-maker did not follow applicable university procedures in deciding upon the adverse employment action, (ii) that the decision-maker did follow applicable university procedures but that those procedures are fundamentally unfair, or (iii) that the decision-maker acted out of bias or prejudice that materially impacted the decision to take the adverse employment action.

f. Allegations of significant adverse employment action relating to damaging instances of harassment, other than those outlined in B.1.b., directed against a faculty member by another member (or members) of the university community after failure of a university officer or office to resolve the matter.

2. Title IX matters. In the case of a complaint filed by a faculty member with the FHC following a determination by the Office of Institutional Equity (OIE) that the faculty member engaged in conduct in violation of Title IX of the Education Amendments of 1972 (relating to sex discrimination in higher education), the FHC's jurisdiction is limited to review of sanctions (significant adverse employment actions) imposed on the faculty member based on OIE's determination. The FHC does not have jurisdiction to review OIE's finding of a Title IX violation, or to review any remedy issued to a Title IX complainant or any other person whose equal access to education programs or activities was limited or denied by sex discrimination.

## **C. Filing of Complaint**

1. The FHC process commences when a Faculty Member files a written Complaint with the Chair of the FHC. A Complaint may be filed only by an individual Faculty Member and not on behalf of a group or class of faculty. In instances of identical or closely related complaints filed by multiple Faculty Members, the Chair may convene a panel to consider in a single proceeding such multiple complaints.

2. The Complaint shall:

a. State the action or actions complained of;

b. Confirm that all other university action in the matter is complete, or, if not, explain why special circumstances justify FHC's consideration of the matter;

c. Provide a detailed description of the events that gave rise to the Complaint;

d. Include attachments, exhibits, and statements that support the allegations in the Complaint;

e. Identify persons known or believed to have contributed to the adverse decision or action that affected the Faculty Member; and

f. Propose a desired remedy.

3. The Chair shall serve as the presiding officer on the panel. If the Chair is unable to serve on the panel, the Chair shall select another member of the FHC to preside on the matter.

4. If the Chair determines that jurisdiction is in question, a panel of at least three FHC members, including the Chair or presiding member, shall confer to resolve jurisdiction. If the panel finds that the Complaint is not within FHC jurisdiction, the Chair shall inform the Faculty Member who filed the Complaint.

5. Upon receipt of a Complaint and following a determination of jurisdiction, the Chair shall determine who is the appropriate Respondent or Respondents based upon allegations in the Complaint. In making the determination, the Chair shall take into account any input from University officials concerning the appropriate Respondent(s). If the Complaint is based upon action taken against the Faculty Member by the Member's department, the department chair will ordinarily be designated as the Respondent. In cases involving dismissal or termination, the Respondent is the President or the President's designee.

6. The Chair shall notify the Respondent or Respondents of the matter and provide copies of the Faculty Member's Complaint and supporting materials.

7. The Chair may require a written response from the Respondent or Respondents and shall provide a copy of any response to the Faculty Member who filed the Complaint.

#### **D. Hearing Procedure**

1. If the Chair determines that a Complaint falls within the jurisdiction of the FHC, the Chair shall appoint a Panel to consider the matter and, unless not necessary, conduct a hearing.

2. The Panel shall be drawn from the current members of the FHC. At least one member of the Panel shall be trained in law. The Chair shall notify both parties of the names of the Panel members. Either party may challenge any Panel member on grounds of personal interest or bias. If the Chair agrees that a challenge is warranted, the Chair shall appoint a replacement. The Chair or the Chair's designate shall act as the presiding officer of the Panel.

3. In cases of denial of tenure or denial of reappointment, Panels shall consist of five members. In all other cases, the chair of the FHC may, after notifying all parties and considering any objections, name a Panel of fewer than five, but not fewer than three, members. Former FHC members may be appointed in cases of necessity.

#### 4. Hearing

a. The Panel may consider issues in advance of any hearing and resolve any issues for which there is no material factual dispute necessitating a hearing.

b. The purpose of any hearing is to afford the parties opportunity to support their positions and to afford the Panel the opportunity to gather additional material information from parties and witnesses.

c. If a hearing is required, it shall be held at a time and place mutually agreeable to the Panel, the Faculty Member, and the Respondent(s). In case of dispute, the presiding officer shall set the time and place.

d. Prior to the hearing, the presiding officer may discuss with the parties the plan for the hearing.

e. The hearing shall be conducted in private unless the Faculty Member, Respondent(s), and Panel all agree otherwise. The Panel shall have the discretion to permit attendance of, or call as witnesses, other individuals relevant to the matter.

f. If the President, Provost, or Executive Vice-President for Health Affairs is a Respondent, they may attend the hearing or designate a representative to attend.

g. All parties may have an advisor in attendance at the hearing. The advisor may not take an active part in the hearing.

h. If the complaining Faculty Member has difficulty securing the attendance of witnesses, the university administration shall request such witnesses to appear. If a witness declines to appear, but submits a written statement, either party may respond to the written statement.

i. All evidence, written and oral, shall be recorded by a means furnished by the university.

j. All parties shall be provided an opportunity, within reasonable limits set by the Panel, to present relevant evidence at the hearing, including the opportunity to:

i. Present their own statement about relevant issues raised by the Complaint;

- ii. Call witnesses and question all witnesses, by whomever called, and/or submit questions to the presiding officer to be posed to any witness;
- iii. Introduce documents or other exhibits in support of any claim or response;
- iv. Rebut any evidence.
- k. The presiding officer shall make determinations relating to the admission or exclusion of evidence.
- l. The presiding officer shall ensure that all participants are treated with respect and conduct themselves professionally.
- m. The Panel, upon request, and unless prohibited by law, shall have access to such university records, accounts, files, and other sources of information as may be relevant to issues raised in the Complaint.
- n. If any party objects to the Panel hearing any evidence on grounds of confidentiality or privacy, the Chair or presiding officer, after consultation with university counsel, shall initially review the requested evidence without providing it to other participants, and shall determine whether substantially equivalent evidence is available by other means that would resolve any objection on grounds of confidentiality or privacy, whether redaction of portions of the evidence would resolve any issues, or whether the evidence must be disclosed to ensure fairness of process.
- o. If any party fails to produce evidence in that party's possession or control that the Chair or presiding officer has required be produced, and the evidence is not otherwise protected by law, the Panel may presume, where circumstances warrant, that the evidence would be unfavorable to the party who failed to produce it.
- p. The Panel and the parties shall not disclose information of a private or confidential nature obtained in FHC proceedings, except as directed below, or where required by law.

## **E. Findings and Recommendations of Panel**

1. Except as stated in paragraph E.2, the burden shall be on the Faculty Member to prove by a preponderance of the evidence that the facts support the Faculty Member's claims.
2. 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 on the Respondent to prove by a preponderance of the evidence misconduct or neglect of duty justifying dismissal or termination.
3. The Panel shall issue a Report of its findings and recommendation, if any. The report shall be by majority vote and shall be based on the information provided in the Complaint, in any response, and at the hearing. Absent extraordinary circumstances, the Report should be issued within 60 days of the hearing.

4. In all cases within its jurisdiction in which a violation is found, the FHC may recommend any remedy consistent with university policy.
5. The Chair shall provide the Hearing Panel's Report to the Faculty Member, the Respondent(s), the chair of the Academic Council, the Vice President for Institutional Equity, the relevant Dean (or other appropriate designee identified by the Provost), the Provost or the Executive Vice-President for Health Affairs, as appropriate. If the Provost or the Executive Vice-President for Health Affairs is a Respondent in the matter, the Report shall also be sent directly to the President.
6. The FHC's recommendation shall be implemented by the Provost or the Executive Vice President for Health Affairs, as appropriate, unless the Provost or the Executive Vice President for Health Affairs determines that: (1) the matter was clearly outside the jurisdiction of the FHC; (2) the Report's recommendations were (a) not supported by substantial evidence; (b) clearly erroneous; or (c) in violation of university policy; or (3) non-implementation is required by other extraordinary circumstances. The Provost or the Executive Vice President for Health Affairs shall state in writing the reasons for not implementing the FHC recommendations. The Faculty Member and the panel shall be informed of the decision of the Provost or the Executive Vice-President for Health Affairs and shall be given the opportunity to present reasons why the Report's recommendations should be accepted. If the Provost or the Executive Vice-President for Health Affairs determines that implementation of the FHC panel decision would be imprudent, impractical, or unnecessarily repetitious, the Provost or the Executive Vice President for Health Affairs may request that the FHC modify or amend the Report's recommendations.

## **F. Appeals**

1. A Complainant may appeal in writing to the Provost or the Executive Vice President for Health Affairs within 10 business days of receipt of the Faculty Hearing Committee decision giving reasons why they believe that the decision is wrong and specifying actions they believe should have been taken. Notice of any such appeal shall be simultaneously provided to the Respondent(s) and the panel, all of whom may then reply to the appeal in writing within 10 business days of receipt of the appeal. The Provost or the Executive Vice President for Health Affairs' decision shall be based on the report of the panel and written submissions by the parties. The Provost or the Executive Vice President for Health Affairs may confer with the presiding officer if desired.
2. The Respondent(s) or Complainant may appeal the decision of the Provost or the Executive Vice President for Health Affairs to the President within 10 business days after receipt of the decision. Notice of any such appeal shall be simultaneously provided to the adverse party and the FHC. The adverse party and/or the FHC may, within 10 business days of receipt of the appeal, submit to the President reasons why the decision of the Provost or Executive Vice President for Health Affairs should be upheld. The President normally shall make a decision within 30 days of the request for review.

3. In cases where the President, at the completion of an FHC matter, upholds the dismissal of a faculty member or termination of appointment prior to its expiration date, the faculty member may request further review by the Executive Committee of the Duke University Board of Trustees. This request must be made in writing to the Executive Committee of the Board of Trustees within 10 business days after receipt of the decision by the President. If the Executive Committee chooses to consider taking action in the case, its review shall be based on the record of the FHC proceeding, the report of the panel, the decision of the Provost or Executive Vice President for Health Affairs, and the decision of the President on appeal. The Executive Committee may consult with the presiding officer. The Executive Committee may accept, reject, or modify the findings or recommendations of the FHC.

#### **G. Records**

For each complaint filed with the FHC, an electronic and/or paper file shall be maintained in the office of the Academic Council for retention of all records created pursuant to the procedures set forth in Sections C through F of these rules. Such file shall be maintained for at least three years. Upon conclusion of each FHC matter, the Chair or presiding officer in the matter shall provide all such records to the Executive Assistant of the Academic Council.

### **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.

*Revised and adopted September 17, 1998; September 2001; September 2014; May 2017; September 2018; May 2023; May 2025*

*In the May 2023 revision, Appendix N became Appendix F.*

# Appendix G: 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 administrators 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).

## University Committees

A comprehensive list of committees appointed by the president can be found here:

<https://president.duke.edu/university-committees/>

A comprehensive list of committees appointed by the provost can be found here:

<https://provost.duke.edu/about/provosts-committees>

## Academic Council Committees

A comprehensive list of Academic Council Committees can be found here:

<https://academiccouncil.duke.edu/committees-members/academic-council-committees/>

## Trustee Committees

A comprehensive list of Board of Trustees Committees can be found here:

<https://trustees.duke.edu/committees>

Information on school and/or departmental committees is obtained through the office of the respective dean or department chair.

*In the May 2023 revision, Appendix Q became Appendix G.*

# Appendix H: Travel

## International Travel

Given international travel by Duke faculty, staff and students, 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 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.

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 full-time, benefits eligible employees and their dependents accompanying them on travel abroad with supplemental health insurance for unexpected injuries and acute illnesses that may occur while traveling internationally on Duke business trips that are short-term in duration (i.e., less than a six-month assignment abroad). Those who are pregnant or have chronic health conditions, likely to require medical treatment overseas, are highly encouraged to switch into a plan the covers these chronic health conditions. Travel abroad for greater than six months indicates an expatriate assignment, a “qualifying event” that allows one to change their enrollment in benefits, and employees are strongly encouraged 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, their 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: [Medical Benefits Abroad | Human Resources \(duke.edu\)](#)

If you need a certificate of insurance for visa purposes stating this coverage, please contact [globaltravel@duke.edu](mailto: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). 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. Should you activate a service that 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](mailto:corprisk@duke.edu); online at <https://finance.duke.edu/insurance/travel/sos>

## Travel Documentation Support

In an effort to ensure Duke faculty, staff and their accompanying dependents 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](mailto: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 in different settings: 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](mailto:globaltravel@duke.edu) for pre-travel orientation materials specific to your destination.

## Duke's Global Travel Policy

All faculty traveling abroad with students should be aware of the Duke University Global Travel Policy which applies to all travel outside the United States that is done with University "support." As defined in the policy, "Duke Support" means financial and logistical support, academic approval, granting of credit for activity or work completed based on the travel, mentorship or any kind of material role for Duke in the travel. The policy mandates that ALL travelers – including Faculty and Staff - register their travel and emergency contact details at <https://travel.duke.edu/registry> when traveling abroad for Duke. The Registry is how we locate travelers following a natural or manmade disaster that occurs internationally. The Restricted Regions List (<https://travel.duke.edu/restricted-regions-list>), the Travel Registry and the Global Travel Advisory Committee (GTAC) were all implemented as part of the Global Travel Policy. 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 student wishes to travel to an area on Duke's RRL they 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 its providers may be limited or unable to aid 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 or to request a review of a destination by the Global Travel Advisory Committee, please visit <https://travel.duke.edu/> or email [globaltravel@duke.edu](mailto:globaltravel@duke.edu).

# Travel Orientation

If you would like to request an orientation for your department, office or class regarding 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 email [globaltravel@duke.edu](mailto: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 <https://global.duke.edu/admin> or email [globaltravel@duke.edu](mailto: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.

### Eligibility

All officers of the university and its professional and administrative staff members are covered by this policy.

### 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

- occur while the employee is traveling on university business;
- 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 they are regularly employed or in which they live;
- 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;
- 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.

Coverage is not provided

- while the employee is on vacation, leave of absence (except sabbatical), or commuting between their residence and their place of employ; or
- 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.

#### Effective Duration of Coverage

The policy is effective for the duration of any period of covered travel commencing when the employee leaves their residence or place of employment, whichever occurs last, and ending upon their return to their 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.

#### 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 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 Card Member agreement for details on the insurance that is provided by Bank of America Merrill Lynch.

*In the May 2023 revision, Appendix U became Appendix H.*

# Appendix I: 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.

## 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 Duke University Health System 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 Duke University Health System 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 their 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.

*In the May 2023 revision, Appendix V became Appendix I.*

# Appendix J: Duke Policy on Prohibited Discrimination, Harassment, Related Misconduct Summary Guide

## Reporting

A Responsible Employee is an individual designated by the Policy who is required to report information regarding Prohibited Conduct to OIE. The term “Responsible Employee” evolved from the Obama-era Department of Education changes to the regulations that govern Title IX and has continued to be used by many institutions of higher education.

### Who Must Report Suspected Prohibited Conduct?

All Duke faculty and/or instructional staff are required to consult with the Office for Institutional Equity (OIE) when they become aware of conduct that might be prohibited by the University Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM). This requirement stems from faculty and instructional staff’s designation as Responsible Employees under the Policy. Responsible Employees should not try to determine whether the conduct would ultimately result in a Policy violation but, rather, should consult with OIE regarding any reported conduct that might fall under the Policy.

### What if Someone Doesn’t Want to Trigger Reporting to OIE?

If someone approaches you with a concern but does not want to trigger reporting to OIE, before they disclose any details to you, you can direct them to speak with a confidential resource. Confidential resources are offices or administrators who are not Responsible Employees and do not have an obligation to consult with OIE about possible prohibited conduct. The Duke Personal Assistance Service (PAS), Counseling and Psychological Services (CAPS), Office of the Ombuds, Gender Violence Prevention Coordinator, and Duke Student Health are all confidential resources under the PPDHRM. There are also off-campus resources that can provide counseling, information, and support in a confidential setting to students, faculty, and staff. A complete list of confidential resources can be found at:

<https://oie.duke.edu/ppdhrm#resources>

### What Conduct is Prohibited by this Policy?

The Policy on Prohibited Discrimination, Harassment, and Related Misconduct (the Policy) prohibits discrimination, harassment and related misconduct on the basis of protected status or protected characteristics. This includes any adverse action or unwelcome conduct related to age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status. This also includes failing to provide reasonable accommodations to a qualified person on the basis of disability, religion, or any other basis required by state or federal law.

## **What to Report?**

Responsible Employees should report all information received, including the details of the conduct and the names of those involved, as soon as possible to OIE. Even if others involved have been advised to contact OIE, Responsible Employees should still consult with OIE directly to relay all relevant information.

## **How to Report?**

When feasible, the report should be submitted via the OIE website online form at [https://oie-duke-gme-advocate.symplicity.com/public\\_report/index.php/pid8190](https://oie-duke-gme-advocate.symplicity.com/public_report/index.php/pid8190) 10. Reports can also be submitted via the OIE help email at [oie-help@duke.edu](mailto:oie-help@duke.edu) or by telephone at (919) 684-8222.

## **Can Anyone Submit a Report?**

Yes, anyone can submit a report to OIE. Concerns may be raised and reports may be brought by the impacted individual, their manager, chair, dean, supervisor, friend or colleague. Reports may also be submitted by individuals who are not members of the Duke community.

## **What Happens After Reporting?**

The OIE Intake/Assessment Manager will email the reporter and/or impacted party to ensure they are aware of available resources and reporting options and to offer a meeting with OIE to explore options, including any appropriate supportive measures. The party can decide to meet with the OIE Intake staff, not respond to the outreach, or decline the meeting with the OIE Intake staff. OIE has an open-door practice, so individuals may decide to wait and meet with the Intake staff at a later point when they feel comfortable doing so.[1]

## **Post-Intake Processes**

After meeting with the reporter and/or the impacted party, OIE reviews all of the information gathered to determine appropriate next steps. If the situation is outside the purview of the Policy and cannot be addressed by another OIE program area, e.g., Diversity, Equity and Inclusion or Affirmative Action, the next steps may include referral to Human Resources, the department, the Office of Student Conduct and Community Standards (OSCCS), or the school or department. If the reported conduct might implicate the Policy as prohibited conduct, OIE may first conduct an assessment.

## **What is an Assessment?**

Before proceeding with a formal investigation, OIE may engage in the process of gathering information to determine if the matter should proceed to a formal investigation. An assessment will not result in a finding or conclusions. However, an assessment may include interviewing witnesses and reviewing other information and may or may not lead to a formal investigation.

### **What About Alternative Resolution?**

Alternative Resolution is a voluntary, remedies-based process such as mediation, restorative justice or facilitated discussion. OIE offers information to parties, where appropriate, about the possibility of Alternative Resolution and where all parties agree, Alternative Resolution can be explored to address the reported conduct. OIE has developed Alternative Resolution Techniques (ART) to guide this process which are strategies that are designed to address climate concerns related to protected status.<sup>[2]</sup>

### **When is the Formal Investigation Process Implemented?**

A formal investigation may be initiated under the following circumstances:

- Based upon information learned in an assessment;
- Based upon information provided by the reporter or impacted party, without the need for an assessment, because on its face the facts if true would violate the University policy; or
- Based on OIE's determination, given the nature of the reported conduct (e.g., multiple impacted parties, serious potential harm to campus and/or extraordinary concerns about retribution), that OIE should initiate an investigation absent a formal complaint.

### **What Happens During an Investigation?**

An OIE investigator will gather information that will guide the analysis of whether there is sufficient evidence to establish a violation of the Policy. This information is obtained through interviews with the parties or witnesses and review of documents, electronic media, and any other evidentiary sources.

### **Who Makes the Determination?**

Depending on the applicable investigation procedures, the determination (sometimes referred to as a finding or a conclusion) will be made by an investigator, a hearing panel, or a hearing officer. The determination is explained and documented in a report that is provided to the parties and the University officials who are responsible for implementing any responsive action.

### **Can a Party Appeal the Determination?**

Yes, either party can appeal the determination. There are specific timelines and limited grounds for filing an appeal. Either party is free to request an extension of the timeline. The request should be submitted prior to the deadline for submitting an appeal. More information about appeals is available in the Policy.

### **Post-Process/Investigation Outcomes**

In cases that result in a finding of a Policy violation, the responsible senior administrator(s) considers appropriate sanctions and/or remedial actions. Depending on the specific circumstances of the situation, corrective action or other remedies can include prohibition from certain academic or managerial responsibilities or removal of privileges, a performance management plan, professional coaching, training, and education, change in employment status or work location, restricted access to Duke programs or activities, reduction in salary, or termination. Sanctions imposed upon faculty can be appealed utilizing the Faculty Hearing Committee.<sup>[3]</sup> In all cases, including cases that do not result in a finding of a Policy violation, support resources will be made available to all parties. In cases where a student is the impacted party, this outreach and intake may be delegated to the Office of Student Conduct and Community Standards (OSCCS). In cases involving students, the alternative resolution process may be facilitated by the Office of Student Conduct and Community Standards.

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[1] When a student is found responsible for violating the Policy, sanctions are determined by OIE and the Office for Student Conduct and Community Standards. When a non-faculty staff is found responsible for violating the policy, sanctions are determined by the appropriate administrator and may be appealed through the Human Resources Dispute Resolution Process.

*In the May 2023 revision, Appendix W became Appendix J.*

# Appendix K: Steps in the Process of Approving New Academic Degrees and Changing the Name of a Unit

## 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 Duke[1])
  - 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.

- 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.
  - Guidelines for graduate and professional degrees and certificates can be found at <https://gradschool.duke.edu/policies-forms/proposals-graduateprofessional-degrees-or-certificates/>.
  - Guidelines for undergraduate degrees can be found at <https://admin.trinity.duke.edu/curriculum/proposals>.
- The provost, after such consultation and advisement as they consider 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, late November or early 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, [acouncil@duke.edu](mailto:acouncil@duke.edu), or the provost's Office, [provost@duke.edu](mailto:provost@duke.edu).

## 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 executive vice provost 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 executive vice provost 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 with responsibility for Academic Affairs.

The provost, after such consultation and advisement as they consider 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, executive vice provost, 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 executive vice provost.

*Approved by Provost and ECAC September 20, 2000; Amended October 22, 2015*

*In the May 2023 revision, Appendix Y became Appendix K.*

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[11] "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: <https://sacscoc.org/app/uploads/2019/08/SubstantiveChange.pdf> Questions about this policy should be addressed early on with the Executive Vice Provost at (919) 684-2631.

# Appendix L: Policy on Consensual Romantic or Sexual Relationships Between Faculty and Students

*Adopted March 2002; revised July 1, 2018 and November 30, 2023*

Duke University is committed to maintaining learning environments free from conflicts of interest, exploitation, and favoritism.

The integrity of the student-faculty relationship is of fundamental importance to the central mission of the university. Students look to their professors and other faculty mentors for guidance and depend upon them for advice, assessment, and advancement. Faculty-student romantic or sexual consensual relationships create the potential 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 funding, educational, research, or other professional opportunities. This includes, for example, where a graduate student is dependent on the faculty member for research or publication opportunities, supervision of thesis or dissertation work, grading in a course, and assistance in pursuing job or other professional opportunities or if the student is supported by a grant or other award to the faculty member. 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 and/or abuse of relationship power dynamics. However, a romantic or sexual relationship between a consenting faculty member and a consenting graduate student may be allowable if the faculty member and graduate student in question do not bear a real or perceived educational or professional relationship with one another, and with an appropriate relationship disclosure, approval, and conflict management plan in place.

## Undergraduate Students

Duke University prohibits consensual romantic or sexual relationships between faculty members and undergraduate students enrolled in Duke University or participating in Duke programs.

Any violation of this policy with respect to undergraduates shall be deemed misconduct as that term is used in the Faculty Handbook. Violation of this 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. At the Dean's discretion, the Dean may appoint an existing or *ad hoc* faculty committee to advise on sanctions. The relevant Dean shall determine sanctions for violations. The faculty member may appeal the Dean's decision on sanction to the Provost.

## Graduate Students

Duke University prohibits consensual romantic or sexual relationships between faculty members and graduate students except under either of the following circumstances:

- a. if the relationship began prior to the faculty member and/or graduate student's affiliation with Duke, including the student's participation in pre-matriculation programs; or
- b. if the relationship began after the faculty member and/or graduate student's affiliation with Duke, including the student's participation in pre-matriculation programs, and the following four conditions are met:
  - i. the faculty member and the graduate student are not affiliated with the same department, graduate program, research team, or research grant; and
  - ii. the faculty member has no current role, and is not expected to have any future role, with respect to teaching, supervising, advising, funding, mentoring, or evaluating this student; and
  - iii. the faculty member has no ongoing professional responsibilities associated with the student's graduate program or a closely related/interconnected program (e.g., secondary appointment, teaching of courses, mentorship of other students in the program); and
  - iv. the faculty member reports the relationship in writing immediately to the relevant Dean(s), with copy to the Institutional Ethics and Compliance Program of the Office of Audit, Risk and Compliance (OARC) (<https://oarc.duke.edu/>), and represents to the Dean(s) that there are no reasons that require prohibiting the relationship; the

relationship is approved by OARC and the Dean(s); and a conflict management plan is implemented and followed at all times.

A faculty member is not required to report consensual romantic or sexual relationships that fall into category (a), unless the faculty member and graduate student have affiliations in the same department, graduate program, research team, or research grant, in which case the steps outlined in section (b)(iv), above, should be followed.

A faculty member is required to report to the relevant Dean(s) any current consensual romantic or sexual relationships that fall into category (b); those relationships must adhere to a conflict management plan that is approved by the Dean(s) and OARC as described above. There is no obligation to disclose relationships that fall into category (b) to other faculty or graduate students.

All non-preexisting relationships between faculty members and graduate students who have affiliations in the same department, graduate program, research team, or research grant are prohibited. A faculty member who is contemplating, currently has, or has had a past romantic or sexual relationship with a graduate student is prohibited from teaching, supervising, mentoring, or evaluating the student. These prohibitions apply to all graduate students, including but not limited to those who are teaching assistants, research assistants, fellows, tutors, graders, and visiting scholars.

Any violation of this policy with respect to graduate students may be deemed misconduct as that term is used in the Faculty Handbook. Failures to report a consensual romantic or sexual relationship as required under category (b) or to adhere to management plans are violations of this policy that 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 the Dean's 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 the Dean's 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 instructional role. The Dean may also refer the matter to the relevant student conduct process.

## **Ask a Question or Report a Concern**

Students, faculty, staff and affiliates can report suspected violations of this policy by speaking with the dean, department head, academic dean or the director of graduate or undergraduate studies. One can also contact OARC at 919.613.7630 or submit a report to the Office for Institutional Equity (OIE) by completing the following form: [https://oie-duke-gme-advocate.symlicity.com/public\\_report/index.php/pid572003?](https://oie-duke-gme-advocate.symlicity.com/public_report/index.php/pid572003?) or by sending an email to [oie-help@duke.edu](mailto:oie-help@duke.edu). OIE investigates potential violations of this policy. An anonymous report can also be made using the Speak Up line service provided 24 hours per day, 365 days per year, by toll-free call to 800.826.8109 or by submitting a web form at <https://values.duke.edu/#speak-up>.

## **Definitions**

***Duke:*** Duke University and related entities, including but not limited to the Duke University Health System.

***Faculty Member:*** 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 reviewer on a Ph.D. committee).

***Student:*** All those enrolled full-time or part-time in any program of Duke University and its various schools as well as visiting students who are supervised or co-mentored by Duke University faculty. For the purposes of this policy, a student's status as "student" begins with their first participation in program activities, including pre-matriculation programs, and ceases at the time the student graduates or otherwise permanently separates from their educational program at Duke. Any reference to "graduate" students includes students pursuing a PhD, a masters, a professional degree (e.g., Doctor of Medicine (M.D.), Juris Doctorate (J.D.), Doctor of Physical Therapy (D.P.T.), etc.), or any other advanced degree through one of Duke University's various schools.

***Consensual Relationship:*** A dating, romantic, and/or sexual relationship willingly undertaken by the parties.

NOTE: Consensual relationships between employees, including between faculty members, and between non-faculty (staff) employees and students are covered under Duke Human Resources policies. For purposes of this policy, trainees such as postdoctoral appointees and graduate medical trainees are treated as employees.

*In the May 2023 revision, Appendix Z became Appendix L.*

# Appendix M: Policies Related to Intellectual Property, Copyright, and Consulting

## Duke University Policy on Intellectual Property Rights

*Approved May 11, 2000. To be effective July 15, 2000.*

### I. General Principles

- a. 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.
- b. 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.
- c. 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:

- i. Computer programs when the programs are primarily created to perform utilitarian tasks.
  - ii. 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 relevant University Institutional Review Board.
  - iii. 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.
  - iv. 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.
  - v. 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).

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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. They should communicate to the students in the class what, if any, permission has been granted to tape the course content.
- v. 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 they propose to teach a course regularly or recurrently, shall

first disclose the proposed undertaking in advance to their 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.

- i. The management of conflicts of interest or commitment will be addressed in accordance with the terms of the relevant [University Policies on Conflicts of Interest](#), as amended from time to time.
- ii. In addition, a conflict of interest or commitment will be presumed to arise under this Policy on Intellectual Property Rights:
  1. 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;
  2. 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;
  3. 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
  4. 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.

- a. 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 their 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 a

ppointment 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.

## **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, revised 2016) (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 (now the Office of Licensing & Ventures Board) 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**

#### **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.

#### **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.

#### **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.

#### **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, Sakai, or Box 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. The checklist that follows can help guide a reasonable decision about fair use and further support is available through ScholarWorks, a Center for Scholarly Publishing at Duke University Libraries. 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 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. 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 (<https://www.copyright.com>) 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 cannot 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

<u>Favoring Fair Use</u>	<u>Disfavoring Fair Use</u>
<ul style="list-style-type: none"> <li>• Educational <ul style="list-style-type: none"> <li>• Teaching (including multiple copies for classroom use)</li> <li>• Research</li> <li>• Scholarship</li> <li>• Criticism</li> <li>• Comment</li> </ul> </li> <li>• Transformative or Productive use (Changes the work to serve a new purpose)</li> <li>• Nonprofit use.</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial, entertainment or other use</li> <li>• Verbatim or exact copy, not transformative</li> <li>• Profit generating use.</li> </ul>

#### FACTOR TWO- NATURE OF THE COPYRIGHTED MATERIAL

<u>Favoring Fair Use</u>	<u>Disfavoring Fair Use</u>
<ul style="list-style-type: none"> <li>• Factual, nonfiction, news</li> <li>• Published work</li> </ul>	<ul style="list-style-type: none"> <li>• Creative or consumable work. (art, music, feature film, fiction, workbook, case study or test)</li> <li>• .Unpublished work</li> </ul>

#### FACTOR THREE - EFFECT ON THE MARKET FOR THE ORIGINAL

<u>Favoring Fair Use</u>	<u>Disfavoring Fair Use</u>
<ul style="list-style-type: none"> <li>• No significant effect on the market or potential market for the copyrighted work.</li> <li>• One or few copies made and/or distributed.</li> <li>• No longer in print; absence of licensing mechanism.</li> <li>• Restricted access (limited to students in a class or other appropriate group).</li> <li>• One-time, spontaneous use (no time to obtain permission).</li> </ul>	<ul style="list-style-type: none"> <li>• Cumulative effect of copying</li> </ul>

## 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 disclosed on an individual's outside activities disclosure form, as applicable. 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.

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## Appendix N: Master List of Acronyms

AAPs	Affirmative Action Plans
ADA	Americans with Disabilities Act
AP&T	Appointments, Promotion, and Tenure
ART	Alternative Resolution Techniques
BOT	Board of Trustees
CAPS	Counseling and Psychological Services
CMPA	Office of Communications, Marketing and Public Affairs
CSAPT	Clinical Sciences AP&T
CSFC	Clinical Sciences Faculty Council
DAPT	Department AP&T
DCA	Duke Office of Durham and Community Affairs
DDNP	Duke-Durham Neighborhood Partnership
DGS	Director of Graduate Studies
DMS	Disability Management Systems
DOSI	Duke Office of Scientific Integrity
DSL	Disability Service Liaisons
DUHS	Duke University Health System
Duke-NUS	Duke-National University of Singapore
DUMAC	Duke University Management Company
DUS	Director of Undergraduate Studies
DUSON	Duke University School of Nursing

ECAC	Executive Committee of the Academic Council
EDI	Equity Diversity and Inclusion
EEO	Equal Employment Opportunity
EFC	Engineering Faculty Council
EROC	Executive Research Oversight Committee
FAC	Faculty Advisory Committee
FERPA	Family Educational Rights and Privacy Act
FGA	Faculty Governance Association
FHC	Faculty Hearing Committee
FML	Family Medical Leave
FMLA	Family Medical Leave Act
FWA	Flexible Work Arrangements
GPA	Grade Point Average
GEO	Global Education Office
GTAC	Global Travel Advisory Committee
IOA	International Ombuds Association
IP	Intellectual Property
IPA	Intergovernmental Personnel Act
ISOS	International SOS
ITSO	Information Technology Security Office
LCME	Liaison Committee on Medical Education
MBA	Medical Benefits Abroad
MCEC	Medical Center Executive Committee
MFA	Master of Fine Arts
MP	Master's Project

NCAA	National Collegiate Athletic Association
NSOE	Nicholas School of the Environment
OARC	Office of Audit Risk and Compliance
OGHS	Office of Global Health and Safety
OIE	Office for Institutional Equity
OIT	Office of Information Technology
OR&I	Office for Research & Innovation
OSCCS	Office of Student Conduct & Community Standards
OUE	Office of Undergraduate Education
PAS	Personal Assistance Services
PPDHRM	Policy on Prohibited Discrimination, Harassment and Related Misconduct
RACI	Research Administration Continuous Improvement
RPAC	Research Policy Advisory Committee
RRL	Restricted Regions List
SACES	Student Accessible Course Evaluation System
SACS	Southern Association of Colleges and Schools
SCIP	Strategic Community Impact Plan
SDAO	Student Disability and Access Office
SOM	School of Medicine
SON	School of Nursing
T-Reqs	Trinity Requirement Website
TA	Teaching Assistant
TTT	Tenured and Tenure-Track Faculty
UIC	University Institutes, Initiatives, and Centers
USERRA	Uniformed Services Employment and Reemployment Rights Act

VPRI	Vice President for Research & Innovation
VPUE	Vice Provost for Undergraduate Education

# Duke Faculty Handbook Revisions

Date of Change	Section	Description of Change
June 2, 2025	Chapter 4 - Professional Affairs of the Faculty	Parking privileges policy for emeritus faculty extended through June 2027
May 18, 2025	Chapter 1 - The University	Revised Academic Freedom policy moved from Appendix D to Chapter 1
May 18, 2025	Appendix D - Academic Tenure	Academic Freedom policy and Mutual Obligations item G moved to Chapter 1. Remaining sections renumbered.
May 12, 2025	Chapter 1 - The University	Several descriptions of administrative units were added or updated
May 12, 2025	Chapter 3 - Faculty Appointment, Promotion, and Tenure	Clarifications were made to the appointment, promotion, and tenure review process
May 12, 2025	Chapter 6 - Faculty Responsibilities with Respect to Students	Updated guidance on grading procedures and field trips and course-related travel
May 12, 2025	Appendix B - Bylaws of the University Faculty	Clarification on those eligibility to serve on Academic Council
May 12, 2025	Appendix E - Schools' APT and Other Procedures	Updates to procedures in the School of Medicine Basic Sciences and in the Pratt School of Engineering
May 12, 2025	Appendix F - Faculty Ombuds and Faculty Hearing Committee	Revisions to the Faculty Hearing Committee rules
March 7, 2024	Chapter 6 - Faculty Responsibilities with Respect to Students	Change of Grade process updated to add DukeHub as an option for making requests.
December 11, 2023	Appendix L: Policy on Consensual Romantic or Sexual Relationships Between Faculty and Students	Policy updated.
December 11, 2023	Various sections	Technical Edits / Updated hyperlinks.
December 11, 2023	Chapter 3 - Faculty Appointment, Promotion, and Tenure	The Dossier section was updated to reflect current administrative roles in the School of Nursing

December 11, 2023	Chapter 4 - Professional Affairs of the Faculty	The Non-Academic Leaves section was updated to reflect current administrative roles and processes in the School of Medicine and the School of Nursing
December 11, 2023	Chapter 2 - The University Faculty and Its Organization	Rank and Title section updated to reflect new promotion definitions and pathways in the School of Medicine.
December 11, 2023	Chapter 1 - The University	Updated description of offices within Government Relations and State Relations
July 6, 2023	Appendix B - Bylaws of the University Faculty	Technical Edits.
July 6, 2023	Chapter 2 - The University Faculty and Its Organization	Updated hyperlinks
July 6, 2023	Chapter 6 - Faculty Responsibilities with Respect to Students	Updated hyperlink to policy.
July 6, 2023	Various sections	References to the Vice Chancellor for Health Affairs updated to Executive Vice President for Health Affairs.
May 11, 2023	Appendix N - Faculty Ombuds & Faculty Hearing Committee	Substantive Edits to Faculty Ombuds section. Appendix N becomes Appendix F
May 11, 2023	Chapter 7 - University Libraries	Removed
May 11, 2023	Appendices D-M (School Bylaws)	Removed
May 11, 2023	Appendix O - Financial Conflict of Interest Policies	Removed
May 11, 2023	Appendix R - Student Records Policy	Removed
May 11, 2023	Appendix S - Use of University Lands/Facilities	Removed
May 11, 2023	Appendix X- The Duke Community Standard	Removed
May 11, 2023	Chapter 1 - The University	Technical Edits
May 11, 2023	Chapter 2 - The University Faculty and Its Organization	Technical Edits
May 11, 2023	Chapter 3 - Faculty Appointment, Promotion, and Tenure	Technical Edits

May 11, 2023	Chapter 4 - Professional Affaris of the Faculty	Technical Edits
May 11, 2023	Chapter 5 - Research	Technical Edits. IP/consulting information moved to Appendix M
May 11, 2023	Preface	Technical Edits
May 11, 2023	Chapter 6 - Faculty Responsibilities with Respect to Students	Technical Edits
May 11, 2023	Appendix A - Governing Documents	Technical Edits
May 11, 2023	Appendix C - Academic Freedom and Academic Tenure	Technical Edits
May 11, 2023	Appendix P - Policies Related to Research	Technical Edits. Most information moved to the new Research Policy Manual. IP/consulting information moved to Appendix M
May 11, 2023	Appendix Q - University Committees	Technical Edits. Appendix Q becomes Appendix G
May 11, 2023	Appendix U - Travel	Technical Edits. Appendix U becomes Appendix H
May 11, 2023	Appendix W - Duke Policy on Prohibited Discrimination, Harassment & Related Misconduct	Technical Edits. Appendix W becomes Appendix J
May 11, 2023	Appendix Y - Steps in the process of Approving New Academic Degrees and Changing the Name of a Unit	Technical Edits. Appendix Y becomes Appendix K
May 11, 2023	Appendix C - Academic Freedom and Academic Tenure	Appendix C becomes Appendix D
May 11, 2023	Appendix Z - Policy on Consensual Romantic or Sexual Relationships between Faculty & Students	Appendix Z becomes Appendix L
May 11, 2023	Appendix V - Pickets, Protests, and Demonstrations	Appendix V becomes Appendix I

