FAQ’s on Duke Compact, COVID – 19 Concerns and GPSC Leadership Response

1. Why is Duke deciding to put people's health and safety at such a serious risk by opening campus during a pandemic?

It is first important to clarify that GPSC is not Duke. GPSC does not speak for Duke University. We do not speak for the Duke administration. In fact, we often times and perhaps the majority of the time speak out against the Duke administration. It's our job to advocate for the interest of students and not for the interest of the university as an institution.

2. I know in the contract I signed that I'm going to allow Duke to access when I use wifi on campus. Is Duke going to track my phone off campus?

The answer is so Duke has a data use policy that's been updated for COVID which is available [here](#). Your on campus data from pinging Wifi will be utilized, as well as as your Duke card data. So for example, if you swipe into a building and then it's discovered that during the time that you were in that building a person with COVID was also in the building, you might be reached out to for contact tracing to determine if you came into contact with that person. But off-campus, Duke is not currently and has no intentions to track your cell phone’s GeoData. If this were to change, this would be something GPSC would advocate extremely strongly against. We are absolutely opposed to requiring students to install an always on app that would track them off campus and would determine their location 24/7.

3. The compact says that student's status can be affected due to quote/unquote from flagrant violations or simply failing to follow the other terms laid out in the compact. What does this mean for international students? What recourse will we have if we are found wrongly in violation of things?

In the majority of circumstances, but not all circumstances, your individual school or program has its own existing student conduct process and concerns about student behavior or other issues that would be broadly classified as conduct complaints will be adjudicated as part of that pre-existing process. There is always university oversight over school-specific conduct processes. If students feel that their home school, department, or program utilizes a process that is not fair or effective, please reach out to GPSC. We have a very strong advocacy campaign, unrelated to COVID, that is pushing for improvement in the conduct policy across all the Graduate and Professional schools. Although COVID of course factors into this, GPSC has already been engaged in an extensive conversation about reforming and advocating for more effective student conduct procedures for graduate and professional students. We're partnering closely with individual schools, the Office of
Institutional Equity, the Provost’s office and the Office of Student Affairs to do this most effectively.

Our goal to ensure that all students are treated fairly and appropriately, and if you feel you are not being treated fairly and appropriately, we hope you will reach out to GPSC. GPSC spends a significant portion of our time essentially doing whistleblowing activities. You can come to us anonymously and we will try and advocate for you, your peers, and our community, when it comes to student conduct matters. A fair and equitable conduct process, free from undue influence or retaliation is nonnegotiable for GPSC. We are always very fierce, active and targeted in our advocacy around student conduct approaches, and also on faculty mistreatment of students and issues of a hate and bias.

4. What do flagrant violations mean?

We think that flagrant violation would be an activity that, if observed by any reasonable person, that person would say, "that is dangerous, that is clearly going to cause harm to our community." Flagrant violations also would include those that cannot be chalked up to ignorance or misunderstanding but which instead are intentionally designed to cause harm or are grossly negligent. So for example, flagrant violation might mean going to the center of a crowded place on campus and spitting into a cup and pouring it into a fan and aerosolizing your droplets everywhere, obviously that would be flagrant. There are other things that would not be flagrant. For example, if a student is not wearing their mask appropriately on campus- that is not a flagrant violation, that's an honest mistake and that's where non-disciplinary actions will be taken to ensure that we're not disciplining students instead of educating them. Duke should not be utilizing punitive approaches as its first tool, instead, GPSC has advocated for an adherence based public health approach to adherence to masking, social distancing, etc.

5. A few other universities have slipped something like contracts which prevents students holding the university responsible for getting COVID when working on campus as a graduate student. Will Duke require the same? Can we get a lawyer to explain the exact laws behind this?

If you've noticed from the policy documents and the Duke compact, there is language in there that sounds awfully “legalese.” GPSC was opposed to including legal sounding language, because it does not foster the environment of trust that should be there between students and administration. We argued that the University should insert the least amount of legal language as possible. What is currently in the documents has been reduced from prior iterations based on our strong feedback on this issue.

It's important to know we've clarified multiple times with the office of the Provost office and with counsel’s office that, according to North Carolina state law, you cannot just give a blanket liability waiver that excuses an employer or an institution from all liability. Even if a student were to sign this kind of waiver it would not stand up in court because that's not how the law works in North Carolina.
Specifically in reference to the language itself says, “I take responsibility for my actions, I take responsibility for the fact that, there may be COVID on campus, I may get COVID, etc” That is not a legal admission saying that you are not going to hold Duke responsible if Duke is negligent. You have a legal right to sue the university, if the university is negligent.

The university is trying to enact these procedures and policies to ensure that, that students will be kept safe and to ensure that we have a safe ability to return to campus and for students to continue their educational program.

GPSC will always be supportive of any mechanism that students feel is necessary to support themselves, to advocate for their own interests, whether that be a legal mechanism, alternative dispute resolution, or using on campus mechanisms to approach problems. While we’re sure that Duke would appreciate it if you don't sue them, GPSC does not take any position on whether or not you should or should sue Duke university. That's the decision for you and your attorney to have a conversation about. We will never discourage Duke students from seeking legal protections guaranteed to them under the law.

GPSC will also be obtaining an external legal opinion about the policy document and the Duke compact based on the request of many students. While that may not address a specific individual situation, we think it will help clarify the situation as a whole. When I mentioned external legal opinion I mean opinion obtained from an attorney that is not that affiliated with Duke and who does not have an attorney client relationship with Duke University.

If as the semester goes on and we discover that Duke's actions are causing damage to the rest of the community, we can assure you that GPSC will be there, fighting for change and fighting for our community more broadly to ensure that the decisions that Duke is making are not undermining the health of Durham.

6. What is the hurricane plan for the Duke Marine lab and will it be updated for COVID-19? Is there specific guidance available for graduate student organizations?

GPSC is reaching out to seek an answer on this issue. We don't have an answer yet, but thank you for bringing it to our attention.

Regarding student organizations and the regulations that in person events are subject to, there is some conflicting information in Duke's FAQ and the UCAE communications that we are working to clarify.. GPSC funds a significant portion of student activities and events on campus and we are working closely with UCAE to get additional clarification. We don't have the full details entirely fleshed out currently, but we anticipate being able to provide additional information in the coming week or two weeks in order to make sure that student organizations are able to continue to fulfill their critical role on campus, which is to that of community-building institutions. We appreciate the work that the folks in UCAE and student affairs are doing and we'll be working with them to make sure that we can get the most accurate and correct guidance for students and student organizations.
7. Who do we talk to if we initially indicated that we are off campus, but circumstances change and we intend to visit campus?

The primary answer to that question is that you should reach out directly to your program leadership. If you don't know where to go, don't know who to go to, or how to navigate this whole complex ecosystem that we are now about to be experiencing, please do not hesitate to reach out to GPSC. We're engaged in whistleblower advocacy, organizational leadership, events programming, and we also try facilitate engagement and provide information to the student body whenever possible. So, if you are in a unique situation and you don't have good answers or cannot find good answers, GPSC is here. That's literally our number one job. You can email any of the executive committee members directly and we'd be happy to help advocate for you, and to help get you connected with answers and resources.

8. Is there a potential situation where Duke will shut down again? What are the parameters?

We think it's very, very reasonable to say that there is a potential situation where Duke would be shut down again. We will reach out about that to students if there is more information should that situation arise. There is a large team, both at the health system and at the university level, who are focused on this issue specifically. At this time, GPSC is not aware of the particular parameters that would necessitate a withdrawal from campus. We will reach out to the office of the Provost to clarify this question further. Once we have a response, we will post it here as an addendum.

9. Why has GPSC's leadership been silent and embarrassingly complicit in creating and enforcing a set of policies that will lead to so many people becoming seriously ill and possibly dying?

GPSC has not taken a position against reopening, and we've not taken a position for reopening. The position that we've taken is that we are here to advocate for the interests of students no matter whether Duke attempts to return to campus in person. That includes advocating to protect the health and safety of our students and broader community, protect the right of students to choose not to come to campus, and protect the rights of students to continue their educational program unabated if they do choose not to come to campus.

So, our advocacy efforts have been focused not around this binary question of “to come to campus or not to come to campus”; instead, we have been focusing on what we, as the Graduate/Professional student government, do to advocate for policy, plans, and procedures, whether we return to campus or not, that most effectively accommodates the largest number of students and takes care of our most vulnerable.
There’s a lot of really excellent work that's being done, and there's a lot of successful policies that GPSC has advocated for as part of this reopening plan. We've tried to establish our position firmly as one that is taking into account the breadth and diversity of experience, desires, and aspirations that students have for this fall and going forward throughout the pandemic. We know many students are vehemently opposed to the return to campus, and we know that many students feel that a return to campus is absolutely essential.