

Duke Athletic Council

**Annual report to Academic Council (2022-2023)**

**Submitted by Andrew Janiak (Chair)**

10 April 2023

A. Introductory information

Originally established in 1907, the Athletic Council has been “reconstituted” or altered on several occasions, mostly recently by a resolution adopted by the Board of Trustees on February 24, 2007, the Council’s 100<sup>th</sup> anniversary. As per Duke’s Athletic Policy Manual, the Council’s remit includes the following: promoting an understanding of intercollegiate athletics amongst members of the Duke community; promoting the adoption and maintenance of strict academic standards at Duke and in the ACC; providing general oversight of the Duke athletic budget; and, monitoring compliance with Title IX. Many of these themes are reflected in the Council’s activities during AY2022-23, as described below.

The Council is composed of the following: Faculty members (7); Administrators (5); Students (7); Alumni (3); Trustees (2); and, *ex-officio* members. The Chair is chosen by the President.

Current faculty members are: Lee Baker (Trinity); Dorian Coleman (Law); \*Elisabeth de Fontenay, Vice-Chair (Law); David McAdams (Fuqua); Manoj Mohanan (Sanford); \*Candis Watts Smith (Trinity); \*Andrew Janiak, Chair (Trinity); and, Linda Franzoni (Pratt), who serves *ex-officio* as the Faculty Athletics Representative [\*denotes membership on Executive Committee—see below].

The entire current roster can be found [here](#).

The Council has three sub-groupings: the Executive, the Compliance and the Academic committees, each with its own focus and membership. The Council meets twice annually; the committees meet periodically.

In addition to the statutory or traditional meetings of the Council and of its various committees, described in depth below, this year Chair Janiak adopted the theme of increasing communication between Athletics and the rest of the University. In line with that theme, Senior Associate Director of Athletics Brad Berndt and Janiak attended the DUS meeting in October to discuss the intersection of academic and athletic issues with the faculty members who administer all of Duke's undergraduate majors. We discussed a wide range of topics, including the fact that faculty should be made aware of what a N.O.V.A.P. form is—notice of varsity athletics play—and of the fact that travel by students on club sports teams is not considered official athletic travel. In addition, the fact that team practice schedules might conflict with widely needed prerequisite courses was discussed, a topic that emerged as a theme for the year. Finally, it was reported that the last such DUS meeting occurred 12 years ago, and it was resolved to continue such meetings more frequently in the future.

#### B. Executive committee

In addition to the faculty members noted above (see \*), this committee is comprised of the following members: Executive Vice-President Daniel Ennis, Dean of Academic Affairs Martin Smith (Trinity), Margo Riddle (Alumni), Ann Pelham (Trustee), Piper Hampsch (Student Athlete Advisory), and Senior Associate Vice-President Sterly Wilder (*ex-officio*). The committee meets with the President, Provost, and senior leadership in the Athletics Department to determine agenda items for the two full Council meetings each year.

The executive committee met on October 25<sup>th</sup>, 2022 and identified the following themes for discussion during this academic year: the quickly changing landscape involving N.I.L. (“name, image and likeness” of college athletes) and the Supreme

Court's Alston decision involving educational benefits; the prevalence of transfer students amongst Duke's teams (due in part to changes in eligibility at the NCAA-level); the question of whether our student-athletes are able to participate in co-curricular activities such as DukeEngage and Bass Connections; the evolving admissions landscape, including the question of whether the SAT and ACT will remain optional in the future; and, the usual issue of the Duke Athletics budget. Most of these items were placed on the Fall or the Spring agenda of the full Council, and the rest were discussed by the academic committee (see below). The executive committee also requested that data and informational materials be shared with committee and Council members in advance as much as possible so that substantive discussion can ensue. Significant progress toward that goal was made this year (see below).

### C. Academic committee

This committee includes all faculty members on the Council. It reviews data and anecdotal information pertaining to the academic experience of all student-athletes, discusses Duke's admissions procedures with the Dean of Admissions, and assesses the extent to which student-athletes have academic experiences that parallel those of the general student population at the University.

The committee met with Dean of Admissions Christoph Guttentag for a lively and wide-ranging discussion on November 18<sup>th</sup>, 2022. Due to the fact that Duke remains "test optional" for undergraduate admissions, standardized test scores (ACT and SAT) were not reviewed by the committee during this cycle. We discussed the admissions process for both student-athletes and other students, how Duke compares to its peer institutions along various dimensions, whether Duke might remain test optional in the future, and related issues. Dean Guttentag explained in depth how student-athletes are recruited and how that process intersects with the admissions procedures of the University. All final admissions decisions are made by Dean Guttentag and his staff.

The committee decided to hold an additional meeting, on December 16<sup>th</sup>, 2022, in order to discuss other topics, including some that arose during the DUS meeting

reported above. Faculty members were especially interested in the following topics. Could research opportunities be made more modular so that student-athletes could participate amidst their especially busy practice and travel schedules? Are there short summer opportunities that might be made available? To what extent do team practice schedules interfere with the ability of student-athletes to choose a desired course of study at Duke (including majors, minors, etc.)? One thought is that we could encourage departments that offer large introductory courses, either of their own or in “service” to other majors (e.g., basic stats, calculus, etc.), to spread them out during the day and week to avoid conflicts with team practices when possible (perhaps varying by semester, e.g., by offering an intro course in the morning in the Fall and in the afternoon in the Spring). We continued discussion of that last issue in the Spring semester as well, with an eye toward obtaining data that would help guide our thinking.

In line with tradition, the committee met in the Spring (March 30<sup>th</sup>, 2023) with representatives from the College of Arts and Sciences: Dean Martin Smith and Drs. Jennifer Hill and Alessandra Dinn. The committee was *very* appreciative of the fact that these representatives shared extensive data with us well in advance of our conversation, in line with the general request issued by the Executive committee in the Fall (see above). These data enabled us to discuss the following issues, among others: how do the distribution of majors amongst student-athletes compare with those of the general student population; how can we analyze the intersections of various Duke team practice schedules with popular curricular offerings in the College and in Pratt; and, how has student-athlete participation in various majors shifted over the past seven years? (NB: College and Pratt majors were both included in the data.) The faculty noted that the pie charts of the 10 most popular majors amongst student-athletes and amongst the general student population were similar along several dimensions, which was generally regarded as encouraging. That is, we did not see any obvious areas within the data indicating that student-athletes are generally excluded from majors due to structural issues (schedules especially). However, the committee agreed that further study would be helpful to ensure that student-athletes are not prevented from pursuing certain courses of study due to practice schedules and team travel. It was agreed that, other things equal, it would be beneficial for our students if we could avoid conflicts between

practice schedules and large introductory courses that feed into popular majors or that serve as prerequisites for the latter.

In addition to these meetings, faculty on the academic committee participate with Athletics staff in the student-athlete exit interviews conducted for all graduating seniors. These interviews last a full hour and involve a large range of questions concerning each interviewees' experiences as athletes and as students. They are valuable sources of information for the faculty.

#### D. Compliance oversight committee

This committee is chaired by the Faculty Athletic Representative, Professor Linda Franzoni (Pratt), and discusses new and pending NCAA legislation. It also reviews any recent potential violations of NCAA regulations that might have occurred at Duke. It meets once per semester. Our fall meeting occurred on December 9<sup>th</sup>, 2022, and our Spring meeting will occur on May 1<sup>st</sup> (the latter is therefore not reflected in this report). At the fall meeting, we learned that the NCAA planned to vote in January (2023) about new eligibility requirements, and would likely both transition to a "test blind" rule and also potentially add a new minimum GPA requirement.

#### E. Full Athletic Council

For its annual Fall meeting, the full Council met on November 29, 2022—President Price opened the meeting with remarks about Duke and the state of intercollegiate athletics. He noted that with the Alston decision, N.I.L., changes to NCAA eligibility, the challenge that COVID posed, etc., the landscape of athletics at institutions like Duke is changing rapidly and will likely continue to do so. Director of Athletics Nina King then gave the Council an update on the state of Duke's programs. She noted that Duke led all "Power 5" institutions with its graduation success rate (G.S.R.) of 98% for student-athletes. Duke has also led the ACC for 34 of the last 35 years with its G.S.R. Director King also explained that Duke Athletics has established a DEIB task force and

recently hired a Chief Diversity Officer. In partnership with Women's Weekend at Duke, a celebration of 50 years of women participating in intercollegiate athletics was planned (it had been postponed due to the pandemic).

One of the major changes in intercollegiate athletics involves student transfers amongst institutions, a major topic of discussion at the Fall meeting. The Athletics Chief of Staff, Todd Mesibov, shared information with the group concerning transfers into Duke. We learned that more than 1 in 8 student-athletes at Duke is a graduate student, and that more than half of the students in Fuqua's MMS program are graduate-student athletes. The latter fact surprised many Council members. It was noted that one explanation is that Duke is a very attractive destination for graduate student transfers, and that it offers very few one-year Master's programs.

The Fall meeting also included an extensive presentation about Duke's recreation and physical education activities, including sports clubs, led by Executive Director Felicia Tittle. Director Tittle explained that intramural sports at Duke had just under 2,000 participants last year, that 1,400 students were enrolled in P.E. courses, and that Duke's sports clubs had nearly 1,300 members. Many of the club teams travel for competitive play at other institutions, although this is distinct from participation on Duke's athletic teams (and therefore does not involve a N.O.V.A.P. form).

The annual Spring meeting of the full Council occurred on April 6<sup>th</sup>, 2023. President Price opened the meeting, giving the Council a wide-ranging overview of the state of intercollegiate athletics and of Duke's place within it. Although Duke's position amongst its peers remains strong academically and athletically, the world of intercollegiate athletics is clearly undergoing dramatic transformations, many of which may pose challenges for Duke in the future. These include shifting funding streams from advertising revenue—the ACC is currently falling short, e.g., of the SEC and the Big Ten—the potential for new Federal legislation in the wake of the Alston decision, evolving NCAA rules, the constantly shifting landscape of N.I.L., and more. Director of Athletics Nina King then picked up the conversation where President Price left off. Director King described many of Duke's successes this past year, including Mike Elko winning ACC Coach of the year, Men's Basketball finishing as ACC Champions, Women's Basketball finishing 2<sup>nd</sup> in the regular season, and Women's Soccer winning

national player of the year for the first time ever. These and many other successes have occurred within a confusing and constantly shifting landscape for intercollegiate athletics, with many questions concerning N.I.L., the Alston decision, and even the potential unionization of college athletes, currently on the table. On the bright side, Director King noted that she and President Price had a productive meeting with the former Governor of Massachusetts, Charlie Baker, the new head of the NCAA, who is aware of these issues. In line with the discussions led by President Price and Director King, Athletics Chief of Staff Todd Mesibov gave the Council a brief update on the Alston decision. It was noted that at present, the educational benefits allotted for student-athletes under Alston are set at \$5,980/year. We also learned that Federal legislation may be required to clarify a number of remaining issues. Absent Federal action, it is also possible that states will pass relevant legislation in the near future.

In addition to the issues noted above, the Council learned that Duke Athletics faces budgetary challenges, with revenue currently growing at a slower pace than expenses. Chief Financial Officer Mitch Moser gave the Council a detailed budgetary update. Currently, the department is projecting negative operating margins in the FY24 budget. At present, the University provides direct institutional support to close the budgetary gap. Duke Athletics is currently developing a long-range plan to ensure that it achieves a net zero balance between revenue and expenses in the future. There was some discussion during and after Moser's presentation of various features of the Athletics budget. There was interest in learning more about the place of Duke Athletics within the larger University campaign currently under development. Some faculty also expressed interest in learning more about the methodology used to calculate student-athlete financial aid, so that may become a future agenda item. The presentation ended with Moser's announcement that he is retiring after more than 25 years at Duke, which prompted praise from Director King and a round of applause from the full Council.

The meeting ended on a high note, with a student-athlete panel moderated by Deputy Director of Athletics Heather Ryan. The panel involved the following students: Issy Carey (Field Hockey), Jaylen Coleman (Football), Coleman Kredich (Swimming) and Sydney Yap (Volleyball). These student-athletes gave a wide-ranging and informative description of their experiences with some of the programs run by Duke Athletics,

including A.C.T.I.O.N. and S.A.A.C. The former program helps facilitate mentoring relationships between Duke students from different teams, thereby enabling students to develop new perspectives on the balance between academic and athletic life and also on the various approaches to athletic competition amongst different teams at the University. The latter program establishes a mechanism for Duke to receive feedback from student-athletes and also involves a connection with Duke Student Government. The Council meeting ended with a moving account of a recent student-athlete trip to Selma and Montgomery, one that included a memorable and important visit to the infamous Edmund Pettis Bridge. This conversation gave the Council a vivid portrait of the many aspects of student-athlete life, including an impressive commitment to community service and engagement.

*Respectfully submitted*

*Andrew Janiak*

*10 April 2023*