

**2018-19 Annual Report from the Athletic Council**  
**Submitted by Linda Franzoni, Chair**  
**April 10, 2019**

**Who we are:**

The Athletic Council is comprised of members from the following categories: university administration, faculty, staff, students (undergraduate & grad/professional), alumni, and trustees. The Director of Athletics and the Faculty Athletic Representative, as well as a few others serve in an ex-officio capacity. The faculty members who are currently serving on the Athletic Council are: Sara Beale (Law), Laurent Dubois (Trinity College, Romance Studies), Gavan Fitzsimons (Fuqua), Ken Gall (Pratt, Mechanical Engineering & Materials Science), Charles Maxfield (Medicine, Radiology), Kathy Sikkema (Trinity College, Psychology), Arlie Petters (Trinity, Dean of Academic Affairs & Assoc Vice Provost for Undergraduate Education), Don Taylor (Sanford, Public Policy, ex-officio) and Linda Franzoni (Pratt, Mechanical Engineering & Materials Science). Martha Putallaz (Trinity College, Psychology) is the Faculty Athletics Representative (FAR).

**What we do and activities this year:**

The Athletic Council has three committees: the Academic Committee consisting of all faculty members of the Athletic Council, the Executive Committee (composed of the Chair, the Vice Chair, the Secretary of the Council, and seven others representing the aforementioned categories), and the Compliance Oversight Committee (chaired by the FAR, and composed of the Chair of the Athletic Council, Vice Chair, University Registrar, Dean of Undergraduate Admissions, the Director of Financial Aid, and a member of the University Counsel's Office).

**Executive Committee**

The Executive Committee meets annually with the President, the Provost, and the Director of Athletics to set major Council agenda items for the year ahead. On Monday October 15, 2018, the Executive Committee of the Athletic Council met with President Price, Provost Kornbluth, and Chris Kennedy (Athletic Director Kevin White's designee) to discuss major Council agenda items for the coming year. Several topics were proposed as agenda items, among those were:

- Concussions, particularly in club sports (how are they handled, what type of follow-up is provided to student-athletes in sports like soccer and rugby, for example)
- Continuing education opportunities for student-athletes that pursue professional opportunities prior to receiving their Duke degree.
- Clustering of student-athletes in certain classes, ensuring rigor in independent study classes
- Time demands for travel given the expansion of the ACC to a larger geographical area
- Gender relations, sexual misconduct (what education is provided to student-athletes)
- Risk assessment
- Performance enhancement (use of supplements, marijuana use)
- Student-athlete safety (rules for practices)

- Student-athlete wellbeing (nutritionist, trainers, coaches, psychologists – how is this holistic approach being coordinated)
- Gambling as it relates to intercollegiate sports
- E-Sports, video game competitions

Our student member of the Exec Committee commented that concussions are handled very well in club sports. She is a member of a club sport team and can personally attest to the quality of the care provided, as well as the follow-up when a student experiences a concussive event either in practice or competition. This topic was then withdrawn from the agenda list.

The University of Arizona is providing continuing education opportunities for former student-athletes, including those who have attended Duke. It was not felt that this topic should be on the yearly agenda this year. The topics, clustering of student-athletes in specific courses, oversight with respect to student-athletes enrolled in independent studies, and time demands (particularly as they impact one's ability to attend classes) belong under the purview of the Academic Committee of the Athletic Council, and were therefore moved to that Committee's consideration.

The two major topics from the bulleted list that we decided to cover this year were: Analysis of risk assessment (fall meeting) and student-athlete health and wellbeing (spring meeting). Any remaining items will be reconsidered as topics for future meetings of the Athletic Council.

### **Academic Committee**

The Academic Committee has the responsibility of enforcing and monitoring, but not administering, scholarship, athletic admissions, and grants-in-aid requirements of the University for participation in intercollegiate sports. This committee conducts an annual, comprehensive analysis of the admissions profiles, class performance, and graduation rates for student-athletes. Further, this committee shall review applicable policies and practices where appropriate and shall conduct periodic review of athletics academic support services. Finally, members of this committee will conduct annual student-athlete exit interviews.

The Academic Committee met with Dean of Admissions, Christoph Guttentag and Associate Dean of Admissions, Anne Sjostrom on December 17, 2018. Anne Sjostrom handles a lot of the non-revenue sports' athletes' admissions, while Christoph Guttentag handles the admissions of students who are on teams characterized as revenue-generating (football, and both men's and women's basketball). Christoph and Anne provided us with collective data on SAT scores for student-athletes vs. all matriculated (and admitted) students for an entering class, which we discussed. They also compared the racial diversity of a matriculated class of student-athletes to the class, in general. We discussed this data with them as well. For the benefit of new and continuing members of the Committee, Christoph described the process for admission of a recruited athlete. We were also provided with statistics on the number of recruited athletes per sport for classes entering in 2014, 2015, 2016, 2017 and 2018. Over those years, approximately 25 students per year were recruited for revenue sports, and approximately 120 in the non-revenue sports, compared to an entering class size of roughly 1700.

The Academic Committee is scheduled to meet again on April 23, 2019 to discuss class clustering, independent study data, and graduation rates with the Trinity Assessment Office staff members.

### **Compliance Oversight Committee**

The Compliance Oversight Committee seeks to ensure that the University is exercising adequate “institutional control” over athletics, as defined in the “Principles of Institutional Control as prepared by the NCAA Committee on Infractions.” It meets at least once per semester with the chief compliance administrator in the Department of Athletics to review compliance policies and procedures.

The Compliance Oversight Committee met on December 17, 2018 with Todd Mesibov, the chief compliance officer in the Department of Athletics. Martha Putallaz and Todd Mesibov presented the newly proposed NCAA legislation which was to be voted on in January 2019. Many of these proposals resulted from the Rice Commission report. Todd reviewed a list of nine self-reported minor infractions by Duke’s coaches or staff members. Examples include: sending emails to a high school sophomore (coach thought the student was a junior), treating prospects to lunch and/or dinner during an unofficial visit, returning emails or phone calls. Corrective actions taken involved rules education in all cases, and in some cases a two week period of no-contact with a prospective recruit.

Chris Lott, from University Counsel’s office informed us of a legal case (“Alston case”) in California that focuses on scholarships and awards. The case raises questions about amateurism rules and antitrust violations (NCAA put caps on what can be awarded). Gambling is a “hot topic” in intercollegiate sports. At the time of our Compliance Oversight Committee meeting, six or seven states had legalized sports betting, including Pennsylvania (The University of Pittsburgh is a member of the ACC).

The spring Compliance Oversight Committee meeting is scheduled for May 3, 2019.

### **Athletic Council**

The full Athletic Council meets at least once per semester. Its goals are broad and include items such as:

- Promote an understanding of intercollegiate athletics and Recreation and Physical Education among faculty members and other members of the Duke community.
- Promote the adoption and maintenance of strict academic standards at Duke University and in the NCAA and the ACC bylaws, regulations, and legislation.
- Provide general oversight of the athletic budget and review in the spring of each year the projected athletic budget forecast with the Director of Athletics, giving him and the President the benefit of its advice concerning allocations of funds for different athletic purposes within the limits of funding made available by the University.
- Monitor compliance with Title IX in athletic matters as a shared responsibility with the Director of Athletics.

On October 19, 2018 the Athletic Council met at the Wilson Recreation Center (classroom 20). Linda Franzoni (Chair of the Athletic Council) welcomed the Council and provided an overview of the Council's duties, including the responsibility of each committee. President Price addressed the group and thanked them for their service on the Council. He asked that the Council make sure that Duke Athletics meets the excellent standards that the University sets in all areas. President Price noted that monitoring and oversight are critical roles of the Athletic Council, and that he would like to ensure that every student has the resources needed to excel. He noted that working together we can continue to build the best athletic program in the country.

Joanna Rojas (Director, University Audit, Office of Audit, Risk & Compliance) led a Risk-Assessment Exercise with Council members. The Council was provided with a document (October 4, 2018 Duke University Athletics Risk Assessment – FY 2019) that summarized the results of meetings between senior Athletics and Academic leaders over the summer of 2018. At that time, the group discussed, contextualized, and prioritized Athletics risks.

The document identified the following top priorities with respect to Athletics risks:

- **Supporting student athlete experience and services:** student-athletes have unique academic, nutritional, mental and physical health needs due to the competitive environment and the pressure to successfully balance academic studies with athletic commitments. There is a need to provide a full complement of services to support our student-athletes.
- **Prioritizing financial resources:** we need to address the challenge of balancing the competing financial demands to maintain academic and athletic excellence with the revenue and institutional support available.
- **Preserving athletics aura / connectivity to the Duke experience for students/alumni:** Athletics is highly reliant on Coach K and the men's basketball program for contributing to the reputation, representation and global recognition of Duke University. With inevitable changes in its elite programs, Duke faces challenges to diversify / stratify the elements which create the "aura."
- **Recruiting and retaining quality coaching staff.** All of our sports programs are resource intensive in order to maintain competitive compensation packages for retaining and recruiting coaches. We compete with schools that have deeper pockets in this regard.
- **Rising cost of regulatory compliance:** Dept of Education places a range of regulatory components on athletic programs that make it challenging to stay ahead of the changing landscape.
- **Maintaining program culture:** A culture of accountability and transparency at the individual and leadership levels is dependent on hiring quality personnel and providing rigorous training and oversight.
- **Complexity of NCAA compliance:** Minor and major violations send a signal of program culture. Violations can cause disruptions in a program (and possible financial and reputational impact). The legal threat landscape is evolving with more permissive

recruiting rules and pressures from external influences such as agents and alumni. These pose risks to our reputation and may have financial consequences.

- **Responding to a disruptive event:** The quality of incident reporting is based on how quickly key institutional stakeholders respond to events, understand them clearly and appreciate the consequences. Coordinated crisis management strategies may lessen the impact to programs and their reputation.

At the meeting, the Council was divided into small breakout groups that were asked to evaluate the identified risks (above) and respond to the following questions: Where do we see risk in Athletics from our personal vantage point (faculty, staff, student, etc.)? Are there risks that should be on the top priority list but are missing? Of those listed (and others, if any) what are the most important?

After discussion in individual groups, Joanna Rojas asked for reports from the groups. The following potential risks were pointed out by Council members:

The “one and done” basketball culture; clustering of student-athletes by team in some classes; independent studies; academic reputation of Duke; misconduct by student-athletes that brings negative attention to Duke; no time for student-athletes to experience Duke as a “regular student” (including summer internships, study abroad); student-athletes being isolated; club sports (1200 students are on club sports teams); injuries; the potential for football to go away as an intercollegiate sport; gender equity; making sure that student-athletes are exploring opportunities to engage in the wider Duke community; accountability with respect to the behavior of student-athletes; admissions standards; resources for Athletics; mental health; public image; replacing head coaches – Coach K and Coach Cutcliffe.

Martha Putallaz (FAR) and Todd Mesibov (Athletics Compliance) gave a short presentation on NCAA / ACC legislative topics, including new rules for student-athletes who transfer to another institution, and legislation on time management.

The Athletic Director (Dr. Kevin White) and Ms. Nina King, senior associate athletics director, gave an update on the success of the Athletics programs. At that time, Duke was ranked #4 in field hockey in the country, 30<sup>th</sup> in football, 14<sup>th</sup> in men’s soccer and 10<sup>th</sup> in women’s volleyball. The campus recreation program has 1200 students involved in 38 club sports. There are over 19,000 participants in the campus recreation programs offered by Duke. Reese Jones has agreed to create a master plan for improvements to the Duke University Golf Course. Dr. White and his team are meeting with all first-year athletes throughout the fall. Data shows that our student-athletes are the best academically performing in the nation. Duke Athletics is investing in nutrition and mental health. These are key priorities for the Department. The goal is to take an integrative approach to high performance through a coordinated effort focused on wellness of student-athletes in all aspects. In meetings with student-athletes, one thing has become clear – our student athletes are “euphoric” about this institution.

Nina King shared a number of staffing changes with the Council.

Immediately following the Athletic Council meeting a bust of Al Buehler was dedicated beside the new track. Members of Al Buehler's family were present for the dedication.

The spring Athletic Council meeting is scheduled for April 26<sup>th</sup>. The main focus of that meeting will be on Wellness (pertaining to student-athletes) and the new Director of Behavioral Health Shawn Zeplin, will meet with the Council to discuss this topic.