

Minutes of the Meeting of the Academic Council
Thursday, November 16, 2017

Don Taylor (Chair, Academic Council / Sanford School of Public Policy):

Thanks, everyone, for coming today to our Academic Council meeting. Just so you have it in the front of your minds, we will have another Council meeting two weeks from today. That will be the last one of the semester so it's a quick turnaround.

APPROVAL OF THE OCTOBER 19 MEETING MINUTES

Taylor: The minutes from our October 19 meeting were posted with today's agenda. Are there any corrections or additions to the minutes?

(Minutes approved by voice vote without dissent)

PROPOSED MASTER'S DEGREE IN FINE ARTS IN THE DANCE PROGRAM

Taylor: Today we will hear a proposal for a master's degree program in fine arts in Dance. We have Professors Purnima Shah, chair of the Dance Program here at Duke, and her colleague Michael Klien, who will come and present this proposal to us. We will vote on this proposal at our next meeting on November 30.

Purnima Shah (Dance Program): Thank you, Don. Greetings, everyone. Thank you

so much for giving us your time. A Master of Fine Arts in Dance: Embodied Interdisciplinary Praxis is the title of our proposal. The master of fine arts in Dance is a terminal degree in the profession of the artistic practice of dance. One of the unique aspects of the program is that it is open to all forms of dance and human movement: artistic, aesthetic, social, therapeutic, including research on movement strategies for helping Parkinson's patients, Alzheimer's patients, child obesity, and such. Interdisciplinarity is the mainstay of the program. Over the two years, students will develop individual interdisciplinary research projects that integrate artistic practices with humanities, sciences, and medicine in order to apply embodied knowledge to the service of society.

Michael Klien (Dance Program): I will just speak shortly as to why at Duke. Obviously, it's much better to lead in a subject than to try to catch up later on. We will be the first institution among our peers to have an MFA in Dance. We think it's absolutely crucial and exciting to have this because we also thereby change the conversation around dance and about dance and the format of how MFAs are usually structured by actually going away from this kind of very narrowly focused idiom of American modernist dance and becoming a dancer or becoming a

choreographer and extending it to the phenomenon of what dance actually is in society and engaging all different kinds of fields, and thereby really building very strongly upon the interdisciplinary aspect that Duke has to offer. We'll talk about that briefly in the curriculum. Of course, we also work with the American Dance Festival, which is a local great institution. By bringing these forces together and creating the graduate platform for artistic research, I think we're bringing the best of those two worlds together and guarantees us also a place at the table for the conversation around dance in the world.

Shah: The curriculum would require 27 units of required courses, but the most important thing is we have 21 units in interdisciplinary practice, which will be the elective courses. Each student will bring their own research interdisciplinary topic as part of their application. They will have 21 units available to work within that area, which means that students will be able to strengthen their skills in artistic movement and choreography, but there will also be the possibility through elective courses in their interdisciplinary research area. For instance, students intending to develop their specialty in areas of dance and therapy, dance and psychology, dance and feminist studies, or dance in the context of innovation and social entrepreneurship. So the wider scope for electives is to facilitate the interdisciplinarity that we would like to bring into human movement as such. So we are not defining or limiting the curriculum to structured forms of dance, but opening it up much wider to human movement.

Klien: We believe that we will actually attract, or we can choose from a wide pool of applicants, through this innovative program. One group we really appeal to is practicing artists who already have an established career, who now want to deepen their knowledge and sort of augment it through interdisciplinary practice and extend it into other fields of knowledge and through other fields of knowledge. Of course we also want to attract recent graduates with great ideas. If somebody has a career in a different field but already had a lifelong passion in dance, they might want to bring dance into their own field and thereby study dance to do so. If I could just speak briefly to the career prospects. Research is indicating that around 50% of graduates will find employment within academia, which is unusually high, I think. With a kind of Duke label, we think this is very realistic and is comparable to other programs in universities. We also want to stress social entrepreneurship in the profit and nonprofit sector, as in running festivals, running companies, but also bringing innovative products to market. So we're also working with the graduate school on looking at diplomas for business administration as part of this MFA. And then there will also be unique employment opportunities outside of the traditional dance profession, simply by these unique hybrids that this interdisciplinary research engenders.

Shah: Finances: we expect to recruit seven students each year. So at any given time it will be 14 students. Students will be fully enrolled for two years: fall, spring, fall, spring. The first summer, they will spend with ADF. The production expenses will be covered by the program. The second summer, they will be presenting their thesis, so there will be a

small registration fee. We have a one-time startup fellowship from Dr. Tallman Trask in the amount of \$100,000, which we are going to use entirely towards student fellowships. Fellowships will also be provided from the Dance Program on the basis of merit and diversity.

Assistantships will be provided to all students in both years. Production costs and creative project expenses will be covered by the program. We also have a pie chart which shows the major chunk of the expenses: tuition sharing, graduate tuition sharing, but we have been fortunate that the administration has agreed to give us a little bit of leeway the first year, but then eventually we will be sharing 35% and then more as we go on. We have also an alternative budget, which is, in the event that we don't get a full recruitment, we have an alternate budget which is a reduced budget for five recruits. We've reduced major expenses, we would not do the staff hires that we would have otherwise, and some of the production and visiting artist program costs have also been reduced. So this is just an option that we have in case of lower recruitment. We would like to open up the floor for questions if there are any.

Ruth Day (Psychology and Neuroscience): Thank you for the very comprehensive proposal. There's a lot of information well set up. I appreciate that. In your presentation just now, you were talking about career opportunities for the graduates and one of them said social entrepreneurship. Does that mean that you might have courses on arts administration? And then, more generally, do you envision there would be tracks within the program? Or does each student come in and take the core courses and then bounce around electives and work with one mentor for the pieces? Do you

envision, potentially, tracks, and if so, things like arts administration?

Klien: We envision that each student will be highly specifically mentored around their research proposal and that there will be different options like tracks available, like an "MBA-light," introducing business skills, business plan writing, and so on, in case it's relevant to their project. For example, if you look at mindfulness or yoga or other practices that also relate to the body, there is a lot of market within these fields that can be explored. So if they feel like they want to explore that, then they can take these different diplomas as part of the overall research project and development. So we're hoping that they do develop their own markets and their own jobs as well.

Shah: As far as the social entrepreneurship is concerned, we are already in discussion with Matt Nash [Managing Director, Social Entrepreneurship], and they're planning a graduate certificate in social entrepreneurship. Right now they already have an undergraduate certificate and they are planning a graduate certificate. We are already communicating how we can do a graduate certificate in alignment with the arts. So we are already starting to work on that. So yes, there will be a track where MFA students will be able to do arts administration.

Day: What might some of the other tracks be?

Shah: Therapy. Some of the other tracks might be psychology, other tracks could be anthropology, and depending on how individual students would like to focus their research on, these kind of combinations. Basically, this was last

year, but I contacted about 18-20 Duke professors, just to see if they would like to do these kinds of collaborations, how open they would be. Almost 100% of them were very excited about the whole idea of this interdisciplinary cooperation towards the students' research work.

Lee Baker (Cultural Anthropology):

One comment and then a question. Very comprehensive proposal and there was a lot of information in here. One of the things I found so compelling was your sort of nuanced description of the relationship the dance program already has with music, theater studies, doc studies. I was like, this is so Duke. We've got these interdisciplinary programs already, but the dance program has really stitched itself in these relationships and those MFA students will naturally be sort of taking advantage of those existing relationships. To me, that was a really compelling aspect of this truly interdisciplinary MFA program. The question I have is, I think many of us are super concerned with the cost of higher education and the cost of undergraduate education, and then a master's program, and then on and on and on. One way to mitigate that is to think in a hybrid fashion about those 500 and 600 level courses which undergraduates can enroll in. Have you thought through the possibility of our undergraduates taking a shorter path if they've taken some of those electives? How could a hybrid BA-MFA program look in your dance program?

Shah: Almost 100% of our undergraduate majors are double majors with a certificate or something. So they're integrating their other major together with their dance thesis and their creative work already. So what I'm proposing here

is not going to be completely new. It is already in practice. When I say students researching on Parkinson's patients, movement strategies for Parkinson's patients, that is a distinction Project II project that students have already done in the program. I'm not making this up as a possibility. It is already worked on by the undergraduate students. So we have seen this as a real possibility. As far as students integrating the BA and MFA, we have already had a conversation where our very upper level courses could be sort of converted into 500 and 600 level courses. The curriculum is actually suitable to that level, the undergrads and grads both will be able to take those courses. So, yes, that will be less credit and less financial stress if they wish to continue with their Duke MFA. So that has already been discussed. We are also overhauling our current curriculum like all of our other departments are. We are also overhauling our current undergraduate curriculum, so all of these ideas have already been discussed at the moment. There will be more feedback, but yes, it has been considered. Thank you.

Steffen Bass (Physics / Chair, Academic Programs Committee):

APC was very positive about this proposal and, in that sense, I can echo what Lee just told you. However, I also wish to draw your attention to a more general concern that APC had with these kinds of master's degrees, and that is the issue of ethics or morality, namely, the very high cost of these degrees. How do we balance intellectual gain that such a degree gives, with the real life consequences that the graduates face, being an additional \$120,000 in the hole? What is the responsibility of us as an institution to a nationwide problem? Some people call it the next bubble, namely, student debt. I

could also be a little bit more provocative and ask, should we be concerned about costs?

Klien: I think we are all concerned about it. Personally, my own practice is very concerned with social advocacy, so it's one of those things, I think, that we take very seriously and we already have started fundraising. That's what I can say. We are interested in bringing these costs down so they become reasonable, in a sense. Because they're simply too high at the moment. Even if we're giving back, in the budget, we can see the actual costs at the moment, the fee is actually \$75,000 on average. So we want to bring it down to \$50,000, and ideally have a few full scholarships as well, in time. But we feel like we have to start somewhere. So we are well aware of this problem.

Shah: We are also hoping that, because the MFA is a terminal degree, it would be considered financially perceived in the same way that PhDs have been financed and PhD programs have been supported. It is a terminal degree and so it should be treated as a terminal degree as far as financial support is concerned.

Day: There are actually data sources that can be looked at. For example, if you take the faculty at the American Dance Festival over the last ten years, what their income was, being a professional or choreographer, et cetera, teaching at colleges or universities, and then they got an MFA somewhere else, what happened to their salaries is they went way up and the job security. So that's a little part of the financial picture which is different from what you raised, Steffen, but it's quite remarkable and I think that's a lot of what's driving these top performers and teachers to get the MFA.

Shah: You're right. In the last several years, all positions would require MFA-PhD. So, previously, that was not the case, because there are many genres whereby artists, if they wanted to excel, they would have to give up college. Because that was the prime age when they would do their best. A ballet performer, it would be impossible for him or her to give up ballet and go to college. Because then they will never get to the point that they would because that is the age within which they could achieve what they have to achieve. At least now, in the past several years, all academic positions would require an MFA-PhD. So that is an added value.

Taylor: Any other questions? On November 30, two weeks from today, we will vote on this. If you have questions that you would like to email, we will get them to Michael and Purnima and they will be here also on November 30 to answer any questions. Thank you.

EXECUTIVE SESSION FOR PROPOSED HONORARY DEGREE CANDIDATE

Taylor: We will now move into executive session for the purpose of hearing a proposal for an additional honorary degree for Commencement 2018. Those of you who are with us who are not members of the faculty, we ask you to step outside. Don't go far, we shouldn't take too long. We'll invite you back in soon.

[Executive Session for the purpose of hearing a proposed Honorary Degree for Commencement 2018]

MEETING RETURNED TO OPEN SESSION

UPDATE ON ATHLETICS

Taylor: Next, we're going to hear from Jim Coleman, professor in the Law School and chair of Duke's Athletic Council and Martha Putallaz, professor in Psychology & Neuroscience and Duke's Faculty Athletics Representative (FAR) to the NCAA and the ACC. They're going to give us an update on Athletics at Duke and then we'll have ample time for questions and discussion. Martha and Jim, thank you so much for coming.

Jim Coleman (Law School / Chair, Athletic Council): Hello, I'm Jim Coleman, and I'm chair of the Athletic Council. We met earlier in the semester with the Executive Committee of your Council to discuss a number of matters that the Executive Committee raised. Martha and I met with the Committee at lunch and went over those items. We were asked to appear today to discuss three matters and then to answer questions. I'm going to do that briefly. I'm going to mention two of the three items and then Martha will talk about the third, and then we'll answer whatever questions you have. The two matters that I was asked to discuss are the academic performance of Duke student athletes and then concussions and mental health. I'm going to discuss academic performance first, but let me say that the issue of mental health was one that we put on our agenda, that is, the Athletic Council's agenda, as a result of the annual meeting that the Executive Committee of the Athletic Council had with the President and the Provost. This was one of the issues that came up, we discussed, and then we decided to put it on our agenda for the spring. Martha and I met with the head trainer at Duke to talk about several matters, including concussions, and

mental health came up. It is something that the department is very much aware of and is taking steps to address what it considers is a need, beyond what the department is currently doing. We will have more to say about that in the spring.

On academic performance, at our spring meeting, we have an academic committee made up of the members of the faculty and deans who are on the Athletic Council. At that meeting, we discuss academic performance of the Duke student athletes. There is a detailed presentation by the academic dean at the university. He presents from the data. What happens during the course of this meeting is that we have discussions about specific items, flag other items, and then over the course of the years, the presentations expand to include other things that we think the university should be monitoring. So that's what we do. We met this spring, and just to give you an idea, in looking at the academic experience of the Duke student athletes, we look at basically four things: incoming characteristics of the students, the support structure that's available to them, the student profiles, that is; what is the pattern of majors, are they participating in high-impact learning experiences, are they taking independent study courses, are they taking too many of them, are they taking multiple courses with the same professor? So the kinds of things that have gotten universities in trouble in the past, we monitor to make sure that's not a problem here at Duke. Last spring, the Council also completed an audit of the academic services unit of the Department of Athletics. This is a unit that provides academic support for the student athletes. It's headed by Brad Berndt [Senior Associate Director, Athletics] who is in the back here in the pink shirt. It was a

comprehensive examination of the unit, what they do, how effective they are, and what was the assessment of the students. We looked at data from surveys and so forth. Then we prepared a report which we sent to the President at the end of the spring semester and I gave a copy of it to Don at the meeting that we had with ECAC. The upshot of it was that the unit is doing extremely well. There were some recommendations that were made that we will monitor as we go forward. Nothing serious. One of the things that the task force pointed out was the extraordinary job that Brad does in coordinating with the academic side of the university, in monitoring what's happening with student athletes, monitoring danger signs for individual athletes, and so forth. So we concluded that they're on solid ground and that there's nothing that we think is a matter for concern. Finally, on the concussions and mental health, as I said, we're going to address mental health as a matter in the spring. Basically, the view of the department, and we agree with this, is that mental health issues for student athletes are different in some ways because of the context in which they sometimes occur. Meaning that they are members of teams, some of them are well known, so that they don't have the privacy other students would have to deal with this. So just being able to deliver mental health services is a challenge sometimes. The department is addressing that and we're going to hear more about that in the spring. On concussions, obviously there is a great deal of concern generally, not just here at Duke, about concussions and about the impact of concussions in football and even talk about whether football should be, at some point, abolished. We don't get into that, but what Martha and I have done is to

monitor the department to make sure that it has a policy that is understandable. That it does a good job educating both the student athletes and the coaches, as well as the rest of the staff in the department, and that they have a protocol that reflects best practices for managing concussions when they occur. We believe that the university has a policy and a concussion management plan that reflects the best practices and that they implement it and when there is a concussion or the suspicion of a concussion, the medical staff takes over and that they have independent control of when the student is allowed to resume participation in the athletic activity. One of the things that we learned in the course of a recent discussion is that some students are having concussions not in their sports, but in their dorms and other places where they are banging their heads and then they present with some of the symptoms of a concussion. In those cases, the athletic department for student athletes will also invoke the protocol and make sure that they can resume participation in whatever the athletic event is that they're part of. I'm going to stop there and let Martha do what she's going to do and then we'll answer questions.

Martha Putallaz (Psychology and Neuroscience / Faculty Athletics Representative to the NCAA / ACC): For my part of today's presentation on Athletics, Don asked me to update the Council on NCAA issues. The contrast between Jim's and my role, for example, is that Jim is chair of the Athletic Council. He manages what the agendas would be, with cooperation from me, he manages the executive committee, which meets with the Provost and President regularly to figure out what the agenda for the year would be, to guide those meetings. He

reports to ECAC and the Academic Council as a regular person that you should consult if you have athletic questions. My role is slightly different. Every school that competes in the NCAA must have a Faculty Athletics Representative. The Faculty Athletics Representative is appointed by the President or Chancellor, sort of that person's representative, both to campus but as well to the NCAA and also to the ACC. So, more of an external presence, in contrast with the Athletic Council. Not surprisingly, Don has asked me to give you an update today on NCAA issues. I last presented to the Council on this topic back in May of 2012 and much has happened since then. Since I only have a few minutes, I am going to highlight one significant change that has occurred within that time—the creation of Autonomy which has allowed some significant reforms to be made to benefit student athletes.

When Mark Emmert assumed the NCAA Presidency in 2010, there was a strong desire to change the NCAA – both structurally and procedurally—to make it more effective and responsive to its constituency. There was also a very strong tension between better-resourced and less-resourced schools, and it was difficult to pass any legislative proposals if they involved even a minimal budget increase. This difficulty was particularly frustrating to the more well-resourced schools as they were increasingly the targets of mounting negative publicity that student athletes were being taken advantage of while their schools and their coaches and the NCAA made big money from intercollegiate athletics. Things came to a head in 2014, creating a particular urgency to act. The National Labor Relations Board in Chicago agreed

to review the case brought by Northwestern football players that they should be allowed to unionize. The MVP of the 2014 Men's Basketball Tournament complained that he went to bed hungry some nights because of the inadequate meal plan he was allowed under NCAA rules. The O'Bannon vs NCAA case went to trial, alleging that the NCAA's long-held practice of barring payments to athletes violated antitrust laws. So the well-resourced schools increasingly threatened to leave "the big tent," so to speak, if there was not significant change made within the NCAA and the legislative process so they could address student athletes' concerns.

Several significant changes were enacted over the course of that year. First, the NCAA governance structure was overhauled to make it more efficient and responsive to student athlete needs. Second, a decision was made by the membership to involve student athletes more directly in the NCAA governance. And here I want to take the opportunity to highlight the role that a Duke student athlete played in this outcome. At the time of the 2014 convention, the Chair of the NCAA Division I Student Athlete Advisory Council was Maddie Salamone, a Duke Lacrosse player who found herself in the position of being the national voice for student athletes. She rightly noticed the lack of student athlete participation in the proposed new governance structure and delivered an impassioned speech from the floor, which led to subsequent and significant changes to include student athletes. Another outcome of the 2014 convention was the creation of five Autonomy Conferences. The ACC, SEC, Big 10, Big 12, and Pac 12 (basically the better resourced conferences) were designated Autonomy Conferences. There

still would be the same shared legislative process that all Division I schools engaged in, but these five conferences could now propose and pass autonomy legislation. Other schools and conferences could elect whether or not to enact the autonomy legislation, but they could not vote on its passage. Autonomy legislation cannot be applied to areas covering competitive fairness (number of student athletes on a team, number of scholarships awarded, number of coaches, length of playing season). But no longer would there be rules that simply restricted spending, especially when they affected student athletes (e.g., how much food they could eat).

I want to highlight some of the significant changes benefiting student athletes that have come about because of the new ability to pass Autonomy Legislation. In 2015, most significantly, cost of attendance legislation passed. Now the gap between an Athletic Grant in Aid and the full cost of attendance could be given to scholarship student athletes. Although Duke had a long history of not allowing this, a student athlete's scholarship could no longer be removed for athletic reasons (e.g., injury, not playing up to expectations, more talented recruits). Scholarships could now be multi-year rather than required to be renewed annually. Concussion Safety Protocol legislation passed. And more food was now available to student athletes instead of the very prescribed "fruit, nuts, and bagels" prior snack legislation, for example.

This past January of 2017 saw very significant Time Demand Autonomy Legislation pass which mandated the following. First, it required athletically related activities be prohibited for a

continuous eight hour period between 9PM and 6AM. Student athletes are required to have a true day off per week. It used to be that you could travel to a competition on that day off and that's no longer allowed. And additional days off are now required during the academic year. A Student Athlete Time Management Plan for each varsity sport must be developed and reviewed annually. Heads up to President Price, those will be coming to him at the end of each Academic Year. And off-campus practices during a vacation period are now prohibited.

At the upcoming January 2018 NCAA convention, it is anticipated that proposed Autonomy Legislation covering Medical Insurance for student athletes will be voted on such that schools would be required to provide medical care to a student athlete for an athletically-related injury and care for such an injury would extend at least two years following graduation. Duke already has such a policy in place, but now other schools would be pressured to follow these guidelines as well. So that provides you with a quick update on the positive impact the new ability to enact Autonomy legislation has had on student athlete wellbeing through January 2018.

Going back to the 2014 court cases and rulings regarding paying players and unionization: although the debate and legal challenges continue, the attention and urgency seems to have lessened since the conclusion of the O'Bannon case, which found in October 2016 that an NCAA rule limiting scholarships to full cost-of-attendance did not violate federal antitrust laws. As just reviewed, Autonomy legislation was used to raise the scholarship limit to full cost-of-

attendance in 2015 while that litigation was ongoing. Similarly, the unionization discussion has not been at the forefront since the National Labor Relations Board ruled against the Northwestern football players' request to unionize (in part because of the NCAA autonomy reforms coming out of the 2015 convention addressed many of their concerns). But each of those topics could return at any moment, especially as Jeffrey Kessler's law suit (challenging NCAA amateurism rules) continues through the legal process. That's the update in a nutshell on that one aspect of NCAA issues.

Taylor: Questions?

Roxanne Springer (Physics): I'd like to learn about how students are counseled on how to balance any conflict between athletics and academics. Anecdotally, it's very difficult for an athlete to be, for example, a laboratory science major. Students who speak to me talk about having to rearrange their classes to avoid conflict with practices. It's never really exactly clear whether these practices are mandatory or not, or whether they are actually supposed to be scheduled around classes, or if the students are supposed to schedule their classes around the practices. And in particular, I'm concerned that even if the policies of the Athletics department are what we would like them to be as far as a balance between athletic commitments and academics, it's not clear to me that the students are necessarily hearing that message.

Putallaz: That's a very good concern. The demands on student athletes are great. Typically, and I'm glad Brad is here, because he can clarify what we've missed or misrepresented, but typically student

athletes do have a prescribed practice time and it's known to them. The nice thing about this mandatory time demand requirement that they now have a plan at the start of each semester, is student athletes complain that, in the past, they might have arranged a lab or a study group, but at the last minute, the coach called a sudden film review. So that study group got interrupted or they couldn't participate in it. So the nice thing is, they should know at the start of each semester what their time demands per week are. Their schedule should be set in terms of when their practice would be. You're right, they typically try to arrange classes around that. Coaches may differ somewhat. Some may ask what their seniors' schedules need to be, and then may schedule practice around what the seniors' schedules are. But typically, especially for lowerclassmen, they will look at, here's a definitely scheduled practice and they have to arrange their classes around that. There have been times in the past, we've gone through senior exit interviews with student athletes who have exhausted their eligibility, that they weren't able to take labs, for example, in engineering. So we arranged meetings for those student athletes to meet with the engineering deans and actually now there are more labs in the afternoon for those student athletes. So there's a determination and hopefully they can work around what the structures are in place that might prevent them from taking a class. If they can't take it one semester, perhaps they can take it a different time a different semester. That is indeed a conflict that they have in terms of the time demands of their sport.

Springer: Do you have any data on how these conflicts have impacted major choice for student athletes?

Putallaz: I'll just say from the exit interviews, and Brad has looked at this more systematically with Lee Baker and now Arlie Petters. This year there are 30-some engineers. I think Natural Sciences are hard because of the labs. They might go to a different form of Natural Sciences that doesn't have the same lab requirement. I'm not sure about that. That's the major one that I can think of. Is there something you'd like to add to that, Brad?

Brad Berndt (Senior Associate Director, Athletics): I would add that the new legislation is advantageous to what we're talking about because, number one, we've got more summer school athletic aid opportunities for students to do the work, lab-wise, in the summertime. The other thing is the day off. One day off a week is huge. We can place labs during that one day a week off. I think that's the main key in this.

Putallaz: In the senior exit interviews, they talk about classes that they have to delay a semester as opposed to majors. I haven't heard majors come up as much except for those with labs.

Pat Wolf (Biomedical Engineering): A couple comments to your responses you just gave. I thought it was interesting that, in each of the instances that you gave, academics was accommodating to the athletics. Just a point. It just seems like that's the way it goes. But my major comment is about the Chronic Traumatic Encephalopathy, which is the brain injury that is caused by repeated traumatic hits to the head. This came up in the news today, actually, because a biochemical test was developed and the person who they actually tested the test on died and so could be diagnosed. So it seemed like the

test was successful. This is how things could change with this event. Before, there was no way to prove, until a person died, that they had it. Then there was no way to prove that any particular event during their lifetime that caused the Encephalopathy. Now you can envision a student coming in to Duke, having this test, and then a student leaving Duke, having this test, and more or less you could say, almost, absolute proof, except for maybe banging your head on a dorm room wall, that the events that occurred in that time period caused the disease. This could change things fairly dramatically in terms of proof. Personally, I believe that football causes these injuries, at least in some people. So it opens up a wide array of questions. One is, as an academic institution where we are supposed to be improving these people's brains, we're not. So that's one thing. On a, you could say, more important scale, you're looking at a tremendous potential for liability now that you have the possibility that people could prove this happened while they played football in college. Are we protected against potentially, how many students have played football? How many potentially could have this disease? How many lawsuits could there be? I think this has to be considered pretty carefully. We really have a big potential liability here. The game is changing, and that's good. I like football, I like to watch college football as much as anybody else, but I don't know that it's worth the cost. I think we have to seriously consider the big picture. Should we be playing football?

Coleman: Yes, obviously this is a very serious issue. I don't think it will be as easy as you suggest. In law, causation is a very difficult issue and it would be a difficult issue in this case. I don't think

you can simply show differences in brain presentation as a freshman and as an exiting senior and then assume from that, that that proves the student has suffered some injury for which he could be compensated. But I think that, obviously, we're learning more and more about this, and as we do, I assume that Duke will also adjust what it does in light of the new information, including, to the point, if it becomes clear that football is a danger that should not be risked, then I think that Duke will, at that point, have to deal with that decision, whether we will risk it.

Philip Rosoff (School of Medicine): You mentioned that the Athletic Council is also looking at mental health and traumatic brain injury for the varsity sports. Do you also have purview for the club sports, where people can bang their heads and have mental health problems as well?

Coleman: Yes. And, in fact, at our Council meeting tomorrow, we're going to have a presentation by the Recreation and Physical Education unit. But yes, that would be an issue.

Rosoff: But do you have as much control over those students and the things that they do that you do over the varsity students?

Coleman: Honestly, we don't have any control. (laughter) The coaches do. I don't think so. These are just students who voluntarily participate in whatever the recreational activity is. We have a climbing wall, so I don't know how many concussions have happened as a result of that. That would be something to think about.

Dan Rittschof (Nicholas School of the Environment): I have a nuts and bolts issue. I'm a pre-major advisor and a major advisor for a couple of departments. It would be great if you could figure out some way to put the athletic schedules in their "bookbag" in ACES so advisors actually can see how the time is blocked out and help the students. Right now we have these conflicts between the athletic advisors and the actual academic advisors. A lot of that could really be fixed if that was much more transparent.

Berndt: I'll address that directly, Dan. David Rabiner [Director, Academic Advising Center] has actually initiated that and that will occur in the spring semester.

Andrew Janiak (Philosophy / Member of ECAC): That was fast! (laughter)

Putallaz: These are the kinds of things where, if you have ideas about how things would work better, we found that they've been very responsive. Brad, for academic things, this is the person that you want to make sure that you have on your speed dial. Brad has been amazingly receptive, as Jim was pointing out, in terms of working with the academic side of things.

Day: Has there ever been any discussion about conducting mental status tests? As a cognitive scientist, I don't support all of them, but there are many mental status tests that are conducted regularly in medical centers, and so on. Not so much to address issues of liability, but if there was an athlete who was showing some signs of mental difficulty, perhaps then the discussion could be to restrict their playing or review their playing. In general, has there been any discussion of these kinds of very simple, quick tests?

Coleman: Yes. I mean, the concussion protocol is based on something like that. There is a baseline test that is done at the beginning of the season and then when there are signs of a concussion, they then go back to that.

Day: Right, I understand that. Could you clarify: does everyone have it, or only when someone presents with a difficulty or is perceived on the field? Do all athletes get this on a routine basis at the beginning of the year?

Coleman: All athletes in contact and collision sports get it annually. Athletes in other sports get it their freshman year and the baseline is then used when there are symptoms that might reflect a concussion.

Day: Those in contact sports get it once a year at the beginning of the year in the fall?

Coleman: Yes.

Josh Sosin (Classical Studies / Library): Is soccer a contact sport?

Coleman: Yes, it's contact or collision.

Putallaz: The sports are football, soccer, lacrosse, wrestling, but we've seen in men's basketball, in the past there have been concussions.

Coleman: Basketball, field hockey, football, lacrosse, pole vault, soccer, and wrestling.

Kathy Andolsek (School of Medicine): Do you have any way of pooling students with concussions in some sort of registry so you could be able to follow them over the next ten, twenty, or thirty years and

see what happens? And in the event that we have better therapeutic options for them at that point in time, there may even be a way to reach out to them and say, gosh, there's now this kind of management strategy and they could maybe think about doing it.

Putallaz: The NCAA a few years ago hired its first Chief Medical Officer, Brian Hainline, and that has been part of what his initiatives have been, to really be on the forefront of concussion research. They had a very substantial grant to partner with, the Department of Defense. So they are actually testing a research program of collecting exactly what you're describing for all sorts of programs across the country, creating that registry to be able to follow them long term.

Andolsek: But we're not doing that for athletes here?

Putallaz: I don't know if Duke has signed on yet. But this has just been within the past year plus. There are major programs that are signing onto it.

Andolsek: Independent of that, we don't have any tracking longer term for our students?

Putallaz: Within our own department, I think there is tracking across a variety of sports. But I don't think we're part of that national concussion database that the NCAA and the Department of Defense is collaborating on yet.

Andolsek: I'm curious because there's a lot of expertise here.

Coleman: There are documents that are generated with each case and they are maintained by the department.

Taylor: Hey Kathy, the DCRI actually wrote a proposal to be the host organization for this, but it wasn't funded. But there are some people who are interested. We tried to be the host for the entire country's database but, presumably, it could be a research endeavor.

Andolsek: We could do our own subset.

Craig Henriquez (Biomedical Engineering): A couple questions. One is related to the concussions which maybe you can answer quickly. Is there a limit to the number of concussions a student athlete can have before they are deemed that they can't play anymore? Still maintaining their scholarship, but, sorry, you've hit your limit.

Coleman: I don't know the answer to that. I don't think there is an arbitrary number. I think each case is considered on its own merits. The more concussions and the more dangers, the more susceptible you are to concussions. But I don't know at what point the decision is made.

Henriquez: Is that a call that the athlete makes? Like, look, I've had nine concussions, I think I'm done. Is that something they can say and still maintain their scholarship status? Or is it something that the department does?

Coleman: I don't know the answer.

Putallaz: That's actually interesting because there has been some worries, not necessarily in football and concussions but in other injuries as well. Student athletes can say, I don't feel like I'm fully recovered and I don't want to play my sport anymore. There's a committee that

looks at scholarships. You can't take a scholarship away from a student athlete for an athletic reason. So I think that's kind of a gray area, where there's a worry that student athletes may abuse that. But at Duke, we basically side with the student athletes in health concerns.

Henriquez: If it's an injury that's difficult to diagnose and understand and sometimes it has long-lasting effects...

Putallaz: An example I'm thinking of has been in rowing. So that person might become part of the rowing team, not the athletic participation part, but more in management and helping with timing and things like that. So they stay a part of the team, but not actually competing.

Henriquez: My other question is completely unrelated to that and is in terms of the academic majors that student athletes are picking. It seems, and this is anecdotal, that there is a clustering of particular majors that student athletes take. It would be interesting to know, if you have seen that in the data, that there is a clustering, particularly with particular sports? Because it seems like students in one sport try to cluster in a major in which they know the schedule fits what they need to do, versus going into another major, which is very difficult to do. I don't know if that's being observed at all.

Coleman: We monitor that and in our Academic Committee report, that's one of the sets of data that we get, on majors, both among student athletes and then relative to non-athletes. I'm not sure, Lee [Baker] might be able to discuss this in a more informed way, but I think that the clustering that you anticipate may not exist and may not exist in the majors you would assume.

Baker: Yeah, if things haven't changed much in a year and a half. They're remarkably spread out, evenly, that look like the regular, average student body. Public policy is a big one for athletes. The one difference is biology. That's slightly lower, but there's still a lot of athletes that major in biology. But that's a big major for students. I'm not so sure about Pratt. There might be different numbers in that. But there's a number of departments where, like sociology, there is some clustering, but there are still more economics majors than sociology majors. So it's sort of a self-selection issue going on. So it's not like everyone is gravitating to one major. There is pretty impressive diversity.

Linda Franzoni (Mechanical Engineering and Materials Science): I chaired the committee that did this study that Jim Coleman was referring to and in the process, we interviewed a lot of coaches and players. One of the things that was interesting, to what you were asking, Craig, is, for example, the baseball team: they love the sport. They love baseball. They do not think that they're going to turn pro, but they want a career in baseball. So they think, we don't have a business major, but what they do want to do is they want to learn what they would need to do to be a baseball manager or to own a team, to do these kinds of things. So they tend to go for the markets and management studies certificates and things like that. So it looks like clustering, but, in a way, when I talked to them, they had a reason. It wasn't like, oh, because my friends are taking this. It was, I want a career in baseball. We found that with a couple other sports as well. They've loved their sports since they were little kids so this is what they want to do. I thought that was interesting.

Baker: The markets and management certificate, which isn't a major, is, perhaps, overrepresented with athletes. There might be reasons for that. But that's still not a degree program, that's an ancillary certificate. So it doesn't rise to the same kind of concern.

Charmaine Royal (African and African American Studies): You talked about the assessments and I know, up to 2015, the pre-participation baseline assessments for concussions were recommended as best practice. Are they required now, or are they just recommended?

Coleman: They are required. Duke does them at the beginning of each year for the contact and collision sports, and at the beginning of the freshman year for all other sports.

Taylor: I would just say, my son plays high school football at Jordan High School, and I'm not sure if every single Jordan High School kid had this, but my son, the last two years, had the exact same concussion baseline done by Duke that we didn't pay for. And Duke sends an athletic trainer and a physician to all of Jordan's football games, both at home and they travel with them on the road. So you should know that Duke has brought a great professionalization of the care of, at least, football in Durham County. They're doing it at Hillside, they're doing it at Riverside, so anyway, we've embraced our home county in this way which is something that I appreciate as a dad.

Putallaz: We are certainly at the forefront of concussion policy. Doctor Jeff Bytowski is on international panels as an expert in the ACC. When we have best practices around concussion treatment and diagnoses, et cetera, it's our team that

comes in and leads those sessions. There was a faculty member who talked to me one time in the fall about some football players saying that they didn't think they had the top helmets. So I wrote right away and Kevin White, the Director of Athletics, referred me to the trainer who said we never scrimp on safety, we always have the top helmets. I said, they were talking about some sort of helmet that Clemson has that we didn't have. He said there are like four Clemson players who have an experimental helmet but it's soft and nobody has recommended that as the top choice. So we will follow what happens with Clemson's decision about these four. So clearly we are at the forefront. Whatever can be done, to your concern, there are concerns, we're trying to do the right thing. The football working group in the NCAA has recommended a number of policies, again, based on Brian Hainline's recommendations. A number of concussions occur in August. And that's why this year there were not the two-a-day practices in the summer that had typically been done before. So that's a way to try and alleviate or prevent some of that contact that occurs too early in the season, and also in the sport, period.

Berndt: I want to make something crystal clear to the question earlier on concussions, and I may have misunderstood. The decision to go back on the field is not the student athletes' at all. It never is. If somebody had a concussion, it's in the hands of the medical professionals on the sidelines.

Putallaz: Craig, you were asking about if the student doesn't want to go back on the field.

Berndt: If they don't want to go back on the field, they don't have to go back on the

field. It has nothing to do with scholarship either. We've got a student now in our program who had one concussion and doesn't want to play anymore. He kept his scholarship for four years.

Peter Feaver (Political Science): Has the committee looked at the issue of one-and-dones? I know they are a very tiny number, but they are very high profile. Is there any risk to the university? I'm not thinking medical risk, I'm thinking of reputational risk. Has the committee reviewed that risk? Have they identified things to mitigate that risk?

Coleman: We have talked about it. We had Coach K come and talk about basketball and one-and-dones. He explained why, as a coach of a top program, you have to recruit the best athletes and if they decide to come for only one year, that's the athlete's decision. One of the things that we have talked about, though, in the Council, and you're going to talk about this year, is what Duke can do to establish a continuing education program for a student who comes here as a one-and-done and leaves. Something that will both encourage and also make it relatively easy for the person to get an education, whether at Duke or some other place. I think I'm going to appoint a task force to make a proposal and I hope Lee with help with that. When he stepped down as academic dean, he agreed to be on the task force that reviewed the academic services. So I can count on him to help with something like this. But I think it's something that the university can do. Otherwise I think there is a danger, and this hasn't happened here, but particularly when they come basically for one semester and then they spend the second semester playing basketball and getting ready to become a pro. I think

that's too tenuous a relationship with the academic side of the university to call it legitimate. I don't think that happens at Duke, but what I think what's missing is, I think that we should assume some responsibility for helping them with their education once they leave here.

Feaver: Does the committee track whether they finish their year in good academic standing for both semesters?

Putallaz: So far, we've been fortunate that they finish in good academic standing. They enjoy their Duke experience. They enjoy education. It's hard to predict which ones will necessarily leave. Some of them do not leave after one year. Some of the ones we did not predict to leave early, did. And those students have been good representatives of the university while they've been here. Where it does come into play is, so they have good academic progress rate, so they go well through their freshman year, and their graduation success rate, therefore, that metric of graduation that the NCAA has put into play, will show 100% for that class. Because all of them finished their freshman year in good academic standing. The federal graduation rate is based on a six-year cohort. So, basically, they're given six years to graduate, and that may be when it comes into play. It would be very difficult to be able to graduate within a six year period if you've left Duke. I feel somewhat encouraged on the national front that something may happen with regard to that, whether it had been the federal probe into men's basketball recruiting problems, there's an NCAA committee that has been set up, Condoleezza Rice is looking at that. I think the NBA is feeling pressure to do something with the NBA one-and-done

rule to make it at least go into the second year. So I think, nationally, hopefully, we won't be confronted with that anymore. From a coaching perspective, you stand for excellence and you want to have the excellent performance in your sport. That's, right now, the situation as it stands. It's not a fortunate one in terms of academics.

Berndt: I would add, and I'm not speaking for my boss, Dr. White, or Dr. Price, but I think Duke has the opportunity to be a leader in those discussions at the NCAA level. I don't think anybody in this room or anyone in Athletics thinks that one-and-done is a good thing. I can't imagine they would. I know Coach K doesn't think that way at all. So we do have an opportunity as an institution with a great academic reputation to take a leadership role.

Richard Hain (Mathematics): I came because I have long had concerns about Duke's Title IX reporting. I sat down the other night, I finally took all the last ten years for which we have the tax returns, and when you do the calculations, and I think I've done them as accurately as you can with the information that's available, the salaries of men's head coaches have been underreported by \$7 million over ten years. So, to me, I've raised this issue years ago with Peter Lange when it was egregious, the violations were egregious, and it was corrected for a few years. But the problem has resurfaced. In some cases, it doesn't look like the Title IX reporting has got anything to do with reality. The reality check is to look at the Duke's tax returns, then you can find out what the salaries of Krzyzewski and Cutcliffe were, in fact, at the time. In case people want to criticize the way I've done it, I think doing a ten year average is

pretty fair and I've excluded all deferred income. My question is, does the committee pay much attention to the Title IX report that's submitted? Do you sign off on it or do you see it?

Putallaz: Title IX you're talking about, no. Title IX in terms of student athletes...

Coleman: The report that's done through the department of education, no, we don't monitor that. I assume that's being monitored on the other side of the university.

Hain: Well, I know who does it, Chris Kennedy [Senior Deputy Director, Athletics] does it, but as I said, the quality of the reporting is really poor.

Coleman: I'm happy to look at your numbers, though.

Putallaz: Basically, we just review the Title IX relative to student athletes.

Micaela Janan (Classical Studies): I don't follow sports, so I have two questions to ask. What is the NCAA rule on one-and-done, which I presume is students coming for one year and leaving? And two, why is it pernicious? You said no one likes this NCAA rule, so why not?

Coleman: It's not just a rule, it's the NBA that has the rule that requires an athlete to spend a year away from professional basketball before they can become a professional. So some athletes do that by going to college. They go to college for a year and then they leave. So what's being considered is, for the NBA and the union that represents the players to agree on a change in when a young athlete becomes eligible to play professional basketball. Other professional teams or other

professional sports have different rules, some of which require that you can become a professional immediately after high school. Or, if you don't, and you go to college, then you can't become a professional until you have three years' worth of classes in college. So that's one of the things that's being considered. A two-year period is also being considered.

Putallaz: They used to be able to come right out of high school. Like LeBron James and others. But now, the NBA has decided that they didn't want to be recruiting, they didn't want to basically be canvassing high schools to see what that talent is like, evaluating high school talent. So if you make it one year in college, then you can assess how they do on the college scene and it makes it easier for them. They could go right from high school into an international team. Amy Perko [CEO, Knight Commission on Intercollegiate Athletics] was talking in Raleigh last night about these issues and I think what she was saying, she's one of the founders of the D league in NBA basketball, and now every NBA team has an affiliate at the D level. She's hoping that that may become more of a legitimate route for players to go right from high school into a D league. There's also now increasing contracts between professional NBA and the D league, just like baseball. So there might be more of an attraction for them to be able to go back and forth initially in that route. Right now I think players basically view the visibility on the college scene to be the way to increase their stock, if they were to go into the NBA.

Coleman: And that's true of the very best players who have come out of high school. They're better off going to college because of the visibility. That's why they do it.

Nan Jokerst (Electrical and Computer Engineering): How are we doing on Title IX compliance for students?

Coleman: Well, we are almost in compliance under two of the three safe harbor provisions. There are a couple of scholarships that have not been signed. When that happens, we will comply both in terms of the number of women and men in athletics as well as the scholarships available to them.

Jokerst: Great. Good to hear.

Taylor: If there are no more questions, Jim and Martha, thank you so much for coming. (applause) Our next meeting is two weeks from today, sooner than average.