

**Minutes of the Meeting of the Academic Council held via Zoom  
Thursday, January 21, 2021**

**Kerry Haynie (Academic Council Chair / Political Science & African and African American Studies):** Good afternoon, everyone. Happy New Year. Welcome to the January meeting of the Academic Council. I hope all of you continue to be well and safe and had a good start to the semester yesterday. I hope you also had a chance to get some rest and relaxation during the winter break. We had a long, tough first semester, so I hope the break was good to you.

Before we begin with our formal agenda, I have a few announcements. In late December, Jack Bovender, Chair of our Board of Trustees, sent a message that he asked that I share with you. Jack wrote:

*“Kerry, on behalf of the Board of Trustees, please pass on to ECAC and the Academic Council our profound appreciation for the efforts of the faculty and its leadership in making the [fall] semester so successful. The cooperative partnership between ECAC, AC and the administration was a key component of Duke’s successful navigation through the semester, providing the rest of higher education with the best example of how to manage a health crisis.”*

We thank Jack for that acknowledgement of our efforts throughout the semester. Again, thank you for all that you did and all that our colleagues did in making last

semester so successful. I hope this semester is as successful as our last.

I want to remind you of the leadership conversations that President Price and his team are conducting in the next few weeks. The faculty / staff leadership conversation will be January 25 at 3:30pm. Please, if you can, attend that conversation.

**APPROVAL OF THE NOVEMBER 19, 2020  
ACADEMIC COUNCIL MEETING MINUTES**

**Haynie:** Next is the approval of the minutes from our November 19 meeting. The minutes were posted with the agenda on our website. Are there any corrections or questions regarding the minutes?

*[minutes approved without dissent]*

**REPORT FROM THE NOMINATING  
COMMITTEE FOR THE NEXT CHAIR OF  
THE ACADEMIC COUNCIL**

**Haynie:** Next is the report from the AC Chair Nominating Committee. Professor Victoria Szabo from Art, Art History and Visual Studies, also a recent member of ECAC, is the Chair of the Nominating Committee and she will now present the Committee’s report.

**Victoria Szabo (Research Professor, Art, Art History and Visual Studies and Chair of the Nominating Committee for the next Academic Council Chair):**

Thanks, Kerry. Happy New Year, everyone. According to the bylaws of Academic Council, any member of the university faculty is eligible to be considered for our Chair. The bylaws indicate that the Executive Committee of Academic Council shall appoint a committee to nominate two persons to run for Chair. In addition, additional nominations can be heard from the floor during this meeting. The nominating committee met last Fall. I served as Chair, and the other members were:

**Claudia Gunsch** (Civil and Environmental Engineering / Associate Vice Provost for Faculty Advancement and former member of ECAC);

**Thea Portier-Young** (Divinity School);

**Joseph Winters** (Religious Studies & African and African American Studies);

**Manoj Mohanan** (Sanford School, Economics & Global Health and current member of ECAC).

The committee began by reviewing the criteria and the duties of the Academic Council Chair with initial input and guidance from the wise Sandra Walton (Administrative Coordinator, Academic Council Office) and the current Chair of Academic Council, Kerry Haynie.

The Chair of the Academic Council, as you know, convenes and chairs these meetings. But that is the tip of the iceberg. The Chair also convenes and chairs the weekly meetings of the Executive Committee of the Academic Council. The Chair serves as an ex officio member on the University Priorities Committee, Global Priorities Committee, Academic Programs Committee, a Board of Trustees

Committee, and a number of other committees, including, probably, committees on committees. Twice a year, the Chair reports to the Board of Trustees on the activities of the Academic Council and ECAC. The Chair has regular contact and conversations with the President, Provost and Executive Vice President. The Chair also serves as the University Faculty Marshal, participating in undergraduate and graduate convocations, Founders' Day, baccalaureate and commencement ceremonies. The Chair also meets frequently with members of the faculty, students, and members of the administration who bring a wide range of topics to the Chair, seeking the faculty's perspective or guidance.

As you can tell, the job of Chair is an always challenging one. Those of us who have served on ECAC get a glimpse of that. It is even more so now, in the time of COVID, at a time of social and political unrest and miscommunication, of increasing awareness of ongoing social justice issues, of economic insecurity, and of accelerating changes in the shape and conduct of higher education.

With that expansive portfolio in mind, our committee began by looking for someone with proven campus leadership and administrative experience; who could both work with senior leadership effectively, and listen to and represent the concerns of the faculty across the various programs, disciplines, and schools; who is inclusive and collaborative, yet willing to be challenged, or give challenge when necessary; who shares the anti-racist commitments and values of our institution, and carries them forward in their work; who has an understanding of institutional finances and their complexities; and, of course, someone

who upholds the core Duke values of respect, trust, inclusion, discovery and excellence in their words and deeds.

In thinking about the ideal characteristics for Chair, it sounds like we went in search of a unicorn! Fortunately, as this process highlighted for me and I think for the members of our committee, it showed just how lucky we are to live and work among such inspiring, accomplished and dedicated colleagues, and also among them, those ready to take up the mantle of institutional leadership and service in these uniquely challenging times.

The two candidates that the Nominating Committee presents today as our potential next Chair are:

**Erika Weinthal and Lawrence Zelenak.**

**Erika Weinthal** is a Professor of Environmental Policy and Public Policy in the Nicholas School of the Environment. She received her B.A. from Oberlin College and a Ph.D. in political science from Columbia University. Erika holds secondary appointments in the Sanford School of Public Policy, in the International Comparative Studies (ICS) program, and at Duke Kunshan University (DKU). From 2012-17, Erika served as the Associate Dean for International Programs in the Nicholas School. During this time, she worked with colleagues at Sanford to develop the international Master of Environmental Policy (iMEP) Program for DKU. Erika is a member of the Bass Society of Fellows and co-directs the Duke Human Rights Center at the Franklin Humanities Institute. Broadly, her research focuses on Global Environmental Politics and Environmental Peacebuilding. Her current work is on the targeting of civilian

infrastructure and humanitarian action in the wars in the Middle East and North Africa. Erika has taught undergraduate, graduate and professional students; taught in the FOCUS and Bass Connections programs; and helped create a MOOC on Environmental Security and Sustaining Peace with the UN Environment Program.

She has served on Academic Council and ECAC, including as vice chair in 2018-19. She has been Chair of the Global Priorities committee and served on the Board of Trustees Task Force on Activating the Global Network, as well as with the Africa Initiative, and on the Global Health Institute executive committee. She has also served on the Duke Task Force and committees on Hate and Bias, the faculty diversity standing committee, the AB Duke fellowship committee, among others.

**Lawrence Zelenak** is the Pamela B. Gann Professor of Law. Zelenak received his B.A., *summa cum laude*, from the University of Santa Clara and his J.D., *magna cum laude*, from Harvard Law School. His publications include numerous articles on a wide range of tax policy issues, and a casebook and a treatise on federal income taxation of individuals. His books include *Figuring Out the Tax: Congress, Treasury, and the Design of the Early Modern Income Tax* (Cambridge, 2018) and *Learning to Love Form 1040: Two Cheers for the Return-Based Mass Income Tax* (Chicago, 2013). Prior to joining Duke Law School in 2003, Zelenak was a member of the faculty of Columbia Law School. Earlier he was a faculty member at the University of North Carolina School of Law, professor-in-residence at the Office of Chief Counsel of the Internal Revenue Service, an assistant

professor at Lewis and Clark Law School, and an associate with the Seattle law firm of LeSourd and Patten. He has also been a visiting professor at the University of Utah and Northwestern University law schools.

He has served many terms as a member of the Academic Council, and two terms (2010-12 and 2017-19) as a member of the Executive Committee of the Academic Council (ECAC). In 2019 he chaired the search committee for Duke's Vice President for Institutional Equity and Chief Diversity Officer. He has also chaired the Academic Council's Faculty Hearing Committee.

I hope this brief overview gives you just a little sense of the kind of commitment and service that both of these colleagues have shown to our faculty and to our broader community. I speak personally when I say, as a member of ECAC with both of them, that I think they would both do a fantastic job. You can learn more about these candidates in the bios when the election begins. Speaking for the Nominating Committee, we firmly believe that faculty governance at Duke will be in good hands whatever the outcome. Please join me in thanking Erika and Larry for agreeing to serve as candidates for Chair. [applause]

At this time, the committee welcomes any nominations from the floor. [pause]

Not hearing or seeing any nominations, I will pass the virtual baton back to Kerry.

**Haynie:** Thank you, Victoria, and thanks to the members of the Nominating Committee for your hard work in bringing us two excellent candidates as you described. I want to thank Larry and Erika

for agreeing to stand for election. The election will take place the week of January 25. Faculty members who are eligible to vote are current members of the Academic Council for AY2020-21. Look out for that election next week, and the bios will be posted with the ballot.

### ***UPDATE AND PRESENTATION ON DUKE ATHLETICS***

**Haynie:** Next we will have a presentation from Kevin White, Vice President and Director of Duke Athletics. Kevin has been Director of Athletics and Vice President since 2008. As you might have noticed, about a week ago, Kevin announced his retirement from Duke effective this coming August. The Duke Today article about his retirement details Kevin's many accomplishments over his forty-seven years in collegiate athletics. Let me highlight just a few of these. Under Kevin's leadership, Duke has captured eight NCAA championships and twenty-three ACC titles. Kevin has also been a champion of student athletes' intellectual development and academic success. The Duke Today story mentions that for the 2019-20 academic year, twenty-four of twenty-seven Blue Devil varsity teams earned GPAs of 3.0 or better for the fall and spring semesters. Duke established a new league record with 570 ACC honor roll selections -- that's amazing! During Kevin's tenure, Duke has consistently been at or near the top of NCAA's graduation success rate and academic performance rate reports. As I turn the meeting over to Kevin and his team, please join me in a round of applause as an extension of our gratitude to Kevin for his leadership of Duke Athletics and his commitment to Duke University. Thank you, Kevin. [applause] Let me also thank Kevin and his team for the care and

attention they gave our student athletes during the pandemic, especially during the December break when some of us were getting rest and they were still on the job, taking care of our athletes who were in competition. Kevin, I'll turn it over to you and let you introduce the rest of your team.

**Martha Putallaz (Psychology & Neuroscience / Faculty Athletics Representative):** I think Nina and Kevin thought they were starting at 3:48pm, so they may come on shortly if they're not here already.

**Haynie:** Thank you. So I said all those nice things about Kevin and he's not even here. So we'll have to send him the minutes so he gets updated on those nice things. But it has been a tremendous run for Duke's Athletics under Kevin's leadership and he's led a tremendous team. We'll have big shoes to fill, Mr. President, as we think about a search for a replacement. It's been a wonderful run and we are at the top of the heap when it comes to success on and off the field in Athletics and we all should be grateful for that. I should add, scandal-free. That's extremely important these days.

**Vince Price (President):** I'll just jump in since we have a minute or two, just to echo what you said, Kerry. Working with Kevin these years has been terrific. He's a wonderful partner to everyone across the university. We will have a thoughtful process. He's given us time with this transition. For all the reasons you described, Kerry, we will enter this market with an opportunity to bring the very best talent to Duke. I'm confident that Kevin has brought this program to a point where we'll have enormous success. I'm personally going to miss Kevin, but

he'll still be around and a colleague and available for advice, which will be quite useful to all of us. I want to extend my personal gratitude for everything he's done these past years. Absolutely terrific work on behalf of Duke and Duke Athletics.

**Kevin White (Vice President and Director, Duke Athletics):** Dr. Haynie, I am here, and thank you very much for your wonderful, overly, terribly, ridiculously generous comments, and also to President Price. Shall I get us moving?

**Haynie:** Yes.

**White:** It's great to be with all of you today as we wrap up day two of the spring semester. Dr. Haynie, thank you very much for the kind invitation to bring our team to this group today.

**Haynie:** Kevin, if you call me "Dr. Haynie" one more time, I'm going to rescind the invitation. [laughter] Kerry, please.

**White:** Okay -- I'll be careful. First, let me just say briefly, I want to give you a sense at the beginning here of the student athletes' sentiments relative to the COVID impact and response here at Duke. We have been visiting, as you would suspect we would be, regularly across all organizational dimensions within Athletics, be it teams, units, departments, as well as individual meetings with all the freshmen, all of which unsolicitously expressed their sincere appreciation for Duke's management of the virus, allowing them to practice and compete, which is very important to our cohort of 740 student athletes. To be sure, as I am privileged to attend practices and competitions, this is the constant response relative to all Duke student

athletes, as well as the immediate Athletics community. Their deep appreciation extends to all of us within Duke University, beginning with President Price, including Kyle Cavanaugh [Vice President, Administration], Jennifer Francis [Executive Vice Provost], and our very own Athletics COVID czar Bob Weiseman, whom you'll hear from in just a little bit.

Bottom line, the Athletics Department has adopted basically three themes since March. We have worked hard to be true to these themes. Theme one is communication, theme two is connectivity, and theme three is positivity. Those three objectives have been non-negotiable and if you combine those with all of the articulated protocols, mitigation strategies and such, that's what has gotten Duke Athletics to this point in the academic year. Last fall we presented updates to the executive committee of the Board of Trustees on multiple occasions, conducted a session with the full Board back in December, and provided a presentation to the Athletic Council in late November. Today, we'll give you the highlights of those presentations with updated and current information. You should know that we have a highly talented, skilled, exceptional leadership team with whom I'm honored and privileged to be associated. Several of them will be joining us here today for this presentation and they will very briefly provide remarks for their respective areas before we open the floor up for any questions that you may have.

With that, Nina King is our Senior Deputy Director of Athletics for Administration and Legal Affairs and Chief of Staff. Nina's got lots of jobs here. She will serve as our air traffic controller today and provide

you with a road map of how we'll spend the time we have together. We'll try to be pretty darn efficient. Once again, we know you have an extensive agenda. We appreciate the invitation to be here, Kerry. Very best wishes for a successful semester to the entire faculty and the academic community. With that, Nina King.

**Nina King (Senior Deputy Director of Athletics for Administration and Legal Affairs / Chief of Staff):** Kevin, thanks.

Air traffic controller is one of my favorites. Dr. Haynie, I appreciate the time you've given us today. It's good to be here with everyone. As we kick things off, I'm going to briefly give you a diversity and engagement update. As we go along, I'll introduce my colleagues to give brief updates relative to their areas of responsibilities.

First, diversity and engagement. I just wanted to let you know some of the things happening within Duke Athletics since last summer through the present. For context, close to nineteen percent of our Athletics staff are people of color. Thirty-five percent of our student athlete population identify in underrepresented groups. In June, the student athlete group, United Black Athletes, worked with our Athletics staff to create a Black Justice Summit. This summit was a platform for our student athletes, coaches and staff to discuss racial injustice in America and how we could all work together towards change. It was really a great session filled with meaningful dialogue and a start to the creation of actionable steps that, as an athletics community, we can take together. Since June, we've seen increased participation and engagement in United Black Athletes. We've created a Black staff group that meets regularly for fellowship,

connection, and education. We've created a mentorship program for Black student athletes and Black staff members to build connectivity between our student athletes and our staff members. In late August, you may have seen that our student athletes held a peaceful protest in K-ville and had conversations on campus in support of the Black Lives Matter movement. Many of our teams have hosted team engagement activities, reading books together, watching movies, documentaries, around the themes of social justice or education on issues relative to race. Lastly, we're in the process of creating the Duke Athletics Diversity Engagement Working Group, which will be comprised of staff members as well as student athletes. That group will focus on four areas: community outreach, awareness and education programs, celebration of diversity, and recruitment, hiring, and retention. Within that recruitment, hiring, and retention area, the goal is to create an Athletics policy that will ensure that every candidate pool for every position within Athletics is a diverse one. Via that policy, we're going to be reinforcing our commitment to continuing to build a diverse employee demographic. That nineteen percent number of our staff is progress from where we were ten years ago. We have our first three Black head coaches in wrestling, softball, and most recently, women's basketball. But we're not resting because we've got work to do to continue to increase those numbers. That's the brief diversity and engagement update relative to Athletics. Now, I'm going to kick it over to Troy Austin, our Senior Associate Athletics Director for Internal Operations, and one of the areas he oversees is behavioral health. So we've asked Troy to give us a quick mental health update on student athletes.

**Troy Austin (Senior Associate Athletics Director, Internal Operations):** Thank you, Nina. Good afternoon, everyone. In 2018 Duke Athletics established a behavioral health unit as a lot of universities were grappling with the rise in issues and awareness of mental health illnesses in their student population. We were fortunate to hire Dr. Shawn Zeplin [Director, Behavioral Health] from Auburn University, who has done a fantastic job in building a foundation for that program. Not just working internally with Athletics, he's also started to develop quality partnerships across campus with DukeReach and CAPS that have provided great benefits for our student athletes. In fact, in 2019, Shawn and Martha worked together as leadership to create the first mental health summit in the ACC. So we have made some big gains early. The student athlete population, reflecting on impact, once they realized they have this resource, have steadily gotten involved with Shawn. He has played air traffic controller in triaging student athletes. As you can imagine, with the pandemic, the usage rate and the visits have increased. We've been tracking the student athletes throughout the summer and feel like, in terms of issues of anxiety and loneliness, they've started to level off and improve within the student athlete population. Moving forward, you may have seen the news about the very generous gift we have received to build out behavioral health. We feel like that will help us provide additional resources to move our program from a fire fighting mode, where we're just doing visits, to a fire prevention mode where we're educating student athletes about peer to peer recognition and educating coaches about how to manage student athletes with behavioral health issues. It's a program that has

grown quickly for us and paid big dividends. Thank you.

**King:** Thanks, Troy. Next up we will have Heather Ryan, who is our Associate Athletics Director within Academic Services. She's also our senior woman administrator working with most of our Olympic sports this year.

**Heather Ryan (Associate Athletics Director, Academic Services):** Good afternoon, everyone. First, I want to echo Kevin's comments. I work daily with our student athletes in their academic experience and they've been overwhelmingly complimentary of our faculty and our staff and their fall academic experience. For a time that was full of anxiety with online learning and transitioning back and forth to online classes, they were very complimentary of that experience. We appreciate that. I thought it would be helpful to give a brief recap of the fall and share our plans for our athletic teams this semester. As you may know, in August, the NCAA voted to move fall sport championships to the spring. That means that the championships for cross country, volleyball, soccer, and field hockey will all be this April. As a conference, the ACC, with input and guidance from the medical advisory group, they felt that competition could be held safely with proper mitigation in place, so they chose to move forward with fall competitions on a limited scale. Fall schedules were constructed to reduce travel as much as possible, but provide a meaningful student athlete experience, which led to playing local schools multiple times and having off weeks built in to competition schedules. In the fall, we successfully completed abbreviated seasons in all of our fall sports: volleyball, field hockey,

soccer, and cross country. These fall sports will continue to compete in the spring.

Moving to winter and spring: winter sports: fencing, indoor track and field, swimming and diving, and wrestling are currently competing and spring sports will start their competitions soon. Priorities for spring sports include minimizing travel and maximizing competition opportunities. These sports, you may remember, were cancelled last year before competition even started. Schedules were created in a way that allowed them to compete as much as possible this year, obviously prioritizing health and safety. I think for these groups, it's important to note that, because the NCAA moved the fall championships to the spring, this will be the first time ever we've had twenty-six of our twenty-seven sports competing in one semester. This is important for this group to hear, and I hope you will take this back to your departments, because student athletes will have travel letters, but it would be helpful for our faculty to hear this from you as well. I know some faculty may be caught off guard when they receive a travel letter from our fall sports. The key to our achieving success in everything we've been able to do is collaborating with campus and others and remaining flexible. Our campus and athletics administrators, as well as our student athletes, have done an amazing job pivoting and making changes as necessary. Support from Dr. Price and the university has been instrumental in our success. That's the update.

**King:** Thanks, Heather. Up next, we've got Mitch Moser, our Deputy Athletics Director for Resource Acquisition and our



Chief Financial Officer to give us a brief financial update.

**Mitch Moser (Deputy Athletics Director, Resource Acquisition / Chief Financial Officer):** Thanks, Nina. Good afternoon. The past eight months, as you can well imagine, have been a whirlwind of financial scenario planning and implementation of mitigation strategies. This afternoon, I'd like to take you through a very high level overview of the planning process to date, where we currently stand, and look at the impacts that may still be out there that we may be vulnerable to.

There were three goals that we underscored when our planning started last April. The first was to anticipate or plan ahead. As much as possible, we wanted to stay ahead of the game, rather than waiting until it was too late to implement meaningful mitigation strategies. Second, all decisions were made with the mindset towards the best interests of our student athletes, Duke Athletics and Duke University. Our third premise was to make every effort to keep our student athlete support systems intact and not have to scale those back. Our initial planning process last April focused on three scenarios, back when we didn't have a lot of information. The first was a quasi-normal, which looked at basketball and football primarily playing full seasons with minimal alterations. Of course, that didn't happen. Then there was the middle ground, which assumed that the football season was delayed and shortened, and basketball would be played with limited fans until January. And finally was an extreme scenario that dealt with the cancellation of football and significant alteration to basketball season. Fast forward to mid-June. We developed a

bus stop analogy, or a staged approach to look at the best case financial scenario at any one moment in time. We rolled out our first bus stop plan to the department and to the senior leadership in the university in mid-June. At that time we were using the assumptions that led to a projected \$16.5 million loss of revenue. Those assumptions were a residual loss of revenue from the NCAA men's basketball tournament last spring, football playing a full schedule with reduced capacity, and basketball playing a full schedule with reduced capacity until January. Then there was the anticipated impact on philanthropy. The mitigation strategies that we implemented at that time were a reduction in financial aid expense, we reduced non-compensation operating budgets by fifteen percent, and we had multiple salary and fringe strategies that we implemented, highlighted by a sliding scale salary reduction for all employees making over \$50,000 a year.

In mid-September we rolled out bus stop two. The assumptions that we used at that time were that football would play a ten-plus-one season. We knew that at that point. At that time we were still hopeful that basketball would have fans starting in January. The projected residual loss of revenue at that time was \$4.5 million, bringing our aggregate loss to about \$21 million. The mitigation strategies we used at bus stop two were to further reduce non-compensation operating budgets by another ten percent, and we implemented a targeting fundraising campaign entitled "More than a Game," which has generated more than \$1 million to date, in fact, probably closer to \$1.5 million. At this bus stop, we did not implement anything further with regard to compensation reductions.

Currently, we are at bus stop three, where we have no fans in basketball and we're not anticipating that we'll have any special events for the remainder of the school year. This resulted in an additional \$16 million of lost revenue, bringing our aggregate total to \$36 million. We've been working with Dr. Price, we worked with Tallman [Trask, Former Executive Vice President] prior to his departure, Daniel Ennis [Executive Vice President] and Rachel Satterfield [Associate Vice President, Finance] on additional strategies and the strategies we had already implemented to deal with the loss of revenue. Like our peers in other departments across campus, we stand ready to cash out the remainder of the quasi-endowment and take other actions as necessary to deal with the remainder of the lost revenue.

If necessary, there could be a bus stop four in March. This will occur if the basketball season gets further interrupted and there's an impact to television revenue, or, if for some reason we don't have an ACC or NCAA men's basketball tournament again this year. Above all, we want to remain nimble. We want to constantly monitor and revise our scenarios and communicate as much as possible with our staff, internally within our department, and with the university senior administration.

**King:** Thanks, Mitch. Next up we have Chris Kennedy, Senior Deputy Athletics Director, who will give us an update on Title IX and academic performance.

**Chris Kennedy (Senior Deputy Athletics Director):** Thank you, Nina. I will give you very brief updates on Title IX and graduation success rates. The graduation success rate is an NCAA figure,

GSR, which calculates, obviously, the graduation rate of student athletes. The NCAA arrives at this figure by taking out students who left the university in good standing. So if somebody transfers to another institution while in good standing or if they leave early to pursue a professional career, they don't count against your GSR figures. In the most recent GSR report from the NCAA, Duke tied with Notre Dame and Northwestern to lead the country with an overall GSR rate of ninety-eight percent. Seventeen teams were at one hundred percent and all the rest of the teams were all in the nineties. People are always interested in football. Football led the country, tied with Northwestern, at ninety-seven percent. This is a testament to our academic support program, but more so to the very careful admissions process that Christoph and his staff operate, and to the students themselves who choose to come here and challenge themselves in this academic and athletic environment.

Title IX: five years ago, we developed a Title IX plan. The Office of Civil Rights gives you three alternative ways to deal with Title IX. The first one is known as Prong One, which we refer to as proportionality. If the underrepresented gender in the undergraduate student body is, say, forty-five percent, then the underrepresented gender in Athletics should be getting forty-five percent of the financial aid and forty-five percent of the participation opportunities. As I said, five years ago we developed a gender equity Title IX plan that called for us to add twenty scholarships in women's sports that weren't at the full NCAA limits for scholarships. The NCAA tells you how many scholarships you can give in each sport. Those were distributed among swimming, fencing and rowing, with one

or two in women's track. In addition, we added a twenty-seventh sport, softball, which gives us another twelve scholarship opportunities and helps us with that proportionality number. We're required to file reports to the NCAA and to the government every year. Five years out, we're at the full implementation of this Title IX plan. The latest NCAA sports sponsorship report, which we turned in in late fall, the government equity in athletics disclosure act form shows that fifty percent of the Duke undergraduate student body is female and forty-nine percent of Athletics aid goes to female student athletes. We're very comfortable with that. You don't actually know whether you're in or out of compliance with Title IX until the OCR tells you, but we're very confident with those numbers, that if anybody should file a complaint, I can't imagine on what basis, that you can come to a satisfactory resolution to that. I should also just add that in their third season last year, when the season was cut off, softball was twenty-three and four and ranked in the top twenty-five, so that's been a successful launch.

I'd just like to mention one other thing as a transition to Bob Weiseman's explanation of our COVID response. Early on in the summer last year, we decided that, if any student athletes were not comfortable participating, that they could opt out without consequence. That is, they wouldn't lose their Athletics financial aid and they would still have access to academic services, nutrition, training room and health services. We have had about fifteen students opt out, although that number is hard to pin down because a couple of them opted out in the fall and have opted back in in the spring. Plus, the women's basketball team, which elected to opt out as a group. Again, we're

comfortable with them making that decision and we're comfortable continuing to support them. That's it for me, Nina.

**King:** Thanks, Chris. Next up is Bob Weiseman, our Senior Associate Athletics Director for Facilities and Game Operations, but most importantly, our COVID czar, to give us a COVID management update.

**Bob Weiseman (Senior Athletics Director, Facilities and Game Operations):**

Thank you, Nina. I hope everybody is doing well. I appreciate your time today to give an update on our response and how we've worked to try to be as successful as possible in this obviously extremely difficult environment. First, this message has come through several times, but one of the advantages of getting to see our student athletes every single day when we test is to hear a message from them that a lot of people have spoken about, but it's one we hear every day, how grateful they are for the opportunity to learn, to compete, and lead, not only in the classroom, on the field, but also to set the precedent for the future, if a pandemic ever happened, we can succeed and move forward.

First, just looking back on our fall and winter, a rollout and a successful operation in what was a scaled-back fall for us as we began to ramp up to a really heavy competition, heavy practice, heavy operation here in the spring. First, as we look at fall and winter, everything from the start, from planning to actually beginning the operation was about staying committed to being in alignment with the university in our response and operations, and that was collaborating

weekly since the beginning with President Price, Kyle Cavanaugh, Jennifer Francis, Mary Pat McMahon [Vice President / Vice Provost, Student Affairs], Employee Health, Student Health, and Infectious Disease's Cameron Wolfe. That's been at the forefront of everything we've done in trying to make sure we are a good member of this community and we're creating the right environment for our students to learn, compete, and lead. Our initial return started to happen on July 12 with our football program, and then we had several other programs which started to come back shortly thereafter, leading up to August 1. I mention this because it's important, it's prior to de-densification when we had two student athletes living in the same room. That was before that change was made on campus. That initial arrival, or as we like to call it, establishing of our bubble, we had twenty-six positive student athletes or staff during that period. Post de-densification, August 2, when numbers started being reported publically, through November 20, right before the start of Thanksgiving break, our bubble had been established and we had an incredibly successful fall semester with only six positive student athletes that entire three and a half months, and eight positive staff. The good news with almost every one of those cases is that it was stopped almost immediately with the case and there was no secondary spread occurring from them. Also worth mentioning, it's not something that gets a lot of mention in the media or publically, but we lost zero games prior to winter break due to Duke-related COVID issues. With numbers like six positives within our student athlete cohort and eight in our staff cohort with no additional spread, it's no surprise that we didn't have any loss of competition or practice during that

period. With the start of Thanksgiving, obviously the bubble broke and student athletes and staff began to go back to their home environments and obviously significantly less mitigated environments with significantly less testing in those numbers and so as we expected and saw throughout the country, increased. We were tracking just to see where we were at and to make sure we were prepared for the spring return, but we had sixty-four staff or student athletes test positive from the start of Thanksgiving break through January 1, which, for us, January 2 was the start of our return of our student athletes. During that period, we had two program pauses. Chris Kennedy mentioned the women's basketball season opt-out, and we've had a short diving program pause after some positives upon return to the bubble. Our spring return has been successful. We are still in the process of establishing our bubble, much like the rest of campus. We've had seventeen positive staff or student athletes from January 2 to the present. Ten of those were identified upon arrival or within the first couple days when we were in our heavily mitigated environment. Three of those have been secondary spread, all of which have been captured and quarantined, so we're not expecting any additional spread beyond that point. And four staff or coaches have tested positive in that period. At this point, all of our student athletes have come back to campus and all indications right now, barring any type of bubble breach or failure to mitigate, are that our bubble will be firmly entrenched and established here by the end of this weekend, early next week, and we expect to be close to zero capacity on our quarantine and isolation facilities.

As we move to the spring, as was mentioned, all of our fall sports will be competing in spring with the exception of football, who finished their season. So we'll have twenty-six sports competing and 300-plus competitions. We're committed to no commercial air travel. All travel will be charter bus or flight to control the environment. We're only going to be competing against teams that meet the ACC medical advisory group's minimum standards. To date, through our fall and winter, any spread that has happened has happened between teammates and not necessarily between teams. All of the information is not in from the winter, so I can only speak at this point to the fall, but throughout the fall, the NCAA has told all medical advisory groups that there is no known spread on the court or in the field. That's really positive for us in terms of, as long as we control our environments, if we are committed to what we do every day, which is mitigation and testing, that we can make sure that our student athletes stay firm in our bubble and when they go out to compete, that we can mitigate all the way there, compete where there is zero or very minimal risk and then mitigate on the way back and reestablish ourselves in that bubble. We feel that we're really positioned to continue our success because of that preparedness and our commitment to mitigation and testing. To date, everything that we've done has shown that we can not only early identify cases but really minimize spread with our process and procedures that match those on campus. We've also seen minimal to no impact on the community, the greater Duke community or the Durham community as a whole. That's because our student athletes, coaches and staff are all committed to stopping infection and spread. It's

something we want to operate, we feel it's important to operate, but we're committed to finding any positive cases and making sure proper procedures are followed so spread stops. We continue to regularly communicate and engage with our student athletes to make sure they feel safe and supported. Another bonus to seeing them every day when we test is that we get to check in with them. Part of that communication is making sure, as Chris Kennedy mentioned, that they know they have our full support whether they opt in or opt out, that we're going to do everything in our power to make sure that this experience is the best as possible for them. In addition to our commitment to our student athletes, we're also committed to keeping as many staff and coaches working remotely as possible, to continue to emphasize that de-densification, and only bring to campus those that are essential to our operations and make testing available to those employees as they do come in and out of our bubble to make sure we're creating the safest environment possible for student athletes.

Last but probably most important is our ability and our commitment to staying flexible and constantly evaluating the environment that we operate in. We know it's changing. We feel like, in our collaborations with the university leadership and Student Health and Employee Health, that we're staying at the forefront of any changes that are coming with the virus and fight in this pandemic and that we're going to position ourselves well to make sure that we create the safest community as possible. For us, our message that we give to our student athletes is really simple. Mitigation matters, it's the only way to stop infection, and testing will slow the spread,

and if together we commit to those two things, that COVID will stop with me. That's something we're really committed to. If we're going to do this and be given this opportunity, we have to make sure our impact on our community here at Duke University and Durham as a whole is handled in an appropriate way. Thank you for your time today.

**King:** Thank you, Bob. Next, we have Linda Franzoni, Associate Dean of Undergraduate Education in Pratt and Chair of the Athletic Council, to give you a brief summary on the Council's work last semester.

**Linda Franzoni (Associate Dean of Undergraduate Education in Pratt / Chair, Athletic Council):** Thank you, Nina. For those of you who aren't familiar with the Athletic Council, it is made up of the following membership categories: seven faculty, including representation from Pratt, Law, Fuqua, Medicine, Sanford, and Trinity; five administrators, including Deans, Student Affairs, University Counsel, and the Executive Vice President; six students, including Club Sports, DSG, GPSC, student athletes; three alumni, two trustees; and other ex officio members, including the Registrar, Financial Aid Director, OIE, Admissions, and Athletics staff.

The Executive Committee, which is made up of a subset representing each of the categories of membership that I just mentioned, met in October with the President, Provost, and Senior leadership in Athletics to determine agenda items for this 2020-21 academic year. At that meeting four general categories of interest emerged, with some overlap: COVID, finances, student athlete experience, and becoming more

knowledgeable about collegiate athletics. We touched on each of these at our fall meeting which was held on November 20, and we will follow up again in April 2021 at our spring meeting. Our general sense from the November meeting was that the Athletics Department was doing an excellent job of balancing the desire to practice and compete with the need to keep players, coaches, and the Duke Community at large safe from COVID infections. We were also informed about the financial situation and the stresses on the department from loss of revenue due to lack of ticket sales, bowl revenue, et cetera, while at the same time having the increased expenses associated with COVID safety protocols. I will say that the members of the Athletics Department have been open and honest with us regarding successes as well as struggles. An interesting takeaway was that Athletics launched an aggressive fundraising campaign called "It's More Than a Game" to try to make up for some of the financial losses incurred this year. They also piggy-backed on the university's hash tag lines: #keepteaching for faculty and #keeplearning for students, and created a hashtag of their own called #keepplaying. I think that it is worth noting that this fall, when an athletic competition needed to be rescheduled, it wasn't because of us.

At our Athletic Council meeting at the end of November, we also heard from a handful of student athletes because we were curious about their experiences over the fall semester. They painted a picture of social isolation on the one hand and team bonding on the other. They felt that they had grown closer to their teammates due to the "bubbles" that they were living in and the activities provided by their coaches. They also reported

feeling safe, grateful, and supported by Duke. Most of these student athletes had all of their classes on Zoom which had its pros and cons. Online classes offered more flexibility in scheduling and fewer logistical problems. The fact that classes were recorded for viewing later or were asynchronous was another benefit of the online delivery mode. Student athletes who used the tutoring program said that having those sessions recorded was very beneficial because they could return to the recordings to refresh their knowledge. The downside was that they didn't have as much opportunity to interact with their professors or fellow classmates compared to taking the classes in person.

Earlier that same week, the Academic Committee, which is a subset of the Athletic Council made up of the faculty members, met with Christoph Guttentag, Dean of Undergraduate Admissions. Christoph explained how well he and his staff work with coaches to vet prospects. Christoph believes that he and his staff have been responsive to coaches while at the same time recognizing their responsibility to the university as a whole. Christoph interviews all men's basketball and football recruits himself, as part of the admissions process, and this year he conducted those interviews on Zoom which has worked out very well. With respect to SAT and ACT test scores, this year Duke was test optional for admissions. The absence of standardized test scores did not have an impact on this year's class of recruited student athletes because they typically take these tests early in order to become NCAA eligible and to gauge their potential for being recruited by certain schools. However next year, Christoph is expecting that the lack of standardized testing will have an impact on the admissions process for

student athlete prospects. This spring, the Academic subcommittee and the full Athletic Council will each meet again, most likely in April. That concludes this report.

**King:** Thanks, Linda. Last, but not least, we'll have Martha Putallaz give a brief update on her role and work as our Faculty Athletics Representative.

**Putallaz:** While Linda works with the Athletic Council, I represent President Price and the university to the ACC and the NCAA. I have been asked to provide a few brief updates from that world for you.

Three things come to mind. Since last spring, the ACC has worked nonstop to develop its conference COVID-19 response. The ACC Medical Advisory Committee was charged with developing the policies and protocols that member schools would implement to protect the health and safety of their student athletes. The physician who chairs this Committee is none other than Duke's own Dr. Cameron Wolfe. So it will come as no surprise that the ACC has fared well relative to other conferences in terms of its management of the virus.

Second, nationally, I want to give you an update about a particularly daunting challenge to intercollegiate athletics right now. That is the potential threat to amateurism posed by Name, Image and Likeness (NIL) proposals. These proposals would allow student athletes to monetize their NIL through such activities, for example, as selling their autographs or being paid as a social media influencer. Several states have already passed their own NIL laws. Rather than have a patchwork of different NIL laws across the country, the ACC and

others have lobbied for a federal response to address NIL issues. The federal bills drafted by lawmakers last year now have to be reintroduced during the new session of Congress. The NCAA also has developed NIL legislation which was to be voted on at last week's NCAA Convention. There was a great deal of work that went into it over a year of meetings. However, the proposal was pulled at the last minute because of antitrust concerns expressed by the Justice Department. That was written by a political appointee, so there is hope that, going back now to the Justice Department, that can be worked out. In the meantime, the NCAA's approach to NIL is on hold. There is a definite sense of urgency for the ACC around this issue, however, as Florida's NIL law goes into effect this coming July and two of its member schools are in Florida—the University of Miami and Florida State University.

Two leadership changes to alert you to: President Price now serves as Vice Chair of the ACC Board of Directors and as a member of its six-person Executive Committee. So fortunately for Duke, we have an active voice in the guidance and decision-making of the conference at a very critical time. And John Swofford is retiring after twenty-four years as ACC Commissioner. His replacement will be Dr. James Phillips, the current AD at Northwestern University. Not only will the new Commissioner come from a similar institution to ours in terms of academic profile, but he is one of the many ADs mentored by Kevin White, having spent four years working with Kevin at Notre Dame. Back to you, Nina.

**King:** Thanks, Martha. With that, Dr. Haynie, there's our update. I'll give it back to you to open it up to questions.

**Haynie:** Great. Thank you, Nina. We have time for a few questions before we have to go into executive session.

**Prasad Kasibhatla (Nicholas School of the Environment):** Thank you, Kevin, first of all, for your amazing service. I have two questions, one related to the bubble. I had a student athlete in my class last fall who traveled, but it turns out the travel was private. Apparently there were a couple of teammates who traveled and apparently that was allowed. I just wanted to find out if that's still the case and how it affects the bubble. My second question is that we still hear troubling reports about myocarditis among athletes. The extent to which Duke is monitoring it and how that risk is being taken into account. Thank you so much.

**White:** Bob, might you respond to one or both? I don't know if anybody with us here as it relates to this conversation is equipped to talk about myocarditis.

**Weiseman:** I can give a general answer. I'm assuming the first question you're talking about – we had a group of student athletes, tennis and golf in particular, where they were not allowed to compete as teams in the fall, but they were allowed to compete as individuals. We had developed protocols in conjunction with campus to make sure that, if they departed the bubble, there were protocols for return. They would have to come back, test, quarantine, and were not allowed to reestablish until they had a negative test. The next seven days, which included daily testing for them, they had to be masked and distanced in all activities around other people. Those were the parameters. It worked really well for us in the fall in terms of reestablishing people, because, in



addition to that, as we all know, there are times when life events happen, family emergencies, where students had to depart. That was the same procedure we would use in that case. That's actually the procedure we've used in the spring. It helped us develop those protocols for reestablishing our student athletes. The second one, I'm not a medical professional, so I don't want to speak in too much detail, but I will tell you that our Athletics medical team, our Chief Medical Officer, Dr. Ned Amendola, Dr. Cameron Wolfe, and the Cardiac teams are in close contact at all times. We have a strict return-to-play protocol post-positive case that everyone follows and that our doctors review and they are not permitted to return to play until that has happened. We have seen minimal impacts to date with regard to that in any of our student athletes, but it's being closely monitored and it's something we're being as careful as possible about.

**Earl Dowell (Mechanical Engineering and Materials Science):** This is a question for Mr. Moser. In a typical year, if I recall correctly, the expenses for Athletics is about \$100 million. The income is about \$80 million. What is your current projection for this year in terms of expenses and income?

**Moser:** Our current projections are that our expenses will be roughly \$90-95 million off of an initial budget of \$120 million and our actual operating revenue will be in the neighborhood of \$50-55 million. I'd have to go back and look exactly what it was. Those are the numbers as we know them.

**Dowell:** Thank you.

**Haynie:** Thank you. Let me at this time thank the team from Athletics for coming and being with us today and this very informative and helpful presentation. Kevin, Nina, Troy – Troy, I should say, is from the class of 2000 – he's an alum – Heather, Mitch, Bob, and Linda. If we get additional questions, please submit those to Academic Council via email and we'll pass them along to Kevin and his team for answers. Thank you all for being with us.

**White:** We'd be happy to respond to any additional questions. Thanks, Kerry, for having us.

**Haynie:** Now we'll move into executive session for a financial update. Executive session is reserved for only members of the faculty. Members of the press and non-faculty members should leave the meeting at this point. Thank you for doing so.

*[Remainder of the meeting conducted in executive session in order to hear a financial update from Jennifer Francis, Executive Vice Provost and Rachel Satterfield, Associate Vice President for Finance]*