

2021-2022 Annual Report to Academic Council from the Athletics Council Chair
Submitted by Linda Franzoni, Chair
April 15, 2022

The Athletics Council is made up of the following membership categories: Faculty (7); Administrators (5); Students (6); Alumni (3), Trustees (2); and other Ex-Officio Members.

Current faculty members on this committee are: Linda Franzoni (Pratt School of Engineering), Kathryn Andolsek (School of Medicine), Gavan Fitzsimons (Fuqua School of Business), Elisabeth de Fontenay (Law School), Andrew Janiak (Trinity School of Arts and Sciences), Laura Smart Richman (School of Medicine), and Candis Watts Smith (Trinity School of Arts and Sciences), Martin Smith (Dean of Academic Affairs, Trinity College of Arts and Sciences), and Martha Putallaz (Trinity College of Arts and Sciences) who serves ex-officio, and is the Faculty Athletics Representative.

The entire roster, can be found at: <https://president.duke.edu/university-committees/#ansdjknajskdnfjknasjkdndfjknasndjknfjknasndfjknansld>

The Athletics Council has the following subcommittees: the Executive Committee, the Academic Committee, and the Compliance Committee.

Executive Committee

The Executive Committee is comprised of a member from each of the constituents that were just mentioned. It meets with the President, Provost, and senior leadership in the Athletics Department to determine agenda items for the year. That committee met on Nov 16, 2021 and identified several themes for the coming year: transitions (Duke leadership, including AD and coaches); ACC and NCAA governance structural changes; legal decisions that have changed the landscape of collegiate athletics (NIL and Alston/Educational Rights); Diversity, Equity, Inclusion, and Social Justice efforts of student-athletes; and a follow-up on beer sales during football games.

Academic Committee

The Academic Committee is made up of the faculty members that are on the Council. That Committee reviews data pertaining to the academic experience of the student-athletes.

On January 21, 2022, it met with the Dean of Admissions, Dr. Christoph Guttentag. Duke has been “test optional” for admission in the last few years. Therefore, standardized test scores (ACT and SAT) are not currently a factor in the admission decision and are not data that were reviewed by the committee. Over the years, Christoph has worked closely with all the coaches in the Athletics Department, and they have learned the academic qualifications that Christoph is looking for when deciding whether to admit a student-athlete to Duke. With two new coaches coming on board this year, Christoph is looking forward to the opportunity to educate

them on what he looks for in terms of academic preparation and evidence that the prospect can be a successful Duke student.

On April 11, 2022, the academic committee met with Dr. Jennifer Hill, Director of the Trinity College Office of Assessment, and her colleague Dr. Alessandra Dinin in order to review data related to the academic experience of our student-athletes. The data compared the choice of major, courses taken, percent participation in high impact programs like Bass Connection, Study Abroad, Independent Study, as well as the GPA (evolution over time) between student-athletes and non-athletes at Duke. General conclusions drawn from the data were:

- Duke is maintaining academic excellence for athletes and non-athletes alike.
- Survey results point to similarity in academic and co-curricular experience, comparing athletes and non-athletes.
- Athletes may be more likely to engage in healthful responses to stress and anxiety compared to non-athletes.
- No obvious academic risk points among student athletes (e.g., clustering of teammates in a particular class, over representation of Independent Studies, etc.)

From the discussion at this meeting, some questions and areas for further investigation emerged:

- What is the impact of team practice and game schedules on course selections and academic planning?
- Continue studying differences in the use of course withdrawals and S/U as strategic academic decisions.
- Continue exploring when and why pre-matriculation interests and final majors diverge. Is there a significant difference between student-athletes and non-athletes in this regard?
- Discuss student-athlete participation in high-impact learning experiences (e.g., Bass Connections, Focus Program, Study Abroad)

In addition to these two meetings, faculty on the academic committee are invited to participate with Athletics staff in the exit interviews that are conducted at the end of the student-athlete's season for all graduating seniors. This opportunity allows faculty to hear first-hand about the Duke experience from the student-athletes themselves.

Compliance Committee

The Compliance Committee is chaired by the Faculty Athletic Rep, Martha Putallaz. This committee discusses new and pending NCAA legislation as well as reviews any recent violations of NCAA regulations that have occurred at Duke. It meets once each semester. The committee met on December 7, 2021 and will meet again on April 29, 2022. They reviewed minor infractions and discussed possible future legislation. However, the NCAA is postponing votes on proposed legislation due to the uncertainty regarding NCAA structure and its responsibilities in the future.

Athletics Council

The full *Athletics Council* met as a group on December 1, 2021 via ZOOM, and on April 13, 2022 as a hybrid meeting.

The December 1, 2021 meeting included a description of major changes in the landscape surrounding intercollegiate athletics from President Price, who is currently serving as Chair of the ACC Board of Directors. The NCAA has a new constitution and has appointed a Transformation Committee to propose changes in a number of areas. For more information see, <https://www.ncaa.org/sports/2021/11/3/division-i-transformation-committee.aspx>

Nina King has hit the ground running as the new Athletics Director. She hired two new coaches, Mike Elko for football, and Jon Scheyer for men's basketball. Nina's vision for Duke Athletics is to continue to be the best and strongest athletic and academic program in the country. She stated that Duke places a premium on a world class experience on and off the field for our student athletes, while at the same time having a focus on safety and wellness.

Top key issues this year are Name, Image, and Likeness (NIL) and the Alston Supreme Court decision (regarding educational benefits). Duke Athletics has launched a task force and working group to address these issues. The Athletics Department is launching a strategic plan, as well as a DEIB (Diversity, Equity, Inclusion, and Belonging) plan that will be part of the larger plan.

Duke Athletics will be celebrating 50 years of Title IX and Duke's women's athletics this year. Plans are underway for a gala. Duke Athletics will continue to enhance campus collaboration and partnerships – for example, the Duke Libraries receive \$1 for every ticket sold, resulting in over \$2 million thus far. <https://blogs.library.duke.edu/magazine/2022/01/26/rooting-for-lilly-thats-the-ticket/>

In December, we heard from Todd Mesibov, Deputy Director of Athletics/Administration and Legal Affairs, and Chief of Staff, regarding NIL and Educational Rights. Todd stated that two underlying principles behind these new opportunities for student-athletes are: “no pay for play” and NIL deals cannot be used in the recruiting process. Also, because the NIL ruling went into effect on July 1st, and there were no NCAA, ACC, federal, or state laws (in NC) that were in effect, Duke crafted its own policy, and there is a working group to evaluate it. Similarly, with respect to the Alston case that ruled on educational benefits, Duke created a task force to determine what its response ought to be.

We were introduced to two new head coaches: Shawn Wilbourn, who has been with Duke for 14 years and recently served as an interim head coach, was recently appointed as the Director of Track & Field and Cross-Country. Matt Feye was introduced as the new head cheerleading coach. He came to Duke from West Point and has welcomed male cheerleaders to the squad.

The Council heard from a panel of students that are leading social justice, diversity, equity, inclusion, and belonging activities. These students and short descriptions of their activities are:

- Anna Callahan – senior women’s lacrosse player who is working with *Morgan’s Message* which is an organization started at Duke that strives to eliminate the stigma surrounding mental health within the student-athlete community and equalize the treatment of physical and mental health in athletics. There are now over 500 schools and 9,000 athletes involved. See <https://morgansmessage.org/who-we-are>
- Dejanae Davis – senior softball player who participated in ACE, which provides civic engagement opportunities for Duke student athletes in partnership with Stanford. ACE is typically a 3-week international immersive summer experience with emphasis on serving the community. See <https://ace.duke.edu/>
- DeWayne Carter – junior football player who works with Duke’s United Black Athletes (UBA) on safe spaces for black athletes and building community. Read more about this organization in this Duke Chronicle article <https://www.dukechronicle.com/article/2022/03/duke-black-athlete-panel-owokoniran-smith-campbell-carter-ndaw-huggins-joseph>
- Naima Turbes – junior on track and field and cross country, working on the Diversity, Equity, Inclusion, and Belonging (DEIB) sub-committee in Athletics focusing on ways to celebrate diversity. She also participated in ACE (ACE in Place, Vietnam Summer 2021) <https://ace.duke.edu/2021-ace-in-vietnam-team/>
- Holland Stam – senior women’s’ soccer player, president of athlete ally which is a Duke student group that works to create visibility, inclusivity, and awareness around the LGBTQIA+ community in sports, including intramural and recreation, and to inspire the athletic community to champion equality for all individuals. <https://studentaffairs.duke.edu/csgd/discussion-groups/athlete-ally>

There were other student members of the Athletic Council who participated in the discussion:

- Kyle Foltz – a senior member of the track and field and cross country team who serves on DSG (Duke Student Government) and Director of Varsity Student-Athlete Affairs, and a member of the Student-Athlete Advisory Committee (SAAC). The SAAC is composed of representatives of each varsity team. It meets regularly to discuss issues relevant to the quality of the experience of Duke student-athletes. The SAAC also offers input on the rules, regulations and policies that affect student-athletes' lives on NCAA member institution campuses.
- Veronica Hineman -senior women’s lacrosse, member of SAAC
- Will Hoyle – graduate student, men’s baseball, president of SAAC

The full Athletics Council met again on April 13th and received an update on the pilot program involving beer and hard seltzer sales at Wallace Wade stadium this past fall. It is difficult to judge whether attendance was increased, due to the pandemic and the game schedule, so that aspect of “success” was inconclusive. There were no alcohol-related incidents reported. The Council engaged in a discussion of expanding sales of beer and hard seltzer to other sports’

venues and there was no opposition from the Council. A request was made to offer local products, if possible, and to continue monitoring and prioritizing safety, as is the current practice.

Mitch Moser, Chief Financial Officer and Deputy Director of Athletics for Resource Development and Management, provided an overview of the finances for the Athletics Department. Mitch has been working with Executive Vice President Daniel Ennis, and Vice President for Finance Rachel Satterfield, on a 10-year financial plan for Duke Athletics.

Linda Franzoni reported that the NIL Working Group met once in the late fall and again in early spring. At its meetings, it reviewed the Duke NIL interim policy, as well as those from other universities, and the current executive order from N.C. Governor Roy Cooper dated July 2, 2021. The NIL Working Group also reviewed the educational materials that student-athletes received from the Athletics Department. The Working Group concluded that the current Duke NIL interim policy should remain “as is,” (without additions or deletions) for this current year. There is a possibility that N.C. will pass a state law on NIL in the near future, at which point we will not need a university policy. Duke’s NIL interim policy can be found here:

https://goduke.com/documents/2021/7/1/7_1_21_Duke_NIL_Policy.pdf

Martha Putallaz reported on the work of the Educational Rights Working Group. For background information, in June 2021, the Supreme Court ruled that the NCAA’s limits on education-related benefits for student-athletes was in violation of antitrust law and that schools must be allowed to provide these benefits for their student athletes. This case is often referred to as the “Alston case,” for more information see:

https://www.supremecourt.gov/opinions/20pdf/20-512_gfbh.pdf

Education-related benefits include academic tutoring, in-kind school supplies (e.g. computers), paid post-eligibility internships, and scholarships for graduate or vocational school. Schools may also offer academic achievement awards up to the amount that athletes can already receive for athletic achievement, currently set at a maximum of \$5,980 per athlete, per year. The Alston ruling doesn’t require schools to spend this money; rather, it prevents them from agreeing to limit what each can spend on academic expenses for athletes. It will be up to individual schools to determine whether and how to provide these benefits. The Working Group has met 6 times over the course of this semester. Its work has included evaluating the legal landscape, peer decisions, and federal and state policies that might impact our decision making. Interviews also have been held with several coaches, student athletes, and Provost Kornbluth. The Working Group has focused on identifying principles that might guide a plan with the goal of presenting several options to President Price by the end of the semester.

The Athletics Council also met two new coaches at this meeting. Mike Elko was introduced as the new Duke Football Coach, and Jon Scheyer was introduced as the new Men’s Basketball Coach. Both were excited to be in these new roles and looking forward to leading their respective teams to successful seasons in the future. The meeting ended with a time to

socialize, for those who were present in person. It was the first in-person meeting of this group since the fall of 2019.

That concludes the report of the Athletics Council for 2021-22.
Respectfully submitted by Linda Franzoni, on April 18, 2022.