

# THE DUKE ADMINISTRATION'S RESPONSE TO LACROSSE ALLEGATIONS

William G. Bowen and Julius L. Chambers

May 4, 2006

We were asked by President Richard Brodhead to investigate the handling by the Duke administration, including the athletics department, of the allegations against lacrosse team members associated with a party held on March 13-14 at 610 N. Buchanan Blvd.<sup>1</sup> In carrying out our charge we have, we believe, received full cooperation from everyone with whom we have had contact at Duke. We were given extensive written materials, including police reports, internal memos, email chains, and press clippings. To the best of our knowledge, nothing was kept from us. A list of those whom we interviewed is appended to this report. In the time available, it was not possible to examine every facet of a complex situation in detail or to speak personally with everyone who had information to contribute. Nevertheless, we believe we have gained an understanding of the principal issues. We begin by listing major findings and conclusions and then, at the end, suggest a few possible opportunities to learn from these events.

## MAIN FINDINGS AND CONCLUSIONS

### A. Slowness in Responding

The Duke administration was much too slow in understanding and addressing the serious and highly sensitive issues raised by the rape allegations and associated events. As one person put it, there was “radio silence” for too long. Some members of the Duke community interpreted the lack of prompt response as an indication that the administration was not taking the events

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<sup>1</sup> We took the liberty (with Duke’s agreement) of adding Dr. Danielle Carr Ramdath to our two-person team, and Dr. Carr participated in almost all of our interviews, kept her own notes, and helped in editing this report. Dr. Carr is a Duke alumna (PhD in mathematics), an African-American woman, and a member of the Mellon Foundation staff with special responsibility for liberal arts colleges, HBCUs, and Appalachian colleges.

seriously and was not being forthcoming about them. Then, initial statements and responses left many dissatisfied until the release of the President's long Letter to the Duke Community of April 5—which has been widely applauded. *We find no evidence, however, that this delay represented any effort to cover up the problems revealed by these events, to deceive anyone, or to play down the seriousness of the issues raised.* The slowness was primarily the result of two failings—both errors of judgment.

1) *First, there was a major failing in communications,* and here the Duke Police Department and those to whom it reports bear primary responsibility. Specifically:

\* After the victim of the alleged assaults was taken to the Emergency Room of the Duke Hospital in the early morning hours of March 14, having earlier told Durham police that she was raped and sexually assaulted by approximately 20 white members of a Duke team (a charge later modified to allege an attack by three individuals in a bathroom), the official report of the Duke Police Department was submitted and reviewed by the Duke Police Director, Robert Dean, at 7:30 a.m. on March 14. This report indicated clearly that the individual making the allegations was a black woman—though information about her race and about the racial aspects of the case did not reach key administrators (including President Brodhead) until March 24. The substance of the report, including the fact that the students involved were lacrosse players but not the fact that the presumed victim was black, was communicated by Mr. Dean by phone to the Assistant Vice President of Student Affairs and Dean of Students, Sue Wasiolek, on the morning of March 14. Dean Wasiolek immediately contacted the lacrosse coach, the Director of Athletics, and others in the athletics department, who in turn contacted members of the lacrosse team. Dean Wasiolek also contacted her supervisor, Vice President for Student

Affairs Larry Moneta, but neither Wasiolek nor Moneta was aware of the racial aspects of the situation until March 24—a gap in communications that is extraordinary.

\* The initial Wasiolek/Moneta round of communications reached the Executive Vice President (EVP), Tallman Trask, but not members of the academic side of the Duke administration or the President until much later. The Public Affairs office was not briefed until Friday, March 17 (after having first learned of the incident that day by monitoring a community listserv), in spite of newsworthy events in the interim, including a search by Durham police of the house at 610 N. Buchanan and an appearance at police headquarters by three members of the lacrosse team, who agreed to submit to DNA testing. President Brodhead first learned of the incident from an article in the student newspaper on March 20; he then learned about the DNA testing on March 23 from Senior Vice President of Public Affairs, John Burness, who had received calls from the local media asking for comment. On March 24, the press reported that members of the team were being investigated. On March 25, President Brodhead (and others at Duke) first learned from a newspaper account that the alleged victim was a student at an historically black university in Durham, North Carolina Central University (NCCU).

\* Another gap in communications involves racial slurs. The Duke Police Department received a call from Durham 911 at 12:41 a.m. on March 14, informing them that Durham 911 had received a call about racial slurs coming from a house at 610 N. Buchanan Blvd., and that the house in question was a “frat house.” Duke Police offered to send someone to the scene, and later that evening officers did go to the 610 N. Buchanan Blvd. house but found no one at home. (Durham police had gone to the house earlier and had also failed to find anyone at home.) Apparently news of this 911 call, and

the reported racial slurs, did not move up the administrative ladder; President Brodhead did not learn this information until March 28, during a news conference. A neighbor, identified by *The New York Times* as Jason Bissey, also reported hearing racial slurs, but we have been unable to find an official record of his report.

\* A final communications issue concerns the efforts by the Durham police to obtain information from the Duke email account of a lacrosse player, Ryan McFadyen—information that eventually led to the wide publication on April 5 of the inflammatory email message sent by McFadyen in the early morning hours of March 14 proposing to kill and “skin” strippers for sexual gratification. The Durham police first contacted Duke about these email records on March 27, when they also obtained a warrant and searched McFadyen’s room. These activities by the Durham police should have alerted Duke authorities to the fact that there were potentially important issues involving McFadyen, but President Brodhead and others at Duke were apparently taken by surprise when the inflammatory email was made public and elicited wide public outcry on April 5. We recognize, however, that Duke authorities did not want to interfere with the ongoing criminal investigation, which was a serious complication throughout, by pursuing the substance of McFadyen’s email communications on their own.

2) *A second major failing—apart from communications problems but related to them—was that Duke administrators (especially Duke police, Dean Wasiolek, and Vice President Moneta) seriously underestimated the seriousness of the allegations.* There are reports from several sources that members of the Durham police force initially (March 14) made comments to Duke police officers and others to the effect that the complainant “kept changing her story and was not credible;” that “if any charges were brought, they would be no more than

misdemeanors;” and that “this will blow over.” When Dean Wasiolek called her colleagues to inform them of the incident, she also conveyed the police’s assessment that the alleged victim was not credible. The discounting by police and others of the importance of the seriousness of the allegations may have reflected a belief that the matter would not be pressed because the charging party was not that important or reliable. When President Brodhead first learned of the allegations on March 20, he called Vice President Moneta, who told him that “the accusations were not credible and were unlikely to amount to anything.”

Taking at face value the reported comments of Durham police officers (and perhaps others), and allowing their interpretations of credibility and seriousness to shape Duke’s thinking, was a major mistake. Dean Wasiolek told us that she now agrees with this assessment and in the future will do much more to check out serious allegations on her own, rather than rely on second-hand information and the judgments of others.<sup>2</sup> A member of the Duke law faculty was similarly categorical in stating: “Duke can’t rely on second-hand reports about credibility.”

This underestimate of the seriousness of the matter affected the lacrosse players as well as the thinking of the Duke administration. The players may have been lulled into a false sense of security about the events shortly to unfold and might well have sought legal counsel sooner had they been aware of the stakes. Some parents of the lacrosse players were (and are) distressed by the failure of Duke authorities to alert the students and their families to the seriousness of the situation in the days immediately following the party.

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<sup>2</sup> Duke officials might possibly have reacted differently had they been aware that one female member of the Duke Police Department, who was on the scene at the Emergency Department of the hospital and who attempted to calm down and reassure the young woman, saw that she was “crying uncontrollably and visibly shaken... shaking, crying, and upset”—a description of behavior which doesn’t suggest that the case was likely to just “go away.” This on-the-scene account was provided only on March 28, in response to a request from the Durham police. We regard this as another communications gap.

## B. Responses by the Athletics Department and Student Athletes

1) *The athletics department, and certainly those responsible for the lacrosse team, did not oversee properly the conduct of members of the team or succeed in instilling proper values.* The eventual decisions by Duke to cancel the season and accept the resignation of the lacrosse coach (on April 5) reflected the University's recognition of the seriousness of this situation at that time. However, a number of people have suggested that this problem was evident much earlier (even years earlier, given the history of disciplinary issues involving members of the team<sup>3</sup>), and that clearer and firmer actions in earlier days might well have reduced the likelihood that the party of March 13-14 would have unfolded as it did. Questions about the priorities of Coach Pressler and the athletics department had been raised earlier, for example by Professor Peter Wood, who had complained about Coach Pressler's scheduling of a "required" extra practice during morning class time in the last week of term. Another committee has examined the culture of the lacrosse program, and we will say no more about this subject, or the still larger subject of the performance of athletes generally, except to note that several people with whom we spoke expressed concern about "mission creep" and the widening of an already evident academic-athletic divide at the University.

2) The athletics department's comportment in the immediate aftermath of the March 13-14 party exacerbated negative perceptions of Duke's priorities and sensibilities—perceptions held by some faculty and others on campus and by some members of the off-campus community. Coach Pressler's early comment to the effect that his team was "focused on beating

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<sup>3</sup> See the *Report of the Lacrosse Ad Hoc Review Committee*, especially pp. 7-16. The Report states: "By all measures that we considered, the disciplinary record of the lacrosse team was noticeably worse than the records of all other athletic teams (p. 14)." Professor James Coleman, who led the study of the lacrosse program, was quoted by *The News and Observer* as saying: "The deplorable disciplinary record of the lacrosse team reflects the extent to which they let down those who trusted them, including their coach, their families, and the university" (May 2, 2006, p. A1).

Georgetown,” “distractions” notwithstanding, was seen as obtuse, at the minimum. Similarly, the decision to continue practicing as the investigation proceeded (which President Brodhead approved at the time), angered some people. The widely-noted presence of lacrosse players in a bar, cheering for Duke lacrosse, was another aggravation. Finally, the comment by Director of Athletics Joe Alleva at the March 28<sup>th</sup> news conference, that the lacrosse players were “wonderful young men,” did not sit well in light of what was known about earlier disciplinary problems. (Alleva did go on to observe that: “Unfortunately, sometimes young men have bad judgment.”) Increasingly, the lacrosse team was seen by at least some part of the Duke/Durham community as a manifestation of a white, elitist, arrogant sub-culture that was both indulged and self-indulgent. In the eyes of some faculty and others concerned with the intersecting issues of race, class, gender, and respect for other people, the athletics department, and Duke more generally, just didn’t seem to “get it.” This early impression was changed, rather markedly we believe, by President Brodhead’s letter of April 5 (see below).

3) Contrary to the views of some, Duke authorities, including initially Dean Wasiolek and later EVP Trask and President Brodhead, urged members of the lacrosse team to speak the truth and to cooperate fully with the Durham police authorities. *We find no evidence to support suggestions that the administration may have encouraged the athletes, or the athletics department, to cover up any conduct.* Indeed, on March 16, three players resident at 610 N. Buchanan agreed to go to the Durham police station and volunteered to submit to DNA testing and take a lie detector test. They are said to have given, among the three of them, more than 25 hours of testimony. Nor surprisingly, parents of lacrosse players became concerned about protecting the legal rights of their sons and criticized Dean Wasiolek for not urging them to get legal representation right away. Similarly, as noted above, the families of some players were

sharply critical of Duke administrators for misleading them and their sons as to the seriousness of the allegations. Subsequently, lawyers representing the players instructed them to cover their faces from photographers when arriving at the police station to give DNA samples and not to testify while the investigation was ongoing. The so-called “wall of silence” surrounding the athletes was a result of the lawyers’ advice to their clients in the midst of an ongoing investigation. The negative public reaction to these actions, however, is perhaps understandable because they seemed to make Duke’s players, and Duke, appear to be much more interested in the team members than in the community and the broader issues raised by the rape allegations.

4) On March 24, President Brodhead asked EVP Trask to meet with four lacrosse captains to review the incident; Mr. Trask, in turn, asked Athletics Director Alleva, Coach Pressler, and Associate Director of Athletics Kennedy to participate in this meeting. The captains denied the allegations and asserted that they had had no sexual contact with the women. Earlier, Dean Wasiolek had had similar conversations with similar results. In short, the administration tried to learn what it could about the events of March 13-14 directly from the lacrosse players and encouraged the players to be forthcoming. At the same time, President Brodhead and others have recognized all along that it is only the courts that can hear properly both sides of a case such as this one and arrive at what one hopes will be a clear (and fair) conclusion.

5) The subsequent decision by Duke’s Director of Athletics to accept the resignation of lacrosse coach Mike Pressler—however merited the decision may have been, given the history of disciplinary problems on the team—had, we were told, a very negative impact on many of the lacrosse players who felt “abandoned.” (Associate Director of Athletics Kennedy is, however, credited with helping to ease these problems.) It is also unclear how effectively the problems



with discipline on the lacrosse team had been communicated to Coach Pressler, and there are contradictory statements as to whether, and how explicitly, Coach Pressler had been warned that the behavior of team members had to improve.<sup>4</sup> In any event, it is clear to us that there was not effective oversight of student behavior.

### C. The President's Handling of the Issues—including the Character and Tone of Public Statements

1) The first public comment by Duke on the lacrosse situation was a posting on the Office of News and Communications Web site by Vice President Burness on March 24—in response to multiple phone calls from the *News & Observer*. Some faculty members, in particular, have questioned whether it was wise for the first response to come from the head of “PR” rather than from the President himself. On the one hand, President Brodhead knew little at this time and it may have seemed better for him to wait a bit to speak out; on the other hand, this handling of the first official Duke pronouncement, coming a full 10 days after the incident, had the unfortunate effect of reinforcing the view of some that Duke cared mainly about PR matters and less about the core issues of values and behavior—and was trying to cover up the situation.

2) In any event, it is clear that once President Brodhead had the information he needed to appreciate the extreme seriousness of the allegations, he took direct personal control of Duke's response. He convened a Crisis Management Team (CMT) which met for the first time at his residence on Saturday, March 25, and then met often thereafter. We believe that the President should be commended for his unequivocal acceptance of responsibility for addressing the myriad issues raised by the allegations and the public reaction to them.

3) President Brodhead's first statement, issued March 25 and appended to this report, tried to do four things:

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<sup>4</sup> See the *Report of the Lacrosse Ad Hoc Review Committee*, especially pp. 17, 20-21.

\* First, state in clear and unequivocal language that: “Physical coercion and sexual assault are unacceptable in any setting and have no place at Duke. The criminal allegations against three members of our men’s lacrosse team, if verified, will warrant very serious penalties.”

\* Second, remind people that “the facts are not yet established... and people are presumed innocent until proven guilty.”

\* Third, urge everyone to cooperate to the fullest with the police inquiry.

\* Fourth, recognize that: “whatever the inquiry may show, it is already clear that many students acted in a manner inappropriate to a Duke team member in participating in the March 13 party....” and encourage the Athletics Director and others to “respond to the conduct that is not in question.”

The above statement notwithstanding, it remains unclear to us and to others whether—had there been no rape allegation and no criminal investigation—the party itself would have led to a serious investigation and possible disciplinary actions. This large unanswered question points directly to concerns about the code of conduct and judicial and disciplinary procedures mentioned later in this report and reviewed by another committee.<sup>5</sup>

Reasonable people may disagree about the weight given to these various points in this early statement and in subsequent press conferences and meetings. Some have continued to feel that President Brodhead should have emphasized more strongly the presumed innocence of the team members and the fact that they had cooperated fully with the police authorities in the days immediately following the party. It is understandable, however, that others were disappointed by what they regarded as a “tepid” response that put too much weight on legal considerations and

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<sup>5</sup> See *An Examination of Student Judicial Process and Practices* (May 1, 2006).

gave too little attention to the rape allegation itself and related issues. But everyone should recognize that when the March 25<sup>th</sup> statement was drafted, President Brodhead was aware of the accusation of rape—which he took very seriously—but unaware of the racial aspects of the situation; and of course the highly inflammatory email about “skinning” the strippers had not come to light. At the same time, it is fair to ask again why Duke was still unaware, nearly two weeks after the event, of its racial aspects, which were to become so prominent. We have noted above the early communications failures that were directly responsible for this situation, but the fact that Duke administrators did not seek more information, for example by reviewing internal documents generated by Duke Police, raises questions about sensitivities.

President Brodhead’s later “Letter to the Duke Community” of April 5 (also appended to this report) is much stronger in addressing the woman’s allegations and is eloquent in its denunciation of rape as “the substitution of raw power for love, brutality for tenderness, and dehumanization for intimacy.” The April 5 letter describes rape as “the crudest assertion of inequality, a way to show that the strong are superior to the weak and rightfully use them as the objects of their pleasure.” President Brodhead then went on to address explicitly the racial aspects of the situation, which had been hidden from his view earlier. He said: “When reports of racial abuse are added to the mix, the evil is compounded, reviving memories of the systematic racial oppression we had hoped to have left behind us.” Later in the letter, President Brodhead is more emphatic than he was in earlier communications in recognizing that “the acts the police are investigating are only part of the problem. . . . The episode has brought to glaring visibility underlying issues that have been of concern on this campus and in this town for some time.... They include concerns about the survival of the legacy of racism, the most hateful feature American history has produced.” He then addressed concerns about “the deep structures of

inequality in our society—inequalities of wealth, privilege, and opportunity. . . and the attitudes of superiority those inequalities breed.” Finally, President Brodhead referred specifically to “an attitude of arrogant inconsiderateness” objected to by East Campus neighbors. It was in this same letter that President Brodhead announced the five steps Duke would be taking to address the issues, including the appointment of this committee and others.

In retrospect, it would have been better if a letter of this character could have been issued earlier, but, as we have noted, the information needed to generate this response became available to the President and his senior advisors only sporadically and slowly. Still, the depth of President Brodhead’s personal commitment to address all of the issues associated not just with the allegations of rape and sexual assault at the party, but also with the party’s “surround” seems clear to us—and to almost everyone else with whom we have spoken.

4) Mention should also be made of the meetings President Brodhead, Provost Lange, and their colleagues had with groups of faculty and with others—including representatives of North Carolina Central University, members of the Durham community, and the families of lacrosse players. Efforts were made to provide information and to listen to people’s concerns and points of view. Even so, faculty members and others have suggested to us that there should have been more communication with the faculty and the broader Duke community.

5) We conclude that, *once he was in possession of the necessary information, President Brodhead has provided strong, consistent, and effective leadership in a situation that would try the talents and patience of even the most skillful leaders and crisis managers among us.* One senior administrator, who was not included in many of the deliberations of the CMC and who might have been expected to be critical of the president, urged us to urge others to have compassion for the president and to support him. We do.

#### D. Organizational and Other Issues

1) In confronting the complex, sensitive, and emotionally charged issues before them, the senior leadership of Duke was handicapped by its own limited diversity. At present, this group consists of five white men (President Brodhead himself, Executive Vice President Tallman Trask, Provost Peter Lange, Senior Vice President for Public Affairs John Burness, and Vice President for Student Affairs Larry Moneta), an Asian American (Victor Dzau, Chancellor for Health Affairs and CEO of DUHS), and one white woman (Allison Halton, Secretary of the University). However, Chancellor Dzau and Ms. Halton did not attend the first meeting of the CMT, and that fact may have contributed to the perception of a number of people (including not only some critics, but others highly supportive of President Brodhead) that the core group advising the President consisted largely of white men. This core group was expanded when the first meeting of the CMT was convened, but the five individuals added at this juncture included four more white males, one white woman (Kathleen Smith, Chair of the Athletic Council) and no members of minority groups. Later, Ben Reese, Vice President for Institutional Equity and an African American, was included in some but not all meetings and, as in all such situations, the group present at any one time varied depending on circumstances. Any number of people with whom we spoke commented on how much better it would have been if a wider array of life histories and perspectives had been brought to bear on what were sensitive and highly charged issues. We agree, and we know that President Brodhead also agrees. Several faculty members were also blunt in questioning the sensitivity and judgment of some senior administrators—a criticism which may be a staple of academic life, but which is nonetheless a concern worth serious consideration.

It is important to recognize that the make-up of the senior leadership was inherited from a prior administration that was headed by an extremely able and outgoing white woman, Nan Keohane. When President Keohane retired and was succeeded by President Brodhead, the complexion of the leadership group changed markedly. We are certainly not arguing for filling positions of any kind by applying some race-gender quota system. But we would encourage President Brodhead to find ways to bring a wider range of talented individuals to his council table.<sup>6</sup> In the course of our investigation, we were given a number of suggestions of specific steps that might be taken to achieve this objective, and we have passed these suggestions on to President Brodhead. We were also told that the senior ranks of the athletics department are much less diverse (especially in the case of race) than would be desirable, but we did not make an independent investigation of this subject.

2) A closely related question is the appropriateness of the current organizational structure of Duke. A number of those we interviewed wondered if that structure had contributed to the difficulties involved in addressing the issues surrounding the behavior of the men's lacrosse team and, more generally, in communicating about them. One thought expressed with some frequency was that there is too much of a "silo" structure, with rather sharp demarcations between domains. It is far from clear to us that it is wise to separate academics, athletics, and student life to the extent that these areas are separated today. Indeed, a conscious effort to integrate these elements of campus life would seem to be in order. A stronger faculty voice in both student life and athletics would be helpful, we believe, and it is also possible that the Dean of Trinity College could play a more integrating role.

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<sup>6</sup> It should be noted that President Brodhead's own appointments, since becoming President of Duke, have consistently served to increase diversity, but there is clearly more to be done.

3) As already suggested when we raised the hypothetical question of what would have been the Duke response had there been no criminal allegations growing out of the March 13-14 party, the student code of conduct, expected consequences for wrong actions (including within the athletics department), and the judicial system in general need to be reviewed carefully. A separate committee, chaired by Professor Prasad Kasibhatla, has begun to address these issues. From our perspective, some of the long-standing problems of campus discipline in general and the behavior of athletes in particular, derive from lack of specificity in the code of conduct and lack of clear expectations as to the consequences of violating one rule or another—whether or not a student is an athlete, but perhaps especially among athletes.

4) This topic of student conduct and student discipline inevitably leads to the subject of off-campus living, relations between students and their off-campus neighbors, and relations among the Durham police, the Duke police, and the Duke student affairs office—another “background” matter relevant to Duke’s handling of the lacrosse situation. Several residents of neighborhoods adjacent to the Duke campus spoke strongly about their sense that by clamping down on drinking on campus, Duke has just “pushed its problems over its walls, into our neighborhoods”—and then washed its hands of the attendant “brazen, arrogant, drunken behavior” by making pious statements to the effect that “Duke seniors are adults and should be dealt with like other adults by the Durham police.” Real resentment was generated by the email sent by Vice President Moneta to Duke students reporting a rumor emanating from the Durham police of possible drive-by shootings—an email that was thought to be unnecessary, and to be a coded and gratuitous statement about race and violence that only made a difficult situation worse. At the same time, members of the community recognize that Duke has made real efforts

to alleviate some of the problems associated with the close proximity of rental properties to campus, recently by purchasing, at the President's initiative, 12 rental properties in Trinity Park.

5) There is also an organizational question to be considered in this specific context. Some individuals from the neighborhoods who contacted us think that it is a mistake to have responsibility for Duke outreach efforts into the community overseen by the Vice President for Public Affairs. The effect, as one person put it, is to think of everything Duke does as motivated by PR concerns rather than by a genuine interest in the welfare of the community. Such comments, we would emphasize, were not meant as a personal criticism of Vice President Burness, whom many in the community know and respect. The question, rather, is one of perceived as well as genuine motivations.

### LESSONS LEARNED AND OPPORTUNITIES AHEAD

We agree with those who argue that the very disturbing events since March 13 give Duke new opportunities to address major concerns. In effect, the party and its aftermath opened “windows” that might otherwise have remained closed. No doubt President Brodhead and his colleagues will see opportunities of this kind that are less visible to outsiders such as us. Nonetheless, we offer these suggestions.

1) Develop clear protocols for collecting and sharing information about student conduct up and down the line.

2) Accept direct responsibility for assessing the seriousness of allegations and the credibility of those who register complaints—do not rely on second-party judgments.

3) Be more specific in defining codes of conduct for athletes and others, and in providing clearer expectations as to the consequences of inappropriate actions—both on and off campus. In the case of athletics, these rules and expectations should include a clear definition of the



responsibilities of coaches for the conduct of their players and a clear understanding of the consequences of inappropriate behavior for athletic participation and roles on teams.

4) Re-examine the relationship between on-campus and off-campus living, and the effects of various policies related to alcohol consumption.

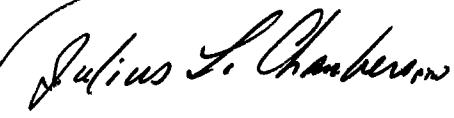
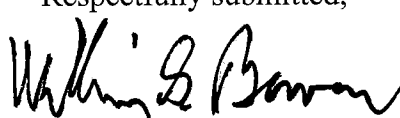
5) Re-examine the organizational structure of Duke, with the goal of reducing “silos” and engendering more integration of various facets of campus life, including especially the academic, student life, and athletic programs.

6) Re-assess the senior leadership structures within the University generally so that Duke can benefit from a more diverse range of perspectives. This could involve creating new positions by re-defining organizational structures, merging positions, or making new appointments to existing positions.

7) Take a large step back and think freshly about the role of athletics, and especially the aggressive recruitment of scholarship athletes, in the context of Duke’s educational mission; and perhaps provide regional if not national leadership in addressing questions that are by no means peculiar to Duke.

8) Continue to promote better and stronger relationships with the Durham community, and especially with the educational institutions in Durham. Continued efforts should be made to find mechanisms whereby Duke and NCCU can collaborate, and interactions with the public schools in Durham should continue to be encouraged.

Respectfully submitted,

  
William G. Bowen                      Julius L. Chambers

Attachments: List of Persons Interviewed  
Statement by President Brodhead, March 25, 2006  
Letter to Duke Community from President Brodhead, April 5, 2006

## List of Persons Interviewed for Bowen/Chambers Committee

<b>April 16, 2006</b>	
Thruston Morton	<i>President, DUMAC</i>
<b>April 17, 2006</b>	
Nancy Allen	<i>Special Assistant to the Provost for Faculty Diversity and Faculty Development</i>
Kate Bartlett	<i>Dean of Law School</i>
Jacqueline Looney	<i>Associate Dean for Graduate Student Affairs and Associate Vice Provost for Academic Diversity</i>
Robert Thompson, Jr.	<i>Dean of Trinity College and Vice Provost for Undergraduate Education</i>
<b>April 18, 2006</b>	
Joe Alleva	<i>Director of Athletics</i>
Houston Baker	<i>Professor of English</i>
Sara Sun Beale	<i>Professor of Law</i>
Richard Brodhead	<i>President of Duke University</i>
John Burness	<i>Sr. VP for Public Affairs and Government Relations</i>
Art Chase	<i>Duke Sports Information</i>
Jo Darby	<i>Trinity Park Resident</i>
Bob Dean	<i>Director of Duke University Police</i>
Aaron Graves	<i>Associate VP for Campus Safety</i>
Betty Greene	<i>Old West Durham Resident</i>
Paul Haagen	<i>Professor of Law and Chair of Academic Council</i>
Richard Hain	<i>Professor and Chair of Mathematics</i>
Amy Laura Hall	<i>Assistant Professor in the Divinity School</i>
Karla Holloway	<i>Professor of English</i>
David Jarmul	<i>Associate VP for News and Communications</i>
Kelly Jarrett	<i>Old West Durham Resident</i>
Chris Kennedy	<i>Associate Director of Athletics</i>
Peter Lange	<i>Provost</i>
Leanora Minai	<i>Senior Communication Strategist, Office of Communication Services/HR Communications</i>
Larry Moneta	<i>VP for Student Affairs</i>
Ben Reese	<i>VP for Institutional Equity</i>
Robert Thompson, Jr.	<i>Dean of Trinity College and Vice Provost for Undergraduate Education</i>
Tallman Trask	<i>Executive VP</i>
Sue Wasiolek	<i>Assistant VP for Student Affairs</i>
Peter Wood	<i>Professor of History</i>
<b>April 19, 2006</b>	
Christoph Guttentag	<i>Dean of Undergraduate Admissions</i>
<b>April 25, 2006</b>	
Robert K. Steel	<i>Chair, Duke University Trustees</i>
<b>April 27, 2006</b>	
Kerry Haynie	<i>Member, Lacrosse Review Team</i>
<b>May 2, 2006</b>	
Gerald Crotty	<i>Representing Duke Lacrosse Families</i>
Lawrence Lamade	
Thom Mayer	
Lincoln Payton	

## Statement by President Richard H. Brodhead on Duke Men's Lacrosse Team

Applauds decision by athletic director and urges cooperation with police investigation while noting need to establish facts

Saturday, March 25, 2006

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DURHAM, N.C. -- Physical coercion and sexual assault are unacceptable in any setting and have no place at Duke. The criminal allegations against three members of our men's lacrosse team, if verified, will warrant very serious penalties. The facts are not yet established, however, and there are very different versions of the central events. No charges have been filed, and in our system of law, people are presumed innocent until proven guilty. We also know that many members of the team, including some who were asked to provide DNA samples, did not attend the party.

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I urge everyone to cooperate to the fullest with the police inquiry while we wait to learn the truth.

Whatever that inquiry may show, it is already clear that many students acted in a manner inappropriate to a Duke team member in participating in the March 13 party. I applaud Athletics Director Joe Alleva for responding to the conduct that is not in question even as we wait for the investigation to determine the truth about disputed parts of the events.

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## Letter to the Community from President Brodhead

President describes five actions in response to lacrosse situation

Wednesday, April 5, 2006

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**Note to Editors:** For background information on the men's lacrosse controversy, [click here](#).

DURHAM, N.C. -- April 5, 2006

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### A Letter to the Duke Community

I want to speak to the issue that is troubling our community and announce five steps we are taking to address it.

Allegations against members of the Duke lacrosse team stemming from the party on the evening of March 13 have deeply troubled me and everyone else at this university and our surrounding city. We can't be surprised at the outpouring of outrage. Rape is the substitution of raw power for love, brutality for tenderness, and dehumanization for intimacy. It is also the crudest assertion of inequality, a way to show that the strong are superior to the weak and can rightfully use them as the objects of their pleasure. When reports of racial abuse are added to the mix, the evil is compounded, reviving memories of the systematic racial oppression we had hoped to have left behind us.

If the allegations are verified, what happened would be a deep violation of fundamental ethical principles and among the most serious crimes known to the legal system. Such conduct is completely unacceptable both within the university and in our society at large. If the truth of the allegations is upheld, it will call for severe punishment from the courts and from Duke's disciplinary system. This university has cooperated and will continue to cooperate to the fullest to speed the ongoing investigation by the police, and I pledge that Duke will respond with appropriate seriousness when the truth is established.

But it is clear that the acts the police are investigating are only part of the problem. This episode has touched off angers, fears, resentments, and suspicions that range far beyond this immediate cause. It has done so because the episode has brought to glaring visibility underlying issues that have been of concern on this campus and in this town for some time—issues that are not unique to Duke or Durham but that have been brought to the fore in our midst. They include concerns of women about sexual coercion and assault. They include concerns about the culture of certain student groups that regularly abuse alcohol and the attitudes these groups promote. They include concerns about the survival of the legacy of racism, the most hateful feature American history has produced.

Compounding and intensifying these issues of race and gender, they include concerns about the deep structures of inequality in our society—inequalities of wealth, privilege, and opportunity (including educational opportunity), and the attitudes of superiority those inequalities breed. And they include concerns that, whether they intend to or not, universities like Duke participate in this inequality and supply a home for a culture of privilege. The objection of our East Campus neighbors was a reaction to an attitude of arrogant inconsiderateness that reached its peak in the alleged event but that had long preceded it. I know that to many in our community, this student behavior has seemed to be the face of Duke.

Given the history of this campus and city, this has been particularly painful. Only forty years ago, the first African American student was admitted to Duke and at that time men and women lived on separate campuses. Today, more than one-third of Duke undergraduates are members of minority groups. Many, many dedicated members of the Duke and Durham communities have worked hard to bring us all forward. Duke has worked to be a good neighbor, supporting health care, K-12 education, affordable housing, neighborhood stabilization, and economic development through the Duke-Durham Neighborhood Partnership. Duke is not, as some have reported, just an institution for the children of wealthy families. This university admits undergraduates without regard to their family's ability to pay, and we invest more than \$50 million a year to enable the 40% of students who receive grant aid to afford a Duke education. Duke's Women's Initiative, launched by my predecessor Nannerl Keohane, took the national lead in exploring issues of gender inequality across the university. Perhaps most important, I know—and I suspect our students' harshest critics know too—that the huge majority of Duke students are well-behaved and good-hearted, and many work hard for the larger social good.

But if the dark aspect is not the whole truth, this is not a moment to take comfort or mount defenses. To get the good of the current situation, we all need to face up to the profoundly serious issues that recent events have brought to light and address them in a positive, substantive, and ongoing way. If none of these issues is peculiar to Duke, that's no reason why we should refuse to address them in our midst. As we decide what steps to take, let me underline the values that must govern our actions.

The university is guided by the principles of openness, inclusiveness, mutual toleration, and mutual respect. Everything that furthers these causes advances our ability to work

together toward the truth no individual or group can reach alone. Everything that hinders these causes retards the search for wisdom and knowledge. The university is also founded on the principle that we have an obligation to seek the truth, and that truth is established through evidence and disciplined inquiry. Reaching certainty without evidence or process is a double wrong in a university because it opens the door to injustice and violates our commitment to the truth.

In keeping with these values, I want to announce five steps Duke will take to address the issues before us. Some will be accomplished in a short period of time; others will require our sustained attention.

1. Investigation of men's lacrosse. In regard to men's lacrosse, I have announced today that the men's lacrosse season and all associated activities have been cancelled. Lacrosse coach Mike Pressler submitted his resignation today to Athletics Director Joe Alleva and it was accepted, effective immediately.

The criminal allegations against members of the team must continue to be investigated by the Durham police and we will continue to cooperate with that investigation to the fullest. Many have urged me to have Duke conduct its own inquiry into these charges. Frustrating though it is, Duke must defer its own investigation until the police inquiry is completed, first because the police have access to key witnesses, warrants, and information that we lack, and second because our concurrent questioning could create a risk of complications—for instance, charges of witness tampering—that could negatively affect the legal proceedings. I assure you, however, that the Duke disciplinary system will be brought to bear as soon as this can appropriately be done. Until that time, I urge us to be patient and remind ourselves that allegations have been made, the team has denied them, and we must wait until the authorities act before reaching any judgment in the criminal case.

Quite separate from the criminal allegations, there have been reports of persistent problems involving the men's lacrosse team, including racist language and a pattern of alcohol abuse and disorderly behavior. These are quite separate from the criminal allegations, and these we will address at once. The Athletic Council, the body with oversight of athletics in Duke's governance system, is the right group to perform this investigation. The Executive Committee of the Academic Council and I have asked a faculty subcommittee of the Athletic Council to investigate all the evidence regarding objectionable behavior prior to March 13. The intention here is not to single out the behavior of individuals but to understand the extent to which the cumulative behavior of many over a number of years signifies a deeper problem for which significant corrective actions are called for. I have asked this group to report its findings and to make any recommendations it may have by May 1. I am pleased that Professor James Coleman of the Duke Law School, an Athletic Council member, has agreed to chair this committee.

2. Investigation of Duke Administration Response. I have heard a good deal of criticism of the Duke administration for being slow to respond to the allegations against the team associated with March 13. At meetings with faculty, students, community members, and

others, I have explained why it took time to know how to respond: we learned the full magnitude of the allegations only gradually, as police and other information was reported in the media, and indeed it appears it took the police themselves some time to understand the nature of the case. Nevertheless, I want to address the concern that my administration did not respond as quickly as we should have and to learn any lessons this episode can teach. To that end, I have asked two individuals with outstanding experience in higher education and civil rights to look into the role of the Duke administration and Duke Athletics in handling this episode. I am grateful to William Bowen, President of the Andrew Mellon Foundation and former President of Princeton University, and Julius Chambers, former Director-Counsel of the NAACP Legal Defense and Educational Fund and past Chancellor of North Carolina Central University, for agreeing to take on this task. They have agreed to report their findings and make any recommendations to me by May 15.

3. Examination of student judicial process and practices. Questions have been raised within the Duke and Durham communities about the way Duke deals with problems of student behavior and the applicability of our Community Standard to social life. The Executive Committee of the Academic Council has charged the Council's Student Affairs Committee, chaired by Professor Prasad Kasibhatla, to study Duke's existing judicial processes and practices for students and make any recommendations for change to the administration and faculty by June 1.

4. Campus Culture Initiative. Duke traditionally has given its students a great deal of freedom, but at times the exercise of that freedom is not matched with a commensurate sense of responsibility. We must be concerned about issues of campus culture this episode has raised quite apart from the lacrosse team. This is a time for Duke to take a hard look at our institutional practices to assess the extent to which they do, or do not, promote the values we expect students to live by.

I have asked Vice President for Student Affairs Larry Moneta and Vice Provost for Undergraduate Education and Dean of Trinity College Robert Thompson to direct a Campus Culture Initiative involving faculty, students, and staff. The task of the Initiative is to evaluate and suggest improvements in the ways Duke educates students in the values of personal responsibility, consideration for others, and mutual respect in the face of difference and disagreement. The goal of this initiative is not to tell students "what to think" in some simplistic or doctrinaire way. Nevertheless, this is our chance to take the ethical dimension of education much more seriously than heretofore. An important task of the Initiative will be to enlist the faculty more fully in this broader work of education. Since we need to engage the whole of the student population in this process, we will also need to involve all of Duke's overlapping student groups and communities and learn how they can be parts of the solution.

Although the academic year will soon draw to a close, I believe the Initiative's work should begin this spring. We should not lose the chance for education in large and small groups supplied by this moment of heightened sensitivity. Some work can be done over the coming summer, and we are looking to pioneer a period of focused engagement on



campus issues for upper class students in the fall. In honesty, some of the Initiative's work will require long-lasting attention and is unsuceptible to any quick fix. This would include promoting a more responsible approach to the culture of campus drinking, a major factor in Duke's recent crisis and the source of much bad college conduct throughout the United States. I have asked Vice Provost Thompson to report on the Initiative's progress at the end of this term and again in the fall.

5. Presidential Council In addition to these steps aimed at the lacrosse team culture and our larger student culture, I will convene a presidential council to give advice and offer guidance to me and the Board of Trustees. This group will be made up of wise figures from within the university community, from the larger Duke family, from the national higher education community, and from the city of Durham. I will ask it to receive and critique our internal policies and self-assessments regarding the promotion of these central values; to inform our on-campus efforts with the best practices in other university settings; and to consider ways that Duke and its community can work yet more closely to promote these values in a larger social setting. Emeriti Trustees Wilhelmina Reuben-Cooke, Provost and Vice President of Academic Affairs of the University of the District of Columbia, and Roy Bostock, Chairman of The Partnership for a Drug-Free America, have agreed to chair and I plan to convene the first meeting of the Council this spring.

In addition to these five steps, I look forward to continuing a dialogue with leaders in Durham and at North Carolina Central University. I'm indebted to Mayor Bill Bell for hosting a meeting on the Duke campus last week that brought together many African American leaders to discuss the incident of March 13. We concluded that meeting with the resolve to meet again; I look forward to further discussions with this group and others at the next meeting, which my colleague NCCU Chancellor James Ammons has offered to host. Durham is a proud city with a rich history and a diverse population that responds to the challenges of the day better than many other cities in this country. I'm resolved to seize the moment to do what I can to strengthen what is in many aspects, but surely not all, a positive relationship between our university and city.

Nobody wishes trouble on one's house and I regret the trouble that this incident has brought to Duke and Durham. But when trouble arrives, it's the test of a community and its leaders to deal with it honestly, act accordingly and learn from it. This is a deeply emotional time as well as a rare opportunity for education – for our students, faculty, administrators, and members of our community. Let's move forward with a serious commitment to make progress on the many complex issues that confront us now.

Richard H. Brodhead

President

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