

**INDEPENDENT REVIEW OF NORTHWESTERN UNIVERSITY ATHLETICS DEPARTMENT  
REPORT AND RECOMMENDATIONS**

June 27, 2024

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## *Executive Summary*

On July 19, 2023, Northwestern University (the “University” or “Northwestern”) engaged the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”) to conduct an independent review of the reporting processes and accountability mechanisms in place at the University to identify and respond to threats to the welfare of student-athletes, and to examine the culture of Northwestern’s Department of Athletics and Recreation (the “Athletics Department” or “Athletics”) and its relationship to the University’s academic mission.

We were asked to conduct a forward-looking review — that is, to assess the relevant reporting and accountability mechanisms and the culture of Northwestern Athletics as they currently exist, and to recommend steps that could be taken to improve them where needed. Our review was not — nor was it intended to be — an investigation of past events. Accordingly, the Paul, Weiss review team did not reinvestigate the subjects of prior investigations, including the investigation into allegations of hazing in the football program, nor did it evaluate the University’s personnel decisions following any prior investigation.

Consistent with the University’s stated commitment to make the results of our review public, this report details our review and sets forth recommendations for the University’s consideration. This report proceeds in four sections.

First, we describe the nature and scope of our review. Among other things, the Paul, Weiss team reviewed University and Athletics Department policies and reporting procedures, training and education materials, and student-athlete feedback gathered through annual experience surveys and exit interviews; interviewed more than 120 members of the Northwestern community, including students (both athletes and non-athletes), Athletics Department leadership and staff, coaches and team staff, University administrators, faculty members, and trustees; and spent multiple days on campus meeting with members of the Northwestern community and touring relevant facilities. At each step of our review, we acted independently from the University within the mandate provided to us.

Second, we set forth the factual background of our observations and recommendations. In particular, we describe: (1) the events that led to our retention, including allegations of hazing and bullying within certain of Northwestern’s varsity athletics programs and the public response to those allegations; (2) the structure of and resources provided by Northwestern’s Athletics Department; (3) the status of formal and informal interactions between Northwestern’s faculty and the Athletics Department, including the roles of the NCAA Faculty Athletics Representative (the “FAR”) and the faculty-comprised Committee on Athletics and Recreation (“CAR”); (4) Northwestern’s anti-discrimination, anti-harassment, anti-bullying, and anti-hazing policies and procedures and the related trainings for student-athletes, coaches, and Athletics Department staff; and (5) the resources available to student-athletes for reporting allegations of misconduct, including discrimination, harassment, bullying, and hazing. More broadly, we acknowledge the ongoing changes to the college athletics landscape that

will continue to impact the Northwestern student-athlete experience, including name, image, and likeness (“NIL”) legislation, the NCAA Transfer Portal, and conference realignment. While the impact of these broader changes is not unique to Northwestern, they have brought heightened attention to the student-athlete experience from across the Northwestern community.

Third, we describe key observations from our review. In doing so, we have based our observations on information obtained from multiple sources, so as not to report observations or make recommendations based on one-off anecdotes or inherently individualized perspectives and to protect the anonymity of those who shared relevant information with us on a confidential basis. We also note that our observations are not intended to compare the Athletics Department to any other Northwestern department or community, nor to compare Northwestern to any other university, as we were not asked to, and did not, perform a benchmark analysis comparing Northwestern Athletics culture or reporting and accountability systems to those of any other department or university. Accordingly, our observations should not be interpreted as identifying issues that are unique to Northwestern Athletics or otherwise suggesting that Northwestern is differently situated from its peer institutions. Our observations center around six key themes:

1. **Strong Support for Student-Athlete Well-Being.** The well-being of student-athletes is at the core of the Athletics Department’s culture. Coaches, academic services, sports psychology, and sports medicine staff all play a vital role in the overall experience of student-athletes. Although student-athletes’ individual experiences vary, many attributed their ability to balance a rigorous academic schedule with the demands of Big Ten athletics to the support provided by their teams and the broader Athletics Department. In this respect, the Athletics Department’s culture is closely aligned with Northwestern’s academic mission. Of course, every team is unique and there are nuances within team-specific cultures that cannot be captured by, and may not otherwise be consistent with, the broader Athletics Department culture.
2. **Insularity of the Athletics Department.** Northwestern student-athletes overwhelmingly reported that they spend most of their time with their teams and/or at the University’s Athletics facilities, including the Walter Athletics Center, where many of the athletic amenities and resources are housed. Not surprisingly, Athletics Department staff similarly reported spending most of their time interacting with other members of the Athletics Department. While almost certainly not unique to Northwestern, this insularity has both positive and negative consequences for the Athletics Department’s culture and accountability mechanisms. One positive consequence is the close bond that student-athletes develop with their teammates, coaches, and other Athletics Department staff. Indeed, most student-athletes identified their coaches or more senior teammates as the person(s) to whom they would most likely report allegations of misconduct or other concerns. On the other hand, cultural or accountability breakdowns within the Athletics Department are more acutely felt by student-athletes and staff as a result of this insularity, and the close, familial nature of many teams may make it more difficult for a student-athlete

to report misconduct, particularly if members of their team and its staff are perceived to be participating in or condoning the misconduct.

3. **Divide Between Northwestern Faculty and Athletics.** There is a perceived, if not actual, divide between Northwestern’s Athletics Department and its faculty. Although the faculty members who participated in our review largely shared positive impressions of student-athletes, we observed a growing tension between the Athletics Department and certain members of the faculty regarding the appropriate prioritization and funding of athletics at Northwestern. Although this tension became most visible after allegations of hazing surfaced last year, we believe it existed prior to that and may have been building in recent years due to, among other things, perceived disparities in the amount of funding allocated to academics and athletics. Another contributing factor appears to be the absence of consistent, direct communication between Athletics and faculty — likely the result of an unwritten but widely acknowledged prohibition on coaches communicating directly with faculty members to avoid the appearance of a conflict of interest. We also observed several misconceptions about the role of CAR, including whether it is charged with overseeing the Athletics Department.
4. **University Reporting Mechanisms Are Generally Known by Student-Athletes.** In addition to providing robust anti-hazing and anti-bullying policies and training, the University provides multiple ways for all students, including student-athletes, to voice concerns or report misconduct, such as through designated University personnel and anonymous online reporting forms. Student-athletes also have additional avenues to share feedback, including student-athlete experience surveys and exit interviews. We found that student-athletes were generally aware of these formal reporting procedures or would be able to quickly locate information about them if needed. However, student-athletes typically said that they would report misconduct in the first instance to their coaches, teammates, or an Athletics Department staff member with whom they are comfortable, rather than utilize the University’s formal reporting systems, unless specifically directed to one of them.
5. **Lack of Clear Guidance on Addressing Reports Made by Student-Athletes.** Because student-athletes are likely to raise concerns with people they know and trust within the Athletics Department in the first instance, Athletics Department staff must make decisions about whether, when, and how to respond to those reports, including by escalating them to more formal reporting channels. If the report relates to misconduct that does not require the involvement of the Office of Civil Rights and Title IX Compliance (“OCR”), Athletics Department staff do not currently have clear, standardized guidance for those decisions, which results in a discretionary — and varying — process for addressing reports of such misconduct made within the Athletics Department. This risks inconsistent handling of complaints, including allegations of hazing and similar misconduct, and fosters a perception that concerns raised within the Athletics Department may not be properly escalated or addressed.

6. **Lack of Visibility and Follow-Up After Reports Are Made.** Student-athletes and Athletics Department staff alike reported that they lack visibility into the process for investigating and/or resolving reports of misconduct made within the Athletics Department. This lack of visibility has left some members of the community with the perception that even if they report misconduct, those reports will go unaddressed, which could ultimately discourage student-athletes and staff from reporting in the first place. There are certain unavoidable limitations to full transparency about investigative or remedial steps being taken to address validated reports of misconduct; however, it is clear that members of the Northwestern Athletics community are searching for opportunities to engage with individuals who report misconduct without compromising confidentiality or privacy obligations.

Finally, our report sets forth certain recommendations that we believe, based on our observations and experience, would improve the ability of Northwestern's existing reporting and accountability mechanisms to detect threats to student-athlete well-being and would further align Athletics culture with the University's broader mission. Our recommendations fall into three categories:

1. **Improving Relations Between Faculty and the Athletics Department.** Among other things, we recommend that the University develop guidance on appropriate communications between coaches and faculty/academics staff. In formulating this guidance, the University should consider whether the existing broad prohibition on communications between faculty and coaches, real or perceived, is necessary to achieve the purpose of preventing undue influence on student-athletes' academic results.
2. **Clarifying the Mandate and Responsibilities of CAR.** To address the existing confusion around the mandate and role of CAR, we recommend that Northwestern establish a clear, public mandate for CAR. This mandate could, among other things, include liaising with the Athletics Department on faculty-raised issues, working with the department to ensure student-athletes' concerns are addressed, and engaging with student-athletes beyond the annual exit interviews. We also recommend that CAR formalize its current exit interview program to provide more specific, standardized guidance to interviewers on how to conduct, memorialize, and report feedback learned during exit interviews.
3. **Improving Responsiveness and Accountability for Reported Misconduct Within the Athletics Department.** To foster greater responsiveness and accountability for misconduct reported within the Athletics Department, we recommend that the department supplement its current resources with a technological solution that allows for anonymous, real-time submission, follow-up, and documentation of student-athlete reports. We understand that the Athletics Department is considering implementing such a system that would complement and coordinate with the University's existing reporting and accountability resources, as well as allow the Athletics Department to provide

follow-up information to those who report misconduct while still protecting confidentiality as needed. Because any such system will rely heavily on the trained administrators who receive and respond to anonymous reports, we also recommend that the Athletics Department create a new position focused on reporting mechanisms that can help oversee reporting-related obligations of staff members and enhance the department's anti-hazing efforts. Finally, we recommend that the Athletics Department develop a resource guide that outlines the reporting process within Athletics to help prevent miscommunications and misunderstandings and foster trust in the reporting system among student-athletes and staff.

While our recommendations are focused on the areas in which we believe improvement can and should be made, the results of our review have been largely positive. We have observed a commitment by the University and Athletics Department to the well-being of their student-athletes. It is unsurprising, in light of that commitment, that so many of the student-athletes who participated in our review expressed great appreciation for the resources made available to them at Northwestern, and generally spoke highly of their college athletic experience there. The University and the Athletics Department are aligned in their commitment to ensure that their student-athletes have excellent academic and athletic experiences, despite forces at play — many of which are not unique to Northwestern — that make equal pursuit of those two goals increasingly difficult. We hope that our recommendations, if implemented, will only enhance the Northwestern student-athlete experience.

## **I. Review Steps**

The Paul, Weiss team, led by the Honorable Loretta E. Lynch, and including Richard Tarlowe, Brette Tannenbaum, Alicia Walker, Emily Hoyle, Susanne Brüttsch, Patrick McCusker, Jake Rosen, Alexander Beer, Sarah Calderone, and Lucas Lehmkühl, functioned independently from the University and the Athletics Department. During the course of the review, we were provided access to all documents and information requested, and no limitations were placed on our ability to speak with people, observe meetings or other activities, or review documents.

Northwestern engaged Paul, Weiss to conduct an independent, forward-looking review of the reporting processes and accountability mechanisms in place at the University to identify and respond to threats to the welfare of student-athletes and to examine the culture of the Athletics Department and its relationship to the University's academic mission. To gather relevant information from different constituencies and ensure that those who wished to share information had the opportunity to do so, Paul, Weiss engaged with the University community in various ways, including:

- Outreach to all student-athletes and Athletics Department personnel, informing them of the nature of the review and providing opportunities to communicate with Paul, Weiss confidentially.



- Outreach to certain administrators, student-athlete groups, former student-athletes, faculty, non-athlete undergraduate students, and other members of the University community who showed an interest in the matters under review or otherwise were identified as more likely to have relevant information to share with Paul, Weiss.<sup>1</sup>
- Flyers displayed throughout the Walter Athletics Center containing information about the review and QR codes linking to ways to communicate with Paul, Weiss confidentially.
- An announcement included in the student newsletter informing members of the Northwestern student community about opportunities to connect with the Paul, Weiss team.
- Distribution of a dedicated email address and cellphone number through which people could directly and confidentially contact the Paul, Weiss review team, and to which no one at or affiliated with the University had access.

Over the course of the review, Paul, Weiss interviewed more than 120 people (some more than once) in individual and small group meetings, including current and former student-athletes, non-athlete students, members and affiliates of the Athletics Department (including department leadership, staff members, the head coaches of all 19 varsity sports programs, and Northwestern Medicine and Counseling and Psychological Services (“CAPS”) professionals who work with student-athletes), University leadership and administrators, faculty members, and trustees.

Paul, Weiss collected and reviewed relevant documents and data, including, among other things, University and Athletics Department policies and procedures concerning different types of prohibited conduct, mechanisms for reporting incidents of concern, training and education materials, student-athlete experience survey responses, and student-athlete exit interview feedback.

## **II. Factual Background**

### **A. Recent Events**

Allegations of misconduct by certain coaches or student-athletes within the Athletics Department attracted significant media attention beginning in July 2023. The head football coach and head baseball coach were relieved of their duties following investigations. Shortly thereafter, the University retained Paul, Weiss to conduct an independent review of the University’s reporting and accountability mechanisms to identify, detect, and respond to potential threats to student-athlete welfare and to examine

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<sup>1</sup> Paul, Weiss sent outreach emails to a randomized sample of non-athlete undergraduate students.

the culture of the Athletics Department and its relationship to the University’s academic mission.<sup>2</sup>

Although our review is prospective in nature, the current Athletics Department culture has been influenced by those past events. This section therefore provides a brief overview of those matters to contextualize our observations and recommendations; as noted, however, investigating the allegations underlying these events was outside the scope of our review.<sup>3</sup>

## 1. Football

On November 30, 2022, Northwestern received a complaint from an anonymized email address alleging hazing within Northwestern’s football program. Shortly after receiving the complaint, the University retained an outside investigator to conduct an independent investigation. On July 7, 2023, the University published an executive summary of the investigation’s findings that announced that the head coach of the football team, Pat Fitzgerald, had been placed on unpaid leave for two weeks, effective immediately.<sup>4</sup> On July 8, 2023, President Michael Schill provided an update to the University community stating that he “may have erred in weighing the appropriate sanctions for Fitzgerald.”<sup>5</sup> Two days later, on July 10, 2023, Fitzgerald was relieved of his duties, and President Schill announced that the University would assess future steps with input from relevant stakeholders.<sup>6</sup>

## 2. Baseball

Prior to the 2023 baseball season, the University’s Office of Human Resources received a complaint filed by three baseball coaching staff members accusing the recently hired baseball coach of engaging in bullying and abusive behavior toward assistant coaches. Northwestern initiated an investigation and, on July 13, 2023, relieved the head coach of his duties. In the public announcement of the decision, the Athletics Director stated: “Nothing will ever be more important to Northwestern than providing its students

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<sup>2</sup> Paul, Weiss represents no party to, and has no involvement in, any pending lawsuits against Northwestern University or its current or former employees, directors, officers, or individuals otherwise affiliated with the University relating to allegations of hazing or personnel decisions stemming from such allegations.

<sup>3</sup> This review focuses on the Athletics Department’s policies, procedures, and resources applicable to the 19 varsity athletics programs; to the extent those policies, procedures, and resources differ with respect to recreation programs such as the cheer team, the marching band, and the University mascots, they were not within the scope of this review.

<sup>4</sup> *Executive Summary: Northwestern Football Hazing Investigation*, Northwestern, <https://news.northwestern.edu/assets/Docs/Executive-Summary-FINAL.pdf> (last visited June 25, 2024); Jon Yates, *Northwestern Announces Actions to Prevent Hazing Following Football Investigation*, Northwestern (July 7, 2023), <https://news.northwestern.edu/stories/2023/07/northwestern-announces-actions-to-prevent-hazing-following-football-investigation/>.

<sup>5</sup> Michael Schill, *Update on Hazing Investigation*, Northwestern (July 8, 2023), <https://www.northwestern.edu/leadership-notes/2023/update-on-hazing-investigation.html>.

<sup>6</sup> Michael Schill, *Decision to Relieve Head Football Coach Pat Fitzgerald of His Duties*, Northwestern (July 10, 2023), <https://www.northwestern.edu/leadership-notes/2023/decision-to-relieve-head-football-coach-pat-fitzgerald-of-his-duties.html>.

a place that allows them to develop in the classroom, in the community, and in competition at the absolute highest level, and building a culture which allows our staff to thrive. This has been an ongoing situation and many factors were considered before reaching this resolution.”<sup>7</sup>

### 3. Volleyball

In July 2023, it was made public that Northwestern had received complaints about members of the women’s volleyball team imposing physical activity on a fellow teammate as a form of discipline for violating the team’s COVID-19 protocols during the 2020-2021 academic year, without intervention from the coaching staff.<sup>8</sup> After becoming aware of the allegations, the University placed the team’s coaching staff, including the head coach, on administrative leave and initiated an internal investigation, which confirmed that a violation of the University’s anti-hazing policy had occurred. In response, the University implemented additional mandatory anti-hazing training.

### 4. Faculty Senate Letter and Resolutions

On July 13, 2023, more than 250 Northwestern faculty members signed an open letter (the “Faculty Letter”) calling for “immediate, comprehensive steps to improve transparency and structures of accountability in Athletics at the university.”<sup>9</sup> The Faculty Letter called for:

- the public release of the findings from the independent investigation of allegations of hazing in the football program that was completed in July 2023;
- “long-term institutionalized oversight” of the Athletics Department, including that the Faculty Senate “take substantive steps for greater oversight of the Athletics Department;” and
- University “leadership” to “halt the planning and marketing” of the new football stadium construction project, Ryan Field, until the “crisis” was “satisfactorily resolved.”

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<sup>7</sup> *Northwestern Baseball Announces Leadership Change*, Northwestern Athletics (July 13, 2023), <https://nusports.com/news/2023/7/13/northwestern-baseball-announces-leadership-change>.

<sup>8</sup> As discussed in Section II.D.1(c), Northwestern’s Student Handbook defines hazing to include strenuous physical activity as punishment.

<sup>9</sup> Northwestern Faculty, *LTE: Northwestern Faculty Open Letter About Football and Other Athletics at Northwestern*, Daily Northwestern (July 14, 2023), <https://dailynorthwestern.com/2023/07/14/opinion/lte-northwestern-faculty-open-letter-about-football-and-other-athletics-at-northwestern/> (prior to publication, the faculty emailed this letter to President Schill, Dr. Derrick Gragg, and Chairman of the Board of Trustees Peter Barris).

On July 18, 2023, President Schill published a response committing to doing “whatever is necessary” to “ensure that [Northwestern’s] athletic program remains one you can be proud of and one that is fully aligned with and reflects [Northwestern’s] values.”<sup>10</sup>

In August 2023, the Faculty Senate — a body that “makes recommendations and passes resolutions concerning matters of general university interest” — addressed issues identified in the Faculty Letter and passed a series of non-binding resolutions (the “Faculty Senate Resolutions”) recommending that the University should, among other things:

- develop and publicly explain a comprehensive plan for long-term oversight of the Athletics Department;
- establish an oversight mechanism for high-level University authorities outside of the Athletics Department to hold Athletics Department leadership accountable for maintaining ethical standards and protecting student-athletes; and
- consult with experts on creating a permanent, secure process for student-athletes to report concerns and providing resources for student-athletes who have suffered from hazing or other harms.<sup>11</sup>

#### B. Overview of the Northwestern University Athletics Department

The Athletics Department oversees 19 varsity athletics programs that compete in Division I of the National Collegiate Athletic Association (“NCAA”). Currently, there are approximately 500 active student-athletes at Northwestern. Northwestern is a charter member of the Big Ten Conference. Among Big Ten schools, Northwestern is currently the only private university and the smallest school in the conference by student enrollment.

***Leadership Team.*** The Vice President for Athletics and Recreation (the “Athletics Director”) oversees the Athletics Department and reports directly to the University President. Jim Phillips, now Commissioner of the Atlantic Coast Conference (ACC), served in that role for more than a decade, from 2008 to 2021. After Commissioner Phillips’ resignation, deputy athletics director Janna Blais served as interim Athletics Director for approximately three months. Then-deputy athletics director Mike Polisky was named Athletics Director in May 2021 and resigned shortly thereafter following public

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<sup>10</sup> Michael Schill, *Ensuring Northwestern Athletics Program Reflects Our Values*, Northwestern (July 18, 2023), <https://www.northwestern.edu/leadership-notes/2023/ensuring-northwestern-athletics-program-reflects-our-values.html>.

<sup>11</sup> Faculty Senate, *2022-23 Legislative Actions: Resolution: Evaluate and Improve the Relationship Between Academics and Athletics at Northwestern*, Northwestern (Aug. 9, 2023), <https://www.northwestern.edu/faculty-senate/senate-records/legislative-actions/2022-2023/>; Faculty Senate, *2022-23 Legislative Actions: Resolution: Ensure Future Accountability of Athletics Department Leadership and Create a Safe Place for All Students*, Northwestern (Aug. 9, 2023), <https://www.northwestern.edu/faculty-senate/senate-records/legislative-actions/2022-2023/>; Faculty Senate, *2022-23 Legislative Actions: Resolution: Stop Hazing and Abuse Within the Athletics Department*, Northwestern (Aug. 9, 2023), <https://www.northwestern.edu/faculty-senate/senate-records/legislative-actions/2022-2023/>.

criticism of his appointment. Robert Gundlach — a Northwestern linguistics professor and then-FAR — served briefly as interim Athletics Director before Dr. Derrick Gragg was named Athletics Director in June 2021. Dr. Gragg continues to serve as Athletics Director today.<sup>12</sup>

The Athletics Director is supported by five deputy athletics directors (together, with the Athletics Director, the “Leadership Team”) who head different areas of the department: (1) Administration and Policy/Senior Woman Administrator; (2) Development; (3) Chief Operating Officer; (4) Operations and Capital Projects; and (5) Chief of Staff. Each of the deputy athletics directors are in turn responsible for overseeing a number of direct and indirect reports.

Among these direct reports are the associate and assistant athletics directors, who oversee discrete areas such as Event and Facilities Management, Marketing, Finance, Human Resources, Major Gifts, Operations Events and Premium Seating, Academic Services, Student Development, Compliance and Regulation, Diversity and Inclusion, Health, Safety and Performance, and Athletic Training Services.

***Sports Administrators.*** All deputy, many associate, and some assistant athletics directors also serve as sports administrators. Each sports administrator is assigned one to three varsity sports programs. Each team has at least one sports administrator; some teams have a secondary sports administrator who supports the primary sports administrator. Sports administrators serve as the administrative arm for their assigned programs, providing advice, oversight, and guidance to head coaches. They are the primary point of contact between the Leadership Team and their assigned program’s coaching staff, support staff, and student-athletes, and sometimes serve as informal mediators to resolve issues involving these groups. Sports administrators are also responsible for providing policy information to student-athletes (including on hazing), informing the Deputy Athletics Director for Administration and Policy of disciplinary issues, monitoring the academic performance of student-athletes, and implementing the competition schedules that are approved by CAR. In addition, sports administrators are tasked with engaging directly with student-athletes by attending games and practices and serving as figures of encouragement for teams.

***Coaches.*** Each sports program is led by a head coach and, depending on the size of the team, approximately one to three assistant coaches (with the exception of football, which has 10 assistant coaches). More than half of the current head coaches have worked at Northwestern for at least a decade. There has been more turnover among assistant coaches, with the majority of current assistant coaches having been in their current role for just a few years.

***Academic Services.*** The Athletics Department has its own Office of Academic Services, which offers academic resources and support to student-athletes, including study

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<sup>12</sup> On June 13, 2024, Northwestern announced that Dr. Gragg would be stepping away from his role as Athletics Director to assume the newly created position of Vice President for Athletic Strategy. The University stated it would begin its search to find Dr. Gragg’s replacement immediately and that Dr. Gragg would continue to serve as Athletic Director until the new Athletics Director was selected.

skills hours, academic planning and advising, and access to tutors. The Associate Athletics Director for Academic Services oversees this office and reports to the Deputy Athletics Director for Administration and Policy.

Student-athletes are each assigned one of five academic advisors from the Athletics Department's Office of Academic Services, in addition to one of the faculty advisors assigned to all members of the undergraduate student body. The Athletics Department academic advisors meet regularly with their assigned student-athletes. The frequency of those meetings varies, typically depending on a particular student's class year and needs. Athletics academic advisors also assist student-athletes with engaging professors regarding travel schedules and access to courses to satisfy major and minor requirements. Additionally, the Office of Academic Services offers student-athletes access to other resources, including academic tutors and a learning strategist/study skills coordinator.

***Student-Athlete Development.*** In May 2023, the Athletics Department announced the creation of the Student-Athlete Development program. This program is led by the department's Chief Diversity and Inclusion Officer and has the mission of equipping and fostering a community of inclusive leaders, including through the connection of student-athletes with alumni and employer partners. Its programming includes career development opportunities, a leadership development institute, community engagement opportunities, and personal enhancement workshops. Student-athletes have also had access to the David G. Kabiller NU for Life Program, a lifelong professional development resource that connects student-athletes with alumni contacts and helps prepare them for careers after graduation.

***Health and Wellness Resources.*** Northwestern University Sports Medicine provides various health and performance resources to student-athletes, including physicians, trainers, and nutritionists. Sports Medicine is staffed by physicians, trainers, and nutritionists who are employed by Northwestern Medicine (the healthcare system affiliated with the University), with day-to-day oversight within the Athletics Department under the Deputy Athletics Director for Administration and Policy. Student-athletes also have access to sports psychologists, as well as the staff therapists and staff psychiatrists available to all Northwestern students through CAPS. The Sports Psychology program is staffed with sports psychologists and psychiatrists who are licensed to provide comprehensive mental health and performance psychology services. Although physically located in the Walter Athletics Center, Sports Psychology is not a part of the Athletics Department. Rather, it is housed within CAPS and overseen by Northwestern's Division of Student Affairs.

### C. Interactions Between Faculty and the Athletics Department

Currently, there are two formal points of interaction between faculty and the Athletics Department: the Committee on Athletics and Recreation (CAR) and the NCAA Faculty Athletics Representative (FAR).<sup>13</sup>

#### 1. The Committee on Athletics and Recreation (CAR)

CAR was created in 1980 to “establish policies for the conduct of intercollegiate athletics and recreational sports” and “assure that the operation of the . . . athletic program is consistent with the educational objectives of the University.”<sup>14</sup> CAR’s mandate is set forth in its Charge. The President’s Directive on Intercollegiate Athletics (the “President’s Directive”) outlines further responsibilities of CAR.<sup>15</sup> CAR typically meets three times a year. At these meetings, the committee discusses, among other things, student-athlete academic performance and course enrollment, updates from Sports Medicine and student representatives on CAR, and results from exit interviews and student-athlete experience surveys.

##### (a) *CAR’s Mandate*

CAR’s mandate is set forth in its formal Charge, which has been periodically updated and revised since its implementation in 1980. Under the current Charge, CAR is responsible for “assuring that the intercollegiate and recreational sports programs of the University are conducted with high standards of educational and ethical integrity and reflect the values of the University as an educational community.” In particular, the Charge tasks CAR with:

- monitoring grades and intercollegiate competition schedules and their impact on class attendance, student health/welfare, and gender equity;
- conducting exit interviews of all graduating student-athletes<sup>16</sup> to determine satisfaction in areas such as medical care, academic advising, time commitment to practice, sensitivity to student needs, and emotional and physical development; and

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<sup>13</sup> In addition, last fall, the President of the Faculty Senate appointed a Faculty Senate Athletics Ad Hoc Committee to discuss topics related to Athletics at Northwestern. This committee is considering, from the perspective of the Faculty Senate, the appropriate degree of faculty involvement in Athletics.

<sup>14</sup> CAR was created when two existing committees — the Intercollegiate Athletic Committee and the Committee on Recreational Facilities — were combined.

<sup>15</sup> The President’s Directive establishes Northwestern’s institutional purpose and athletic philosophy and provides for instructions by the President to guide the University administration, the Athletics Department, and other administrative units of the University.

<sup>16</sup> In practice, these exit interviews include graduating student-athletes and student-athletes who have exhausted their NCAA eligibility.

- recommending revisions and changes to the President’s Directive.<sup>17</sup>

According to its Charge, CAR advises the Athletics Department and reports to the University President but does not involve itself in the management and operation of the Athletics Department and does not control the allocation of funds.

(b) *CAR Membership*

Pursuant to the Charge, CAR’s membership is limited to at least eight, but no more than 12, faculty members, including the FAR.<sup>18</sup> In addition to faculty members, the Charge provides that CAR should include representatives from the student and alumni bodies, but is otherwise silent on the size and composition of the committee. There are no fixed membership terms, term limits, or rules about how often the committee should meet, except that it must report annually to the President of the University.

According to the Charge, all but the student representatives on CAR are appointed by the University President, as is the Chair of the committee (who must be a faculty member).<sup>19</sup> The Charge further states that student representatives should be nominated by the Student-Athlete Advisory Committee (“SAAC”) and the Associated Student Government (“ASG”).<sup>20</sup>

CAR is currently chaired by Professor Gerry Cadava and has eight faculty members (including Professor Cadava and the FAR), one student-athlete representative, and one alumni representative. While the Charge only provides for non-faculty representatives from the student and alumni body to participate on the committee, certain non-faculty members from other constituencies currently serve on CAR, including four Athletics Department representatives and seven University administration representatives (including the University President).

(c) *Exit Interviews*

Faculty members of CAR conduct exit interviews for graduating student-athletes and student-athletes who have exhausted their NCAA eligibility. These exit interviews are conducted in a group setting — with one session per team — and participation by student-athletes is voluntary. In these exit interviews, student-athletes are asked questions about their overall experience at Northwestern, including questions relating to academics, personal development and time demands, wellness, and their relationship with Athletics Department staff. Each faculty member of CAR is assigned teams for which the faculty member is responsible for conducting exit interviews. These interviews are typically

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<sup>17</sup> The President’s Directive outlines certain other responsibilities of CAR, such as reviewing the Athletics Department’s educational materials used to recruit student-athletes, the effects of intercollegiate practice and competition on academic performance, and the Athletics Department’s academic assistance program for student-athletes.

<sup>18</sup> The FAR is an *ex officio* member of CAR.

<sup>19</sup> The FAR is also appointed by the President of the University, in consultation with CAR.

<sup>20</sup> In practice, the Athletics Department will select SAAC Executive Committee members to serve as the SAAC representative at CAR meetings (based on their schedules) rather than SAAC nominating a designated CAR representative.



conducted at the end of each team’s respective season, with the scheduling handled by sports administrators. Depending on the CAR member and the preference of the exit interview participants, interviews are conducted either in person or over videoconference. The full committee discusses the results of these exit interviews — and the student-athlete experience surveys — during its regularly scheduled meetings.

2. *The NCAA Faculty Athletics Representative (FAR)*

Another way in which faculty interacts with the Athletics Department is through the FAR. The FAR is a faculty-held position mandated by NCAA rules.<sup>21</sup> In addition to participating in the NCAA’s Faculty Athletics Representatives Association, the FAR is responsible for liaising between the University and the NCAA and between the faculty and the Athletics Department, although more specific FAR duties may be determined by individual member institutions. The FAR serves as an *ex officio* member of CAR. The current FAR is Professor Wesley R. Burghardt.

D. Relevant Policies and Training

Northwestern maintains a stated commitment to fostering a safe environment in which all students can participate in a group, organization, or athletics program without being subjected to discrimination, hazing, bullying, or other inappropriate conduct. The University takes various steps to educate students and staff about the dangers of these behaviors, their responsibilities as members of the Northwestern community, and the resources available to report incidents of discrimination, hazing, bullying, or other inappropriate conduct.

The two main components of the University’s framework for creating a safe campus are: (1) broad policies prohibiting inappropriate conduct — including discrimination, hazing, and bullying — applicable to all University students and staff; and (2) a preventative training program that includes, among other things, anti-hazing and institutional equity trainings for staff members and all incoming students and supplemental hazing prevention education for student-athletes, student organization leaders, and Greek chapter leaders.

1. *Relevant Policies*

Northwestern’s Student Handbook contains policies and procedures that govern all aspects of student life, including rules regarding student conduct and the procedures for addressing potential violations of those rules.<sup>22</sup> In addition to the Student Handbook, Northwestern has several other policies and procedures intended to ensure that the University’s values and expectations are upheld. These policies are published on Northwestern’s website.

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<sup>21</sup> While the FAR receives a small stipend for serving in this role, CAR faculty members are not paid for their service on the committee.

<sup>22</sup> Northwestern, *2023-2024 Student Handbook* (2023), <https://www.northwestern.edu/community/standards/student-handbook/final-23-24-student-handbook.pdf>.

(a) *Discrimination and Harassment*

Northwestern prohibits discrimination or harassment by students, faculty, and staff on the basis of race, color, religion, national origin, sex, and several other protected classes.<sup>23</sup> Northwestern's Title IX Policy on Discrimination, Harassment, and Sexual Misconduct describes conduct that constitutes discrimination, harassment, and sexual misconduct; articulates the complaint process, which includes reporting procedures and the investigation and resolution mechanisms; and provides confidential on- and off-campus support resources, advice for preserving evidence, a list of available medical services, and links to educational trainings. Northwestern also publishes an accompanying resource guide, which summarizes key components of the policy, including definitions of terms, reporting processes, and available resources.

(b) *Bullying*

While Northwestern University does not have a standalone anti-bullying policy, bullying is within the scope of conduct prohibited by University policies. For example, bullying by a student would violate the University's Guidance on Civility and Violence, which requires students "to deal with each other with respect and consideration." Northwestern's Office of Human Resources makes clear that, among other things, bullying is an unacceptable behavior for staff to engage in, and its Staff Handbook requires staff members to address inappropriate conduct by students, including bullying. Further, bullying based on a protected class — race, color, national origin, sex, religion, disability, language, or age — is prohibited by the Title IX Policy on Discrimination, Harassment, and Sexual Misconduct discussed above in Section II.D.1(a).

(c) *Hazing*

The University's Student Handbook broadly prohibits hazing, which is defined as follows:

[A]ny action taken or situation created, intentionally or unintentionally, whether on or off University premises and whether presented as optional or required, to produce: mental, physical, or emotional discomfort; servitude; degradation; embarrassment; harassment; or ridicule for the purpose of initiation into, affiliation with, or admission to, or as a condition for continued membership in a group, team, or other organization, regardless of an individual's willingness to participate. Acceptance of or consent to an activity

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<sup>23</sup> Northwestern lists the following protected classes in its Policy on Discrimination, Harassment, and Sexual Misconduct: "Northwestern prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, reproductive health decision making, height, weight, or any other classification protected by law . . . in the educational programs or activities Northwestern operates, including but not limited to matters of admissions, employment, housing, or services." Northwestern University, *Policy on Discrimination, Harassment, and Sexual Misconduct*, <https://www.northwestern.edu/civil-rights-office/policies-procedures/policies/policy-on-discrimination-harassment-and-sexual-misconduct.pdf> (effective Apr. 12, 2024).

on the part of a new member or individual does not justify an individual, organization, or group's sponsorship of the activity.

Northwestern's anti-hazing policy is generally consistent with applicable state law and the policies of its peer universities with NCAA Division I athletics programs and covers a wide range of problematic conduct.<sup>24</sup> In addition to defining hazing, the Student Handbook lists examples of conduct that qualifies as hazing, including physical abuse (such as tattooing, paddling, or branding); strenuous physical activity as punishment; servitude; forcing or compelling the consumption of liquid, including alcohol; and depriving individuals of privileges of membership to which they are otherwise entitled. Northwestern also maintains a hazing prevention website that links to additional resources, relevant anti-hazing policies and laws, and an online form students can use to file a report.

## 2. Training Program

Northwestern requires all first-year undergraduate and transfer students to complete a series of trainings during their first quarter on campus, including a hazing prevention education course named "Hazing Prevention 101." This anti-hazing course, along with trainings discussing diversity, equity and inclusion, mental health, and campus safety, are incorporated within Wildcat Welcome, Northwestern University's orientation program.

In addition to the University-mandated trainings, the Athletics Department has a comprehensive educational program focused on equipping student-athletes and staff with the knowledge and skills they need to face challenges particular to athletics. The program is presented in a hybrid format; student-athletes complete online modules and attend in-person sessions. The curriculum — which provides ongoing anti-hazing, anti-discrimination, anti-bullying, leadership, and other educational trainings over the course of a student-athlete's time at Northwestern — includes core trainings mandated by the NCAA, Northwestern, and the Athletics Department, as well as optional supplemental trainings. Further, every year, the Athletics Department partners with internal and external educators to educate its student-athletes on timely topics, frequently through in-person, interactive training sessions. The training topics rotate and often coalesce around an annual theme, which this past year was team values and bystander intervention. The Athletics Department is also considering incorporating bystander intervention techniques into its annual trainings.

With respect to hazing in particular, all incoming student-athletes must complete a supplemental anti-hazing education program specifically tailored to hazing within athletics. The primary trainings teach students and student-athletes about hazing, including what conduct constitutes hazing, how it can be prevented, and how to make a report if hazing does occur. This past academic year, the Athletics Department required every

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<sup>24</sup> In addition to the existing Illinois hazing statute, 720 ILCS 5/12C-50, the Illinois legislature is currently considering a bill, Illinois House Bill 4253, that would create the Higher Education Violation Reporting Act. If passed, Illinois House Bill 4253 would mandate that all universities in the State of Illinois provide "hazing prevention education on the signs and dangers of hazing" to all of its employees that have "ongoing contact with students in a supervisory role or position of authority" and publicly report confirmed violations of their code of conduct, anti-hazing policy, or state or federal anti-hazing statutes.

student-athlete — even those who had already done so in previous years — to complete this training.

Coaches and Athletics Department staff must also complete mandatory trainings in addition to optional continuing educational programs. As a general rule, the Athletics Department separates staff from student-athletes for most training sessions to encourage open dialogue during these sessions.

E. Reporting Mechanisms and Sources of Student-Athlete Feedback

Student-athletes have multiple avenues through which they can report misconduct, such as hazing, bullying, and discrimination, or otherwise raise concerns.

1. Online Reporting

Any member of the Northwestern community can report misconduct by filing a report online. Northwestern makes available several online forms to report misconduct, including hazing, sexual misconduct, stalking, dating or domestic violence, and hate or bias. These reporting forms can be accessed through NUhelp, a resource webpage run by Student Affairs that is accessible online or by scanning one of the QR codes that have been placed in campus buildings, including the locker rooms and restrooms in all Athletics buildings.<sup>25</sup> The online forms are managed by EthicsPoint, a third-party incident management software.

One such form, the Hazing Incident Report Form, is specific to concerns about hazing. Users are encouraged to provide their name and contact information to assist the University in investigating and resolving incidents in a timely manner, but the form permits users to submit a report anonymously. Anyone who completes the form — anonymously or not — is given a “report key.” Using this report key, users can check the status of their report and communicate with University personnel, including by responding to questions or providing additional information, while continuing to remain anonymous if they so choose.

Reports submitted through EthicsPoint are routed to individuals in University Compliance, where they are reviewed and then forwarded to the appropriate office and/or individual for any investigation or follow-up deemed appropriate. For example, complaints involving sexual misconduct, discrimination, or harassment based on protected class will be routed to OCR; University policy violations involving students, such as hazing and bullying, that do not involve sexual misconduct, discrimination, or harassment will be routed to the Office of Community Standards (“OCS”) (the office responsible for overseeing alleged misconduct by students that does not implicate Title IX); and

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<sup>25</sup> These QR codes lead to the Student Affairs NUhelp webpage: <https://www.northwestern.edu/nuhelp/>. This webpage serves as a guide to navigating Northwestern’s Wellness, Safety & Crisis Resources. In addition, Northwestern recently published a new website that collates the reporting mechanisms available at Northwestern, including the forms that can be used to report a concern, contact information for responsible offices, and resources for community members. *Report a Concern*, Northwestern, <https://www.northwestern.edu/report> (last visited June 25, 2024).

complaints against faculty, administration, and staff may be sent to the Office of Human Resources. As appropriate, when violations ultimately are not found, the Mediation, Conflict Resolution, and Restorative Practices Initiative offers trained mediators to help resolve remaining issues.<sup>26</sup>

## 2. Reporting to Athletics Department Personnel

Students can also report misconduct — including hazing, sexual harassment, and acts of hate or bias — directly to any University personnel. A student-athlete thus can report misconduct through any Athletics Department staff member, including coaches, trainers, sports administrators, athletics administrators, academic advisors, sports psychologists, and team physicians. Staff and student-athletes may also approach the Associate Athletics Director for Human Resources to report grievances about particular employees.

Upon receiving a report from a student-athlete (whether in person, by email, or through other means), Athletics Department staff first must determine whether the report involves misconduct that is required to be reported to OCR. Such misconduct consists of “any allegation of sexual misconduct (including sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and sexual harassment), discrimination based on a protected category, and harassment based on a protected category.”<sup>27</sup> Athletics Department staff are required to escalate such alleged misconduct to OCR, which handles issues of sexual misconduct, discrimination, and harassment based on a protected class. Athletics Department staff are also encouraged to report such conduct to the Athletics Department’s Deputy Title IX Coordinator, who can help coordinate reporting the issue to OCR and assist with managing follow-up inquiries, as appropriate.

For reports that do not involve sexual misconduct, discrimination, or harassment of protected classes, Athletics Department staff are expected to escalate the reported conduct to the corresponding Athletics Department head for review. Under the University-wide staff handbook, all staff (including Athletics Department staff) are also required to report any violation of the hazing policy involving students “to the Dean of Students Office, the Office of Community Standards, or online via NUhelp.”<sup>28</sup> It is unclear, however, the extent to which Athletics Department staff are familiar with this University-wide requirement. Related violations that involve or affect staff members are to be reported to the University’s Office of Human Resources.

## 3. Student-Athlete Experience Surveys

Student-athletes can also use the annual student-athlete experience survey distributed by the Athletics Department to anonymously provide feedback on head

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<sup>26</sup> This initiative was established by the Office of Institutional Diversity and Inclusion in collaboration with the University Ombudsperson.

<sup>27</sup> Northwestern Office of Equity, *Reporting Responsibilities* (2021), <https://www.northwestern.edu/civil-rights-office/documents/2021-2022-reporting-responsibilities-postcard.pdf> (last visited June 25, 2024).

<sup>28</sup> Northwestern Human Resources, *Staff Handbook 3.5* (May 2024), [https://hr.northwestern.edu/documents/nu\\_staff\\_handbook.pdf](https://hr.northwestern.edu/documents/nu_staff_handbook.pdf).

coaches, assistant coaches, and other department staff and resources (including Academic Services, Sports Medicine, Sports Performance, Sports Nutrition, and Equipment). The student-athlete experience survey, which poses open-ended questions and seeks responses according to rating scales, includes prompts for comments on the student-athlete's experience with the Athletics Department; comfort with reporting issues of discrimination, harassment, and hazing; the Athletics Department's commitment to diversity, equity, and inclusion; and areas of improvement for the department. Given the open-ended nature of the survey prompts, student-athletes can (and do) use these surveys to raise concerns regarding inappropriate conduct by student-athletes and Athletics Department staff, as well as allegations of discrimination. However, the surveys are administered once annually and thus are not generally available to student-athletes throughout the year. The completed surveys are reviewed by the sports administrators for each team. Sports administrators are expected to raise concerning issues or trends reported in the surveys to the Deputy Athletics Director for Administration and Policy.

#### 4. CAR Exit Interviews

Exit interviews conducted by CAR faculty members at the end of each sport's respective season provide another avenue for graduating student-athletes and student-athletes who have exhausted their eligibility to raise concerns. Although these interviews are not intended to serve as a formal reporting mechanism, student-athletes provide feedback on head coaches, assistant coaches, and various other staff and resources during their exit interviews. Both staff and student-athletes generally consider these interviews to be a potentially valuable source of feedback but believe they may be of limited utility for reporting misconduct in real time and/or anonymously, given the manner in which they are conducted..

### **III. Observations**

We describe below key observations resulting from our review. Unless otherwise noted, these observations are based on aggregated feedback, rather than the opinions or views of any one individual or group. Feedback from interviews has been anonymized to protect the identities of the individuals with whom we spoke.

Our observations are grouped into four categories: the culture of the Athletics Department; the Athletics Department's relationship with the faculty and University administration; relevant policies and trainings (with a focus on the anti-hazing framework); and reporting mechanisms. These categories represent the key themes that we heard most frequently and that most closely relate to this review's dual focus on the culture of the Athletics Department and the reporting and accountability mechanisms with respect to student-athlete welfare.

#### A. Culture of the Athletics Department

It is of course difficult to describe a single, overarching culture of a department as large and varied as Northwestern's Athletics Department. This is particularly true for a department that is made up of student-athletes and coaches across 19 different sports and

a diverse group of staff members that have wide-ranging areas of focus and experiences within the department.

Generally, there was broad consensus among those with whom we spoke that the culture of Northwestern Athletics is marked by a dual commitment to academic excellence and athletic achievement. Northwestern is one of a small number of universities that competes in a Power Four conference in athletics and also maintains a top-10 academic ranking. In last year's *U.S. News & World Report* rankings, for example, Northwestern ranked ninth among national universities, and was one of just three Power Four schools in the top 10.<sup>29</sup> For years, the University has been a national leader in academic achievement among its student-athletes, something in which both faculty and Athletics Department staff expressed deep pride.<sup>30</sup> And several student-athletes told us that Northwestern's combination of elite academics with Big Ten athletics factored significantly in their enrollment decisions. Members of the coaching staff likewise shared an appreciation for Northwestern's commitment to supporting academic excellence among its student-athletes, which they embrace and emphasize in their recruiting efforts.

A key component of the Athletics Department's culture, and one of particular relevance to our review, is the experience and well-being of student-athletes. For example, many student-athletes attributed their ability to navigate the pressures and challenges they face to the supportive culture of their teams and the broader Athletics Department, as well as the quantity and quality of resources and support systems available to them, including academic advisors, athletic trainers, and psychological services. This reflection was echoed in our conversations with former student-athletes, who largely described their athletic experience as a foundational one that not only supported them during college, but also prepared them for professional success after graduation.

Although by no means unique to Northwestern, student-athletes must balance a rigorous academic program with the demands of Division I competition. Student-athletes must manage significant practice schedules, travel, and high-stakes competition — all while attending classes, completing assignments, and keeping pace with the rigorous exam schedule dictated by the University's quarter system. Balancing these competing priorities can be a year-round challenge for student-athletes, as varsity program participation often requires a significant time commitment in the offseason. The necessary time commitment, which is likely to increase with the upcoming expansion of the Big Ten, often involves sacrifices to a student-athlete's social life and other extracurricular pursuits.

Student-athletes and non-athlete students alike reported that the student-athlete experience at Northwestern is often characterized by a certain degree of insularity. It is not uncommon, for example, for student-athletes to spend most of their time outside of

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<sup>29</sup> *Best National University Rankings*, U.S. News & World Rep., <https://www.usnews.com/best-colleges/rankings/national-universities> (last updated Oct. 27, 2023).

<sup>30</sup> According to the most recently available data, Northwestern student-athletes posted a 98 percent graduation success rate, marking the 19th consecutive year that Northwestern boasted the best rate in the Big Ten Conference. See *Northwestern Continues to Excel in Annual Graduation Success Rates*, Northwestern Athletics (Dec. 7, 2023), <https://nusports.com/news/2023/12/7/general-northwestern-continues-to-excel-in-annual-graduation-success-rates>.

classes with their teammates and fellow student-athletes. This is unsurprising given the schedules of student-athletes, the number of hours devoted to formal team activities, the inherently familial nature of team sports, and the amount of time spent at athletic facilities, including Walter Athletics Center, where many student-athlete resources (such as academic support, physical and mental health professionals, and nutritionists) are located. Indeed, many student-athletes reported that it is easier for them to remain at the athletic facilities even when not practicing or training to maximize their “down time” without having to commute back and forth to the rest of the campus. This insularity, which is almost certainly not unique to Northwestern or even to athletics, can have positive and negative effects: it can lead to a greater sense of community and camaraderie within teams and across the Athletics Department, but it can also mean that cultural or accountability breakdowns are more acutely felt within, and criticized more harshly outside of, the department than they otherwise might be.

One positive feature of the somewhat insular nature of the Northwestern Athletics community is that many student-athletes described their teams as family and shared that they feel supported and valued, even when struggling to perform at their best athletically. Coaches also told us that they work deliberately to avoid creating a team culture that instills a win-at-all-costs mentality. Some of these coaches shared that they had previously worked at schools where that philosophy permeated the culture and contributed to misguided coaching decisions. Having seen the consequences of that culture, coaches told us that their priority is developing each student-athlete into the best version of themselves. And while demanding training and competition schedules require student-athletes to spend much of their time with their teammates, camaraderie among student-athletes generally transcends individual sports. Student-athletes across teams appreciate each other’s commitment to their respective sports, understanding the unique obligations of balancing commitments to athletics and academics.

At the same time, as can be expected in any large organization, the experience of Northwestern student-athletes is not monolithic. A student-athlete’s experience is heavily dependent on their relationships with their coaches and teammates, which vary not only across teams, but among student-athletes within the same team. Those dynamics are influenced by many factors, some of which differ significantly from one team to another, such as team size, number of coaches and support staff, length of playing season, and travel schedules. While most of the feedback we heard from student-athletes regarding their overall experience was positive, some current or former student-athletes did report being unsatisfied with their experience and, in some cases, felt that actions of coaches or administrators were being motivated by considerations other than the well-being of the student-athlete, including a desire to achieve competitive results.

Moreover, although many student-athletes shared an appreciation for the extensive support systems provided for student-athletes, comments from some current and former student-athletes — from both our interviews and as documented in anonymous student-athlete experience surveys — suggested a few potential shortcomings in the support offered to Northwestern’s student-athletes, such as high staff turnover and understaffing for certain roles. Still, the prevailing opinion among student-athletes appeared to be one



of appreciation and gratitude for the opportunities and experiences afforded to them as student-athletes at Northwestern.

The other critical component of the Athletics Department's culture, and specifically the student-athlete experience, is the constellation of Athletics Department staff and the various resources and services offered and overseen by that staff. These staff and resources play a significant role in shaping the culture of the Athletics Department and supporting student-athlete well-being. Overall, our review revealed a strong relationship between student-athletes and the Athletics Department staff with whom they regularly interact.

**Coaches.** The relationship between coaches and their team members stands apart from most others found on campus. As student-athletes go through the recruitment process, the head coach may be one of the most important considerations in their decision to enroll. Notwithstanding the variety of resources within the Athletics Department noted here, student-athletes frequently reported that their team's coaching staff, and, in many cases, their head coaches, serve as their main points of contact and confidants within the Athletics Department. As a result, we observed that a team's coaching staff can play a defining role in shaping the culture of their respective teams. When asked about reporting mechanisms, for example, most student-athletes said they would prefer to raise any issues — at least those that do not concern their coaches — with their coaches first before reporting them to other Athletics Department staff or University resources outside the Athletics Department.

Coaching staff, and head coaches in particular, occupy a highly influential and complex position in the lives of student-athletes, ranging from mentor and motivator to disciplinarian. We found that the quality of the relationship between student-athletes and their respective coaching staff — and, by extension, the experience of student-athletes — is closely related to how student-athletes perceive their coaches' values, approach to leadership, and communication style. While many student-athletes spoke very highly of their coaches and regarded them as essential resources for addressing issues involving the team or their personal lives, we also learned that fractures in these relationships can have — and, in some instances, have in fact had — significant adverse consequences for student-athletes' overall well-being.

In addition to assistant coaches and other support staff, some teams have recruited external consultants to help student-athletes develop certain skills, including through coaching to improve mental performance. These consultants are paid by Northwestern but hired and supervised by the head coaches. Until recently, there was no formal process for Athletics Department approval or oversight of these consultants.<sup>31</sup>

**Academic Services.** Academic advisors and the broader academic services available to student-athletes play an important role in helping student-athletes balance athletic and academic obligations. Academic advisors are available to and often do provide

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<sup>31</sup> The Athletics Department recently introduced a formal approval process for teams hiring external consultants that will allow key stakeholders, including sports administrators, the Sports Medicine and Sports Psychology teams, and executive staff, to vet and monitor such consultants. Given the direct interaction these consultants have with student-athletes, we believe that it is important to maintain a formal approval process that includes appropriate vetting and oversight.

meaningful support to student-athletes as they navigate Northwestern's academic rigors. While student-athletes utilize these services to differing degrees, the overall commentary in our interviews and in student-athlete experience surveys was generally effusive about the advisors and academic services.

There are currently only five academic advisors responsible for providing these services to the nearly 500 student-athletes. Moreover, it appears that, at least in recent years, there has been relatively frequent turnover among academic advisors. All five current academic advisors started within the last three academic years (with three of the five having started within the last two years). Despite these staffing challenges, it appears that academic services remain a pivotal resource for many student-athletes as they navigate and balance their various, and sometimes clashing, obligations.

***Physical Health and Wellness Resources.*** Student-athletes have access to various devoted resources aimed at maintaining their physical and performance health and, based on our review, the staff administering these resources are attentive, caring, and deeply committed to student-athletes' well-being, something that student-athletes recognize and appreciate. Moreover, student-athletes view these staff members as trusted resources and tend to develop close relationships with the physical health and wellness staff with whom they interact.

As with academic services, personnel turnover has generated some challenges, such as by interrupting (or requiring that new staff become educated about) ongoing treatment plans, disrupting existing rapport and trust between the student-athletes and staff (particularly given understandable sensitivities around medical treatment), or leading to miscommunication between staff and coaches.

***Sports Psychology and CAPS.*** Student-athletes expressed appreciation for the mental health services offered by CAPS, which a number of students viewed as important to the overall health and success of student-athletes and their teams. Indeed, we heard multiple reports of student-athletes referring each other to CAPS to address various issues. And because the sports psychology services are located in the Walter Athletics Center, they are easily accessible to student-athletes.

Generally, student-athletes were satisfied with the care they received and view these services positively. Regardless of the quality and availability of these services, student-athletes' willingness to use them is dependent in part on broader attitudes towards them — particularly from coaches and team staff. It appears that there is general openness among student-athletes to utilizing mental health services, though coaches' support for the use of these services was described to us as more variable. While we heard that coaches encourage student-athletes to take advantage of the psychological services, in some instances, student-athletes expressed that their coaches did not fully support their use of mental health services, and in rare instances, even discouraged it.

***Leadership Team.*** Student-athletes reported having limited direct exposure to the Athletics Department Leadership Team. Although the current Leadership Team is still relatively new, several student-athletes did not feel like they had a personal connection

with the present team or knew them particularly well. Some student-athletes also reported that they found it difficult to communicate directly with, or otherwise gain direct access to, the Leadership Team. Many Athletics Department staff members shared that they similarly felt disconnected from the Leadership Team, citing a decrease in the number of “all hands” meetings or direct communications from the Leadership Team to the broader department (rather than through deputy and associate athletics directors), which left them feeling excluded from certain decision-making processes. Individuals with whom we spoke expressed concern that this lack of communication and coordination could impact the level of service provided to student-athletes if not addressed.

B. Athletics Department Relationship with the Faculty and University Administration

A major factor affecting the Athletics Department, and the broader perception of it across the Northwestern community, is the relationship between the department and the University’s faculty and administration. Throughout our review, members of the Northwestern community expressed pride in, and a commitment to, the University’s excellence in both academic and athletic pursuits. Despite this shared commitment, however, there appears to be a growing tension between the Athletics Department and other portions of the University, particularly some members of the faculty. Following the publication of allegations of hazing and bullying in the summer of 2023, certain faculty members reacted publicly, first through the Faculty Letter (an open letter with more than 250 signatories) in July 2023 and then through the Faculty Senate Resolutions passed in August 2023. The letter and resolutions expressed concerns about student-athlete well-being and, more broadly, a perceived lack of institutional transparency into and oversight of the Athletics Department. The tension appears to have been exacerbated by a perception among some faculty that the University’s allocation of resources has unduly prioritized Athletics, a perception based in part on the construction of new athletic facilities, particularly the plan to build a new football stadium. Some faculty questioned whether Northwestern can maintain its commitment to academic excellence for all students while also maintaining a competitive athletics program in the Big Ten in the current collegiate sports landscape.

These concerns do not necessarily reflect a consensus view of the faculty. Throughout our review, we spoke with faculty members who are supportive of the University’s athletics program and its mission, and do not believe that it is the faculty’s role to exercise oversight over Athletics. Nevertheless, we observed a growing tension between certain members of the faculty and the Athletics Department. Our review identified several contributing factors, which we describe below. Notably, these issues generally did not seem to impact the day-to-day experiences of the student-athletes.

1. Transparency and Communication

A common source of frustration expressed by certain faculty members and administrators was a lack of transparency into, and communication with, the Athletics Department. In some cases, this lack of visibility has led those outside of the Athletics Department to view the Athletics Department as intentionally insular, or preferring to solve

issues “in-house” without the input of other University stakeholders. This perceived insularity was amplified last year when many faculty members and administrators felt caught off guard by the allegations of hazing (and related investigation findings) relating to the football team. The Faculty Letter and Faculty Senate Resolutions reflected a desire for increased transparency into, and accountability within, the Athletics Department.

Many Athletics Department staff members felt “villainized” by the Faculty Senate Resolutions. They expressed frustration that the publicized allegations of hazing and bullying appeared to be perceived by faculty as indicative of the Northwestern student-athlete experience, rather than isolated and anomalous, and that the public discourse had unfairly “tainted” the entire Athletics Department.

A common thread among these perspectives is a lack of direct communication between the Athletics Department and the faculty. This divide is, in part, a natural consequence of the Athletics Department being just that: a separate department. However, an unwritten — but strictly adhered to — prohibition on coaches communicating directly with faculty members in almost any capacity likely deepens the divide. This blanket prohibition is not clearly documented and appears instead to be more of a tacitly adopted practice. NCAA rules prohibit student-athletes from receiving any “extra benefit” not expressly authorized by NCAA legislation and not “generally available to the institution’s students . . . determined on a basis unrelated to athletics ability,” but they do not prohibit *all* communications between coaches and faculty.<sup>32</sup> Moreover, the University’s written policies contain a much narrower restriction, prohibiting coaches from making direct contact with faculty regarding academic progress (requiring instead that communications be routed through Athletics’ Office of Academic Services) and from speaking directly with admissions officers.<sup>33</sup> Notably, many of the faculty members with whom we spoke acknowledged a lack of communication with coaches but were not aware of any formal rule prohibiting them from speaking. While many in the Athletics Department and the faculty alike expressed a desire for greater communication, some viewed the prohibition on communication as a good thing. Several members of the Athletics Department staff, including coaches, have noted that the policy protects the integrity — and perception of integrity — of the Athletics Department by making clear that it has no influence over student-athletes’ academic results.

Separate from the informal prohibition on contact between faculty and coaching staff, there is also little direct communication between non-CAR faculty members and Athletics Department staff, and very little “crossing of lines” or casual interaction (such as coaches and Athletics staff attending academic events and faculty attending practices or interacting with teams in group settings). Even Athletics Department academic advisors and faculty do not regularly communicate beyond routine notifications to faculty regarding

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<sup>32</sup> See Josh Lens, *Regulating Contact Between Athletics Staff and Faculty on College Campuses*, 56 U.C. Davis L. Rev. Online 79, 85 (2023).

<sup>33</sup> See, e.g., Northwestern University Office of the President, *President’s Directive on Intercollegiate Athletics* 3 (October 2016), <https://www.northwestern.edu/president/messages-speeches/Presidents%20Directive%20Oct%202016.pdf> (“Coaches, assistant coaches, and other department staff will not deal directly with either of these offices [the Registrar and the Office of Undergraduate Admission] but will transmit materials through the appointed liaisons.”).

class absences, despite this being a seemingly natural point of potential contact between the two groups. This appears to be a relatively recent development. Many students, faculty, and Athletics Department staff recalled fondly the tradition of student-athletes inviting a professor to be a “coach for a day,” or to attend practices or games.<sup>34</sup> Similarly, in past years, the University hosted an annual breakfast for the faculty and all head coaches. We believe the waning of these traditions has contributed to the growing disconnect between Athletics and faculty in recent years.

There is a sense among some Athletics Department staff that faculty members have become more critical of Athletics Department operations since the summer of 2023 and more desirous of a role in overseeing the Athletics Department. Notably, it was during the summer of 2023 when the faculty felt compelled to speak out publicly (such as through the July 2023 Faculty Letter and August 2023 Faculty Senate Resolutions) due to what they identified in those statements as a lack of transparency and accountability within the Athletics Department. It was suggested by some faculty members that efforts at getting information from the Athletics Department are often met with silence and that the faculty has then felt the need to go public to make their voices heard. The Athletics Department and coaches in turn perceive faculty to be criticizing them publicly and from afar, without fully understanding how the Athletics Department operates.

There have been some very recent efforts to address this tension. During the 2023-2024 academic year, for example, an initiative consisting of members of both faculty and Athletics Department staff, and sponsored by the University President and the Provost has met to discuss building bridges between the faculty and Athletics Department.

## 2. *Student-Athlete Travel and Academic Attendance*

The faculty with whom we spoke largely had positive things to say about student-athletes’ approach to academics. A common theme was that student-athletes are often well-prepared, hardworking, and eager to succeed in their classes.

The issue of accommodating student-athlete academic absences has been a consistent source of debate. Some faculty members are more flexible in allowing student-athletes to miss classes or reschedule exams, including by permitting exams to be taken remotely while traveling for athletic events, while others impose more rigid requirements. Less flexible faculty members appear to be driven by the practical reality that missing a large number of classes will make it difficult for the student-athlete to pass a course, particularly in classes that have a meaningful lab or participation component. Northwestern’s quarter system exacerbates this issue, as classes meet fewer times over the course of a quarter than they would over a semester. Some faculty members also believe that a significant number of absences would prevent student-athletes from being a meaningful participant in and reaping the full benefits of the course. Some Athletics Department staff members expressed frustration with faculty who are unwilling to be flexible with student-athletes as they attempt to balance their academic and athletic

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<sup>34</sup> We understand that certain traditions through which faculty and the Athletics Department interacted were paused during the COVID-19 pandemic and never resumed.

commitments. Notably, however, the students-athletes themselves generally reported that faculty made reasonable accommodations and that they had not encountered significant difficulties due to their travel schedules.

The expansion of the Big Ten Conference to include schools from the West Coast will take effect in the fall of 2024, and will increase the frequency and length of travel required of at least some student-athletes, potentially exacerbating these issues. Athletics and academics staff alike have expressed concerns over how this expansion will impact student-athletes' ability to balance their commitment to academics and athletics. The various NCAA FARs of the Big Ten schools are considering how best to plan for the effects of the upcoming expansion.

### 3. *Athletics Department Funding*

Another factor contributing to the tension between certain faculty members and the Athletics Department is a belief that funding is diverted from academic initiatives to support the Athletics Department. Some of this tension is driven by a lack of visibility into how the Athletics Department is funded, including how much of its funding comes from Athletics-specific revenue streams and donations, rather than centrally funded by the University.

The Athletics Department receives funds from the Big Ten, the NCAA, ticket sales, private donations, endowment income, and sponsorships. These funds support all of its day-to-day operations, including salaries and facilities, maintenance, and other expenses. Accordingly, with the exception of University-supported athletic aid (i.e., scholarships for student-athletes), the Athletics Department's operations are funded by its own sources of revenue.

Some faculty members are concerned that major Athletics Department expenditures, even those funded primarily by donations, require the University to secure loans to finalize and maintain the projects, which has at times required the University to prioritize Athletics projects over non-Athletics ones in order to balance its debt. The concern about that prioritization has been brought to the forefront in recent years with the addition of the Ryan Fieldhouse, the Walter Athletics Center, and the beginning of the rebuild of Ryan Field into a state-of-the-art football stadium, most of which required hundreds of millions of dollars in capital contributions.

While athletics-related capital projects are sometimes supported in part by University borrowing, the Athletics Department must service the debt through its own sources of revenue. We have spoken with faculty who both acknowledge and understand the reality of different "buckets" of funding for academics and athletics, but there are some who remain frustrated by the perceived disparities in the amount of funding between the two. Those faculty generally reported a broader disapproval of the University's commitment to athletics, of which funding is just one part.

#### 4. The Committee on Athletics and Recreation (CAR)

CAR brings together members of the Athletics Department, faculty, and administrators with the aim of “assuring that the intercollegiate and recreational sports programs of the University are conducted with high standards of educational and ethical integrity and reflect the values of the University as an educational community.” CAR is not well known across the Northwestern community. As the only cross-departmental body of this kind, however, CAR provides an opportunity to bridge the gap between the Athletics Department and the rest of the University, and some faculty members have expressed disappointment when they perceive CAR as failing to do so. That said, the majority of University officials we have spoken to about the relationship between academics and athletics expressed a desire to bridge that gap and remain optimistic that it could be accomplished. Given the institutional knowledge and expertise held by CAR’s membership, CAR is among the entities that may be well positioned to help achieve that objective. Additionally, CAR faculty members are committed to helping student-athletes succeed and have uniformly expressed a willingness to serve as liaisons between the Athletics Department and academics.

##### *(a) Confusion About CAR’s Mandate*

In our conversations with CAR members, we found them to be highly invested, committed, and interested in the well-being of student-athletes. However, CAR faculty members also reported often feeling left out from decision-making about athletics, given that they generally receive information and updates from the Athletics Department staff only at the committee’s tri-annual meetings.

According to its Charge, CAR is meant to exist primarily in an advisory capacity; our review, however, revealed an inconsistent understanding of the role or purpose of the committee. Specifically, many of the faculty members with whom we spoke who do not sit on CAR believe that faculty should be involved in oversight of the Athletics Department and believe, incorrectly, that CAR — as it stands today — is a means for doing so. Indeed, some faculty thought that CAR responds to allegations of hazing or even plays a role in hiring decisions for coaches. There are a few factors likely driving the misunderstanding of CAR’s role.

First, CAR’s work is not published or otherwise regularly reported outside of the committee. As a result, individuals who do not serve on CAR or regularly attend CAR meetings typically learn about CAR’s work only through informal word of mouth. Most student-athletes with whom we spoke were unfamiliar with CAR, as they only interact with the committee in exit interviews at the end of their time as student-athletes at Northwestern. Unlike analogous committees at some of Northwestern’s peer schools, CAR is not as intertwined with the Athletics Department or Faculty Senate, and very little about the committee’s function or work is publicly available.

Second, there is little communication between CAR and the rest of the faculty, including the Faculty Senate, which likely contributes to misperceptions among faculty about CAR’s mission and role. CAR’s current members are receptive to identifying means

of building a stronger relationship with the Faculty Senate, including via reports from the CAR Chair or the FAR to the Faculty Senate.

Third, because CAR is the only committee of its type within Northwestern, non-CAR faculty view it as the de facto body through which faculty can monitor the Athletics Department. However, at present, CAR only has two discrete responsibilities listed in its Charge: (1) conducting student-athlete exit interviews and (2) approving travel schedules with the intent of minimizing missed class time. The former is discussed in more detail below in Section III.B.4(c), and the latter is currently handled by a sub-committee of CAR consisting of the CAR Chair and the FAR in conjunction with the Assistant Athletics Director for Compliance and Sports Administration, the Associate Athletics Director for Academics, and the Deputy Athletics Director for Administration and Policy.

As noted above, CAR's responsibilities currently include conducting exit interviews of graduating student-athletes and student-athletes who have exhausted their NCAA eligibility, and receiving updates from the Athletics Department at CAR's tri-annual meetings. The updates from the Athletics Department usually cover issues impacting the broader landscape of collegiate athletics, such as NCAA rule changes and NIL discussions, in addition to Northwestern specific statistics such as the student-athlete average grade point average and information on which types of classes student-athletes are enrolled in. These updates can take up a significant portion of CAR meetings, and CAR faculty members, who often are not already familiar with the topics, sometimes feel overwhelmed by the amount of information and are unsure how it relates to CAR's role.

Fourth, several of CAR's responsibilities are also outlined in the President's Directive, as noted above, but it was not clear to us how familiar members of CAR or others in the Athletics Department are with this document. The President's Directive speaks to CAR reviewing recruiting materials, approving travel schedules (and provides some guidance for what is acceptable in a travel schedule), and reviewing the effects that intercollegiate athletics might have on the academic performance of student-athletes. It appears, however, that the President's Directive is not something that the committee (at least its current membership) is using as a guide for its activities.

Several interviewees, including members of CAR and of the Faculty Senate, expressed dissatisfaction with CAR's overall performance and structure. This dissatisfaction illustrates another misconception about the role of CAR, and perhaps the faculty more broadly, in relation to the Athletics Department. CAR is not tasked with oversight of the Athletics Department, nor is the faculty.<sup>35</sup> The poor understanding of CAR's mission and the perception that CAR does not effectively monitor the operations of

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<sup>35</sup> One possible reason for this conception is that the Big Ten Conference Handbook states that university faculties are expected to maintain "full and complete control" over athletics departments, fueling the assumption that CAR is the body responsible for fulfilling that obligation. However, we understand that that language was added to the Big Ten Conference Handbook in the 1920s when the landscape of intercollegiate athletics was far different than it is today. We understand that Big Ten member institutions largely treat this language as vestigial today, and the conference's current Standards for Safeguarding Institutional Governance of Intercollegiate Athletics do not provide for direct oversight of athletics by an institution's faculty.



the Athletics Department have led some to advocate for the committee to be replaced or restructured in significant ways.

(b) *Membership of CAR*

A recurring point of discussion in our conversations with witnesses was how CAR members are selected. According to its current Charge, faculty members are supposed to be selected by the President of the University. This has led to some frustration among faculty members outside of CAR who mentioned that the faculty members chosen may be less representative of the faculty as a whole and more likely to defer to the Athletics Department. In practice, the process for appointing faculty members is somewhat informal and ad hoc. There appears to be broad support for a more standardized process that would give the faculty more input into the selection of their own representatives and potentially encourage broader faculty participation.

Another reason for dissatisfaction with CAR may be the lack of term limits for CAR faculty members, which has had the effect of keeping faculty member turnover down and limiting the number of faculty members who have the opportunity to serve on CAR. For example, of the eight faculty members on the committee during the 2023-2024 academic year, only one is a new member and five have served on CAR for at least five years. A number of universities that make such data publicly available appear to have fixed terms with limits on either the number of terms or the number of consecutive terms. On the other hand, there is value in retaining at least some committee members with institutional knowledge and familiarity with student-athletes and the key issues affecting them.

(c) *Exit Interview Procedures*

CAR's primary activity has been conducting exit interviews of graduating student-athletes and student-athletes who have exhausted their NCAA eligibility. Although the people familiar with this practice generally consider it worthwhile, the process for conducting these interviews is not standardized. CAR has a basic script for exit interviews but there are few guidelines and no training for the members who conduct the interviews. We understand that the FAR and the Athletics Department provide CAR faculty members with suggestions for topics to cover in exit interviews, but the substance and process of the interviews are ultimately at the discretion of the CAR member conducting the interview.

The timing and group nature of the exit interviews have generated mixed reactions. Some believe that group interviews might discourage candor, whereas others believe that it helps to generate a more dynamic discussion. In terms of timing, CAR faculty members who conduct exit interviews often meet with student-athletes for the first time at the end of their tenure as student-athletes. As a result, CAR faculty members sometimes learn information during the exit interviews that is stale or that they wish they had learned earlier. CAR faculty members noted that, to the extent practical, earlier and closer interactions with student-athletes could be valuable, including by providing more insight in their day-to-day lives.

There is general uncertainty, not just among CAR members, about how the feedback gathered during the exit interviews is used by the Athletics Department and whether issues raised during the process have been addressed. CAR interviewers prepare summaries of the exit interviews that anonymize the student-athlete participants that are then shared in the regular CAR meetings, and the results are ultimately shared with the University President. However, there is no formal process for CAR to follow up or otherwise engage with Athletics Department personnel about issues learned in the exit interviews after they are discussed among the committee. There also seems to be a lack of consistency in how the information learned in exit interviews is communicated to coaches. Some coaches reported having received limited or no feedback from these exit interviews.

### C. Relevant Policies and Training

Northwestern University has a comprehensive framework for educating students on the University's policies, the dangers of prohibited practices, the procedures for investigating and resolving violations of relevant University policies, and resources for reporting misconduct and victim support. In addition, the Athletics Department provides student-athletes with continuing education that supplements Northwestern and NCAA requirements for anti-hazing, anti-discrimination, and anti-harassment training. While we reviewed materials across these categories, our review more closely focused on Northwestern's anti-hazing policies and training, both of which have been expanded and enhanced since the summer of 2023.

#### 1. Anti-Hazing Policy

The comprehensiveness of the University's hazing definition, along with the Athletics Department's increased attention to hazing issues in the past year, has generated some confusion about whether certain conduct could be deemed hazing. Although student-athletes and coaches appeared to have a general grasp of what constitutes hazing under Northwestern's anti-hazing policy, there remains some uncertainty at the margins. And, notably, the exact definition of hazing varies across universities, as institutions define these issues in different ways, including as a result of applicable state laws. Student-athletes and coaches understand, for example, that forcing a student-athlete to consume alcohol or imposing physical abuse on a teammate constitutes hazing; however, as the nature of the conduct approaches more traditional norms for physical training and discipline, members of both groups express more uncertainty about what amounts to hazing. Some have questioned whether gray areas of the policy could potentially be exploited and result in an investigation and/or disciplinary measures for conduct that they would not necessarily view as hazing but that might be encompassed by a broad reading of the policy's definition of hazing.

Notwithstanding any confusion about what conduct falls at the outer bounds of the hazing definition, coaches and student-athletes reported that they have taken steps to ensure they are operating well within the bounds of the hazing definition. Student-athletes mentioned that some coaches have implemented or discussed small team policy changes, such as not requiring freshmen to carry ball bags or share bus seats, which student-athletes recognize as responses to the broadening conception of hazing and greater attention being

placed on hazing prevention. These student-athletes do not necessarily disagree with the widening scope of hazing, but some did consider the breadth excessive, sweeping in behavior that was never questioned in the past.

Some coaches also shared that ever-changing norms as to what might be considered hazing has left them feeling somewhat stripped of their ability to enforce team rules. For many coaches, physical activity, such as running laps, has historically been used as a form of discipline for noncompliance with team rules and standards, both in their coaching careers and as former athletes themselves. However, in recent years, the NCAA has provided guidance that physical activity “never should be used for punitive purposes,” as it “abandons sound physiologic principles and elevates risk above any reasonable performance reward.”<sup>36</sup> It is not clear whether that guidance is intended to interpret binding NCAA policy or simply act as a non-binding recommendation to member universities. Regardless, coaches have grown fearful of stepping over the line and are increasingly hesitant to impose any form of discipline, even if not physical in nature; several coaches described a recent hesitancy to prohibit student-athletes from travelling to games or matches or to remove them from the program. Despite wanting to shift their approaches and understand how to better motivate student-athletes, some coaches feel as if they no longer have the power to draw their own lines when it comes to student-athlete behavior without risking incurring disciplinary measures, up to and including their own termination, or risking player defection or transfer.<sup>37</sup>

A few staff members reported that the absence of written rules for teams can contribute to a lack of accountability among student-athletes.<sup>38</sup> Student-athletes shared similar comments, noting that teams suffer when a lack of accountability exists. In some instances, the absence of clear rules has resulted in student-athletes self-governing, such as by instituting and enforcing team rules. Although strong student-athlete leadership can be positive, this sort of dynamic can create power imbalances among student-athletes that the hazing policy tries to eliminate — often while simultaneously creating a gatekeeper to the coach.

## 2. *Anti-Hazing Training Program*

Across the board, student-athletes and Athletics Department staff recognize the importance of anti-hazing, discrimination, and other preventative trainings and resources. While generally comprehensive, the anti-hazing trainings have not consistently

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<sup>36</sup> NCAA & Sports Science Institute, *Interassociation Recommendations: Preventing Catastrophic Injury and Death in Collegiate Athletes* 10 (July 2021), [https://ncaaorg.s3.amazonaws.com/ssi/injury\\_prev/SSI\\_PreventingCatastrophicInjuryBooklet.pdf](https://ncaaorg.s3.amazonaws.com/ssi/injury_prev/SSI_PreventingCatastrophicInjuryBooklet.pdf); NCAA, *2014-15 NCAA Sports Medicine Handbook* 31 (August 2014), <https://www.ncaapublications.com/productdownloads/MD15.pdf> (“Do not use exercise and conditioning activities as punishment.”).

<sup>37</sup> It should also be noted that coaches’ apprehension and uncertainty about disciplining student-athletes occurs in the broader context of the emergence of the transfer portal, which allows student-athletes to easily move between collegiate athletics programs. The possibility that student-athletes who are displeased with a given program can leave — whether that displeasure is warranted or not — may further influence coaches’ willingness to impose discipline.

<sup>38</sup> Some Athletics Department staff indicated that the absence of written rules was deliberate based on guidance related to prior student-athlete unionization efforts.

emphasized the importance of bystander intervention. Following the public allegations of hazing and bullying within some of its athletics programs, the Athletics Department intensified its attention to fostering a safe environment, requiring student-athletes and staff to complete additional anti-hazing trainings during the fall and winter quarters. However, many student-athletes believe the increase in anti-hazing trainings has been redundant and reflects an overcorrection to the allegations of hazing within particular programs. Some student-athletes consider the additional anti-hazing trainings to be unjustified “punishment” for alleged misconduct in which they themselves did not engage.

#### D. Reporting Mechanisms and Sources of Student-Athlete Feedback

The student-athletes we interviewed were generally aware of and comfortable with the available formal reporting mechanisms for hazing, bullying, and/or discrimination. To the extent that they were unfamiliar with specific resources offered by the University and the Athletics Department, they expressed confidence that they would be able to quickly locate that information if they needed it.

Student-athletes generally reported that they would go to the staff member with whom they are most comfortable — or interact with most frequently — when reporting misconduct, although they also said they would first raise issues informally with more senior student-athletes on the team. Student-athletes frequently identified their coaches as the person to whom they were most likely to report misconduct, though trainers and academic advisors were also commonly mentioned. But fractures in these relationships can have significant consequences for students’ well-being, and, unsurprisingly, many student-athletes would not feel comfortable going to their coach about issues involving that coach’s own behavior. Several interviewees speculated that student-athletes may be reluctant to raise issues during the season because they fear retaliation by their coaches, though our review did not reveal this to be a widespread problem. Nonetheless, we acknowledge that some student-athletes will be reluctant to make reports, regardless of the strength of the reporting system in place.

After a student-athlete raises an issue involving hazing or similar misconduct, the process of responding to that issue is not always clear. Based on our interviews and review of the Athletics Department’s reporting processes, we observed a lack of clarity and guidance around the appropriate mechanisms for reporting and addressing hazing and related misconduct within the Athletics Department. This lack of clear guidance, particularly with respect to whether and how a complaint should be escalated after it is raised, paired with the perceived insularity of the department, has generated discomfort within and outside the Athletics Department over the wide discretion provided to Athletics Department staff who receive these reports. It also contributes to what appears to be a growing skepticism that student-athlete reports of hazing or related misconduct will be escalated and addressed appropriately and consistently with similar reports across the University.

## 1. Uncertainty Regarding Confidentiality in Reporting Process

Multiple interviewees commented on certain ambiguities around confidentiality in reporting lines and its potential effect on student-athletes' confidence in bringing issues to certain staff.

Employees across the University are categorized into one of two groups for purposes of reporting: those who are obligated, by virtue of their position, to report issues involving sexual misconduct, discrimination, or harassment based on a protected class ("mandatory reporters"), and those who have confidentiality obligations that prevent them from disclosing such incidents except in very limited instances ("confidential resources"). Confidential resources, as opposed to mandatory reporters, will not disclose incidents of sexual misconduct or issues related to discrimination and harassment to anyone, including law enforcement and University offices, except in limited situations, such as when failure to disclose the information would result in imminent danger or where disclosure is legally required.<sup>39</sup> Absent the student-athlete's consent, the expectation is that information provided to a confidential resource is not shared with anyone else. Confidential resources include the Center for Awareness, Response, and Education (CARE), CAPS, Religious and Spiritual Life, and Sports Medicine. All other employees — whether within the Athletics Department or not — are considered mandatory reporters.

Many staff members expressed uncertainty about how confidentiality obligations operate for confidential resources. Members of the Sports Medicine and Sports Psychology teams shared that they had recently formed a working group focused on clarifying when they could escalate recurring or systemic issues in an anonymized way without violating their obligations as confidential resources. This effort is intended to allow these staff members to raise systemic issues that warrant attention and resolution while maintaining the trust of student-athletes and upholding their duty of confidentiality. These staff members told us that they are considering what could be done if, for example, they heard multiple reports from different sources about a particular team or individual. Similarly, interviewees noted that it was unclear how, if at all, a confidential resource's obligations would change if they learned about information in circumstances that would not otherwise implicate their duties of confidentiality, such as an overheard discussion on a bus ride.

We did not hear similar concerns regarding the identification and obligations of confidential resources among student-athletes, though we did observe in some instances what appeared to be a lack of familiarity with the reporting obligations of staff members among student-athletes. Nonetheless, student-athletes generally indicated that any uncertainty about confidentiality would not materially affect their decision about if and when to report an issue.

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<sup>39</sup> Northwestern Office of Equity, *Reporting Responsibilities*, <https://www.northwestern.edu/sexual-misconduct/docs/ReportingResponsibilitiesPostcard.pdf> (last visited June 25, 2024); *Report an Incident*, Northwestern Office of Civil Rights and Title IX Compliance, <https://www.northwestern.edu/civil-rights-office/resources/report-an-incident/> (last visited June 25, 2024).

## 2. Lack of Clear Guidance on Escalating Grievances

As described above, student-athletes can raise their concerns to any Northwestern employee, as well as through CAR exit interviews, filing a report online, or providing feedback using the annual student-athlete experience survey. What follows after that initial reporting depends on the method that is utilized. Reports filed online or with reporting offices outside the Athletics Department are reviewed according to guidelines established by the relevant University office. Depending on the nature of the report, however, reports made directly to Athletics Department personnel or raised in the student-athlete experience surveys may not be escalated beyond the department.

Within the Athletics Department, the recipient of a report first determines whether it is required to be escalated to OCR. If a complaint is not deemed as such, the recipient is expected to escalate the concern to the relevant deputy athletics director or to the Associate Athletics Director for Human Resources. What happens after a student-athlete reports an issue may, however, depend on the recipient of that report, as there does not appear to be a consistent understanding of this process among all Athletics Department staff.

In particular, we found that the Athletics Department's process, which is not expressly memorialized in a publication available for distribution to student-athletes or department staff, lacks clarity regarding whether and how to escalate reports that are not required to be reported to OCR (i.e., reports that do not involve sexual misconduct, discrimination, or harassment of protected classes). For instance, while the Staff Handbook requires staff to report all violations of the University's hazing policy to the Dean of Students, OCS, or online, Athletics Department staff are expected to raise any conduct that is not required to be reported to OCR to Athletics Department leadership in the first instance. The absence of clear guidance risks inconsistent handling of complaints depending on the recipient of the report, and in some instances, an issue not being appropriately escalated can be based on a staff member's incomplete understanding of the process. Furthermore, it risks exacerbating a perception we heard from several interviewees about concerns not being properly escalated.

Sports administrators are the initial point of contact for all issues related to their respective sports program and are expected to be proactive in resolving concerns student-athletes raise about their respective team. We found that the determination of whether a student-athlete would consider raising an issue to a sports administrator varies from team to team. While some teams had strong relationships and noted that the sports administrator was very present, others did not. Indeed, several student-athletes with whom we spoke did not know the identity of their team's sports administrator.

While there are several avenues by which a report could reach a sports administrator, there may be inconsistencies with how those issues are addressed. We found that sports administrators exercise considerable discretion in how they handle issues brought to their attention, in part because there is no policy requiring documentation of those issues or how they were addressed. The absence of specific guidance extends to sports administrators' obligations with respect to student-athlete experience surveys. Although sports administrators are expected to aggregate and share their review of survey

responses with coaches, many coaches indicated that they do not receive any such survey results. With the exception of CAR, the sports administrator may be the only person to review the student-athlete experience surveys for their assigned sports. As a practical matter, therefore, the sports administrator determines how to act upon information learned through the surveys, including whether to escalate any issues identified.

Differences in how these staff members exercise their broad discretion has contributed to some stakeholders — both within and outside of the Athletics Department — questioning whether the Athletics Department is appropriately escalating potential misconduct in all instances. While we learned about certain serious issues reported in response to these surveys that were escalated to appropriate offices, there appears to be no standardized process for doing so. As a result, it is not always clear what type of response warrants that elevation or whether it is happening consistently across the Athletics Department.

### 3. *Lack of Visibility and Follow-Up After Issues Are Raised*

Student-athletes and Athletics Department staff both expressed frustration that they lacked visibility into the process for investigating and/or resolving issues they raised. One reason for this perceived lack of visibility appears to be that the Athletics Department does not have standardized procedures for following up with individuals who raise an issue — or even acknowledging receipt of a report in some instances. As a result, some student-athletes and staff expressed skepticism about whether complaints or issues are taken seriously or addressed. Others expressed concern over whether there were sufficient procedures in place to weed out meritless complaints.

Staff and student-athletes identified situations in which people did not receive any response to their complaint and therefore concluded that no action would be taken, even where the Athletics Department or other University departments were actively working to investigate or resolve their complaint. While at times necessary to protect privacy interests, this opacity has led some student-athletes and staff to believe that issues will go unaddressed and could ultimately discourage them from reporting issues in the first instance.

The perception that issues raised within the Athletics Department may not be addressed extends to the student-athlete experience surveys. Several student-athletes expressed doubt about the degree to which survey responses are considered, leading them to question the surveys' utility, which, in turn, may reduce the likelihood that serious issues will be raised in response to them. However, a practical limitation of these surveys is that they do not provide a way for the department to follow up, even anonymously, with the student-athlete who submitted the response.

The Athletics Department is currently considering implementing an anonymous real-time reporting system for student-athletes in an effort to address this limitation of anonymous reports. If adopted, such a system would allow student-athletes to report concerns anonymously while also allowing the Athletics Department to follow up with, and ask questions of, the complainant. Some members of the Northwestern community

with whom we spoke expressed concern that an anonymous real-time reporting resource will encourage a disproportionate investigation of and/or disciplinary response to anonymous student-athlete reports of conduct that do not rise to the level of a University policy violation. However, as discussed above, student-athletes can already raise concerns anonymously in real time — including through EthicsPoint — and our review has not revealed a pattern of these resources being exploited to raise unfounded complaints, or of the University taking disproportionate responsive action.

#### **IV. Recommendations**

Northwestern's student-athletes by and large appear to highly value their experience in the Athletics Department and appreciate the resources, support, and opportunities provided by the University and Athletics Department. In general, we observed a commitment by Northwestern coaches and Athletics Department staff to create and maintain a positive student-athlete experience. The following recommendations stem from the observations described in this report and, in particular, areas where we identified potential opportunities for improvement.

##### **A. Recommendation Related to the Relationship Between the Faculty and the Athletics Department**

**Recommendation 1.** Memorialize in Writing University Guidance Regarding Communications Between Faculty/Academics Staff and Coaching Staff.

We recommend the University develop formal guidance addressing appropriate communication between faculty and coaches. That guidance should delineate precisely which types of communications are prohibited by NCAA policy, and which are permitted. In formulating this guidance, the University should consider whether the existing broad prohibition on communications between faculty and coaches, real or perceived, is necessary to achieve the purpose of preventing undue influence on student-athletes' academic results. The guidance should remain in line with NCAA rules by prohibiting improper communications between coaches and faculty or admissions relating to a student-athlete's (or prospective student-athlete's) admissions qualifications or academic performance. However, the University should consider expressly permitting, and indeed encouraging, more casual communication and connection between coaches and faculty on appropriate topics. Importantly, the University should ensure that coaches, faculty, and administrators are aware of the updated guidance.

##### **B. Recommendations Related to the Mandate and Operations of CAR**

As one of the main links between the faculty and the Athletics Department, CAR is well situated to help improve the relationship between the Athletics Department and the faculty. CAR also provides an additional opportunity for University personnel outside of the Athletics Department to stay informed about the student-athlete experience, particularly with respect to academics. Our recommendations are intended to enhance CAR's ability to achieve these objectives.



**Recommendation 2.** Establish a Clear Mandate for CAR.

As detailed above, there is confusion and uncertainty about CAR's role and responsibilities. Accordingly, we recommend that Northwestern revise CAR's Charge to clarify the committee's role and responsibilities, informed by a clearer understanding of its role in ensuring a healthy athletics program and providing feedback on the student-athlete academic experience.<sup>40</sup> We suggest below potential ways in which CAR's role could be expanded to address the issues outlined in this report.

- In light of its ability to solicit perspectives from both faculty members and the Athletics Department, CAR should serve as a bridge between those two groups. This role could involve liaising with the Athletics Department on behalf of the faculty with respect to issues raised by the faculty, including the impact of travel schedules on student-athletes' academic experience, and educating the broader faculty about changes to the college athletics landscape and their impact on student-athletes.
- CAR should work with the Athletics Department to ensure issues identified through CAR's interactions with student-athletes are appropriately addressed.<sup>41</sup>
- CAR faculty members should consider ways in which they can engage with student-athletes earlier in the student-athletes' tenure to build deeper relationships, identify potential issues in a timely manner, and more generally gain a better understanding of the student-athlete experience.
- CAR should likewise consider ways in which it can facilitate the flow of information to the faculty regarding the operations of the Athletics Department, including the extent to which the Athletics Department can provide greater transparency into sources of funding and other financial data.

These suggestions are intended as broad proposals for further consideration and refinement. We recognize that there may be practical constraints that limit CAR's ability to assume expanded responsibilities, including that CAR faculty members serve on the committee voluntarily in addition to their full-time academic commitments and receive no additional compensation for their service. Accordingly, we recommend that Northwestern consider the role the FAR can play in facilitating some of these goals.

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<sup>40</sup> If the University updates the CAR Charge, it should consider whether ancillary documents — such as the President's Directive — will need to be amended to reflect the committee's clarified role and responsibilities.

<sup>41</sup> The manner in which CAR should consider escalating and reporting on concerns it identifies is discussed in more detail in Recommendation 6, below.

**Recommendation 3.** Publicize CAR’s Mandate and Role.

We recommend that the University consider ways in which it can make information about CAR more accessible. Transparency into the committee’s role and responsibilities will help ensure that all stakeholders have a shared understanding of CAR’s mandate and objective and may also encourage others to serve on the committee.

We recommend that Northwestern make readily available online:

- a short description of CAR and its role;
- the Charge;
- how frequently CAR is required to meet;
- selection criteria and — if implemented — term information for CAR members;
- a list of CAR’s membership; and
- contact information for the committee, preferably through a dedicated Northwestern email address.

We also recommend that the Charge and other relevant information about CAR be distributed to faculty members and Athletics Department staff. This information could be incorporated into an existing communication, such as in an information sheet concerning the faculty committees. This outreach should include contact information and encouragement to reach out to the committee, the FAR, and/or a designated member of CAR with any questions or concerns relating to issues that touch on the relationship between the faculty and the Athletics Department or the student-athlete experience in general.

**Recommendation 4.** Modify the Terms and the Selection Process for CAR’s Faculty Membership.

We encountered confusion and, at times, misconceptions about the selection process and term lengths of faculty CAR members. We recommend that the University clarify and make more transparent its CAR faculty member selection process and term information. As part of that effort, we recommend that the University consider ways in which faculty members — through the Faculty Senate or otherwise — can provide input on the faculty members who are chosen to represent them on the committee. Involving faculty in the selection process should inspire more confidence in the committee among faculty. While we do not recommend a specific structure, we identify a range of options for consideration:

- Nominations for a designated number of representatives on CAR made by the Faculty Senate with approval from the University President.

- Application process for faculty members conducted by the Faculty Senate with approval from the University President.
- Nominations made by individual academic departments to ensure a variety of academic backgrounds, with approval from the Faculty Senate, the University President, or both.
- The creation of a Faculty Senate representative within CAR's membership who would be responsible for liaising between the two organizations.

We further recommend that CAR consider establishing rotating terms with term limits for faculty members.<sup>42</sup> Term limits could help ensure that new faculty perspectives cycle through the committee on a regular basis, while at the same time increasing the number of faculty members who have direct exposure to student-athletes and the Athletics Department. As it considers whether to institute term limits, the University should also determine whether there is sufficient interest among the faculty in serving on a committee like CAR to fill rotating faculty member positions on an ongoing basis. Depending on faculty interest, the University may also consider longer or more flexible term limits, or ways in which it could more effectively recruit new faculty members to join CAR. One potential way of accomplishing the latter is by increasing awareness of CAR's work on campus and among the faculty, as recommended in Recommendation 3 above.

**Recommendation 5.** Standardize the Student-Athlete Exit Interview Program.

Student-athlete exit interviews can be a valuable source of feedback concerning key issues impacting student-athletes during their time at Northwestern. The current process, however, lacks consistency with respect to the questions asked, the form in which interviews are memorialized, and how the information is used. To that end, we recommend that CAR establish an exit interview program that provides more specific, standardized guidance to interviewers on how to conduct and memorialize exit interviews. This guidance should also outline the interviewer's obligations to provide aggregated, anonymous feedback to the Athletics Department. As CAR exists today, it is well-positioned to conduct these interviews, but given the resources required, the University may wish to consider whether these interviews should be conducted by or in conjunction with representatives of a different group.

Below are some elements we believe should be considered when revising the program:

- Guidance on conducting exit interviews, including how interviewers should record their notes, how they should provide feedback to the Athletics Department, and what types of student-athlete responses may require further reporting to OCR or other University resources.

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<sup>42</sup> The FAR should not be considered to occupy a faculty member seat for the purposes of term limits.

- A standardized interview form that provides a basic, foundational set of questions to be asked in exit interviews. Such a form could include specific questions or a high-level list of key topics on which interviewers should solicit student-athlete feedback.<sup>43</sup>
- Training for the interviewers conducting the exit interviews.
- A “playbook” that summarizes key information about each sports program, including the size of the team, background on the coaching staff, recent team performance, and information about common themes and issues that have emerged through interviews in previous years (if any).

**Recommendation 6.** Establish a New Student-Athlete Feedback Program.

Individuals across constituencies expressed a desire for more, and earlier, opportunities to solicit feedback from student-athletes. We recommend that the University consider developing a program in which CAR faculty members, or another appropriate body, speak with student-athletes who are in various stages of their time at Northwestern. Such a program would naturally complement the student-athlete exit interview program and allow the Athletics Department to receive feedback from student-athletes before the end of their tenure.

Such a program could take the form of interviews, to be administered consistently with the remodeled exit interview program described in Recommendation 5 above, or it could consist of informal meals or meetings between CAR members and student-athletes.

C. Recommendations Related to Reporting and Accountability Systems

Northwestern provides multiple ways for student-athletes to voice concerns or report potential misconduct, including by using any of the online reporting forms available on the University’s website (which is easily accessible through QR codes that have been placed in many campus buildings), speaking with a member of Athletics Department staff, or raising the issue in the annual student-athlete experience surveys or exit interviews. Our recommendations below are intended to complement and enhance those resources.

**Recommendation 7.** Develop a Resource Guide That Outlines the Reporting Process Within the Athletics Department.

To improve awareness of the available reporting resources, we recommend that the Athletics Department—in collaboration with the proper stakeholders across the University—develop and publish a concise resource guide on the Athletics Department’s process for reporting and responding to potential incidents of hazing and other misconduct

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<sup>43</sup> We note that, as part of our review, we were given a document titled “Student-Athlete In-Person Exit Interview Best Practices,” which is dated from 2014, as well as a note from the CAR Chair in 2023 that provided Senior Exit Interview Guidelines. These documents could reasonably represent a strong starting point in drafting a standard interview form.

within the Athletics Department. This guide can serve as a “one-stop shop” that consolidates, clarifies, and expands on current information about the Athletics Department’s internal reporting process consistent with University requirements. Having a single resource outlining the Athletics Department’s reporting process can help prevent miscommunications and misunderstandings, empower student-athletes with the knowledge of what to do if they encounter an issue, and foster trust in the reporting system.

In formulating this guide, the Athletics Department should consider the findings of this review, refer to examples of similar guides at other universities, and speak with student-athletes, Athletics Department staff, and others who could occupy a position in the reporting chain. This guide should be distributed at the start of each academic year (or the start of a team’s summer training season, if applicable) and convey key information on the reporting process and other available resources. A summary of this guide — along with a QR code link to the full resource — may be displayed in locker rooms and Athletics facilities throughout the year.

This resource guide should include, at a minimum, information about where and how student-athletes can file a report and what happens after the report is made, including information on how complaints are escalated and remediated if necessary. While student-athletes should not be discouraged or foreclosed from reporting to individuals with whom they feel most comfortable, the guide should provide information on all University resources available to student-athletes, including EthicsPoint and NUhelp. The Athletics Department should consider what other relevant information to include in this resource guide, such as clarifying which staff members are mandatory reporters and which resources maintain complainant confidentiality.

Although it is important that student-athletes have access to this information, it is ultimately the Athletics Department staff—those who must actually act on any information shared with them — who must fully understand the reporting processes and their individual obligations. Accordingly, the Athletics Department should consider creating a supplement to this guide for Athletics Department staff. The staff supplement should provide additional information to ensure that staff members are able to fulfill their reporting obligations and are better equipped to assist student-athletes in navigating the reporting process. This supplement should:

- include clear guidelines for handling reports that are required to be escalated to University offices and those that are not, including information on how to respond to various concerns raised by student-athletes;
- clarify the reporting lines within the Athletics Department for those reports that are not required to be escalated to University offices, including information on how to escalate issues that have been raised by student-athletes or any staff member, with whom to raise those issues, and how to ensure that all decisions are appropriately documented; and

- outline the reporting responsibilities of mandatory reporters and confidential resources and provide specific individuals and/or resources for Athletics Department staff to consult if they have questions about how to address a particular matter.<sup>44</sup>

In developing these materials, the Athletics Department should consider whether the capabilities and capacity of its current staff necessitate additional resources or positions, including the new position outlined below in Recommendation 12, if adopted.

**Recommendation 8.** Foster Greater Responsiveness and Accountability Related to Reports.

The perception that issues reported to the Athletics Department may go unaddressed suggests a need for greater transparency into, and standardization of, the department's internal reporting processes. The Athletics Department should consider providing formal acknowledgment of a report and, where appropriate, updates on the status of the report, including closure and remedial steps, if any.

The existing anonymous reporting channels discussed earlier, such as EthicsPoint and student-athlete experience surveys, are critical resources for allowing student-athletes to raise issues that they are not otherwise comfortable sharing. Student-athletes who take advantage of these confidential resources, however, are at a particular risk of feeling that their complaints are not being addressed because they have not established a point of contact for their complaint or the timing of when an anonymous student-athlete experience survey is administered. Consistent with its confidentiality obligations, the Athletics Department should consider documenting the steps taken to investigate and address reports of misconduct. There should be a written record of staff determinations at each reporting level, including information on when reports are received and the basis for decisions to investigate and/or escalate them or not.

To address these challenges, we recommend that the Athletics Department supplement its current anonymous reporting channels with a technological solution that would allow students to report hazing, raise other concerns, and ask questions about the reporting process in a de-identified manner and communicate in real time with a trained designated administrator. Adopting this solution would also provide meaningful administrative benefits, such as standardizing the collection and documentation of intake and follow-up communications. We note that we have heard some concerns that such a system could result in unfounded reports leading to unfair personnel consequences. Importantly, the standard for determining whether complaints merit further action or investigation, and due process afforded to the subjects of those complaints, should not depart in any way from those applied to complaints raised through existing channels.

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<sup>44</sup> As noted above, a working group was recently formed with the aim of finding a mechanism to ensure recurring or systemic issues of concern that are brought to the attention of confidential resources are addressed without violating confidentiality obligations or otherwise breaking the trust of student-athletes. We believe that this work is valuable in identifying systemic issues and any recommendations identified by this working group should be incorporated into the staff supplement to the resource guide.

For reports not required to be escalated to University offices, the Athletics Department should consider how best to facilitate ongoing dialogue between a designated member of Athletics administration and the reporting student-athlete or staff member. Once the designated administrator receives a report, they should contact the reporter to propose a follow-up meeting. This follow-up meeting, if agreed to by the reporter, might address any missing details in the reporter's complaint; next steps in the reporting and investigatory process, including a target date for the conclusion of the process; possible interest in mediation efforts between the reporter and the subject(s) of the complaint, if appropriate; and follow-up discussions to check in about development of the issue and the status of any investigation or remedial action. The Mediation, Conflict Resolution, and Restorative Practices Initiative, which provides mediation services to the Northwestern community, could assist with such an approach.

At present, all staff within the Athletics Department are mandatory reporters (with the exception of confidential resources) and are thus required to escalate conduct involving sexual misconduct, discrimination, or harassment of protected classes to OCR, and to report violations of the University's hazing policy to the Dean of Students Office, OCS, or online. In the interest of increasing transparency and accountability, the Athletics Department should clarify with staff those mandatory reporting obligations and also consider creating a formal channel for sharing issues not otherwise required to be escalated with a designated University office, such as the Dean of Students, Student Affairs, or OCS, on a regular basis. This line of communication could guard against any tendency — real or perceived — to keep issues “in-house” and provide a natural way for the Athletics Department to leverage the expertise of other University offices. Furthermore, if Illinois House Bill 4253 is passed, the University and Athletics Department will need to collaborate to satisfy the law's public reporting requirements.

**Recommendation 9.** Standardize Information on and Obligations of Sports Administrators.

Team sports administrators have broad discretion when determining whether and how to investigate and/or formally report issues that do not involve sexual misconduct, discrimination, or harassment of protected classes, and many choose to address it within the team or department. Given the important role they serve in the reporting process, the sports administrators' responsibilities and obligations should be clearly specified. The University should consider how sports administrators respond to issues, including when it is necessary to involve others in the department or University. Considerations for developing such guidance include:

- Providing sports administrators with clear guidelines for investigating and reporting misconduct brought to their attention (including by student-athletes, coaches, and other Athletics staff members or through CAR student-athlete exit interviews and student-athlete experience surveys).
- Including information on the types of incidents that should be escalated, especially those that do not fall within established

reporting requirements, like sexual misconduct and discrimination, and how that escalation should occur.

- Clarifying sports administrators' responsibility to document their decisions — and the rationale behind them — in writing, including when they have determined that further escalation is not required.
- Given the variety of sensitive issues that can come to the attention of sports administrators through the current reporting structure, suggesting additional training to ensure that they are equipped to address certain issues — e.g., mental health concerns, eating disorders, or diversity and inclusion.
- Ensuring that student-athletes are familiar with their team's sports administrator and the administrator's role.
- Encouraging sports administrators to engage with student-athletes on their assigned teams on a regular basis.
- Encouraging sports administrators to meet regularly among themselves to share experiences and discuss common issues, ideas, and approaches.

Alternatively, Northwestern can consider hiring professional, full-time sports administrators rather than having deputy and associate athletics directors filling the role in addition to their other responsibilities. While Northwestern's practice of having dual-role sports administrators is not uncommon, employing a single-purpose sports administrator is an established alternative.

**Recommendation 10.** Coordinate, Integrate, and Streamline Bodies and Resources Focused on Addressing Hazing Issues Across the University.

Recent, ongoing efforts within Northwestern to ensure the well-being of student-athletes have included the formation of new groups (including informal working groups and formal committees) as well as the addition of new resources. Coordination among these groups is important to maximize their effectiveness, reduce unnecessary redundancy, and develop solutions with broad support. Conversely, if these groups have overlapping or unclear mandates or operate in information silos, inconsistent or contradictory messaging may exacerbate any existing lack of clarity surrounding the University's reporting and accountability systems. Accordingly, it is important that these various efforts be coordinated, integrated, and streamlined.

The University should take inventory of these different initiatives and ensure that the mandate and responsibilities of each is clear and distinct. The University could consider appointing an individual or single office — such as the University Ombudsperson, University Compliance, or the Division of Student Affairs — to coordinate these efforts and act as a liaison among the various groups.



In evaluating and implementing the recommendations laid out in this report, consideration should be given to incorporating input from these groups where appropriate. The Athletics Department should also consider whether any of these new groups can play a continuing role in the reporting and accountability processes. For instance, the Mediation, Conflict Resolution, and Restorative Practices Initiative may be integrated into the grievance process.

**Recommendation 11.** Enhance Hazing Prevention Training.

We recommend the Athletics Department and the University work with relevant constituencies to determine if the University's anti-hazing trainings can be strengthened, including by ensuring that all trainings remain aligned with accepted best practices and considering if additional trainings might enhance the University's anti-hazing framework. For example, some people expressed an interest in more interactive and scenario-based anti-hazing trainings, while others thought a greater emphasis on bystander intervention would be valuable. Accordingly, we recommend that the Athletics Department consider ways in which it can incorporate more bystander intervention, interactive, and scenario-based trainings into its existing anti-hazing training program.<sup>45</sup>

**Recommendation 12.** Create a New Position Within the Athletics Department Focused on Student-Athlete Experience and Reporting Mechanisms.

We are mindful of the time and resources needed to implement many of these recommendations, and that such implementation will be an ongoing process. We propose that the Athletics Department consider creating a new role to supplement existing resources. If the Athletics Department creates such a position, it should clearly articulate this position's responsibilities, particularly as they relate to its role in the reporting process. By way of example, the position's responsibilities could include:

- Working with relevant stakeholders to enhance the Athletics Department's anti-hazing efforts, including the continuous development of hazing policies and anti-hazing trainings for student-athletes, coaches, and staff. This includes collaborating with those responsible for Northwestern's university-wide hazing prevention efforts.
- Standardizing sports administrators' obligations in the reporting process and establishing a sports administrators' training program.
- Coordinating with CAR, or another body responsible for conducting exit interviews, to analyze student-athlete interview feedback,

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<sup>45</sup> We also understand that pending legislation in the Illinois Legislature, House Bill 4253, could alter requirements related to anti-hazing education, including potential changes to who must receive training and when they must do so. The University should consider this pending legislation when crafting any educational programs.

including identifying and remedying patterns of questionable behavior or issues detrimental to the student-athlete experience.

- Overseeing the Athletics Department's reporting channels. Among other things, this could entail providing student-athletes a reporting resource guide, maintaining a centralized record of reported issues, and ensuring that Athletics staff members clearly understand their reporting responsibilities.
- Creating and monitoring a mechanism by which all formal reports are acknowledged in a timely fashion.
- Coordinating follow-up conversations, status updates, and mediation sessions (where requested and appropriate) for individuals who have filed a report.
- Coordinating the student-athlete experience survey, including ensuring that all responses are reviewed, compiled, and addressed, as appropriate. This includes ensuring coaches are regularly provided a summary of their team's reviews in an anonymized fashion.
- Working with coaches to collect regular feedback from student-athletes about their experience.

If the Athletics Department decides to create this role, we recommend that it have a direct reporting line to the Athletics Director available for raising serious concerns, and have the autonomy that is needed to handle sensitive complaints. We also recommend that this role have an indirect reporting line to the OCR to further bolster its independence.

We recognize that budgetary or operational restraints may make such a role impractical. In that case, the Athletics Department should ensure that staff members to whom it assigns these responsibilities have the guidance and support needed and that their progress is monitored.