

The University of North Carolina at Chapel Hill
Faculty Athletics Committee
Minutes of Meeting: December 10, 2015

Present: **Committee Members:** Lissa Broome, Bev Foster, Carol Folt, Daryhl Johnson, Josefa Lindquist, Andy Perrin, Joy Renner, John Stephens, Deborah Stroman

Liaison from the Student-Athlete Advisory Council: Lexi Cappalli

Advisors: Michelle Brown (Director, ASPSA), Bubba Cunningham (Athletics), Vince Ille (Athletics)

Guests: Abigail Panter (Senior Associate Dean for Undergraduate Education, College of Arts & Sciences), Mc VanGraafeiland (Media Relations), Anne Whisnant (Office of Faculty Governance)

I. Preliminary Matters

Committee members and guests introduced themselves.

The minutes of the November meeting were approved. John Stephens will follow up with Ezra Baeli-Wong about a statement in the minutes indicating that one of the student-athletes noted “that a few coaches institute measures that are seen by students as punitive if they miss practice to attend a class.” He will report back at the next FAC meeting on his follow-up on this point.

II. FAC Open Forum and Communications with FAC

The committee discussed whether to hold another campus open forum in the spring semester or whether the new FAC subgroup that will be convening campus conversations would be enough. After discussion, the committee decided that it was important to continue to hold these sessions at least one time each semester because other things might come up that should be heard but that might not be suited to the campus-wide conversations contemplated by the subgroup. The committee agreed on Wednesday, March 2 from 11-1 as the next FAC Open Forum and agreed that it should work to advertise the Forum better than the fall forum on November 18 which only attracted two faculty members.

The committee also discussed other ways for faculty to bring up issues to FAC. One suggestion was to devise a form for the FAC web presence on the Faculty Governance website. Another idea was to create an email alias, FAC@unc.edu, which the former FAC Chair used. Lissa Broome also noted that she has an email alias, FAR@unc.edu. Faculty often also email FAC members, the FAC Chair, or the FAR with questions or concerns.

III. Academic Process Review Group

The Student-Athlete Academic Initiative Working Group's website, apsa.unc.edu, is up and running. The Working Group has morphed into the Process Review Group (PRG) with most of the same administrative positions represented, but with new faculty representatives, one student member appointed by student government, and two student-athlete members. The new group includes:

Jim Dean, Provost
Bubba Cunningham, Athletic Director
Vince Ille, Senior Associate Athletic Director
Michelle Brown, Assistant Provost and Director, ASPSA
Lissa Broome, FAR and faculty, School of Law
Steve Farmer, Vice Provost for Enrollment and Undergraduate Admissions
Debbi Clarke, Consultant to the Provost
Spencer Barnes, faculty, School of Journalism (new member)
Rudi Colloredo-Mansfeld, faculty, Anthropology (new member)
Amy Herring, faculty, Biostatistics (new member)
Harry Edwards, student government (new member)
Nick Weiler, student-athlete football (new member)
Kendra Douglas, student-athlete track & field (new member)

Professor Joy Renner asked that FAC members be ready at FAC's January meeting to discuss issues they would like the PRG to consider that are related to the FAC members' topic areas. The PRG will be focusing during the spring semester on Processes 1-5 (Recruiting, Admissions, Financial Aid, Orientation & Summer Bridge, and Enrollment & Advising), so those processes are of particular interest.

IV. Subgroup for Campus Conversations

FAC Vice-Chair Kim Strom-Gottfried will lead the FAC subgroup that will be organizing campus conversations related to athletics issues. There will be a minimum of two members of the subgroup from FAC. Kim will be one of the members and Professor Renner asked other FAC members to express their interest. Daryhl Johnson, Layna Mosley, and Deb Stroman all indicated their interest in this subgroup. Other members of the group will be appointed by people outside of FAC and those appointments have yet to be made. Professor Strom-Gottfried anticipates that the subgroup will hold at least one public event in the spring of 2016. FAC members suggested that the subgroup consider one of the following topics for the first event:

- Paying student-athletes
- Financing athletics (including expenditures on facilities and coaching salaries)
- How student-athletes are treated and how their treatment differs from non-student-athletes
- Hardships on student athletes (including the burdens of training and effects on academics)
- The student-athlete experience

V. Discussion with the Faculty Athletics Representative

Professor Lissa Broome referred to her written report (attached) which details some of the items discussed at the ACC's December legislative meeting to prepare for the January NCAA Annual Convention. Professor Broome noted that this was the first time that some ACC SAAC student-athletes attended this meeting and that Rayna Yvars from our track & field team was one of the students in attendance.

The legislative proposal regarding academic misconduct was discussed at the ACC meeting. It will be accompanied soon by a Question and Answer document that will have a similar effect to an interpretation of adopted legislation.

The student-athlete handbook has been revised and is posted online, http://www.goheels.com/ViewArticle.dbml?&SPID=108097&DB_OEM_ID=3350&ATCLID=210471589&SITE=UNC&DB_OEM_ID=3350. FAC discussed the process by which student-athletes are notified of any changes in policies reported in the handbook. There are a number of ways policies and any changes to policies are communicated to student-athletes. These include: notification by email, team meetings, all-athlete meetings at the beginning of the academic year, and communication by coaches. Lexi Cappalli says she feels informed. Professor Deb Stroman said she has heard from some members of the football team that they sometimes do not feel informed. There are frequent football team meetings.

Professor Broome asked for suggestions on a survey template for other ACC FARs for information about their University's Faculty Athletics Committee. She made notes on the feedback and will update the template and distribute it to the ACC FARs.

VI. Fall Semester Exams and the ACC Football Championship

Dean Abigail Panter joined FAC to discuss the process used when we learned that UNC would be playing in the ACC Football Championship on Saturday, December 5, while final exams were being held on campus on Friday, December 4 and Saturday, December 5. Dean Panter said that she convened a meeting in Steele Building of administrators and staff around campus prior to Thanksgiving and that there were 15-20 people in attendance representing football, the band, the spirit groups (cheerleaders, dance team, and mascot), academics, ASPSA, the Academic Advising Program, the FAR, the FAC chair, athletics, and others. Options that were considered were administering exams in Charlotte and administering make-up exams in Chapel Hill but providing proctored options for faculty to use on the reading day in the middle of the exam period and the Saturday following the completion of exams. The latter option was selected as the most feasible and proctored exam locations were provided by Accessibility Services, the Kenan-Flagler Business School, and the ASPSA. In addition, students and professors were permitted (as usual) to work out their own arrangements for the time and place of the make-up exam. Dean Panter and FAC Chair Renner wrote a joint letter that was attached to the exam rescheduling form explaining the options for make-ups to faculty members. There were 166 exams total that had to be rescheduled, affecting 149 students. In one case a faculty member requested and received an additional option which was a proctored exam on the Sunday

following the championship game. Other students not involved with the championship game were also able to take advantage of these make-up options when they had an exam excuse.

Dean Panter hopes that this process may continue each semester and that exam excuses to faculty will be accompanied with options for proctored make-ups on reading day dates for all students who have exam excuses and obtain the proper documentation.

VII. Discussion with the Athletic Director and Chancellor Folt

Bubba Cunningham noted that the 60-day extension to receive a revised Notice of Allegation from the NCAA has expired without the revised NOA having been issued. He also discussed the three top priorities for athletics for the University's new capital campaign. These priorities were presented earlier in the fall to the Board of Trustees. They include: Finley fields, the Fetzer soccer/lacrosse complex, and an indoor football practice facility. The Board of Trustees approved these priorities. The cost, design, and location are still to be determined. The money to fund these improvements will come from money raised by Athletics as part of the University's campaign. Mr. Cunningham noted that many of the University's largest donors support academics and athletics.

Mr. Cunningham also reported that football coach Larry Fedora's contract had been extended by four years. There will be an increase in his salary, with most of the escalation on the back end of the contract. Academic performance bonuses are included along with athletic-related bonuses.

Mr. Cunningham and Chancellor Folt also addressed media reports about the amount of money spent by the University on various investigations and reports, attorneys, and public affairs professionals. They noted that a large chunk of the amount reported related to reviewing and redacting documents in response to a massive public records request on which 12 attorneys are working full-time. These attorneys are hired to help the University but are not University employees so they will not be on the payroll when this project is completed. Transparency costs money.

The committee discussed additional ways to have faculty interact with student-athletes. Guest coaching programs differ from team-to-team. These programs should ideally be called something else like Guest Faculty or Guest Faculty Mentor. The committee agreed that opportunities to attend practice and competitions and learn more about the students on the teams are valuable. The committee looks forward to discussing this topic further when it attends a head coaches' meeting this spring. The spring Academic Banquet hosted by ASPSA is also a nice opportunity for students and faculty to mingle. FAC especially appreciates that the top 10 students are asked to invite a faculty mentor to the lunch, to introduce the faculty member at the luncheon, and state why he or she has had such an important impact on the student's academic career.

Chancellor Folt suggested that as the Educational Policy Committee, FAC, and the PRG continue to consider what it means to offer make-up work for classes missed by students representing the University that they look at how other schools accommodate absences. Her

sense from her prior experience was that Harvard, Yale, Dartmouth, and Princeton seemed to accommodate such absences more easily than we do.

The meeting adjourned at 5:30.

Minutes respectfully submitted by Lissa Broome

Attachment

FAR NCAA and ACC Update

**Update to FAC from the Faculty Athletics Representative
December 10, 2015**

1. NCAA

- a. Autonomy Proposals will be voted on at the NCAA Annual Convention on January 15, 2016.
 - i. One school, one vote (Power 5 Conferences, including the ACC)
 - ii. ACC discussed at December 5, 2015, legislative meeting
 - iii. ACC reps will meet at NCAA Annual Convention on January 14
- b. Council (Shared) Governance Legislation
 - i. Our ACC representative on the Council, Miami Athletic Director Blake James, casts the ACC's (weighted) vote
 - ii. To be considered by the Council at the Annual Convention in January
 - 1. 2015-32 – MBB deadline to remove name from draft
 - 2. 2015-81 – Football Conference Championship game
 - iii. Remaining proposals to be considered by the Council at its April meeting
 - 1. 2015-66 – Academic Misconduct
 - 2. 2015-71, -72, -75 – Weekly hour limits when out of season and amount of skill instruction
- c. NCAA GOALS survey info to be discussed at Annual Convention
 - i. Awaiting this information and comparison to ACC mini-survey using the time demands questions

2. ACC

- a. Legislative Meeting on December 5 (3 student-athletes who have votes on Autonomy agenda attended as did several other ACC SAAC student-athletes, including Rayna Yvars, UNC Track & Field)
- b. Autonomy Agenda (65 Schools from the Power 5 Conferences – one school, one vote)
 - i. 2015-18: Agents Prior to Full-Time Enrollment in Baseball – general support
 - ii. 2015-19: Promotion of Non-Athletically Related Business – majority support, but some concerns
 - 1. What is “athletically related”
 - 2. Could agents could find ways to use this to funnel money to high profile student-athletes?
 - 3. Should approval through the athletic department be required or could some other type of safeguard be imposed to help police abuse of this provision?
 - iii. 2015-25: Travel Day Not Considered a Day Off – Over half opposed or abstained from this and -26 and -27 related to time demands
 - 1. There is an NCAA Task Force on Time Demands taking a holistic review of this area. This is a priority area for the NCAA Council.
 - 2. These play out differently for individual and team sports (especially 2015-26 regarding 3-weeks off)

3. 2015-26 regarding 3-weeks off would primarily affect only winter sports since fall sports have a winter break from classes and spring sports conclude at the end of the school year.
 4. On 2015-27 re protected 8-hour period, should consider research on times when adolescents perform best. Should also consider protecting an 8-hour period after a team returns from travel or is released after a game.
 5. Seems odd that for 2015-27 it is okay to encroach on the 8-hours if a game is on TV, but not okay if the game is not on TV.
 6. 2015-27 also may be impacted by facilities issues (especially at schools that need to do a majority of practice indoors because of weather)
- c. Need to use the spring more strategically in discussing proposals with other Autonomy Conferences
 - d. Council Agenda (ACC Council Representative will cast a weighted vote representing ACC schools)
 - i. 2015-66: Academic Misconduct – Less than half supported
 1. Most support general idea of taking this out of impermissible benefits.
 2. Many concerned that important detail about “impermissible academic assistance” is not in the by-law language but only in Q&A and that terms in Q&A are not defined.
3. Pursuant to Process 9.0 (Class Attendance & Travel), I convened a meeting on November 19 to review classes missed for competition in the 2014-15 academic year (Michelle Brown, Nicki Moore, Bubba Cunningham, Debbie Clarke). Follow-up discussion will occur the week of January 4.
 - a. Travel letters provide that students should be excused from class one-hour before the team’s scheduled departure time through eight hours following their return to campus.
 - b. Items discussed (but not yet resolved) included
 - i. Questions re the Travel Letter provided by ASPSA
 1. Including classes missed for home competitions on the “travel” letter or “missed class” form
 2. Including required media day appearances for football, men’s and women’s basketball on travel letter
 3. Travel letters for the Indoor Tennis Championship (ITA) or other Exempt (from NCAA By-Law overall contest limit) contests
 - ii. Updating the initial schedule review to include *actual* class days/times missed since travel plans sometimes change because of weather
 - iii. Including in the review class misses for *actual* post-season travel
 - iv. Treatment of missed classes for ITA or other Exempt contests in total count
 - v. Exceptions for missed class time beyond 7 class days for regular season competition for 2015-16

- vi. Exceptions for home contests during the final examination period for 2015-16
 - vii. Best time for consideration of 2016-17 schedule to have meaningful input
 - c. Approved exceptions for 2014-15 exceeding 7 days per semester (not including post-season) – Men’s tennis fall (11) and Outdoor Track & Field spring (7.5, but not all students go to all meets)
 - d. Approved exceptions for regular season home competition during final exam period in 2014-15 (Men’s and Women’s Basketball in the fall and baseball in the spring)
 - 4. Ninth Circuit’s decision in O’Bannon v. NCAA (September 30, 2015)
 - a. NCAA’s rules are not exempt from antitrust scrutiny and must be analyzed under the “rule of reason”
 - i. NCAA rules restricting an athletic grant in aid (the “price” paid to recruits to attend college) to tuition, fees, room, board, and books has significant anticompetitive effects
 - 1. The panel found that the NCAA established that this rule might be justified by two “procompetitive” purposes
 - a. Integrating academics with athletics
 - b. Preserving the popularity of the NCAA’s product by promoting its current understanding of amateurism
 - 2. However, there is a less restrictive alternative to the current NCAA rule which is allowing NCAA members to provide scholarships to student-athletes up to the full cost of attendance
 - ii. The other remedy proposed by the District Court – to allow student-athletes to be paid cash compensation of up to \$5,000 per year in deferred compensation -- was found erroneous
 - b. Neither side has indicated yet whether it will apply for certiorari to the Supreme Court
5. Student-athlete handbook online at http://www.goheels.com/ViewArticle.dbml?&SPID=108097&DB_OEM_ID=3350&ATCLID=210471589&SITE=UNC&DB_OEM_ID=3350