

Faculty Athletics Committee
June 20, 2018

Present: **Committee Members:** Lissa Broome, Jaye Cable, Melissa Geil, Daryhl Johnson, David Guilkey, Jeff Spang, Kim Strom-Gottfried, William Sturkey, Erika Wilson

New members: Diane Juffras, Tania String

Advisors: Michelle Brown (ASPSA), Bubba Cunningham (Athletics)

Guests: Lauren DeGrazia (Registrar), Kristen Lewis (Office of University Counsel), Carly Miller (Communications)

I. Welcome. Introductions, and Preliminary Matters

Welcome and Introductions. The FAC Chair, Daryhl Johnson, asked attendees to introduce themselves and then he previewed the agenda for the meeting.

II. FERPA

Lauren DeGrazia, the University Registrar, and Kristen Lewis, Office of University Counsel, gave a presentation on FERPA (attached). The general rule is that an education record cannot be released without the written consent of the student. There are a number of exceptions, including release to UNC officials with a “legitimate educational interest.” Directory information may be released, but is not required to be released. Lauren suggested that before student information is shared, she be consulted to help ensure that the sharing is appropriate.

Information committee members receive about student-athletes in their role as committee members should stay within the committee and not be disseminated or shared further. Again, if there is any doubt, check with Lauren or Kristen.

Lauren also mentioned the University’s record retention policy which requires every email that is substantive to be retained for a certain period of time. She agreed to share that policy with the committee.

III. Student-Athlete Mental Health Initiative

Jeff Spang reminded the committee that the NCAA’s Chief Medical Officer, Dr. Brian Hainline, would be on campus on Thursday, October 18 (the first day of fall break) for a workshop on student-athlete mental health designed for faculty. Dr. Nicki Moore, who recently accepted a position as Athletic Director at Colgate, was overseeing student-athlete mental health initiatives. Jeff asked who in Athletics would now have this responsibility. Athletics Director Bubba Cunningham said that he was currently recruiting to fill Nicki’s position, but that Dr. Jeni Shannon was continuing her good work in this area. Jeff also hoped we could get more positive press for the department’s and Dr. Shannon’s work. He noted that Michigan and Stanford are building mental health programs for student-athletes and receiving positive press attention for their efforts. He also remarked that the need on our campus for these services for student-athletes may be greater than we thought. He reported on two programs held in the spring for student-

athletes – mental health first aid and a panel of student-athletes regarding their own mental health challenges. Jeff hopes to get coaches more involved in the coming academic year. Additional resources may be required. One goal is to have every person who works with student-athletes complete the mental health first aid course.

Other resources for student-athletes, in addition to those provided by athletics and the University through Counseling and Psychological Services (CAPS), are the Fellowship of Christian Athletes (FCA) and the chaplain who works with the football team.

IV. Food Insecurity

Professor Aimee McHale sent an email to FAC members expressing concern about what she identified as a food insecurity issue for certain football student-athletes, particularly when the team was out of season or not practicing. Athletics Director Bubba Cunningham presented some information to the committee about the financial support, including food, provided to football student-athletes. Students who live off campus receive a monthly check for room and board. The yearly total is \$17,054. The cost of any training table meals provided at the football center is deducted from the board portions of that check, pursuant to NCAA rules. Students swipe in to eat these meals and a number of meals that were provided (and deducted from the board allowance) were not eaten by the students, including 1000 total meals for football student-athletes in April. In addition to training table meals, meals and snacks incidental to participation are also provided, along with a fueling station for post-workout recovery drinks and snacks. Students receive an additional amount of cash to close the gap between the amount provided by an athletics grant in aid (tuition, fees, room, board, and books) and the total cost of attending the university (cost of attendance). Students who are eligible for a Pell Grant receive up to \$6,000 in additional funds throughout the academic year.

Erika Wilson had discussed this issue with Professor McHale. Many of the students about whom Professor McHale was concerned were from difficult family backgrounds and often sent money home to help their families. The committee discussed various ways to try to ensure that these students maximize the benefit of their board and cost of attendance checks.

- Enhance or revamp the financial training that student-athletes receive to help them budget better and take advantage of all that they are offered. For instance, a student who skips a training table meal has that meal's cost deducted from the board check and must then use board money to buy a substitute meal. So, if the meal cost was \$15, skipping the training table meal essentially costs the student \$30 (the \$15 reduction in the board check and \$15 spent on a replacement meal) as opposed to \$0 for the student who eats the training table meal.
- Consider whether the training table is open at the optimal times for the convenience of the student-athletes.
- Consider parking issues that might impact training table attendance, especially for breakfast.
 - Football student-athletes are eligible to receive parking passes at the Ramshead deck, although they do have to pay for those passes. They can be reimbursed for parking related to practice.

- Talk with the students who are impacted to learn more about their issues and their suggestions for how to improve their access to food. We need to try to understand what each student needs.
- Consider whether the room and board check should be issued more frequently than once a month.
- Could a social worker (or School of Social Work graduate interns) help students understand resources that might be available to assist their families with their needs and how to care for their families as well as themselves.
- We should look at Covenant students or other student populations on campus who may have similar issues to see what other campus support might be available.
- Although it is possible for faculty to provide occasional meals for student-athletes if they do this also for other students, the athletics department prefers that these meals be cleared in advance through athletics compliance.
- Consider whether there are conflicts with practice time or tutor appointments and meal time either at the training table or on-campus dining.

Daryhl and Kim will craft a response to Professor McHale, thanking her for bringing this to the committee's attention and noting some of the areas that the Department of Athletics will consider by way of improvement.

V. Structural Changes for FAC

Daryhl and Kim would like to provide some additional structure for FAC's activities for the coming year. The Process Review Group (PRG), which developed and reviewed all academic processes for student-athletes, has wound down. FAC will be assuming the role of reviewing these academic processes, <http://apsa.unc.edu>, with a goal to review all processes every two academic years. FAC will make recommendations for process improvement or enhancement to the Provost and the Athletics Director. PRG also developed a matrix of items on issues of concern to it and to FAC. FAC will continue to work through those issues.

Each FAC member is assigned to a topic area with two FAC members for each topic area. FAC members are responsible for helping to organize the discussion of their topic and the academic processes related to it. Two additional topic areas have been created -- Athletics Administration, and Governance and Administration. Each topic area also has a liaison assigned to it from outside the elected committee members to help provide expertise and access to necessary resources. The revised FAC onboarding document contains specific information about each topic group's mission.

Admissions – Diane Juffras, William Sturkey, Vince Ille (liaison).

Advising and Enrollment – Melissa Geil, David Guilkey, Michelle Brown (liaison).

Academic Performance – Steven Knotek, Erika Wilson, Michelle Brown (liaison).

Student-Athlete Welfare and Equity – Tania String, Jeff Spang, Liaison TBD

Athletics Administration – David Hartzell, Jaye Cable, Bubba Cunningham (liaison)

Governance and Administration – Daryhl Johnson (chair), Kim Strom-Gottfried (vice-chair), Lissa Broome (FAR, liaison).

A calendar of topics for 2018-19 FAC meetings will be developed by the Governance and Administration topic group.

Team liaisons were also assigned for 2018-19 and are attached.

Respectfully submitted by Lissa Broome (with assistance from Anna Rose Medley).

Attachments:

- FERPA Powerpoint

- FAC Committee Assignments (including team liaisons)

The Family Educational Rights and Privacy Act (FERPA)

A Presentation to the Faculty Athletics Council

June 20, 2018

Kristen Lewis, Assistant University Counsel

Lauren DiGrazia, Assistant Provost and University Registrar

FERPA

- * “FERPA” refers to the Family Educational Rights and Privacy Act, a federal statute that is both a freedom of information-type statute and a privacy statute.
- * It is a freedom of information-type statute in the sense that it allows a student to see almost everything in his/her own “education record” upon request.
- * It is a privacy statute in the sense that it permits only certain other people to access information in a student’s “education record.”

FERPA: Definitions

- * **Education Record** – Everything we record about a student, in any format, and keep or have someone keep for us
 - * Does not refer to a single file
- * **Several Exceptions:**
 - * Sole possession records – e.g., notes that a professor makes and does not share with anyone else
 - * Law enforcement records
 - * Employment records, unless the individual is employed because of student status
 - * Medical records not shared outside the treatment team
 - * Grades on peer graded papers that have not yet been collected and recorded by the instructor
 - * Alumni records – information acquired after the student has left

FERPA: Definitions

- * **Student** – Someone who is, or has been, enrolled and for whom we maintain education records
- * **Not applicants for admission** –
 - * If applicant enrolls, the retained parts of the admissions folder becomes an education record
 - * **However**, under N.C. law, applicant records are NOT public records
- * **De-identified data** – where all personally identifiable information has been removed, whether through single or multiple releases, and taking into account other reasonably available information

FERPA: A Freedom of Information-Type Statute

- * Upon a student's request, the student can inspect **everything** in his or her education record, with only certain limited exceptions (e.g., confidential letters of recommendation, records that contain information regarding other students).
- * This means that upon request, a student can see, for example:
 - * Copies of emails or memos that an instructor or administrator sent or received about the student.
 - * Minutes of meetings between instructors and/or administrators regarding the student.

FERPA: A Privacy Statute

- * FERPA generally prohibits the release of information from a student's education records without the student's **prior written** consent.
 - * This means that you cannot share information about a student with, for example, a student's parent, friend, lawyer, or potential employer unless you have the student's written permission.
 - * But, there are 16 exceptions to this rule!

FERPA: Legitimate Educational Interest

- * One of the 16 exceptions permits you to share information about a student with UNC-Chapel Hill officials (including faculty members and other administrators) who have a “legitimate educational interest” in the information. Examples include:
 - * Coaches
 - * UNC Police (but NOT Chapel Hill or Carrboro police)
 - * Contractors to whom the University has outsourced institutional functions
 - * Honor Court
 - * UNC System Office

FERPA: Legitimate Educational Interest

- * Institutional officials have a “legitimate educational interest” if it is necessary for them to obtain the information in order to carry out their assigned duties to the University.
- * “Legitimate educational interest” does not include gossip or making idle comments to another University employee.
- * While serving on a committee, you may learn aggregate information that is still FERPA protected.

FERPA: Releasing Records without Student's Consent

- * Other exceptions permit you to release information regarding a student without the student's consent:
 - * To the student's parent if the parent claims the student as a dependent for federal income tax purposes and has completed the necessary paperwork through the Office of the University Registrar
 - * To comply with a court order or subpoena, in which case, please contact the Office of University Counsel immediately
 - * To "appropriate parties" in connection with a health or safety emergency (University Counsel/the University's Office of Student Affairs makes this decision)

FERPA: Directory Information

* To anyone who asks, but only “directory information” about a student, which includes:

- name
- address (local and grade/billing address)
- email address
- local/grade billing phone listing
- date and place of birth
- major field of study
- class
- enrollment status (full-time, part-time, etc.)
- PID number

- anticipated graduation date
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance
- degrees and awards received,
- most recent previous educational institution attended,
- county, state or U.S. territory from which the student entered the University

But, students can “opt out” of directory information disclosures.

FERPA: Best Practices

- * Be thoughtful about sharing student information
 - * Remember that FERPA generally prohibits disclosing education record information, unless an exception applies.
 - * Err on the side of caution
 - * When in doubt, call the Office of University Counsel or the Office of the University Registrar
- * When talking with a student about, for example, academic performance or progression, make sure to do so privately.
- * If you're asked about a student, you don't need to provide information just because it is directory information.

FERPA: Third Party Requests

- * If you receive a phone call or other inquiry from someone about a student (e.g., a parent, a potential employer, lawyer), you need a written release from the student in order to share more than directory information
 - * The Registrar's Office can provide you with a copy of a written release form for the student to complete

FERPA: Tips for Creating Records

- * When you're writing something about a student, remember that the student can request access to that document.
- * Avoid saying anything in writing that you wouldn't want the student to know you said
- * If you have something sensitive or confidential that you want to discuss, use the phone or schedule an in-person meeting
- * Always best to stick to the facts; avoid diagnosis or personal opinion

FERPA: Electronic Records

- * Remember that the messages you send and receive regarding students are likely part of their education record and must be produced to them upon request
 - * They must also be produced to third parties to whom the student authorizes disclosure (e.g., an attorney)
 - * There is a tendency to think of electronic messages as an informal form of communication, electronic messages are part of a student's education record to the same extent as formal memoranda
- * Who is on this list serv and should I be using a list serv for this information?
- * Are you texting or instant messaging about students?

Additional Resources

- * UNC-Chapel Hill FERPA Policy:
<https://unc.policystat.com/policy/4852661/latest/>
- * UNC-Chapel Hill Email Address Policy:
<https://unc.policystat.com/policy/4622832/latest/>
- * Office of University Counsel: 962.1219
<https://universitycounsel.unc.edu/>
- * Office of the University Registrar: 962.3954
<https://registrar.unc.edu/>

Questions?

Faculty Athletic Committee Assignments 2018-19

Sport Program	Faculty Athletics Committee
MBA- Baseball	Cable
MBB- Basketball- Men's	Strom-Gottfried
WBB- Basketball- Women's	Cable
CFE- Combined Fencing	Knotek
WFH- Field Hockey	Wilson
MFB- Football	Johnson & Hartell
MGO- Golf- Men's	Juffras
WGO- Golf- Women's	Juffras
WGY- Gymnastics	Geil
MLX- Lacrosse- Men's	Strom-Gottfried
WLX- Lacrosse- Women's	Spang
WRO- Rowing	Wilson
MSO- Soccer- Men's	Sturkey
WSO- Soccer- Women's	Geil
WSB- Softball	Spang
CSD- Combined Swimming & Driving	Guilkey
MTE- Tennis- Men's	String
WTE- Tennis- Women's	Knotek
CTC- Combined Track & Field/Cross Country	Sturkey
WVB- Volleyball	String
MWR- Wrestling	Hartell

1. Majors/Clustering/Advising

Guilkey Geil (Brown)

2. Student Athlete Welfare/Equity

String Spang (TBD)

3. Recruitment/Admissions/Orientation

Juffras Sturkey (Ille)

4. Academic Performance/Progress

Knotek Wilson (Brown)

5. Athletics Administration: Resources, NCAA, ACC, Media

Hartell Cable (Cunningham)