

Faculty Athletics Committee
November 5, 2020
Location: Zoom

Present: **Committee Members:** Rita Balaban, Lissa Broome, Stacey Daughters, Melissa Geil, Dave Hartzell, Amanda Holliday, Daryhl Johnson, Aimee McHale, Robert Martinez, Ed Shields, Jay Smith, Abbie Smith-Ryan, Tania String

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

Guests: Emily Blackburn (Chancellor’s Office), Robbi Pickeral Evans (Athletics), Dwight Hollier (Athletics), Cricket Lane (Athletics)

I. Welcome and Introductions

Welcome and Introductions

Committee Chair Daryhl Johnson welcomed everyone to the meeting. All committee members and guests introduced themselves.

The minutes from the October meeting were approved.

Faculty Council Report

Johnson thanked FAR Lissa Broome for preparing the panel for Faculty Council that supplemented the presentation of the FAC and FAR Annual Reports. The panel featured two student-athletes, Nicole Barnes (Women’s Track & Field) and Will Bowen (Men’s Lacrosse). The panel was a great success and Johnson receive a lot of positive feedback from the discussion. The written reports can be found under the general materials folder in Sakai as well as on the Faculty Governance website.

Coaches Meeting

The Coaches Meeting is scheduled to take place virtually on December 2 at 9:30 a.m. Emily Blackburn will solicit potential questions for discussion from FAC members in a Qualtrics survey.

Team Liaison Update and Connections

Rita Balaban reported that she has been in touch with the women’s basketball and softball teams and their respective coaches via Zoom, but for obvious reasons has not connected with them in person.

Stacey Daughters has been in touch with the swimming and diving team, which has a meet today at NC State. The student-athletes seem to be doing well. Daughters plans to visit the team during the UNC Invitational meet in December.

David Hartzell suggested that FAC members be added to the admissions list for their respective teams so that they may attend games despite COVID capacity restrictions. Athletic Director Cunningham will pursue this and have FAC members added to the “friends and family” admissions list for their assigned sports’ events. Hartzell also suggested meeting with the team’s Student-Athlete Advisory Council (SAAC) representatives.

Melissa Geil spoke with the gymnastics Interim Head Coach and received a report that the team is doing well, despite the uncertainty regarding the competition season and travel restrictions that may impact their season. Women’s soccer had weekly Zoom meetings over the summer that Geil attended. The team is now finishing up its very successful regular season and preparing for the ACC Tournament.

FAC members took part in a discussion of faculty liaison best practices. General best practices and tips can be found in a document within the August folder on Sakai.

II. ASPSA Update

ASPSA director, Michelle Brown, reported that ASPSA is preparing to support student-athletes as they select courses for the spring semester when the class schedules roll out in the coming days. The Priority Registration Group has set priority registration for all students in the priority registration groups for Sunday, November 29 at 8 PM. Advisors are working with student-athletes to make sure that they are prepared to register by this date (at the end of the holiday weekend) and that all registration holds are taken care of prior to registration.

Some students have petitioned the administration to extend the pass/fail deadline beyond the last day of classes. Professors are working to enter grades prior to the pass/fail deadline so students may make an informed decision about whether to elect the pass/fail option.

Academic Progress Rate (APR) data has been submitted to the NCAA. It will not be released until May 2021. The NCAA Board of Directors enacted a two-year suspension of any APR penalties (UNC has no teams within the penalty range) as well as the Top 10 percent rankings (we have a number of teams that fall in this range). The Graduation Success Rate (GSR) release has been delayed until November 17. Most of UNC’s numbers have held steady or increased, with 22 of 24 programs either staying the same or improving the four-year GSR. Ten programs will remain at a Graduation Success Rate (GSR) of 100%.

III. Faculty Athletics Representative Update

Following the NCAA Division I Council and Board of Directors meeting, the D1 Council will vote in January 2021 on a one-time transfer exception and immediate eligibility to play in any sport including football, baseball, and men’s and women’s basketball, where transfers have had to sit a year at the new school prior to competing. This will likely increase the level of

transferring student-athletes at all schools, including UNC. Student-athletes are required to provide notice of transfer by May 1 for fall and winter sports and July 1 for spring sports.

The NCAA's Name, Image, and Likeness (NIL) legislation will also be voted on by the D1 Council at its January 2021 meeting. That legislation has an effective date of August 2021. If approved, student-athletes will be permitted to use their NIL to promote private lessons as well as to operate their own camps and clinics, to promote their own athletically or non-athletically related business activities, and to be paid for an autograph (but not while representing the institution and no institutional apparel or marks may be used). Student-athletes would also be permitted to conduct crowdfunding (with restrictions) and take part in advertisements, endorsements, and personal appearances for compensation.

FAC members discussed the implications of this legislation. While it is positive that all student-athletes should have the ability and freedom profit from their NIL, some members expressed concern that student-athletes may be exploited by unregulated marketing agents and agencies.

The implementation date for the new NCAA Sexual Violence Policy requiring that institutions report on the involvement of each prospective student-athlete, current student-athlete, and transfer student-athlete in sexual violence investigations was delayed from August 2021 to August 2022.

At the ACC Fall Meetings on October 19-20, a policy adopted by the ACC Committee on Racial Equity (CORE) was added to the ACC Manual. It requires each ACC institution to provide annual diversity and inclusion education for all institutional athletic department staff and student-athletes. Compliance will be attested to by the Athletics Director to the Conference office.

IV. Athletic Director Update

Bubba Cunningham reported that UNC Field Hockey Head Coach Karen Shelton is at 699 wins, which is two wins away from being the all-time winningest coach in field hockey history. Thanks to Dr. Mario Ciocca and the ACC's Medical Advisory Group for coordinating and executing a successful testing and contact tracing protocol for players and coaches. This has been crucial in ensuring that our student-athletes are able to return to campus and stay on campus. No season tickets will be sold for men's or women's basketball.

Cunningham reported that 25 of UNC's 28 teams reached 100% voter registration. He thanked Cricket Lane and her team for these efforts.

The drum line was able to attend and perform at last week's football game with the hopes of adding wind instruments at upcoming games.

Cricket Lane is hosting a donut drive-through, in lieu of the annual pancake dinner, during finals as a study break for student-athletes.

V. Topic Group: Student-Athlete Welfare and Equity

Process 18: Student-Athlete Development and Wellbeing

Aimee McHale and Jay Smith presented their recommendations related to Processes 18, 19, and 20 and Dwight Hollier and Cricket Lane provided additional context about the activities of Athletics related to these issues.

Proposed Change 1:

CURRENT: This sub-process describes a wide range of student-athlete development opportunities and initiatives that cover topics such as “sexual assault awareness and education; financial planning; alcohol education; and campus resources”.

PROPOSED CHANGE: Include issues of implicit bias, racial equity, and antiracism in the subjects addressed in student-athlete development. While some areas available for student-athlete development training appear to be optional for student-athletes, we believe that this component should be mandatory.

DISCUSSION: Cricket Lane, who oversees student-athlete development activities, said that not all current offerings related to implicit bias education necessarily use those words to describe the education or are mandatory. However, as reported above, the ACC has adopted a requirement that all student-athletes receive diversity and inclusion education annually.

Proposed Change 2:

CURRENT: There is no specific mention of student-athlete development programming with respect to the rights of student athletes to exercise their rights of free speech and assembly, although we are aware that student-athletes are instructed in this topic areas, specifically with respect to the use of social media.

PROPOSED CHANGE: Include specific student-athlete development initiatives to educate student-athletes about their rights and responsibilities in speaking out, and engaging in civic activism. This training should consider three specific aspects:

- Responsible social media use and “curating their brand”
- Rights and responsibilities in exercising rights to free speech and assembly
- Effective use of student-athlete platform, as individuals and collectively, to encourage respectful and empowered engagement both internally (with respect to the team or university) and externally (relative to public issues)

Proposed Change 3:

CURRENT: Team handbooks are not currently provided to team liaisons or to the FAC. A recent media report highlighted intrusive and overreaching handbook provisions in some collegiate athletics programs, which tend to be handbooks for individual sports.

PROPOSED CHANGE: Each sport will provide a copy of their team handbook to the FAC team liaison annually to improve transparency and ensure the appropriateness of each handbook’s provisions.

DISCUSSION: Cunningham noted that the team rules are currently submitted to the sport's administrator and to the Office of University Counsel (OUC) for review prior to each season. OUC provides recommendation to the department for how to improve the team rules.

Process 19: Supporting Non-Participant Student Athletes

CURRENT: This process contemplates a number of reasons for student-athlete non-withdrawing from UNC, exhaustion of eligibility, joining a professional team while still eligible, and medical disqualification.

PROPOSED CHANGE: We believe that a separate process should be articulated for the specific case of non-participation due to public health emergency. This provision should public health threat (e.g., physical condition, lingering *sequallae* of infection or illness) and support for students who have opted out of play and participation.

DISCUSSION: There are 19 student athletes who are not participating this year.

Process 20: Student-Athlete Focus Groups and Surveys

SUGGESTION: Provide SAAC members with focus group questions in advance (e.g., one or two weeks) with the suggestion that they specifically solicit the input of their teammates on the questions posed. We believe that this will encourage the SAAC quality of the information given to the FAC.

DISCUSSION: The question areas were provided this year to all student-athletes in the fall sports via Teamworks and students were encouraged to provide their input to their SAAC representatives in advance of the focus group meetings.

With respect to these recommendations, FAC was reminded that the processes reported at apsa.unc.edu are not policies per se, but rather are intended to document current practices. The processes should be updated by the personnel responsible for implementing them within Athletics. For these processes, that would be Dwight Hollier and Cricket Lane. The suggestions presented by the topic group will be helpful in guiding Hollier and Lane in making those updates.

At the next meeting, FAC will discuss in further detail the recommendations related to student-athletes not participating due to a public health emergency and the recommendation regarding team handbooks. These recommendations, if supported by FAC after further discussion, would then be referred to the Executive Committee on Student-Athlete Academics for further consideration, including potential action.

Prepared by Lissa Broome and Emily Blackburn

Attachments:

FAR Update
Review of Academic Processes for Student Athletes

**Faculty Athletics Representative Update
October 1, 2020**

NCAA

1. NCAA Division I Council/Board of Directors
 - a. Transfer Working Group recommends that D1 Council vote in January 2021 on one-time transfer exception and immediate eligibility to play in any sport
 - i. Timing to notify of transfer is May 1 for fall and winter sports and July 1 for spring sports
 - b. NCAA NIL legislation for D1 Council vote in January 2021
 - i. Allow SAs to use NIL to promote private lessons as well as to operate their own camps and clinics
 - ii. Allow SAs to use NIL to promote their own athletically or non-athletically related business activities.
 1. Could indicate a SA and institutional affiliation, but use of institutional marks not permitted
 - iii. Allow SA to be permitted to be paid for an autograph (but not while representing institution and no institutional apparel or marks used)
 - iv. Permit crowdfunding without institutional involvement
 1. Catastrophic events
 2. Nonprofit or charitable organizations
 3. Family hardship
 4. For educational expenses not included in their cost of attendance (internships, mission trips), but not for regular costs of attendance
 - v. Advertisements and endorsements (could reference involvement in intercollegiate athletics but not their institution and no institutional marks) and institution can't be involved
 - vi. Personal appearances (could not reference institution and no institutional marks used)
 - vii. Potential areas of conflict
 1. Not for things that conflict with NCAA legislation (sports betting, banned substances)
 2. Not that conflict with institutional sponsorship agreements
 3. Any institutional value conflicts as defined by the institution
 - viii. Use of professional services (cannot be provided by institution) – disclosed and fee; may not promote SA's athletics ability for future professional sports opportunities
 1. Advice regarding NIL
 2. NIL K negotiations
 3. Market of SA's NIL
 - ix. Institutional assistance
 1. Can't buy SA's work product or service
 2. No use of institution's marks

3. No use of institutional facilities
4. Can post/repost content created by the institution so long as the SA is not compensated
5. Provide education on NIL
- x. Boosters
 1. Could engage in NIL with SAs, so long as no improper inducements or extra benefits are provided
 2. Disclosure will be an important safeguard
- xi. Third-Party Administrator would develop a web-based platform for submitting disclosure requirements and would report to NCAA on national trends and to evaluate for potential malfeasance
- xii. Nothing re Group Licenses (video games, trading cards) – maybe next iteration for NCAA (some, including Bubba Cunningham, think it should be the first)
- c. NCAA Sexual Violence Policy – Implementation date moved from August 2021 to August 2022 for requirement that report on each prospective student-athlete, current student-athlete, and transfers about their involvement in sexual violence investigations. Need for central collection of this information at least from PSAs and transfers.

ACC

1. FAR Committee meeting October 9, 2020
2. ACC Executive Committee, October 16 (Commissioner search, winter/spring sports schedules, update on *Alston* litigation); monthly meetings scheduled
3. ACC Fall Meetings, October 19-20
 - a. Added to ACC Manual a policy adopted by the ACC Committee on Racial Equity (CORE) to provide annual diversity and inclusion education for all institutional athletic department staff and SAs. Compliance will be attested to by the Athletics Director to the Conference office.
 - b. Discussion regarding reconsideration of the ACC's intraconference transfer rule in the light of the expected recommendation by the Transfer Working Group
 - c. *Alston* case update. Ninth Circuit ruled that additional benefits tethered to education could be offered to student-athletes
 - i. ACC working group to discuss further
 - d. Small research grants initiative funded by ACC and administered by UNC's Center for Research in Intercollegiate Athletics (Erienne Weight and Nels Popp in EXSS)
 - i. In initial year, 22 proposals received, reviewed by FARs, then ADs, then CRIA plus Lissa and another FAR. 7 awarded for a total of \$22,000
 - ii. Next step to get this funded on an ongoing basis through the budget of the ACC Academic Collaborative.
 1. ACC Provosts meet December 3
 - e. Reviewed ACC Sports Priorities
 - i. Fall sports

1. No conference competition before March 1
 2. Overall contests to be reduced by 20%
 - ii. Winter sports
 1. No competition for Indoor T&F, Swimming and Diving, or Fencing until October 29
 2. No competition for Wrestling until January 1
 3. Overall contests to be reduced by 10%
 - iii. Spring sports
 1. No competition before January 1; no conference competition before February 26
 2. Overall contests to be reduced by 10%
 - f. Discussed creation of ad hoc FAR Steering Committee
4. ACC FAR Steering Committee meeting October 30

UNC

1. Annual report of FAC and FAR to Faculty Council October 9
 - a. Daryhl and Lissa moderate a about SA health and wellness (especially COVID-19 issues) with Nicole Barnes and Will Bowen. Bubba Cunningham, Mario Ciocca, Jeni Shannon, Michelle Brown, Cricket Lane, and Dwight Hollier also attended to be available for questions.
2. SAAC Focus Groups on October 19
3. UNCUT -- <https://www.uncutchapelhill.com/>
4. Virtual Scholarship Dinner, October 27 (Ram's Club)

Review of Academic Processes for Student Athletes

Topic Group : Student-Athlete Well-Being and Equity

Aimee McHale and Jay Smith, *FAC members*

Dwight Hollier, *Sports Administrator*

AY 2020-2021

The processes which fall under the Student-Athlete Well-Being and Equity Subcommittee are:

- Process 18: Student-Athlete Development and Wellbeing
- Process 19: Supporting Non-Participant Student Athletes
- Process 20: Student-Athlete Focus Groups and Surveys

Before we set out our suggestions for the specific processes, we would like to note that some of the most important processes that fall under the purview of “Academic Processes” are not academic in nature, and that it might behoove the FAC and benefit student-athletes to consider a broader umbrella term that encompasses both the academic and personal well-being of Carolina student-athletes.

Process 18: Student-Athlete Development and Well-Being

- 18.1: Student-Athlete Development
 - Proposed Change 1:
 - **CURRENT:** This sub-process describes a wide range of student-athlete development opportunities and initiatives that cover topics such as “sexual assault awareness and education; financial planning; alcohol education; and campus resources”.
 - **PROPOSED CHANGE:** Include issues of implicit bias, racial equity, and antiracism in the subjects addressed in student-athlete development. While some areas available for student-athlete development training appear to be optional for student-athletes, we believe that this component should be mandatory.
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 - Proposed Change 3:
 - **CURRENT:** Team handbooks are not currently provided to team liaisons or to the FAC. A recent media report highlighted intrusive and overreaching handbook provisions in some collegiate athletics programs, which tend to be handbooks for individual sports.
 - **PROPOSED CHANGE:** Each sport will provide a copy of their team handbook to the FAC team liaison annually to improve transparency and ensure the appropriateness of each handbook’s provisions.

Process 19: Supporting Non-Participant Student Athletes

- **CURRENT:** This process contemplates a number of reasons for student-athlete non-participation, including being cut from a team, quitting the team, being dismissed from a team, withdrawing from UNC, exhaustion of eligibility, joining a professional team while still eligible, and medical disqualification.
- **PROPOSED CHANGE:** We believe that a separate process should be articulated for the specific case of non-participation due to public health emergency. This provision should include supports for students who are non-participants due to the medical issues caused by a public health threat (e.g., physical condition, lingering *sequellae* of infection or illness) and support for students who have opted out of play and participation.

Process 20: Student-Athlete Focus Groups and Surveys:

- **SUGGESTION:** Provide SAAC members with focus group questions in advance (e.g., one or two weeks) with the suggestion that they specifically solicit the input of their teammates on the questions posed. We believe that this will encourage the SAAC members to come to the focus group sessions with a broader perspective that would benefit the quality of the information given to the FAC.