

Faculty Athletics Committee
April 13, 2022
Via Zoom
Minutes

Present: Committee Members: Rita Balaban, Lissa Broome, Melissa Geil, Chancellor Guskiewicz, Robert Martinez, Aimee McHale, Abbie Smith-Ryan, Jay Smith, Abbie Smith-Ryan, Keia Sanderson, Isaac Unah, Erienne Weight

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

Student-Athlete Representative: Alessandra DeVito (Rowing), Duwe Farris (Basketball)

Guests: Amy Grau (Chancellor's Office), Cricket Lane (Athletics), Doug Dibbert (General Alumni Association), Amy Perko (Knight Commission), Gabe Feldman (Tulane University, Consultant to Knight Commission), Mario Ciocca (Sports Medicine), Doug Halverson (Sports Medicine)

I. Welcome

Melissa Geil, Chair of the committee, welcomed members and guests and asked them to introduce themselves.

II. Chancellor's Remarks

Chancellor Kevin Guskiewicz congratulated the Men's and Women's Basketball teams – the Men's team for playing in the national championship game in New Orleans and the Women's team for advancing to the Sweet Sixteen and pushing the eventual national champion team to the end. The 50th anniversary of Title IX is an important milestone that will be celebrated on our campus. The Chancellor also referred to his recent News & Observer op-ed on the importance of sports. Unfortunately, the COVID numbers are going up and the University is monitoring these numbers closely.

III. Knight Commission – Connecting Athletics Revenues with the Educational Model of College Sports (C.A.R.E. Model)

The committee was joined by Amy Perko, Chief Executive Officer of the Knight Commission on Intercollegiate Athletics; Gabe Feldman, Tulane Law School and consultant to the Knight Commission; and Doug Dibbert, President of the UNC General Alumni Association and founding member of the Knight Commission on Intercollegiate Athletics. To set the landscape Perko recounted some of the areas in which the Knight Commission had influenced NCAA policies over the years, including health and safety, degree completion, time demands on student-athletes, post-season access tied to academic metrics, academic incentives included in the NCAA and College Football Playoff revenue distributions, presidential leadership, and independent directors and student-athlete representation on the NCAA Board of Governors. Perko also noted the dramatic increase in the last 15 years in the revenue associated with intercollegiate athletics.

Finally, she recounted some of the significant issues facing college athletics, which include a new NCAA Constitution and a Transformation Committee that will propose significant by-law changes, the *Alston* decision permitting academic-based awards to student-athletes, NIL (name, image and likeness), an NCAA gender equity review, potential expansion of the College Football Playoff, and whether student-athletes should be treated as University employees.

Given this landscape, the Knight Commission proposed its CARE Model – Connecting Athletics Revenues with the Educational Model of College Sports in the fall of 2021.¹ Division I schools currently receive a share of revenue that comes from three different entities: the NCAA, the College Football Playoff, and the Division I conferences’ media contracts. This amounts to about \$3.5 billion annually, only \$600 million of which comes from the NCAA (Men’s Basketball tournament revenue). The Commission’s proposal -- to be adopted in law, regulation, and/or conference rules – is to modify the distribution based on five core principles: transparency, independent oversight, gender equity, broad-based sports opportunities, and financial responsibility for athlete education, health, and safety.

One recommendation is that this shared athletic revenue be spent to support the educational model of college sports by prioritizing spending on athletes’ education, health, safety and well-being; athletics programs that provide broad-based opportunities; and racial and gender equity. Conferences could adopt different models to achieve these goals. One model might be to require that at least 50% of the shared revenue be spent on the expenses related to the educational model related for college sports. The Knight Commission has calculated the percentage that Division I schools currently spend in these target areas. UNC exceeds this target and devoted 61.9% of its shared revenue to these expenses.

Other recommendations include limits on certain “regulated” operating expenses which would include coaching salaries and benefits, salaries for support staff, and recruiting expenses. The expenses described above as educational model expenses would not be included as “regulated” expenses. Another alternative is to impose a “luxury tax” on coaching salaries that exceed a certain limit, perhaps indexed to instructional salaries.

Perko reported that the NCAA’s Transformation Committee’s reaction to the CARE model was “discouraging,” and she believed it was unlikely that Congress would adopt any spending limits (with antitrust safe harbors) unless the NCAA was willing to provide a comprehensive plan for reform like that proposed in the CARE model.

Gabe Feldman addressed the Name, Image and Likeness (NIL) landscape. The NCAA’s interim rule, effective on June 30, 2021, went away from its initial proposal, which was more prescriptive. State legislatures could add additional requirements, but many states are now repealing or amending their laws that are stricter than the NCAA’s broad guidelines. We are now seeing NIL collectives, like Heels for Life, that are managed by boosters. In some cases, it is hard to tell how these are not recruiting inducements. A federal NIL regime would provide uniformity and could also address NIL for international student-athletes, who may have visa issues that preclude them from earning NIL income in the United States.

¹ Some of the description in this section is directly from the Knight Commission’s CARE Report.

Jay Smith said it was ironic that the proposed reforms focused on the educational model pointed in some cases to professional sports for reform (i.e., a luxury tax on salaries above a certain level). Smith advocated for giving student-athletes collective bargaining rights.

Lissa Broome was curious about how caps on non-educational spending would work in practice. What would happen to the funds freed up? Would they fund additional sport opportunities? Be returned to the University to fund academics?

Other ideas that could be put on the table, Perko said, include running football as a commercial activity with the team licensing the University's name. This is a time of significant change in college athletics and how we respond now will determine how college athletics looks in the future.

IV. The Nation Article Questioning Medical Decisions

Dr. Mario Ciocca, Director of Sports Medicine, and Doug Halverson, Athletic Trainer for the men's basketball team, joined the committee to discuss an article that appeared in the Nation questioning whether certain players should have been allowed to stay in the national championship game.

Dr. Ciocca first noted that Sports Medicine reports to Campus Health, which reports to the Vice Chancellor for Student Affairs. His department is outside of Athletics so that the Sports Medicine staff may make decisions that are in the best interests of the student-athletes and not feel like their jobs are on the line if they need to withhold a student-athlete from practice or competition.

The article was someone's opinion that was not based on any facts. The comparison to a boxing match is inapt as was the comparison to situations involving basketball players with cardiac issues. Sports Medicine follows concussion protocols and evaluates and treats ankle sprains based on the seriousness, pain and swelling, range of motion, and ability to run and cut. Each individual's situation is different. Dr. Ciocca noted that medical decisions are based on factors that are not observable on television replays. Aimee McHale was concerned about concussions and whether student-athletes want to stay in the game instead of accurately reporting on their cognitive impairment. Ciocca and Halverson assured the committee that concussion assessments and protocols are always followed and there is continual evaluation of any athlete who has experienced a blow to the head. Duwe Farris, men's basketball student-athlete, reported that the Sports Medicine staff always puts the interests of the student-athletes first. Athletic Director Bubba Cunningham noted that in our focus group discussions Sports Medicine receives high praise.

V. Athletic Director Update

Athletic Director Bubba Cunningham also noted the success of our basketball teams this spring. In addition, Women's Lacrosse and Women's Tennis hold number 1 national rankings, and Men's Golf's Austin Greaser's had a successful outing in the Master's golf tournament.

Cunningham was disappointed that the NCAA Division I Council had tabled all pending legislative changes because of the ongoing work of the Transformation Committee. This

included a number of proposals that had been backlogged by a moratorium on new legislation that took place during the COVID pandemic.

VI. ASPSA Update

Michelle Brown, ASPSA Director, reported that fall registration had gone well and students appreciated the adjustment that increased the number of credit hours that all students could register for in the first wave from twelve to thirteen. This was especially helpful with 4-credit science classes, allowing students to register for full-time in the first wave. Student-athletes sometimes report they are unable to register for certain classes because they conflict with practice times. Brown noted that one such class was MEJO 137 after it had gone down to one afternoon section during COVID. Brown was happy to report that the department is trying to add a second section and will also offer the course in a virtual format in the summer, although she learned after the meeting that the summer course will now be in-person, which has disappointed some student-athletes. ASPSA is currently interviewing to fill some open positions. There are likely to be some exam conflicts this spring for teams engaged in post-season competition.

VII. Reminders

- April 19 Head Coaches Meeting from 8:30-9:30. Geil will provide a list of potential issues for each table to discuss compiled by suggestions submitted by committee members and coaches.
- Faculty Governance elections are coming up, including elections for new FAC members.
- Committee members should send their notes from the recent FAC/SAAC Focus Group discussions to Aimee McHale.

The meeting adjourned at 5:00 p.m.

Respectfully submitted, Lissa Broome (with assistance from Amy Grau)

Attachments:

[Knight Commission CARE Model](#) (linked)
FAR Update

Faculty Athletics Representative Update
April 13, 2022

NCAA and National Issues

- Amy Perko at April 13 FAC Meeting, Knight Commission, [Connecting Athletics Revenues with the Educational Model of College Sports \(CARE Model\)](#)

ACC

- FAR Monthly meeting –
 - NIL
 - Collectives
 - Exchanges
 - NIL for international students