

Faculty Athletics Committee
September 15th, 2021
3:00-5:00PM
Location: Zoom

Present: **Committee Members:** Rita Balaban, Lissa Broome, Stacey Daughters, Melissa Geil, Kevin Guskiewicz, Amanda Holliday, Aimee McHale, Lisa Rahangdale, Keia Sanderson, Abbie Smith-Ryan, Isaac Unah, Erianne Weight

Advisors: Michelle Brown (ASPSA), Debbi Clarke (Office of the Provost), Bubba Cunningham (Athletics), Vince Ille (Athletics)

Student-Athlete Representatives: Alessandra De Vito (SAAC), Duwe Farris (SAAC)

Guests: Robbi Pickeral Evans (Athletics), Dwight Hollier (Athletics), Cricket Lane (Athletics), Katie Sessoms (Chancellor's Office)

I) Welcome and Introductions

Chair Melissa Geil welcomed everyone to the second meeting of the Faculty Athletics Committee for the 2021-22 academic year and reviewed the charge of the committee.

II) Housekeeping Items

Minutes.

The minutes from the August meeting were approved.

Team Liaison Update.

Rita Balaban is scheduled to meet with the Softball team on September 27 and is working with the Women's Basketball coach to set up a meeting with the team.

Melissa Geil has contacted the Women's Soccer coach and is looking forward to attending an upcoming game. Geil has not yet received a response from the Women's Gymnastics coach. Geil emphasized the importance of Team Liaisons continuing to reach out to coaches and administrators to connect with their teams.

Vice Chair Robert Martinez has met with Coach Brown and discussed ways to support student-athletes and Coach Brown's vision for the Football team. They also discussed several ideas about how to engage members of the FAC with the Football team, Coach Brown, and student-athlete leadership.

Prior to COVID-19, FAC members were invited to tour the ASPSA facilities prior to a football game. Michelle Brown noted that these events worked well when FAC members invited faculty members not involved in FAC to attend. This helps expose more faculty to ASPSA and what life as a student-athlete at UNC is like.

Lisa Rahangdale met with Vince Ille and the Men's Tennis head coach and toured the tennis facility.

Issac Unah met with the Wrestling head coach and Vince Ille. They visited the facilities where the student-athletes spend their time training and practicing. Unah appreciated seeing the facilities and hopes to join a practice session soon. Unah has not yet connected with the Men's Soccer coach.

III) Faculty Athletics Representative Remarks

Lissa Broome, Faculty Athletics Representative, asked SAAC representatives Duwe Farris and Alessandra De Vito to share academic and athletic updates on their fall semester so far.

De Vito reported that Women's Rowing began practicing 20 hours during the first week of class and is starting the fall training season strong. The team has a new coach and is trying to foster a positive team culture during this transition. De Vito has enjoyed coming back to campus and appreciates the opportunity to learn in-person again.

Farris echoed similar comments regarding the Men's Basketball training program and said the team is excited to work with Coach Davis. Farris is glad to be able to interact with peers again and believes that learning in the classroom has made it easier to build relationships with professors.

Broome provided an update on the NCAA Constitutional Review Committee. The committee's charge is to "address transformational, organizational change through the redrafting of the principles, governance structure and membership commitments found in the NCAA Constitution to meet the needs of today's student-athletes and in the generations to come." The constitutional review process was announced on July 30, the NCAA named committee members on August 10, and additional committee members were added on Aug. 12. Jim Phillips, ACC Commissioner, is a member of the committee. The NCAA Constitutional Convention is scheduled for November 15. The final draft of the proposal will be submitted to the NCAA Board of Governors by December 15 and voted on by the membership at the NCAA Annual Convention January 19-22.

The ACC Medical Advisory Group guidance was issued and allocates more discretion to institutions on how they will keep their student-athletes safe as we continue to operate in the shadow of the COVID-19 pandemic.

The ACC is currently evaluating through consultants whether its headquarters should remain in Greensboro, North Carolina. A separate group is advising on staffing issues. The ACC Governance Groups will be meeting at Notre Dame on October 25-27.

Carolina Student Legal Services and the UNC School of Law NIL Pro Bono Project hope to assist student-athletes at Carolina in reviewing NIL contracts. So far, however, no student-athletes have requested assistance. Broome hopes student-athletes will begin interacting with the project and thanked Barbara Osborne in Exercise and Sport Science for her assistance in helping identify volunteer attorneys and UNC law students to provide advice.

Broome reported that she and Michelle Brown are scheduling APR meetings for the new head coaches to review the APR process, the status of their team's APR, and assist in understanding how to avoid surprises in APR going forward.

FAC Chair, Melissa Geil, and FAR, Lissa Broome, are scheduled to give the FAC and FAR annual reports to Faculty Council on October 1.

IV) Athletic Director Update

Athletics Director Bubba Cunningham focused on the NCAA discussions. Issues that may be on the table include divisional membership, organization, legislative authority and processes, and institutional control. The notion of amateurism has changed post-NIL. The NCAA plays a critical role in determining eligibility and limits on financial aid to student-athletes. It also promotes general equity, competitive equity, and rules compliance and enforcement. Cunningham also discussed the successful start to the fall sports season.

V) Student-Athlete Welfare and Equity

Aimee McHale reviewed the key findings from the Student-Athlete Advisory Committee Focus Group's reports for the 2020-21 academic year. Her topic group partner, Jay Smith, sends his regrets that he was unable to attend the meeting. The student-athletes who participated in the focus groups made positive statements about their Carolina experience, culture, faculty, peers, resources, and opportunities. Student-athletes reported that they appreciated the COVID-19 class adaptations, such as recorded classes, indicating that it was helpful to watch lectures rather than depend on a classmate for notes for lectures missed.

Related to academic experience issues, some student-athletes reported difficulty with acquiring internships, participating in professional conferences, and enrolling in study-abroad programs. Some student-athletes also reported difficulties enrolling for specific classes, and sometimes missing meals when there was little time between practice and evening labs. There are a few faculty who are uncooperative in working with students to make up class work missed because of sport travel requirements. Some students thought academic advising at times focused on course work completion rather than on preparing students for graduate school or jobs.

McHale reported that Dwight Hollier, Associate Athletics Director, has increased awareness among coaches and teams about student-athlete availability and addressed issues of overusing Zoom to schedule impromptu meetings. The social and emotional stress due to COVID-19 were discussed and some students raised the perennial parking issue.

The consolidated report puts into perspective what issues and opportunities FAC can address, such as study abroad and internships, to improve the non-athletic parts of student-athletes' experiences at UNC.

Rita Balaban recently reviewed faculty-led study abroad programs and mentioned that there is intention around developing summer study abroad opportunities for underrepresented populations, such as student-athletes. Study-abroad programs that appeal to student-athletes and coordinate with their athletic schedules have usually been programs that last between two and three weeks.

McHale suggested increasing the number of study-abroad opportunities in this format that also provide academic credit. ASPSA Director Michelle Brown provided a link in the Zoom chat from the ASPSA [website](#) about current global opportunities for student-athletes and a list of popular experiences student-athletes reported prior to COVID-19. The pandemic has obviously limited participation in global experiences, but seven student-athletes have submitted applications to study abroad in the Spring 2022.

Lissa Broome asked if Farris or De Vito had experienced similar challenges in enrolling in a study abroad program or acquiring an internship. De Vito shared that she intended to study abroad Summer 2020, but that her program was canceled due to COVID-19. De Vito also said that many student-athletes choose to focus on working during the summer to save money for the upcoming year. Farris was unable to participate in a study abroad program due to the Basketball team's practice and training schedule during

the summer. A potential window for study abroad program for his team would be a brief two-to-three-week experience in May.

Cricket Lane shared that many businesses such as Deloitte and other large corporations, target recruiting student-athletes and provide flexible internship opportunities. She will provide more information at the next meeting on how Athletics works with student-athletes to facilitate internship opportunities.

Brown highlighted that recording classes was helpful, especially for student-athletes who have been diagnosed with COVID-19 or are traveling for sports. Brown hopes that this will be passed along to faculty and departments to encourage faculty to continue recording their courses.

VI) COVID-19 Fall 2021 Sports Update

Dwight Hollier spoke about student-athletes' resiliency during the Pandemic. UNC's athletic trainers and physicians deserve credit for their knowledge, guidance, and sacrifice to allow our student-athletes to compete and remain healthy. Our administration has worked diligently to provide as safe an environment as possible for competition.

The COVID-19 protocols have remained similar to the protocols from 2020-21. Student-athletes, coaches, and staff have been encouraged to get vaccinated. The vaccination rate among student-athletes is 92% and 95% among coaches. Only three teams are below the 85% vaccination rate goal. This 85% goal was established by local experts and ACC officials to reduce the risk of transmission. UNC's vaccination rates are comparable to ACC rates. The student-athletes who are unvaccinated are tested twice weekly as required by campus.

There have been COVID clusters among teams; however, these have been identified as associated with social gatherings rather than practice and team related events. Athletics is complying with community guidelines and requiring masks in indoor venues and bathrooms and encouraging masks in outdoor venues.

VII) Remarks from the Chancellor

Chancellor Kevin Guskiewicz reported that the ACC Board of Directors meeting held earlier on September 15 went well and that the development of the 41-school Alliance (Big 10, PAC 12, and the ACC) and NIL were discussed along with the ongoing review of the location of the conference office. The UNC System Board of Governors met earlier on September 15 and discussed developing an all-funds budgeting model to better distribute resources, the strategic plan, and balancing the budget.

UNC-Chapel Hill was ranked again as the top 5 public university in the United States, as well as top 28th among all universities, and moved up in rank as the 14th most affordable.

Chancellor Guskiewicz hopes the North Carolina House and Senate will soon agree upon a budget to send to Governor Roy Cooper.

The Chancellor expressed his appreciation to faculty and staff for all their work to provide students an on-campus experience. The Pandemic has been difficult and the source of stress for many. The Chancellor believes that our positive case numbers align with the predicted modeling.

On September 11, Kenan Stadium welcomed Carolina fans and students to the first home football game of the season. Chancellor Guskiewicz thanked Ken Pittman for setting up a vaccine clinic for anyone attending the game and reported that approximately 35 people were vaccinated. Athletics consistently

encouraged masks to be worn both indoors and outdoors throughout the game. Chancellor Guskiewicz hopes to see FAC members attend sporting events this fall.

McHale asked why campus health will be closing on Sundays. UNC-Chapel Hill was one of the few schools that operated its campus health facility seven days a week. The Chancellor said the decision to close campus health on Sunday was because there had not been a high volume of patients coming that day and there is increasing worry that campus health employees will experience burnout. The Chancellor said that the University will monitor the situation, listen to concerns, and adjust if needed.

Rita Balaban inquired about the possibility of integrating wellness days into the academic calendar for the remainder of the school year. The academic calendar is finalized for the Spring; however, this will be taken into consideration.

Melissa Geil asked about non-resident tuition increases and if this will impact out-of-state student-athletes who are not on a full grant-in-aid. The potential tuition increase may not impact non-resident athletes if the legislature passes a bill that provides out-of-state student-athletes with tuition remission to the in-state student rate.

VIII) SpotterEDU

Michelle Brown, Director of ASPSA, provided the committee with more information regarding SpotterEDU. Brown said that the class checking technology is a common tool used to record if student-athletes are attending class. Class checking has been done in-person by individuals hired by Athletics in previous years. The SpotterEDU beacon technology placed in the classroom allows a student-athlete to download an app that will beep when the student-athlete enters and leaves the classroom. The app does not track student-athletes outside the classroom. The technology was adopted to save money, check more classes, and conduct class checking more efficiently and with less stigma for the student-athletes.

Before SpotterEDU was approved for use in 2019, the Executive Committee for Student-Athletes Academics conditioned its use on the maintenance of students' privacy. The Office of University Counsel reviewed documentation from SpotterEDU and Michael Barker, Vice Chancellor for IT, reviewed the system and confirmed that it does not track the students, but merely records their presence in the designated classroom. Before implementation in 2019 and 2021 (it was not used in 2020-21 when classes were remote), all deans were informed about the use of SpotterEDU in some classrooms. This technology supports faculty attendance policies and encourages student-athletes to attend class except when they must miss class because of travel and competition.

Geil asked if there was data to suggest that the technology was effective in increasing class attendance. Due to COVID-19, the technology has only been utilized for a limited time at UNC. However, there has been no data reported from peer institutions about its impact on attendance. Attendance policies vary between athletic programs at peer institutions, therefore making comparison difficult.

At present, only the Football team is using SpotterEDU for class checking for first-year students, transfer students, and those who are identified as having academic challenges. More teams may adopt the technology in future semesters.

McHale does not support the use of SpotterEDU without more information about issues around tracking, data use and storage, consent, criteria for requiring use of the technology, etc. Further, if the rationale behind using SpotterEDU is to provide support to student-athletes who are identified as needing additional academic support, then McHale said it would make sense for the technology to be used across all sports for student-athletes who are so identified, and not to use the beacons to track attendance only for

a predominantly African-American team (approximately 60-65% of football players are students of color). The use of SpotterEDU only for football student-athletes, McHale stated, reinforces stereotypes and racial biases and further disadvantages student-athletes from backgrounds where they may have been on the receiving end of the systemic racism that results in the educational achievement gap, irrespective of their innate intelligence or work ethic.

Geil and Weight thought it might be beneficial to explore use of SpotterEDU for all student-athletes so that there can be early identification and intervention with students who may need support, acknowledging that SpotterEDU is preventative rather than punitive.

Geil shared that she was aware of the limited amount of time left in the meeting. Committee members suggested that the SpotterEDU discussion continue offline, pending any specific recommendation from FAC later in the semester. Brown said she is open to FAC's ideas regarding class checking.

The meeting adjourned at 5:06PM.

Attachments

FAR Update

Faculty Athletics Representative Update
August 2021

NCAA

1. [NCAA v. Alston](#) case decided by Supreme Court 9-0 on **June 21** – NCAA may not limit education-related benefits for SAs
 - a. Concurring opinion by Justice Kavanaugh says that remaining NCAA compensation limits were not challenged, but would likely not stand under the *Alston* case analysis.
 - b. **August 11** NCAA Legislative Relief Waiver permits a conference or an institution to provide the educational benefits specified in the *Alston* case (which was limited to FB and Men’s and Women’s Basketball SAs) to all SAs
2. [NIL](#) – See separate heading below – **June 30** Interim legislation
3. [Constitutional Review Committee](#) – Constitution review process announced on **July 30**, committee members named on August 10, and additional committee members added on August 12. The committee’s charge is to “address transformational, organizational change through the redrafting of the principles, governance structure and membership commitments found in the NCAA Constitution to meet the needs of today’s student-athletes and in the generations to come”
 - a. ACC Commissioner Jim Phillips is a member
 - b. Timeline
 - i. Draft to membership for review by November 15, 2021
 - ii. Final draft to NCAA Board of Governors by December 15, 2021
 - iii. To be voted on at January NCAA Convention (January 19-22)
4. [NCAA External Gender Equity Review](#) released **August 2** presented a number of recommendations, including:
 - a. MBB and WBB Final Fours in same city on same weekend
 - b. Restructuring media and sponsorship contracts
 - c. Allow WBB to use March Madness
 - d. Expand WBB tournament field from 64 to 68 to mirror the MBB tournament
 - e. Revenue distribution from WBB tournament should be based on “units” as in MBB tournament
5. [APR change for transferring SAs](#) adopted on **August 4** – Transferring SA earns retention point for departing school if SA is meeting progress towards degree requirements; previously, the retention point was only available if the transferring SA had a 2.6 GPA or above
6. [NCAA Campus Sexual Violence Policy](#) – Revised in 2020, effective date moved from 2021-22 academic year to 2022-23 academic year. Requires that institutions:
 - a. On an annual basis, collect information from all incoming, current, and transfer student-athletes regarding whether “their conduct ... resulted in an investigation, discipline through a Title IX proceeding[,], or a criminal conviction for sexual, interpersonal[,], or other acts of violence.”

- b. Take reasonable steps to confirm the information provided by prospective, continuing, and transfer student-athletes, and provide information to other member institutions that are attempting to confirm information received from transfer student-athletes.
 - c. Implement policies to “gather conduct-related information from former schools attended by recruited prospects and transfer student-athletes.”
7. **August 11** the NCAA Committee on Infractions delivered its decision in the Baylor sexual assault case and did not punish Baylor for its failure to report sexual assault accusations made against SAs because the University’s failures in reporting sexual assault allegations was not limited to student-athletes.

ACC

- 1. Medical Advisory Group guidance – more discretion for each campus
- 2. May Governance Group Meetings
 - a. Presented Award for Exemplary Service to the Atlantic Coast Conference to Dr. Cameron Wolfe, Duke University as head of the ACC Medical Advisory Group
 - b. Drafted ACC Transfer Portal Education Document for input by ACC SAAC, Academic Counselors, and Compliance Group
- 3. Office, staffing, and governance reviews underway
- 4. Retirement celebration for former Commissioner John Swofford, July 20

UNC

- 1. COVID protocols
- 2. Three new coaches
 - a. Gymnastics – [Danna Durante](#)
 - b. Women’s Golf – [Aimee Neff](#)
 - c. Rowing – [Erin Neppel](#)
- 3. [ACC Honor Roll](#) – 463 SAs
- 4. NCAA Postgraduate Scholarship Recipient (\$10,000) – [Katie Hoeg, Women’s Lacrosse](#)

NIL

- 1. [NCAA Interim Rule \(June 30, 2021\)](#)
 - a. Follow state law and any additional requirements the school may impose
 - b. No compensation based on athletic performance or achievement (i.e., can’t make more if win a championship)
 - c. No comp contingent on enrollment in a particular institution
 - d. No comp for work not performed
 - e. What might a subsequent NCAA “permanent” rule look like? It will be hard to walk any of this back and put the toothpaste back in the tube.
- 2. [NC Governor’s Executive Order \(July 2, 2021\)](#)
 - a. No inducement to enroll or continue enrollment

- b. No comp for participation in an athletics program or as compensation for performance in an intercollegiate sport
 - c. SA's authorized representative relating to any NIL agreement must comply with North Carolina Athlete Agent Act and applicable federal law, including the Sports Agent Responsibility and Trust Act
 - d. Post-secondary institution may not compensate SA for use of their NIL
 - e. Post-secondary institution may, but is not required to, impose these limits on ability of SAs to receive NIL comp
 - i. No conflicts with a contract of the institution
 - ii. No comp from supporting organization of the institution
 - iii. May impose reasonable limits or exclusion on the categories of products and brands, including those that may negatively impact image of institution if reasonably determine that product/brand is antithetical to values of the institution
 - iv. May limit NIL comp during official team activities or institution-sponsored events
 - v. May establish procedures to ensure that NIL use is commensurate with fair market value
 - vi. May limit comp as is pertains to institution's IP, facilities, equipment or gear. No right to use the logos or IP of institution, conference, or NCAA
 - vii. Institution may have rule re reporting and disclosure of NIL
 - f. Encouraged to provide financial literacy and life skills programs, including time management and budgeting
3. UNC has no formal policy, but instead is using guidance documents, including this Q&A posted on the Ram's Club site, <https://ramsclub.com/name-image-likeness/index.html>. Similar Q&A docs have been distributed to SAs and Coaches.
- a. No banned substances (includes alcohol, CBD); supplements may be okay
 - b. No gambling
 - c. No adult entertainment
 - d. Athletics is asking SAs to share their NIL agreements with Compliance
4. UNC's LaUNCH program is described here, <https://goheels.com/news/2021/6/16/general-carolina-athletics-launches-educational-programming-to-strengthen-nil-opportunities.aspx>. It includes partnerships with
- a. Altius
 - b. Compass
 - c. INFLCR
5. UNC's group licensing program is described here, <https://goheels.com/news/2021/7/20/general-unc-and-the-brandr-launch-group-licensing-program-for-current-student-athletes.aspx>

6. There are a lot of meetings with and education of SAs and coaches going on, including on potential issues for need-based financial aid (including Pell grants), Visa status for international students, and the need to comply with federal and state tax laws.
7. Collaboration with University partners to help SAs
 - a. Law School (in conjunction with Law School's Pro Bono program, attorneys from the NC Bar Association Sport and Entertainment Law Section, Carolina Student Legal Services, and UNC Law students) – Carolina Student Legal Services to do student client intake and then refer to School of Law's Name, Image and Likeness Pro Bono Project
 - i. Attorney referral list
 - ii. Educational sessions (Contracts, IP, Tax)
 - iii. Pro bono representation by UNC Law students supervised by attorneys from NC Bar Association Sports and Entertainment Law Section (representation likely limited to contract review)
 - iv. Clinical representation for a few nonprofit corporation formations each semester
8. ACC Schools are subject to different state laws and taking a variety of different approaches; hard to imagine a conference standard for NIL
9. Federal legislation?
 - a. Again, getting the toothpaste back in the tube