

Faculty Senate Athletics Committee (FSAC) Report – 01-31-2022

Co-chairs – James Williams and Bonnie Ownley

Members present: Derek Alderman, James Chyz, Harrison Meadows, Rachele Scott, Aaron Smith, Sylvia Trendafilova, Joe Scogin, Katy Locke, and Don Bruce

NCAA Constitution Committee (Don Bruce)

- The landscape is changing at the NCAA (National Collegiate Athletic Association, the governing body of intercollegiate athletics) mainly due to Name, Image, and Likeness (NIL). Recently (January 20, 2022), members of the NCAA approved a new constitution. Don Bruce, a professor in Haslam College of Business, who is also the Faculty Athletics Representative for UTK, served as the only faculty member on the NCAA Constitution Committee. Don shared his experiences on the committee and his insight about the new constitutional changes. In August 2021, the NCAA appointed 23 members, which represented all three Divisions of the NCAA. Most appointments were university presidents and athletic directors, but none of them were faculty members. A few more members were added later, including Don Bruce, who was the only faculty member on the committee. The Committee Chair was Robert Gates, former U.S. Secretary of Defense, and former President of Texas A&M.
- The Constitution Committee decided to create a new constitution, rather than revise the old one, and met weekly during fall of 2021. A final draft was released on December 14, 2021. The aim was to respond to all problems, remove restrictions, and delegate responsibilities. The first draft did not mention faculty or academics and Don pointed this out. In the final draft ([See file with this report](#)), academics became the first of eight principles, which are:
 - A. The Primacy of the Academic Experience
 - B. The Collegiate Student-Athlete Model
 - C. Integrity and Sportsmanship
 - D. Student-Athlete Well-Being
 - E. Institutional Control
 - F. Diversity and Inclusion
 - G. Gender Equity
 - H. Recruiting Standards
- The new constitution was approved by 80% of the membership (one vote for each school). Greater autonomy and responsibility were given to NCAA divisions. This includes penalties for infractions. For example, in the past student-athletes were punished with post season bans when athletics department leadership or staff caused the infractions. The divisions must hold the institution responsibility for infractions. Student-athletes requested their voice be heard and they were given representatives on new committees that will focus on development of bylaws, implementation, and an advisory council.
- It was mentioned that athletic departments are hoping for nationwide guardrails in terms of NIL, which would come from federal legislation. There are also questions about how the new NCAA changes will affect student-athletes who are Olympic athletes.

Transgender policy of NCAA (<https://www.ncaa.org/news/2022/1/19/media-center-board-of-governors-updates-transgender-participation-policy.aspx>).

- A question was raised about the NCAA position on transgender student-athletes. Don indicated that the authority for the policy now resides with the Divisions. Student-athletes are very active on this topic, with a variety of opinions. The NCAA has chosen a sports-specific approach to preserve opportunities for transgender student-athletes but also balance fairness. It was recognized that problems are created when you are not allowed to be your true self.

NIL resources for UTK student-athletes

- Joe Scogin shared that the UTK NIL course has 40 students this semester.
- Student-athletes with NIL agreements are now required to file disclosure forms. The course aims to teach them about tax implications and contracts. For example, contracts must have a beginning and ending, and exclusive contracts do not benefit the student. The Athletics Department is working with the Law School to instruct students about contracts.
- A questions were asked on whether there were gender differences in NIL earnings because it was predicted that there would be more money for men due to football, and whether data is being collected about this. Joe Scoggin said that there were more deals in football, but not all deals are disclosed. There are sports agents who are encouraging student-athletes to run their NIL deals through them.

The next meeting will be February 28, 2022.