

Provost's Advisory Council
April 26, 2018 Meeting
8:30-10am, Lynch Center, Fulton 515

In attendance:

Laura O'Dwyer (Chair)	Can Erbil	Claudia Pouravelis
Anthony Annunziato	William Fehder	David Quigley
Sharon Beckman	Kent Greenfield	John Rakestraw
Joseph Carroll	Jasmine Hamm	Patricia Riggan
Thomas Chiles	Gregory Kalscheur, S.J.	Akua Sarr
Judith Clair	Richard Lennan	Billy Soo
Chris Conostas	Theresa O'Keefe	Nanci Tessier
Joseph Du Pont	Mariela Paez	

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- 1. The summary of the March 15, 2018 meeting was approved.** It will be sent to the President's Office. All summaries are posted on the Provost's Office website; members are encouraged to share them with colleagues.
 - 2. Proposal to grant early registration to student-athletes: Robert G. Murphy, Department of Economics and Athletic Advisory Board representative**

David Quigley introduced Bob Murphy, chair of the Athletic Advisory Board (AAB), to talk about the proposal from the AAB to grant priority registration to student-athletes.

Bob began with some background on the history of the proposal. BC participates in the Atlantic Coast Conference (ACC), a "power" athletic conference, but also the premiere academic conference among the Power Five. The ACC, which includes a number of schools ranked above BC in the US News Rankings, strives to support the academic missions of its institutions in a substantive way.

The Student-Athlete Advisory Committee approached the AAB last year with a proposal for early registration for student-athletes, who face scheduling constraints with their practice schedules, games, and travel. BC is the only school in the ACC that does not provide some level of priority registration for their athletes. Some schools allow student-athletes to register before all other students, some to register before members of their class, while our peer schools (Duke, Wake Forest, Notre Dame) intermix their student-athletes with other students in the earliest registration blocks.

The AAB reviewed the student proposal and developed a revised, limited version, with the goal of fairness to all students, and voted unanimously to recommend implementation of the proposal. The Board does not endorse preference based on status, but on the basis of need. In reviewing the scheduling constraints on student-athletes, the board found sufficient constraints to warrant some change in order to provide those students with the same experience as non-athletes. The primary conflicts are with mandatory practice and training

schedules, which are externally imposed, required by the team and in many cases a condition of scholarships. He noted that BC also has a contractual obligation to field teams in these sports.

Under the Board's proposal, the non-athlete population would experience no change to their registration process; they would continue to be randomly assigned to a 15-minute registration block over 2 days by class. The odds of obtaining an early registration block would be the same as they currently have. Student-athletes would be assigned to a block during the first four hours of their scheduled class registration days. This would add incrementally, approximately 8 student-athletes to each registration block in those first four hours. The Board feels this would give student-athletes an advantage, allowing them to get into classes that might otherwise fill early, with minimal impact on non-athletes. To start, only rising juniors and seniors would be afforded this priority option, focusing on the course registration needs associated with electives in majors and minors.

David added that at the recent Meeting of the Minds conference that BC hosted in April, there was a conversation with peers about registration and student-athletes. He noted that every other ACC school has some kind of priority registration, and all schools have a more extensive policy than the one currently on the table. This type of policy has been in place at many other ACC schools for years, serving both the interests of the students and the institution.

A council member asked what other groups on campus have priority registration currently. Akua Sarr answered only first and second year students requiring accommodations.

A council member mentioned that often the problem is not that student-athletes cannot get into classes, but that the classes they want to take are not offered during the times they have open. They are constrained not just by practice times, but also by workout and weight-training requirements; more flexibility in the scheduling of non-practice activities could help.

Bob responded that the facilities are heavily utilized by many sports, and without having a set schedule for most teams to use them at a given time, it becomes non-functional with too much demand. Some teams are able to give options, but there is also the requirement of having an on-site coach to provide instruction, which further restricts the amount of flexibility that is possible. David added that in fielding 31 teams, BC faces additional pressures on the facilities that most other schools with fewer teams do not have.

A council member raised a concern about the impact on non-student athletes, noting that student-athletes already get disproportionate resources and privileges and wondered if an approach like Georgetown's, where accommodations are considered on a case-by-case basis, would work.

Bob responded that the Board believes the scheduling constraint on student-athletes is onerous enough to warrant the priority registration. Any system that gives preference to one group will disadvantage another, but the Board believes it would be limited sufficiently such that the disadvantage would be small. He noted that a case-by-case approach is very

complex and resource heavy, but that we have been doing that here to an extent. Deans guarantee that student-athletes can get into courses necessary to complete their major, but they are not able to guarantee the courses the students want to take.

A council member asked if there was any data available on how non-athletes react to preferential registration for student-athletes at other schools. Another council member asked what data would be collected on the impact and perceptions among non-student athletes.

Bob answered that there is no hard data available from other schools, but that they could explore those questions with colleagues at other ACC schools. He talked about plans to look at clustering and other trends that can be captured in registration data. He said perception is a concern and there would likely be focus groups or surveys to determine the climate on campus.

Billy Soo asked Nancy Tessier to talk briefly about whether the athletics on campus is a draw for students considering attending BC. Nancy said that for both student-athletes and non-student-athletes, the presence of Division I athletics is a very important part of campus culture, pride, and sense of connection to the larger BC community.

A council member noted that we made an institutional choice to be part of the ACC, so we need to find a reasonable way to move forward.

David concluded by saying that the Council would continue discussing this issue in the fall.

3. Current developments in Title IX and sexual and discriminatory harassment policies in higher education: Nora Field, Deputy General Counsel

David introduced Nora Field, Deputy General Counsel, to continue the discussion started with Patricia Lowe at the March, 2018 Provost's Advisory Council meeting.

Nora began by explaining the current landscape. In September, Secretary of Education Betsy DeVos announced that the Department of Education (DOE) would be rescinding guidelines addressing violence on campuses (the Dear Colleague Letter). The Department of Education Office of Civil Rights (OCR) issued interim guidance, allowing schools more flexibility in responding to students who report sexual violence. The timing was such that schools had already begun the academic year with published policies in place; there was no expectation that schools would revise their policies.

The interim Q&A guidance document changed a few important things:

1. Standard of Proof: Schools would not be required to use the lowest standard of proof, "preponderance of the evidence," but were free to raise to a higher standard known as "clear and convincing evidence." BC has always handled complaints under the "preponderance of evidence" standard.

2. Response Time: The agency would not hold schools to a particular timeframe for investigating complaints. Prior guidance said that schools should investigate within 60 days. That is always BC's goal.
3. Guidance on Interim Measures (individualized services offered as appropriate to either or both reporting and responding parties): The interim Q&A document states that schools should not rely on a one-size-fits-all approach to interim measures, but that they should be individualized and balance the needs of both parties. BC was already doing this.
4. Informal Resolution: The new guidance states that informal resolution to certain complaints is permissible. Under the prior guidance, schools could not informally resolve any complaints of sexual violence. BC has a more formal process, but might consider informal resolutions in certain circumstances.
5. Appeal Rights: Schools would not be required to give equal access to appeal rights. BC provides limited appeal right to both parties in all cases.

Signals are that DOE will issue new permanent regulations through the formal rule-making process.

Most recently, the OCR reissued the Case Processing Manual, which is the manual for how the agency addresses complaints against schools, and how they investigate those schools. The agency currently has 350 pending cases, but they do not have the means to address all of them.

The new manual provides the basis under which they can dismiss complaints, provides schools with copies of the complaints (which they previously were not able to obtain), and gives school the opportunity to see any resolution agreement before a final finding is reached. This signals a more even-handed approach to how the agency responds to complaints against schools.

Nora noted that BC has not changed anything this year in light of any of these changes. BC has multiple policies and a decentralized approach. BC's approach is to wait and see what happens next with the interim guidance and any rule-making regulatory changes.

She concluded by noting that there have been more open investigations this year than in the past. This uptick could stem from the fact that every undergraduate has been fully trained through bystander education at this point – students are more aware and willing to report, or the broader societal movement is influencing how students view these issues and their rights, and are more willing to come forward.

A council member asked about the increase in open investigations and whether that calls for a university-wide response and further student education with the ultimate goal of education and reduction. Nora agreed that the goal is reduction, but that if you look across higher education, virtually all schools report an increase since 2011. She said that Student Affairs has done a tremendous job of training with additional training for specialized populations (for example athletes and the athletic staff). The awareness is there but there are some

challenging broader social issues that the institution can only do so much to address (e.g., the drinking culture is a contributing factor).

A council member asked about the annual lifecycle of events on campus, do the reports increase or decrease around certain campus activities or times of year? Nora said that there is a flurry at the beginning of the academic year.

A council member asked about whether the General Counsel's Office is looking at the BC Policy on Consensual Relationships in light of the "#MeToo" movement and increased understanding of related issues.

Nora said that the history of the policy is interesting. For years, there was no policy. Many schools prohibit any relationship, as there is always some questions of whether or not it is truly consensual. Billy Soo added that we are looking at revising the policy, with the potential for a total revamp. He has pulled policies from peer institutions and the hope is that by the fall there will be something more concrete to discuss.

A council member asked about Title IX training for faculty, or a step-by-step guide for distribution, as many faculty do not generally understand their responsibilities. Nora said that Patricia Lowe is evaluating required training for all members of the community, with the possibility of refresher training being available as well.

4. Provost's Report: David Quigley, Provost and Dean of Faculties

David provided a few announcements:

- Admissions deposits for the incoming freshman class are due Tuesday, May 1. All looks to be in shape for a very strong entering class. Thanks to the faculty who participated in the Admitted Eagle Days.
- Faculty are urged to participate in the Commencement week/weekend activities. It makes a difference for the graduates and their families to see faculty represented.
- Billy is seeking nominations for the next chair of the Provost Advisory Council.

David concluded the meeting by thanking those members who are rotating off of the Council this year and Laura O'Dwyer for her two years of service as chair.