

**Faculty Board on Athletics  
Meeting of October 25, 2017  
2:30 pm-4:00 pm, Academic Innovation Center, Corbett Hall**

Members present: Patricia Bellia (Chair), Corey Angst, Jaimie Bleck, Erin Hoffmann Harding, Patrick Holmes, Daniel Kelly, Mary Ann McDowell, Susan Ohmer, F. Clark Power, Jack Swarbrick, Cameasha Turner, Kevin Vaughan

Members excused: James Brockmole, Ann Firth, Michael Stanistic

Athletics Liaisons: Jill Bodensteiner, Missy Conboy, Beth Hunter

Guests: Heidi Uebelhor, Athletics Compliance; John Handrigan, Head Men's Golf Coach; Brant Ust, Men's Golf Sport Administrator; Claire Leatherwood Slebonick (recorder)

**1. Opening Prayer**

Professor Patricia Bellia called the meeting to order at 2:33 pm and offered the opening prayer.

**2. Minutes of Meeting of September 20, 2017**

The Board approved the minutes by a unanimous vote.

**3. Chair's Announcements**

*Minutes.* Professor Bellia announced that the minutes of the May 11, 2017, meeting, which the Board approved at its last meeting subject to review by Brian Coughlin and Ryan Willerton in Student Affairs, are now final, without any changes.

*Schedules.* Professor Bellia reviewed the schedules she approved on the Board's behalf. She approved spring schedules for baseball and women's lacrosse. She also approved revised schedules for men's golf and men's basketball. The change for golf involved swapping two tournaments, with no impact on class misses. The need to swap tournaments resulted from the fact that, when Hurricane Irma forced the cancellation of a tournament in September, the team substituted a tournament involving one additional day of competition. Without swapping tournaments in the spring, the team would have exceeded by one day the allowable days of competition under NCAA rules. Regarding the men's basketball schedule, the change involved the addition of an exhibition game versus Holy Cross College. The NCAA had issued a waiver permitting institutions to add an exhibition game to fundraise for hurricane relief efforts.

Finally, in her September update on schedule approvals, Professor Bellia had inadvertently omitted a schedule change for women's golf necessitated by Hurricane Harvey, with no impact on class misses.

*Appeal Hearing.* Professor Bellia announced that a panel comprising three members of the Board held a hearing on a student-athlete's appeal of the denial of permission for two other institutions to contact the student-athlete regarding a possible transfer. Professor Bellia and Ms. Bodensteiner, on behalf of Athletics, jointly agreed to extend the deadline for materials to be submitted. Professor Bellia reported that the coach's decision was overturned, permitting the institutions in question to contact the student-athlete about a possible transfer. The hearing panel's deliberations gave rise to item eight on today's agenda.

*Football spring practice schedule.* Professor Bellia updated the Board on football's proposed spring conditioning schedule, which involves a potential shift to a schedule that overlaps with the 9:30-10:45 class block. Academic Services for Student-Athletes (ASSA) staff researched how this change would affect which classes are available to student-athletes. ASSA staff determined that while there will be challenges, there is concern regarding the quality of life for all student-athletes, not just football, as well as ASSA staff, should football not move to the later morning slot. Mr. Patrick Holmes confirmed this assessment.

Professor Bellia reported, in response to a question from Professor Corey Angst, that this situation is only a concern during the spring semester. Football uses an afternoon practice slot in the fall. In response to a question from Professor Kelly, Professor Bellia described the recent past practice, which was that conditioning occurred as early as 5:45 am on Tuesday and Thursday mornings, such that student-athletes could take classes beginning at 9:30 am. Professor Bellia shared the football coaching staff's concern that these very early conditioning sessions unnecessarily exhaust the student-athletes.

Professor Bellia reported that she had a conversation with Dale Nees, Assistant Dean for Undergraduate Studies in the Mendoza College of Business, regarding course clustering concerns that this proposed change could produce. Professor Angst confirmed that course clustering could be an issue in Mendoza, in part because of the limited number of sections of each course.

In response to questions from Ms. Heidi Uebelhor and Professor Angst regarding registration windows, Professor Bellia noted the short timeframe required for a decision on this issue. Professor Bellia shared her understanding of the consensus view, which is supportive of a move to the later morning conditioning slot. Mr. Holmes confirmed his understanding that such a change would be workable.

#### **4. Introduction of John Handrigan, Head Men's Golf Coach**

Professor Bellia introduced Mr. John Handrigan, Head Men's Golf Coach, and Mr. Brant Ust, Sport Administrator for Men's Golf. Professor Bellia invited Board members to introduce themselves. She provided a brief sketch of Mr. Handrigan's background and past accomplishments. Professor Bellia invited Mr. Ust to comment on the hiring process for this position. Mr. Ust offered a concise description of the process, emphasizing Mr. Handrigan's investment in the totality of the University's undergraduate experience.

Mr. Handrigan thanked the Board for this opportunity. He shared that the University's commitment to academics and the family atmosphere encouraged him to come Notre Dame. He invited questions from the Board.

In response to a question from Mr. Jack Swarbrick, Mr. Handrigan stated that while the team has progressed over the last couple of months, there is room for additional growth. He noted the need to change the team's culture. Mr. Handrigan shared that the team's national ranking has improved to the low forties after starting the year ranked in the nineties. He described the men's golf student-athletes and the team's incoming recruits, one of whom is the top recruit in the country, as epitomizing the Notre Dame brand. Mr. Handrigan believes the future of Notre Dame men's golf is bright.

Mr. Swarbrick invited Mr. Handrigan to speak to the integration of the men's and women's programs and his role in that. Mr. Handrigan shared his vision for the two programs to be one team whose students support and help each other, as either program excelling improves Notre Dame golf.

In response to questions from Ms. Cameasha Turner, Mr. Handrigan described the hiring process for the team's assistant coach that resulted in the retention of the men's golf assistant coach, Mr. Scott Gump. Mr. Handrigan possessed the autonomy to select a new assistant coach but, after the interview process, determined that Mr. Gump's credentials and characteristics elevated him over the other candidates. Mr. Handrigan, referencing Notre Dame's values and its commitment to its student-athletes, stated that all student-athletes on the team at the time he was named head coach remain on the team.

Answering a question from Professor Daniel Kelly, Mr. Handrigan described competition travel and related class misses not as challenges but as things for which to prepare. He described that men's golf teams need to win at least fifty percent of their matches to be eligible for the post-season. Mr. Handrigan, while noting the need to schedule contests strategically, believes it is important to minimize class misses. He believes the coursework and high academic standards inherent in Notre Dame are part of the draw for men's golf student-athletes.

Professor Bellia described a previous request from the former men's golf head coach for additional class misses and invited Mr. Handrigan to comment on the number of class misses he expects to need to build a competitive schedule. Mr. Handrigan noted the impact of a multi-day tournament on class misses and his recruitment of student-athletes who want to be pushed both athletically and academically.

In response to a question from Professor Kelly, Mr. Handrigan shared his excitement regarding Notre Dame hosting the 2019 U.S. Senior Open Championship. He described how hosting this tournament positively affects the amount and quality of entries into the collegiate tournaments Notre Dame hosts.

Mr. Handrigan commented on the incoming recruits and on the recruiting landscape in reply to questions from Professor Bellia. He believes that prospective student-athletes should want to be pushed both academically and athletically or they will not fit well at Notre Dame. Mr.

Handrigan shared the high academic and golf qualifications of the two incoming recruits as examples.

In response to questions from Professor Angst, Mr. Handrigan noted that the NCAA allows Division I men's golf to offer 4.5 scholarships and that Notre Dame currently has ten student-athletes on the roster. Mr. Handrigan stated that while it is typical to provide a full scholarship to a player of high caliber, he was not compelled to do so with this year's incoming recruits, in part because of the reputation of Notre Dame.

Answering a question from Ms. Bodensteiner, Mr. Handrigan expressed his belief that eight or nine rostered student-athletes is an appropriate team size because men's golf travels five student-athletes. In response to a question from Professor Bellia about whether he expects to travel the same five student-athletes for every competition or whether he will rotate student-athletes, Mr. Handrigan shared his belief that all travel spots must be earned. As such, he stated that all student-athletes must qualify internally for each tournament and that, as a result, the travel roster often changes between tournaments.

Professor Bellia thanked Mr. Handrigan and Mr. Ust for attending.

## **5. Men's Basketball Investigation**

Professor Bellia invited Mr. Jack Swarbrick to update the Board on the investigation into several NCAA men's basketball programs. Mr. Swarbrick shared Athletics' response to this news release, his assessment of the situation, and insights as to where the investigation may lead. Throughout his comments, Mr. Swarbrick reiterated his belief that Notre Dame is in a low-risk position as it relates to this investigation, foremost because of the nature of the institution, the young men our coaches recruit, and our coaching staff. Mr. Swarbrick expressed that he believes Notre Dame's principal risk in this area relates third party activity, despite the myriad actions Athletics takes to minimize this risk. Mr. Swarbrick reported his belief that this investigation and its reach will continue and broaden over the next several months.

In response to a question from Professor Bellia, Mr. Swarbrick replied that Athletics reached out to every former member of Notre Dame's men's basketball coaching staffs whom Athletics employed at the same time as Mr. Swarbrick.

Answering a question from Professor F. Clark Power, Mr. Swarbrick described the role the shoe companies play in this scheme, particularly in the sponsorship of Amateur Athletic Union (AAU) boys' basketball teams. Mr. Swarbrick shared his view on how the shoe companies will react to the investigation.

In response to several questions from Professor Power, Mr. Swarbrick replied that schools may be able to exert influence over the AAU and described the work of Father John Jenkins, President of the University of Notre Dame, on the NCAA's Commission for College Basketball (Commission). Mr. Swarbrick expressed his hope that this Commission will effect change. Mr. Swarbrick also commented, in response to questions, on the efficiencies of an AAU tournament as opposed to high school basketball games.

Mr. Swarbrick and Mr. Holmes discussed the merits of moving away from the rule that requires basketball players to be one calendar year removed from high school to be eligible for the professional draft, and discussed what alternatives might be available. Ms. Turner shared concerns regarding the lack of funding for young players without financial means to support their participation should the shoe companies' sponsorship of AAU teams dwindle and the importance of AAU participation to college recruitment remain. Mr. Swarbrick affirmed the importance of this issue but noted his belief that the percentage of sponsorship funds that actually goes to supporting financially disadvantaged players is much smaller than it should be.

## **6. University of North Carolina Infractions Case**

Professor Bellia reported that the NCAA Committee on Infractions (COI) released its decision on October 13, 2017, in the University of North Carolina's (UNC) case regarding eighteen years of irregular courses. Professor Bellia offered a brief factual background of that case and UNC's arguments as to why the NCAA should not penalize the institution. The COI concluded that it could not establish that academic fraud or extra benefits violations had occurred. Relevant to Notre Dame's pending case before the Infractions Appeals Committee (IAC) is the fact that the COI deferred to UNC and its institutional process to determine whether the courses violated any of UNC's then-existing academic policies. Because UNC found no academic fraud or violations of its own policies, the COI concluded that it could not find academic fraud violations under NCAA rules.

Professor Bellia discussed the implications of this decision as she sees them for Notre Dame's pending case. She noted a distinction between UNC's actions, which did not find any academic fraud, and Notre Dame's Honor Code process, which resulted in adjustments of grades and credits of the involved students. As a result of Notre Dame's Honor Code process, several Notre Dame student-athletes were retroactively rendered ineligible, which did not occur in UNC's case.

The Board engaged in a robust discussion comparing the cases, the underlying NCAA rules that supported the decisions, procedural concerns that arose in Notre Dame's case, and the timing of future developments in Notre Dame's case. The Board devoted particular attention to the apparent disincentive created by these two decisions to take a principled and educative stance in similar situations. Professor Bellia raised and the Board discussed the possibility of making legislative changes to the NCAA bylaws as a result of these two cases. Mr. Swarbrick commented on the nature of the cases pending before the COI and IAC and the limits on the NCAA's enforcement processes.

## **7. Compliance Office Annual Report**

Due to time constraints, Ms. Bodensteiner briefly presented the Compliance Office Annual Report to the Board. As part of her presentation, Ms. Bodensteiner highlighted the current situation surrounding transfers both at Notre Dame and on a national level. She pointed out a new method for tracking termination of aid numbers. Ms. Bodensteiner encouraged Board members to ask her any questions they may have either now or at future Board meetings.

## **8. Process for Denial of Permission to Contact / Cancellation, Reduction, or Nonrenewal of Athletics Aid**

Ms. Bodensteiner reviewed a draft memo describing Athletics' internal processes for (1) the denial of a student-athlete's request for permission for another institution to contact the student about a possible transfer; and (2) the cancellation, reduction, or nonrenewal of athletics aid. Ms. Bodensteiner briefly highlighted the relevant NCAA rules and described the Board's policy governing appeals on these two issues, particularly the Board's requirement that the Director of Athletics must approve a coach's denial of a student-athlete's permission-to-contact request. The recent appeal hearing highlighted the need to clarify this element in particular, as well as the entirety of Athletics' internal decision making process that occurs prior to a case being presented to the Board.

Ms. Bodensteiner explained that the memorandum seeks to ensure that there is appropriate deliberation prior to a situation coming before the Board for a hearing. She noted that this memorandum confirms that the two decision making processes, for transfers and financial aid, will be the same.

Ms. Bodensteiner noted that legislative changes to NCAA bylaws surrounding transfers are likely imminent. She is therefore reticent to advocate for any elaboration of the substantive grounds for permitting or denying a student's request for permission-to-contact.

Professors Angst, Power, and Bellia, members of the most recent Hearing Panel, shared that this memorandum was a direct response to the Hearing Panel's request for more clarity surrounding the internal decision making process.

Professor Bellia raised for the Board's consideration a question regarding whether the Board ought to amend its policy to clarify that the decision whether to deny permission-to-contact rests with the "Director of Athletics (or his or her designee)," rather than the "Director of Athletics." The current language is open to interpretation concerning whether the Director of Athletics can delegate his or her authority. Professor Bellia shared her support for an interpretation or amendment permitting delegation, since the senior Athletics compliance official is in a good position to manage this process. Noting that an amendment would bring needed clarity, Professor Susan Ohmer made a motion, seconded by Professor Mary Ann McDowell, that the Board change the language to "Director of Athletics (or his or her designee)." The Board voted unanimously in favor of this amendment.

Ms. Bodensteiner shared her plan to distribute this memo clarifying Athletics' internal process to all coaching staffs and sport administrators on the day following the Board's meeting.

In response to questions from Ms. Missy Conboy, Ms. Bodensteiner affirmed that part of the national discussion surrounding transfers questions the retention of the permission-to-contact system. Ms. Bodensteiner described a notice of intent to transfer, currently proposed as a replacement for the permission-to-contact system. Ms. Bodensteiner explained that the memorandum in question would not change the Board's policy.

Professor Power asked several questions related to the goals or guiding principles of the NCAA's working group studying the transfer issue, noting that the current system seems to restrict a person's right to move. Ms. Bodensteiner offered to share a twenty-page document developed by the NCAA's transfer working group and briefly described some of the issues discussed therein.

Professor Angst offered insight into one of the factors that led the Hearing Panel to overturn the coach's decision, which was that the student-athlete had never received a scholarship at Notre Dame.

## **9. Adjournment**

Noting that the Board did not have enough time to discuss the Compliance Office Annual Report in depth, Professor Bellia invited Board members to email her should they want to put this discussion back on the November 15 meeting agenda. The Board also lacked time to discuss the 2015-16 Class Miss Report and any other Reports of Ex Officio Members or Liaisons.

Professor Bellia adjourned the meeting at 4:09 pm.