Faculty Board on Athletics
Meeting of November 9, 2016
4:00 pm-5:30 pm, 500 Main Building

Members present: Patricia Bellia (Chair), Alexa Baltes, James Brockmole, Brian Coughlin on behalf of Erin Hoffmann Harding, Ann Firth, John Gaski, Patrick Holmes, Dan Kelly, Mary Ann McDowell, Susan Ohmer, Jaime Pensado, Kevin Vaughan

Members excused: Sean Kelsey, Michael Stanisic, Jack Swarbrick

Athletics Liaisons: Jill Bodensteiner, Missy Conboy, Michael Harrity

Guests: Claire Leatherwood Slebonick (recorder)

1. Call to order and opening prayer

Professor Patricia Bellia called the meeting to order and offered the opening prayer.

2. Minutes of September 28, 2016, meeting

The Board unanimously approved the minutes of the meeting of September 28, 2016.

3. Chair's Announcements

Professor Bellia reported that she approved captaincies in the following sports: men's and women's fencing, women's lacrosse, men's golf, and men's basketball. She also reported that she approved the spring segment of the hockey schedule as well as both the men's and women's indoor track and field schedules.

Professor Bellia stated that she had approved class misses for fall sports now in post-season competition. Although the men's soccer team competed at home for the first round of the ACC championship, a severe thunderstorm required the rescheduling of that game to the following day, which in turn necessitated a class miss. Professor Bellia also approved 1.5 class miss days for the women's soccer team's ACC tournament travel.

4. Compliance Office Annual Report—Jill Bodensteiner, Senior Associate Athletics Director

Professor Bellia invited Jill Bodensteiner, Senior Associate Athletics Director, to discuss the Compliance Office's annual report.

Ms. Bodensteiner thanked Professor Bellia and began by describing the breakdown of financial aid that Athletics provides to student-athletes. She offered a couple of notes and a larger context for several of the metrics represented in the report. Ms. Bodensteiner reminded the Board that NCAA rules do not allow student-athletes to accept athletics aid and institutional aid without

counting both against the team's NCAA scholarship limit. Notably, Ms. Bodensteiner pointed out the total number of dollars spent on athletics financial aid in the 2015-16 academic year was $19.3 million, which is still the second most in country. Furthermore, Ms. Bodensteiner reported that Notre Dame is in the minority of institutional athletics departments in that it pays the actual cost of the grants-in-aid, dollar for dollar, to the Office of Student Accounts. In response to a question from Professor Bellia, Ms. Bodensteiner replied that Stanford Athletics also pays their athletics scholarships dollar for dollar.

Regarding the NCAA rules that require any institutional aid to be counted against a team limit if the student-athlete is also receiving athletics aid, Professor Bellia asked about the status of proposals to do away with this rule. Ms. Bodensteiner reported that this legislation has been included in a comprehensive review of financial aid legislation. Additional discussion ensued, with Ms. Bodensteiner explaining the complicated nature of this issue and noting that Athletics believes it is in the best interests of our student-athletes to receive both institutional and athletics aid without counting institutional aid against team limits.

Brian Coughlin asked if we knew the percentage of athletes who are on institutional aid without being on athletics aid. Ms. Bodensteiner replied that she could provide that information at a future meeting. Mr. Coughlin then delineated an opportunity for the Division of Student Affairs (Student Affairs) and Athletics to collaborate on this point, which may enable the neediest student-athletes to receive additional institutional support. Ms. Bodensteiner thanked Mr. Coughlin.

Ms. Bodensteiner shifted the Board's attention to statistics on the reduction and cancellation of athletics aid, noting that although the numbers appear high, there are several types of situations included in these statistics. She pointed out the breakdown of these cases within the Annual Report and offered examples of the situations represented in these numbers: (1) a student-athlete graduates with eligibility remaining and, since he or she is no longer enrolled, his or her scholarship is not renewed; or (2) a coach rewards a student-athlete for one year with an increased scholarship and then, because the agreement was for one year, the coach "reduces" the aid for the following year. Ms. Bodensteiner offered additional context on the cancellation numbers, stating that of those who had aid cancelled, three student-athletes were dismissed while eight student-athletes withdrew. In response to a question from Professor McDowell, Ms. Bodensteiner offered an example of a cross country student-athlete who voluntarily withdrew from the institution while on athletics aid. Ms. Bodensteiner stated that she would get additional clarity on the population of student-athletes who withdraw while on athletics aid. Professor Bellia noted that while there have been cases where there is a dispute regarding whether a withdrawal is voluntary, there is an opportunity afforded to the student-athlete to appeal the cancellation of aid, and the appeals panel has the duty to assess whether the withdrawal was truly voluntary. Additionally, Ms. Bodensteiner said there is a check and balance built within the system that requires the sport administrator to approve any requests to reduce or cancel aid. She is confident that any trend would come to the attention of the Compliance Office.

Ms. Bodensteiner thanked the Board members for their questions and turned the Board's attention to the information regarding Pell grants and the Free Application for Federal Student

Aid (FAFSA). She explained the Compliance Office's policy of encouraging all student-athletes complete the FAFSA, even if they receive a full scholarship, because the FAFSA determines a student's eligibility for a Pell grant. She also described how a student applies, noting that a total of fifty-two Notre Dame student-athletes applied for a Pell grant during the 2015-16 academic year.

Ms. Bodensteiner discussed the revenue distribution model of the NCAA and how the Pell grant distribution affects the NCAA distribution of the Student Assistance Fund (SAF) monies. She discussed the formula that the NCAA uses to determine the amount of SAF monies an institution receives, describing the following elements: the number of sports sponsored by the institution, the amount of aid the institution provides, and the number of student-athletes at an institution. As a result, Ms. Bodensteiner said that Notre Dame receives one of the highest SAF distributions: approximately $600,000 annually. These funds provide critical support to our student-athletes, in ways that Ms. Bodensteiner then described. She provided several examples of how this fund is used: covering the cost for summer athletic grants-in-aid, providing laptops to those student-athletes who need them, paying for graduate school application expenses, or covering other medical expenses, such as the Aetna student insurance plan. Additionally, Ms. Bodensteiner noted that there has been an increase in study abroad participation by student-athletes due to the SAF fund's support of this endeavor. She then moved to discuss future plans for this fund, stating that the Compliance Office is using the Green Belt process to make the process more efficient while noting that there are plans to get feedback from student-athletes on the efficacy of the fund. Finally, Ms. Bodensteiner highlighted that the University does not use SAF monies on disability insurance for high profile athletes, unlike many other member institutions. Professor Bellia added that on a recent Faculty Athletic Representative (FAR) ACC conference call, there was a discussion about how each school spends their SAF money. Professor Bellia reported that much of the conversation centered on the need for increased transparency from ACC members. She then commended Ms. Bodensteiner and her office for the transparency and detail provided regarding this fund.

In response to a question from Professor McDowell on the eligibility of student-athletes for disability insurance, Ms. Bodensteiner discussed the criteria student-athletes must meet in order to purchase it. She noted that within the last eight years, there have been six Notre Dame student-athletes, five football student-athletes and one hockey student-athlete, who have purchased it. Although Athletics had been asked to purchase it, Ms. Bodensteiner confirmed that Athletics has not purchased it for any student-athlete. Instead, students borrow against their future earnings to purchase the insurance, and when they sign a professional contract, they repay the loan. In response to a question from Professor Bellia, Ms. Bodensteiner outlined the two types of disability insurance currently prevalent in the student-athlete market: (1) permanent total disability insurance and (2) loss of value insurance, which is a newer type of insurance.

Next, Ms. Bodensteiner directed the Board to review the figures on the University's on-campus recruiting visits. The highlighted information included a summary of the number of recruits brought to campus with the numbers broken down between the official and unofficial visit count. Additionally, Ms. Bodensteiner described some of the forces driving the visits, their timing, and whether the visits are classified as official or unofficial. To that end, Ms. Bodensteiner briefly discussed the phenomenon of early recruiting and how that relates to on-

campus recruiting visits. She also noted that the Compliance Office is working on a Green Belt project related to the internal processes surrounding on-campus recruiting visits, particularly for the large number of visits that involve minors. In response to a question from Professor Bellia noting disparities between the men's and women's lacrosse programs on the number and type of visits, Ms. Bodensteiner explained that, traditionally, early recruiting is much more common in women's sports. Furthermore, Ms. Bodensteiner offered that each coach has their own philosophy and the recruiting culture is unique to each sport.

After that topic, Ms. Bodensteiner turned the Board's attention to the next subject: waivers. She discussed the types of waivers that Notre Dame might seek, including extra benefit waivers, initial eligibility waivers, and medical hardship waivers. She noted that the reduction over time in waivers that Notre Dame has sought is attributable to removal of certain restrictive NCAA rules.

Ms. Bodensteiner next discussed institutional violations. She reminded the Board that the Compliance Office wants to be discovering a certain number of violations, because that is an indication of a good compliance culture within the department. Ms. Bodensteiner gave further details on the structure of the violations, emphasizing the differences among the levels of violations. She then gave some factual context to some of the violations from the previous academic year that were reflected in the report's statistics. While acknowledging that most violations are related to recruiting, she also noted that violations by bylaw provide great guidance on the areas in which the Compliance Office needs to educate the coaches. Ms. Bodensteiner then discussed why the mechanism by which the violations were discovered is important, whether it was by a coaches' self-report or if the Compliance Office's monitoring systems, describing this metric as a good barometer of both the culture of the Athletics Department and efficacy of the monitoring systems. In discussing the statistics specifically, Ms. Bodensteiner said that the 2015-16 academic years had a lower incidence of violations, but explained that this decrease was at least in part attributable to a change in NCAA enforcement philosophy that gives the institution's compliance office more discretion in minor matters that are subject to interpretation to determine whether or not a violation has occurred.

Ms. Bodensteiner directed the Board's attention to the final page in the report, which included a breakdown of the student-athlete population by gender and by sport. Finally, Ms. Bodensteiner offered a brief description of the Compliance Office and how it is structured, stating that the office is organized by three primary substantive areas: (1) recruiting bylaws; (2) financial aid bylaws; and (3) academics. With that, Ms. Bodensteiner welcomed additional questions from the Board.

In response to question from Professor Ohmer asking Ms. Bodensteiner to compare Notre Dame to conference peers, Ms. Bodensteiner replied that Notre Dame's Compliance Office is probably more aggressive in seeking rule interpretations than other ACC schools, particularly when the request is in the best interests of the student-athletes and their families. Ms. Bodensteiner commended the compliance culture at Notre Dame and the proactive nature of Athletics with Jack Swarbrick's and Professor Bellia's leadership, but noted that many schools within the ACC also have a strong culture of compliance.

In response to a question from Professor Bellia asking about Ms. Bodensteiner's biggest worry in relation to rules compliance at Notre Dame, Ms. Bodensteiner responded that the primary force driving student-athletes to commit violations is a lack of money. She referred back to her earlier discussion on the importance of the Pell grant and FAFSA, saying the potential for violations is one reason why the Compliance Office strongly encourages all student-athletes to complete the FAFSA. Additionally, Ms. Bodensteiner described how the Compliance Office communicates with the student-athletes about these financially-centered challenges and offered some examples of the situations that occur on Notre Dame's campus that could easily lead to a violation. While noting that the strength of Notre Dame's alumni connections and booster participation is a good thing, she recognized the risks attendant thereto. Mike Harrity offered an additional example of the financial challenges many student-athletes and their families face, describing how several student-athletes send their Pell grant money home to their families. In response to a question from Ms. Conboy asking about connecting student-athletes to resources across campus, Ms. Bodensteiner responded that these programs offer a good opportunity for campus departments to work together to serve Notre Dame's student-athletes.

5. Governance Updates

Professor Bellia directed the Board's attention to the next item on the agenda, an update on governance issues. She began by summarizing how the Board's work intersects with the ACC, NCAA, and other groups. She noted that in a previous Faculty Board on Athletics meeting, the members had expressed a desire that she convey the Board's concerns regarding volleyball class misses to Notre Dame's leadership as well as to the athletics governance groups of which she is a part. To that end, Professor Bellia reported on an October ACC FAR meeting during which there was a healthy discussion between the FARs and the conference commissioner on this issue, sharing that this had been a collective concern of the entire group. The result of this discussion is the creation of a Task Force, comprised of FARs, athletic directors, and senior woman administrators, to study ACC class miss issues, particularly in non-revenue sports.

After that, Professor Bellia described the Athletics Steering Committee, the composition of the group, and its goal of involving a substantial number of student-athletes in the governance of the Athletics Department. She reported on the most recent meeting, describing three primary topics of discussion: (1) early recruiting; (2) social activism by student-athletes; and (3) the Board's off-campus housing policy. Professor Bellia noted that there was a large amount of discussion on early recruiting and what options were open stakeholders at Notre Dame to address this issue. She then described the discussion surrounding social activism among athletes and the increasing use of the student-athlete platform as an opportunity to take a position on social issues. This conversation included a discussion on both how the University could best help student-athletes make informed decisions on whether or how to take a position on a social issue, as well as how to react if student-athletes are confronted with an opposing team protesting or taking some other stance during a contest held at Notre Dame. Professor Bellia recognized the contributions of Mike Brey, the Glenn and Stacey Murphy Head Men's Basketball Coach, to the conversation. Coach Brey had had a discussion with his student-athletes that led to a community-building activity—on-court drills at the Martin Luther King Recreational Center in South Bend with members of the law enforcement community. Finally, Professor Bellia described the off-campus housing policy discussions and noted the concern expressed by the

student-athletes regarding the disparity between the requirements for a student-athlete to move off-campus as compared to the requirements for a non-student-athlete to move off campus. She described the extreme tension between the Board's policy and the general campus policy while noting that there were on-going discussions at the University level about the general campus policy.

Next, Professor Bellia updated the Board on the Academic Code and Policy Committee's work surrounding departmental exam scheduling slots and how this issue affects Athletics scheduling. She stated that coaches typically avoid scheduling activities during departmental exam times because of the potential conflict, but that there is increasing tension as some departmental exams migrate to unofficial evening slots. She shared that the number of evening exams is increasing because there is not enough classroom space for all of the exams to occur in the morning. She informed the Board that she, Pat Holmes, and Ms. Bodensteiner are working together to assess the potential impact an official evening exam slot would have on practice and competition schedules, as well as on evening transition programs that Academic Services for Student-Athletes offers. In response to a question from Professor McDowell, Professor Bellia stated that the trend toward evening exams has a potentially bigger impact on practice, rather than competition, because student-athletes can be excused from academic obligations for competition but not for practice. Professor Bellia described the coaches' concern that they are losing opportunities to practice with all of their team in attendance and added, with Brian Coughlin's confirmation, that this issue affects Student Affairs as well. Professor McDowell offered her reasons for supporting the movement to allow evening departmental exams while acknowledging the potential impact it could have on Athletics and Student Affairs scheduling.

With a final comment regarding the importance of figuring out whether or not coaches will have to avoid scheduling during these evening exam slots, Professor Bellia then moved to the next item on agenda: the Notre Dame Student-Athlete Working Group.

Professor Bellia invited Ann Firth to describe this group, its composition, and its function. Ms. Firth began by stating that Father John Jenkins, President, convened this working group, which includes John Affleck Graves, Executive Vice President, Erin Hoffman Harding, Mr. Swarbrick, Professor Bellia, and Tom Burish, Provost. She described the goal of the group as making the student-athlete experience the central thrust of their inquiry, thereby allowing the group to discuss interdepartmental issues affecting student-athletes. Ms. Firth then described the inventory of intersections related to the student-athlete experience among the parties represented. She noted that this group's purpose is not to encroach in any way on the Board's charge; rather, this group seeks to bring administrators together to discuss issues relevant to these intersections, particularly those issues without an otherwise appropriate forum for discussion. To further illustrate this point, Ms. Firth stated that one of the criteria for agenda items for the group is that the item not be something that another group is addressing. She concluded her description of this group and its charge by noting that these intersections reflect the collective philosophy that student-athletes should have an integrated experience; the group is modeling that philosophy by trying to take an integrated approach to policy discussions. Professor Bellia added that part of the impetus for this group is to make sure that each department on campus proceeds from the same shared principles in regard to serving the student-athlete population.

6. Amendment to Multiyear Grant-in-Aid Agreements

Professor Bellia then directed the Board's attention to an attachment describing an amendment to the multiyear grant-in-aid form. The Board's current policy on grants-in-aid provides that the grant-in-aid agreement itself states the bases on which cancellation, reduction, or non-renewal can occur. The policy also states, however, that any expansion of the grounds for cancellation, reduction, or nonrenewal "is subject to review by the Faculty Athletics Representative (FAR) and, at his or her discretion, by the Faculty Board on Athletics." Professor Bellia noted that she had reviewed and approved an amendment to the multiyear grant-in-aid form. Although that amendment did not in any way constitute an "expansion" of the grounds for cancellation, reduction, or nonrenewal, she wanted the Board to be aware of the change, particularly because some Board members had participated in an appeal that highlighted some concerns prompting the change. The earlier version of the multiyear grant-in-aid agreement conflated the effective date for cancellation or reduction of the agreement with the date by which the student-athlete must be notified of the cancellation or reduction. In effect, under the original language of agreement, a coach could notify a student-athlete at any time over the summer of a cancellation or reduction of the aid, so long as the cancellation or reduction would not take effect until the fall. Professor Bellia reported that the amendment is trying to separate the notification and effective date issues. The change aligned the required date for notification of a cancellation or reduction of aid for the following academic year with the NCAA's July 1 deadline for single-year grants-in-aid. This change gives families at least six weeks of notice, counting back from the fall due date for payment on a student's account, to secure alternate funding.

7. Early (January) Enrollee Process Update

Professor Bellia described the history of the early enrollment process at Notre Dame and noted that many other schools that sponsor a successful Football Bowl Subdivision program have a number of early enrollees. When Notre Dame initially approved an early enrollment process, through involvement of the Provost's Office and the President's Office, it did so with the understanding that early enrollment would be available to non-student-athletes as well as student-athletes. Professor Bellia continued by describing the process by which the Admissions Office seeks input on candidates for early enrollment—by consulting an early enrollment committee, typically in early November, to review the student-athlete candidates.

Professor Bellia then discussed two concerns that prompted reexamination of this process: (1) a question about whether or not the number of students considered for early enrollment matters; and (2) a question about whether or not a student admitted for early enrollment must present special characteristics (e.g., a stronger academic record or a higher level of maturity). The early enrollment committee thoroughly discussed these issues and came to the following conclusions. First, the number of scholarships available in January will always provide some practical constraint on the number of students who can be admitted for early enrollment. The committee should not impose an artificial or arbitrary cap on the number of early enrollees, but the Admissions Office should monitor this issue and should be attentive to the need to balance the student-athlete cohort with non-student-athletes. Second, as a practical matter, the Admissions Office has not historically limited early enrollment to those students who possess special maturity or academic credentials. The committee concluded that the appropriate

question to ask when considering whether to admit a potential early enrollee is whether that student ought to be admitted, not whether that student presents special characteristics above and beyond admissibility. The maturity question is exceedingly difficult to answer on a brief campus visit, and there are strong arguments for why some at-risk students are better off enrolling in January, when they can have a period of adjustment to the academic rigors of Notre Dame without in-season athletic demands. Third, in light of the fact that early enrollment presents unique challenges, a critical focus ought to be to ensure that a student's transition in January mirrors the transition he or she would experience in Summer Bridge or in the fall. The support and resources that the University provides at all of those transition points—January, June, and August—could benefit from a reevaluation.

Based on this discussion, the early enrollee committee concluded that it ought to cease to exist as a committee that evaluates early enrollee candidates. Instead, the Admissions Office can, if it chooses, seek appropriate input for both early and regular admissions candidates, with a particular focus on at-risk student-athletes. In addition, there should be a separate working group to evaluate the transition points and ensure that the University provides appropriate support and resources. Professor Bellia seeks the Board's input before making these recommendations to Father John and others.

In reply to a comment from Professor Ohmer, Professor Bellia reported that there have been extensive discussions about the merits of admitting a prospective student-athlete in January and provided examples of when this early enrollment made sense. Mr. Holmes offered that the discussion has been a healthy one, agreeing with Professor Bellia that programming on the front side is critical. Ms. Conboy described her experience with an early enrollee volleyball student-athlete who benefited greatly from the ability to transition to college life without also having to simultaneously play her first season of college sports. Professor Bellia noted that early enrollment was more heavily used by fall sports, rather than winter or spring sports. There was additional discussion, with both Mr. Holmes and Ms. Bodensteiner offering examples as to how early enrollment could benefit student-athletes, particularly in regards to graduating on time.

8. Academic Integrity Subcommittee Report

Next, Professor Bellia offered a summary of the Academic Integrity Subcommittee's consideration of a request from the Student-Athlete Advisory Committee (SAAC) to change the date of their annual end-of-year award show, the Outstanding Student-Athletes Celebrating Achievement & Recognition Showcase (OSCARS). As Professor Bellia explained, currently, the OSCARS are held on the final day of class. SAAC seeks to move the event to the first day of reading period, for several reasons: first, that the event often presents a conflict for some spring sport teams that have contests on the final day of class; and second, that the final day of class can be extremely hectic. Professor Bellia explained that by sliding the show one day later to the first full reading day, fewer teams would be competing because of other Board policies that typically restrain athletic activities from being scheduled on reading days. She then summarized the subcommittee's evaluation of this request, noting the jurisdictional and ripeness concerns in addition to the substantive ones, before inviting Professor Dan Kelly, chair of the subcommittee to elaborate.

Professor Kelly thanked Professor Bellia for her summary and detailed the three issues related to the evaluation of this request: the jurisdiction, ripeness, and the merits. He proceeded to walk the Board through how the subcommittee dealt with the first two issues and requested their input on merits of this request. Professor Kelly offered examples of other allowed athletics-related activities that occur on fall semester reading days. In response to a question from Professor McDowell, Mr. Coughlin replied that Student Affairs does not allow student organizations or groups to sponsor programs after that Wednesday, unless it is a study break. Professor Bellia noted that this issue had not come up in the context of the fall reading day activities. A discussion ensued, including comments that ranged from whether or not the OSCARS are required, the type of precedent allowing the event on a reading day could set, the fact that there is already an additional reading day built into the spring semester's calendar, and students' current use of the reading days. As the discussion on the merits concluded, Professor McDowell asked about the resolution of the jurisdictional issue with Professor Ohmer stating that the collaboration and working relationship between SAAC and the Board is something that should be considered in this decision. Professor Bellia noted that this request illuminated a possible defect in the Board's policies by showing that the policies are not clear on whether social events could be scheduled during times when the Board's policies otherwise do not allow athletic contests to be scheduled. Professor Brockmole raised a point from the subcommittee's discussion, to which Ms. Bodensteiner confirmed that, under NCAA rules, voluntary activities, even under the new time management proposals, would be exempt from the prohibitions limiting their occurrence. Further discussion occurred, including a comments on whether or not this request was a fair representation of student-athlete desires to which Mr. Harrity responded in the affirmative.

Finally, Professor McDowell moved to vote to approve this request for the current year but with a requirement of a report after this year's event coupled with further consideration of changing the broader Board policies in this area. The motion was seconded and the request was unanimously approved, with no abstentions or nays.

9. Adjournment

Professor Bellia reminded the Board that the Provost would be attending the next Board meeting and then adjourned the meeting at 5:42 p.m.