

**Faculty Board on Athletics  
Meeting of September 28, 2016  
4:00 pm-5:30 pm, 500 Main Building**

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

Athletics Liaisons: Jill Bodensteiner, Michael Harrity, Beth Hunter

Guests: Claire Leatherwood Slebonick (recorder)

**1. Call to order and opening prayer**

Professor Bellia called the meeting to order and invited Professor Kelly to offer the opening prayer. Professor Bellia then invited the members of the Board to introduce themselves as it was the first meeting of the academic year.

**2. Minutes of May 6, 2016, Meeting**

Professor Bellia noted that there were two versions of the minutes circulated to the members prior to the meeting; the first version was the original submission while the second version reflected a handful of technical corrections and one substantive clarification on the voting process for the Kanaley Awards. After that explanation, the Board offered no additional changes and unanimously approved the minutes of the May 6, 2016, meeting.

**3. Chair's Announcements**

Professor Bellia welcomed all members to the 2016-2017 Faculty Board on Athletics. She noted the importance of the Board's work in ensuring that our athletics programs operate in consonance with the University's educational mission. She provided an overview of the Board's work for the upcoming academic year. The Board will continue its practice of hearing regular reports on issues at the intersection of athletics and academics, beginning today with a report from Ann Firth as chair of the Drug Testing Oversight Committee. Future meetings will cover academic reports from the Director of Academic Services for Student-Athletes, a report from Jill Bodensteiner on Compliance issues, a report from the Office of Student Affairs on disciplinary issues, and a report from Professor Bellia on class misses in the last academic year. Additionally, she hopes the Board will resurrect a practice of reviewing student-athlete surveys. Professor Bellia also wants Board members to remain informed of developments in the national landscape of intercollegiate athletics. She invited members to consider any other items that they wished to see on a future agenda and share them with her. She anticipates that each of the subcommittees will continue with projects begun during the last academic year. For the Academic Integrity Subcommittee, that will include, for example, examination of course clustering issues. At its last meeting, the Board raised the question whether it should adjust its off-campus housing policy

with respect to summer school, particularly for student-athletes receiving only a partial grant-in-aid. Professor Bellia will refer that question to the Student Welfare Subcommittee. In addition, she would like the assistance of the Student Welfare Subcommittee in developing a pool of faculty mentors for at-risk student-athletes, and in developing guidelines for a faculty mentor program.

In conclusion, Professor Bellia encouraged members to submit additional agenda items for the Board's consideration.

### **(a) Schedule Approvals**

Professor Bellia reported that she had approved schedules for a number of teams since the May 2016 meeting: men's basketball, women's basketball, men's and women's cross-country, men's and women's fencing, football, women's golf, men's golf, hockey, women's lacrosse, men's lacrosse, rowing, softball, men's swimming and diving, women's swimming and diving, men's tennis, and women's tennis. She noted the following:

- Certain schedules, including cross-country, fencing, and tennis, involve a number of meet or match dates that would exceed three class misses in the M/W/F sequence or three in the Tu/Th sequence. The teams will rotate their student-athletes so that no student misses more than 3/3. In tennis, it will sometimes happen that an individual student advances in a tournament, requiring an additional class miss. Those situations are handled through consultation between Professor Bellia and ASSA counselors.
- Each golf team must construct its own tournament schedule, and each tournament spans multiple days, typically including either a Friday or a Monday. As in past years, the golf teams require additional class misses to build competitive schedules.
- Basketball: Both men's and women's basketball requested permission to schedule a reading day game in December 2016. Professor Bellia approved the requests and will ensure that the both teams adhere to the relevant protocols. She will report back after the games occur, consistent with Board policy.

### **(b) Captain Approvals**

Professor Bellia approved captaincies for the following sports: men's soccer, women's soccer, baseball, men's cross-country, women's cross-country, football, hockey, women's basketball, cheerleading, women's swimming and diving, men's swimming and diving, women's tennis, and volleyball.

### **(c) Housing Waiver Requests**

During the May 6, 2016 meeting, the Board delegated to Professor Bellia its authority to consider waivers of the Board's policy that student-athletes receiving athletics grants-in-aid must live on campus for the first six semesters, including all summers prior to the sixth semester. Professor Bellia exercised this delegated authority twice, for two waivers submitted after the May meeting. She approved both waiver requests on the Board's behalf. One of the cases was similar to a previous case in which the Board granted the request for the summer session due to a

financial hardship, while the second case involved a medical request that was supported by University Health Services.

#### **(d) Liaisons**

Professor Bellia noted that the binders she circulated contained team liaison assignments. Professor Bellia asked members to reach out to sport administrators. She suggested arranging a lunch with the coach or attending a practice. Having a Board member who is knowledgeable about the team, the coach, and the season can sometimes help identify concerns that are relevant to the Board's work.

#### **4. Report of the Drug Testing Oversight Committee (Ann Firth, President's Chief of Staff)**

Professor Bellia invited Ann Firth, Chair of the Drug Testing Oversight Committee, to provide her annual report on the Notre Dame Drug Testing Program for Student-Athletes (Program). Ms. Firth discussed changes that Father Jenkins approved in the spring of 2013 after a year-long comprehensive study. Ms. Firth then provided an overview of the drug-testing process under the Program and commended the efforts of the Athletics Department staff to educate student-athletes regarding Program and philosophies underlying it. A discussion ensued as various Board members asked questions regarding different elements of Program. Ms. Firth then offered the Program's annual report and answered members' questions about that report.

#### **5. Proposed Amendments to Transfer-Release Hearing Procedures**

Professor Bellia discussed the impact of an NCAA rule change on Notre Dame's Transfer-Release Hearing Procedures (Transfer Procedures). The NCAA has adopted a provision that would require each institution to have a written policy in which it describes what limitations, if any, it will place on a student-athlete's receipt of typically provided services and benefits upon the student-athlete indicating a desire to transfer.

Professor Bellia stated that in the ordinary course, she would have referred this issue to the Student Welfare Subcommittee for consideration. Because the NCAA provision became effective on August 1, 2016, however, the Athletics Department needed an interim policy until the full Board could consider this issue. Professor Bellia then directed the Board's attention to the draft policy in the meeting materials.

Professor Bellia highlighted the categories of benefits and services and described who would have authority to deny a student-athlete access to these services, emphasizing that the policy contemplates a case-by-case analysis. Ms. Bodensteiner noted that there are several different reasons why student-athletes transfer, which makes it difficult to develop a strict policy; consequently, the current policy reflects a certain amount of flexibility. In response to a question from Professor Ohmer, Ms. Bodensteiner noted that the most flexibility is needed as it relates to participation, both on the team and within Notre Dame's facilities.

In response to a question from Professor Brockmole, a discussion ensued regarding why a student-athlete's access to Athletic Services for Student-Athletes (ASSA) might need to be restricted. An adjustment was made to the language of this draft provision, requiring that the Faculty Athletics Representative (FAR), or his or her designee, to be consulted prior to the denial of ASSA services, and that the FAR then report any such denials to the Board.

At the conclusion of this discussion, Professor Mary Ann McDowell moved to approve the Transfer Procedures, including the amendment just discussed. Professor Ohmer seconded the motion, which carried unanimously.

## **6. NCAA and ACC Updates (Jill Bodensteiner, Tricia Bellia, Jack Swarbrick)**

Professor Bellia then turned the Board's attention to various NCAA and ACC updates.

Professor Bellia reminded the Board of its discussion regarding volleyball class misses during a previous meeting. She reported that, as the Board requested, she conveyed to Father Jenkins, Mr. Swarbrick, and Ms. Conboy both the Board's concern about the impact of ACC scheduling on class misses and the Board's desire to have each of them raise this issue with their counterparts at the ACC. Professor Bellia reported that the issue is now on the agenda for the October ACC meetings.

### **(a) Time Management**

Professor Bellia invited Ms. Bodensteiner to update the Board on time management issues under discussion by the NCAA membership. Ms. Bodensteiner began by sharing the impetus for the NCAA's examination of time management. In surveys, student-athletes indicate that they spend anywhere between thirty-five and forty-five hours per week on their sports, even though NCAA rules limit countable activities to twenty hours per week. The goal of this conversation has been to examine the amount of time spent on athletically related activities, on which activities it is being spent, and why.

Ms. Bodensteiner then described how Notre Dame Athletics studied time management issues on its own campus. First, the Athletics Steering Committee developed a set of guiding principles, which included the following: (1) student-athletes, as students, should have the opportunity to go to class; (2) scheduling should be transparent and predictable for student-athletes; and (3) student-athletes should have better opportunities to engage in campus life. After the Athletics Steering Committee developed these guiding principles, two Athletics Department staff members met with all Notre Dame varsity teams to get meaningful input from the student-athletes. The following themes emerged: (1) student-athletes do not necessarily want to compete or practice less; (2) student-athletes want improved predictability in their athletic schedules; (3) student-athletes desire greater transparency in scheduling, particularly whether or not participation in an activity is required; and (4) student-athletes want increased efficiency in scheduling. Concurrently, athletics staff offered multiple forums to gain input on these issues from coaches, former student-athletes, and others.

Ms. Bodensteiner then described how the review of these collective themes has already influenced the administration within the Athletics Department. For example, the department changed the way it scheduled student-athletes' mandatory meetings with athletics personnel at the beginning of the school year.

Following this description of Notre Dame's engagement, Ms. Bodensteiner explained the discussions occurring at the national level. She began by outlining the two ways in which NCAA rules get passed, via the council structure and the autonomy structure, noting that these time management issues were deemed an autonomy matter. Ms. Bodensteiner then described the three central elements of the NCAA's proposals:

1. The creation of a new concept within NCAA rules, identified as required athletically related activity (RARA). Ms. Bodensteiner explained the relationship between RARA and countable athletically related activity (CARA). While noting relevant exceptions, Ms. Bodensteiner then described the key elements of this proposed rule, which include the requirement that RARA cannot be performed on a day off and that RARA must appear in the Time Management Plan.
2. An increase in the amount of time that student-athletes must be free from athletically related activities. Ms. Bodensteiner stated that the current proposal would add an eight hour overnight block between 9:00 p.m. and 6:00 a.m. that would be required to be free of athletic activities, that there could be no RARA on weekly days off, that there must be seven days off at the end of a sport season, and there must be fourteen additional days off during the academic year.
3. Improve predictability by requiring coaches to distribute a Time Management Plan, formulated with student-athlete input. Ms. Bodensteiner posited that the validity of the Time Management Plan depends on getting honest student-athlete feedback. She also noted that implementation of this Time Management Plan would require both flexibility and a change in culture.

Ms. Bodensteiner stated that autonomy conference representatives are in the process of sharing drafts of and comments on these proposals, with a final vote on these proposals set for January. She also commended Mr. Swarbrick for his national leadership on this issue.

### **(b) Academic Issues**

Professor Bellia turned to certain NCAA academic proposals relevant to the Board's ongoing discussions about the enrollment and eligibility of fifth-year student-athletes. Last spring, the NCAA's Committee on Academics had proposed a rule under which a graduate student would be eligible to compete only if he or she were enrolled in a specific degree program. That proposal raised significant concerns for Notre Dame and other institutions that have few terminal master's degree programs. Professor Bellia reported that the Committee on Academics had now changed course, and its current proposal would permit unclassified graduate students to remain eligible for competition. Professor Bellia also shared information about a second proposal that would permit students to satisfy NCAA progress-toward-degree credit hour requirements through use of credit hours in pursuit of a minor. If adopted, this proposal could permit a student in his or her fifth year to pursue a minor during that year, rather than enrolling in graduate courses.

A discussion of these proposals ensued, with Mr. Holmes offering his support for both. Professor Bellia noted that the National Association of Academic Advisors for Athletics (N4A), the professional organization for Mr. Holmes and his staff, played a key role in influencing the Committee on Academics' position on both of these proposals.

In offering closing remarks on all of these NCAA and ACC updates, Mr. Swarbrick reiterated the theme of Ms. Bodensteiner's earlier comments, and particularly emphasized the valuable role Notre Dame is playing in shaping collegiate athletics through its leadership at all levels of the industry.

In response to a question from Professor Stanisic, Professor Bellia stated that the impetus behind allowing credits hours for minors to count towards the progress-toward-degree requirements is to give student-athletes another meaningful academic option to pursue while exhausting their eligibility in a fifth year of study. Mr. Holmes offered that of the current seven graduate students who are unclassified, he would have anticipated that several of them would have added a minor had the proposed rule been in place. In response to a question from Professor McDowell, Professor Bellia noted that institutional policy allows a student to "walk" through graduation ceremonies if he or she is within six credits of graduating.

Mr. Swarbrick then offered one more reminder that several legal cases are currently pending, any one of which could significantly affect collegiate athletics and, thus, the work of the Board.

## **7. Annual Report 2015-16**

With limited time remaining, Professor Bellia noted that she had provided a copy of the 2015-16 Annual Report in the packet for members' information. She previously submitted this report to the Academic Council, as the Academic Articles require.

## **8. Adjournment for Subcommittee Meetings**

Although time did not allow for full break-out sessions of the subcommittees, Professor Bellia encouraged each subcommittee to meet briefly to choose a chair. [The Academic Integrity Subcommittee selected Professor Kelly as chair, and the Student Welfare Subcommittee selected Professor Stanisic as chair.]

Professor Bellia thanked Board members for their time and adjourned the meeting at 5:26 p.m.