

**Faculty Board on Athletics
Meeting of December 11, 2015
9:00-11:00 am, 500 Main Building**

Members Present: Patricia Bellia (Chair), James Brockmole, John Gaski, Brian Coughlin for Erin Hoffmann Harding, Patrick Holmes, Dan Kelly, Sean Kelsey, Mary Ann McDowell, Robin Rhodes, Michael Stanistic, Ann Tenbrunsel

Members Excused: Alexa Baltes, Ann Firth, Jack Swarbrick, Kevin Vaughan

Athletics Liaisons: Jill Bodensteiner, Missy Conboy, Michael Harranty, Beth Hunter

1. Call to order and opening prayer

Professor Bellia called the meeting to order and invited Professor Gaski to offer the opening prayer.

2. Minutes of November 13, 2015, meeting

The minutes of November 13, 2015, were unanimously approved.

3. Chair's Announcements

Professor Bellia reported that she had approved the schedules for men's and women's indoor track and field and men's and women's diving. Professor Bellia noted that a change to the start time of a women's lacrosse game will require an extra half-day of missed class, but that the team is still within the class miss limits.

Additionally, Professor Bellia announced that she had approved captaincies for the following teams: women's swimming, men's basketball, and men's tennis.

Finally, Professor Bellia reported that the request to move off-campus discussed by the Board at the previous meeting had been approved.

4. Possible Policy on Academic Boundaries for Athletics Staff Members (Jill Bodensteiner)

Professor Bellia welcomed Jill Bodensteiner, Senior Associate Athletics Director, to discuss a possible policy on academic boundaries for athletics staff members. Ms. Bodensteiner thanked Professor Bellia for the opportunity to address the Board and introduced her topic by discussing several contemporary case studies, including recent situations at Rutgers University (Rutgers) and Southern Methodist University (SMU). In each case, Ms. Bodensteiner noted that a coach interfered with a professor's grading of a student-athlete's academic work, resulting in an array of consequences. Rutgers fined and fired the coach involved in that situation and the NCAA levied sanctions against SMU,

including three years of probation, a post-season ban, vacation of wins, scholarship reductions, and a partial season suspension of the head coach. Ms. Bodensteiner noted that the NCAA's Committee on Infractions (COI) stated in the SMU case that the COI was "troubled that academic advising was being done by sport specific staff rather than academic staff."

With the above cases as background, Ms. Bodensteiner reported that Athletics began exploring whether or not there should be a policy regarding the interactions between athletics staff and faculty members related to student-athlete grades and, if so, what the details of that policy should be. Ms. Bodensteiner then described conversations among different stakeholders within athletics and offered five potential guidelines both as a starting point for any possible policy and as a catalyst for discussion: (1) the Academic Code governs potential grade changes, and athletics staff should have no role; (2) athletics staff members should not proctor exams; (3) athletics staff members should not provide academic assistance to student-athletes, nor should they ever submit an assignment on behalf of a student-athlete; (4) athletics staff members should not provide specific academic advice to student-athletes (e.g., course selection, what course to drop); (5) athletics staff should use good judgment regarding communication with faculty, and avoid direct conversation about grades or eligibility.

The Board began discussing the guidelines offered by Ms. Bodensteiner, delving into the logistics of having an Academic Services for Student Athletes (ASSA) counselor traveling with teams to proctor exams, the interactions between ASSA staff and professors, and the possible conflicts raised by athletic department staff teaching the Moreau First-Year Experience Course. Professor Rhodes commented on the Honor Code's applicability to exams taken by student-athletes while traveling for competition without the benefit of an ASSA counselor to proctor the exam. Professor Tenbrunsel offered the institution's policy regarding faculty teaching their own children as a possible model to address any potential conflicts arising from athletics department staff teaching student-athletes, with a discussion among Board members following.

Ms. Bodensteiner then shifted the discussion to the third proffered guideline, providing examples illustrating the benefits of conversations she has had with student-athletes regarding their academic coursework or as part of a mentorship role. Melissa Conboy, Senior Deputy Athletics Director, provided additional examples from her own experience, as well. Ms. Bodensteiner then solicited input from the Board on developing guidance on how to have these conversations in a way that neither chills the discussion nor implicates the Honor Code. A robust discussion followed, including comments from Professors Kelsey, Rhodes, and Bellia and Ms. Conboy, on the fact that the Honor Code requires students to cite ideas generated in conversations with others but also the desire to avoid both the appearance of and actual impropriety, and the difficulty of creating a bright-line rule. Mr. Coughlin offered the example of student-athletes asking for advice from coaches, teammates, and other athletic staff members on which classes to take, purely from an informational and educational perspective, without any overtones of athletic control. Professor Tenbrunsel offered examples from her own experience and Ms. Conboy described the realities of the daily contact levels coaches and other athletic staff

members have with student-athletes. Ms. Bodensteiner replied to Professor Brockmole's question about clarifying the purpose of these guidelines by saying that these guidelines were envisioned to be more practical advice than strict policy.

The discussion then turned to attempting to define academic assistance and unreasonable academic assistance. Professor Gaski proposed that the athletic department attempt to define this term and then present it to an expert in the field to vet the definition; Professor Kelsey proposed developing a set of questions that staff should ask themselves prior to engaging in these discussions, rather than attempting to create a definition.

Professor Tenbrunsel questioned why a coach would discuss a student-athlete with a faculty member. Ms. Bodensteiner and Mr. Pat Holmes offered comments on circumstances in which it would be both appropriate and inappropriate for this to occur, respectively, with Ms. Bodensteiner then positing that perhaps the language of the guideline should be set in the positive rather than the negative. Professor Bellia and Ms. Bodensteiner then responded to a question from Professor Brockmole regarding whether a coach would ever need to know a student-athlete's grades by offering examples of circumstances in which a coach would have the need to understand a student-athlete's academic situation, including asking a coach not to travel a student-athlete to enable that student-athlete to focus on academics.

Ms. Bodensteiner concluded this discussion by saying she would work with Professor Bellia to identify appropriate next steps.

5. NCAA Graduation Rates (Pat Holmes)

Professor Bellia asked Pat Holmes, Director of ASSA, to give a report regarding Notre Dame's NCAA Graduation Rates. Mr. Holmes began by describing the two different measurements commonly used to quantify an institution's graduation rates: the Federal Graduation Rate (Fed Rate), used by the federal government, and the Graduation Success Rate (GSR), used by the NCAA. Under the Fed Rate, the institution tallies the number of student-athletes that enter the institution in the fall semester and receive grant-in-aid, and determines what percentage of those students graduate from that institution within six years. The Fed Rate is the only way to compare the graduation rate of the general student body to the graduation rate of student-athletes. The NCAA developed the GSR in response to university presidents who wanted graduation data that more accurately reflected the mobility among all college students today. Mr. Holmes noted that approximately one-third of all students will transfer at some point during their collegiate careers. The primary difference between the methodologies of the two rates is that the GSR takes mid-year enrollees and transfers into account. The GSR does not penalize an institution if a student-athlete transfers out of the institution and the individual is in good academic standing. In addition, mid-year enrollees and student-athletes transferring into an institution are added to the graduation cohort.

Mr. Holmes directed the Board's attention to the handouts he provided while discussing examples of why some of students, including student-athletes, may not graduate: eligibility concerns, homesickness, academic issues, or other non-academic reasons. Mr. Holmes stated that the second page of the handout is a summary of Notre Dame's graduation rates from recent years, noting that Notre Dame is consistently in the top five of all Football Bowl Championship Subdivision (BCS) institutions in both the Fed Rate and GSR. While explaining Notre Dame's most recent graduation rates, Mr. Holmes commented that his office works closely with the Office of Strategic Planning and Institutional Research to develop this data for submission and invited any Board member who had questions to contact him.

Prior to taking questions, Mr. Holmes made the point that because so many of our teams compete at the highest level, many of our student-athletes have the opportunity to be drafted and play professionally, thereby negatively impacting Notre Dame's Fed Rate. With that, Mr. Holmes opened the floor for questions and discussion.

In response to a question from Professor Tenbrunsel, Mr. Holmes stated that the football rates were higher than the numbers from last year. Additionally, Mr. Holmes commented that several in that cohort left the institution to play professionally. Mr. Holmes then pointed out that the only atypical number in this year's data is women's basketball, and Mr. Holmes discussed how the departure of two student-athletes affected that number.

Finally, Mr. Holmes discussed the rates of Notre Dame's revenue producing sports and compared that to the data from other BCS institutions. Professor Gaski asked how the numbers would compare if Mr. Holmes provided a summary that included the past ten years, rather than the past five years; Mr. Holmes replied that the Fed Rate would be in the same range and that GSR has consistently been between 90 and 95 over the last ten years.

Mr. Holmes then concluded his remarks and thanked the Board members for their time.

6. Class Miss Report

Professor Bellia provided the Class Miss Report, noting that the report is in the same format as in previous years with one of the goals of the report to show how class misses affect student-athletes on each individual team. While noting that there has been a report of this nature since 2009, Professor Bellia highlighted the comparison between the 2012-13 academic year, the last year Notre Dame fully participated in the Big East conference, and the 2014-15 academic year, which is the first year of full scheduling in the Atlantic Coast Conference (ACC). Professor Bellia explained that the 2013-14 year was atypical in terms of class misses, in part because of the scheduling issues attendant to switching conferences.

Professor Bellia reviewed the Class Miss Policy, including the Chair's discretion to approve up to two additional misses over the three class misses allowed in either the Monday-Wednesday-Friday or Tuesday-Thursday sequence, noting that this discretion is provided to enable the team to build a competitive schedule. Professor Bellia commented that these limits exclude any post-season requests. Professor Bellia described the challenges related to missing class while having a successful post-season and used the women's basketball team's advancement to both the ACC and NCAA final rounds as an example. However, Professor Bellia noted that if either of these tournaments happened to take place over the institution's Spring Break, like one did for the men's basketball team, the amount of class misses could be dramatically different.

Professor Bellia then brought the attention of the Board to a few sports in particular, including her point that tennis was the sport most negatively affected by the change in conferences. The Big East did not have a conference schedule, but the ACC does, which creates a number of additional class misses. Conversely, because there is no ACC volleyball tournament as there was in the Big East conference, the change in conference affiliation had the opposite effect for the volleyball program.

In response to a question regarding the definition of a "half miss," Professor Bellia explained that a half miss occurs when a team leaves at noon or only misses an afternoon class. Professor Bellia described the difficulty in capturing individual sport class misses in this format, but noted that, like the team sport calculations, no individual student-athlete is missing more than three classes in any one sequence.

Professor Bellia then stated that she did not see any concerning trends in the data but did note the dramatic impact a successful post-season tournament can have on a team's overall class misses.

Professor Gaski suggested that the Board begin tracking student-athletes who are ineligible, do not graduate, or are on academic probation as a dependent variable related to class misses to make sure that the average GPA's listed in the report are not inadvertently disguising a problem. Professor Bellia responded that she would include a column in the report to track academic probation.

Professor Kelly then shifted the discussion to contest schedules, the length of post-season tournaments, the academic disruption that they can cause and what, if anything, Notre Dame should be doing to push back against that academic disruption. Professor Bellia described her own actions with the ACC Faculty Athletics Representatives group, and Ms. Conboy described her efforts to do everything possible to promote ACC policies that have lowest impact on our student-athlete's academic schedules, in accordance with Notre Dame's policy and philosophy regarding class misses. Ms. Conboy noted that there is a big focus on student-athlete welfare in scheduling contests, but there is disagreement on whether the priority should be more rest in between contests, potentially requiring additional class misses, or fewer class misses, but with potentially less rest for the student-athletes. As an example, Ms. Conboy discussed a recent decision by the ACC to shift the softball schedule from a schedule

involving a Saturday double-header and single game on Sunday to single games on Friday-Saturday-Sunday. Notre Dame opposed this change, but many other institutions believed that it was appropriate to trade off additional missed class for a less compressed weekend competition schedule. Ms. Conboy also noted that for many spring sports, it is very difficult to schedule a post-season tournament that does not coincide with any institution's final exam schedule.

Professor Kelly then raised the point that class misses are not the only factors related to contest scheduling that could have a negative academic impact, noting that late start times, particularly in basketball, could significantly impact a student-athlete without causing any class misses. Ms. Conboy responded by describing a new NCAA proposal that would restrict countable athletically related activities between 9:00 p.m. and 6:00 a.m., but stated that there is an exception within the proposal for late contest start times, which, as Professor Bellia noted, Notre Dame opposes.

Ms. Conboy then described in greater detail some of the negotiation involved in scheduling contests and the delicate balancing of each institution's wishes. In response to a question from Mr. Holmes, Professor Bellia stated that not many other schools had a class miss policy. Professor Kelly then asked if there is any education provided to institution's professors regarding institution's class miss policy, and Mr. Holmes responded by describing the excused absence procedures. Professor Bellia highlighted a difference between excused and unexcused absences, noting that professors only have the ability to penalize students for having too many unexcused absences.

7. Academic Integrity Subcommittee Update

At the conclusion of the class miss discussion, Professor Kelly provided an update on the Academic Integrity Subcommittee's activities.

Professor Kelly described how the subcommittee is reviewing practice times and schedules as they relate to the goal of preserving ten time slots during the day for student-athletes to schedule their classes. Explaining that difficulties may ensue when trying to meet this goal, Professor Kelly discussed factors contributing to this challenge, including constraints on practice facilities, among others. To help provide firmer guidance, Professor Kelly raised the question of potentially pursuing the formalization of this ten-slot goal or exploring other options that would provide coaches with more flexibility while protecting the student-athletes' ability to schedule their academic coursework.

The second issue that Professor Kelly reported on was the subcommittee's work on academic major and course clustering. Professor Kelly described the genesis for this project, highlighting that there is a general concern in the media and higher education circles that student-athletes may cluster towards one major or majors for negative reasons. Professor Kelly noted that not all reasons contributing to clustering are necessarily negative; for example, there could be natural sorting based on interest or schedules. Professor Kelly noted that the subcommittee's research shows that much of the current dialogue focuses on the negative causes, such as that the coursework within

the clustered major could be less rigorous for student-athletes. Professor Kelly reported that, to fully vet this concern on Notre Dame's campus, the subcommittee is taking a more systematic look at Notre Dame's data.

The third issue raised by Professor Kelly was whether or not the Board should develop a policy on the relationship between captaincies and academic or student conduct issues. As an example of the issues spurring this discussion, Professor Kelly offered the question whether a student-athlete who is dismissed or otherwise separated from Notre Dame should be disqualified from serving as a captain during a defined period of time.

Immediately prior to adjournment, Professor Gaski asked Professor Bellia to elaborate on the off-campus housing request that Professor Bellia announced was approved as part of the Chair's announcements at the beginning of the meeting. Professor Bellia explained that the case was complicated because different information was coming from two different campus resources, and not all of the parties involved in the decision had access to all of the information. Professor McDowell asked if there needed to be a policy change within the Student-Athlete Welfare subcommittee's treatment of these requests, but Professor Bellia replied in the negative, stating that the procedure within the Student Affairs division would be adjusted in the future.

8. Adjournment

Professor Bellia requested that all members of the Board send their spring schedules to her so that she could develop the Board's spring meeting schedule. Professor Bellia then adjourned the meeting at 11:00 a.m.