

**Faculty Board on Athletics
Meeting of May 7, 2015
10:00 am-12:00 pm, 500 Main Building**

Members present: Patricia Bellia (Chair), James Brockmole, John Gaski, Jessica Hellmann, Patrick Holmes, Dan Kelly, Jaime Pensado, Robin Rhodes, Michael Stanistic, Jack Swarbrick, Erin Hoffmann Harding, Thomas Noble, Ann Tenbrunsel

Members excused: Ann Firth, Christopher Stewart

Athletics Liaisons: Beth Hunter, Missy Conboy, Jill Bodensteiner

Observers and Guests: Tracey Thomas (Recorder)

1. Call to order and opening prayer

Professor Bellia called the meeting to order and asked Professor Hellmann to give the opening prayer.

2. Minutes of the April 17, 2015 meeting

The minutes of April 17, 2015 were unanimously approved.

3. Chair's announcements

Professor Bellia announced approvals to revised schedules for men's tennis, volleyball, outdoor track and field, and men's soccer. On the question of two women's soccer games to be scheduled during orientation (see February 6, 2015 meeting minutes), the details have been resolved in a manner consistent with the Board's recent approach to this ongoing scheduling conflict. There will be a Friday night game and a Sunday afternoon game; one will be scheduled into a time that does not conflict with orientation events, and the other will be added to the orientation schedule as an option for first-year students.

Professor Bellia approved captains for men's and women's soccer.

Professor Bellia reported on a letter sent to deans in which conflicts between exams and post-season competitions were presented. Deans followed up this communication by contacting faculty who worked with students to resolve the conflicts. Professor Bellia thanked the Office of Academic Services for Student-Athletes for its assistance in this process.

Exam conflicts presented a significant problem this year because some faculty implemented penalties to student-athletes in the instances of make-ups. Board policy establishes a clear standard that exams can be made up in a reasonable time period without penalty. Several instances were reported of additional work imposed, more significant assignments replacing missed assignments, and/or threat of failure in the course for missed exams.

Professor Bellia noted that a significant aspect of Board membership is the role of liaison between Athletics and faculty. This situation indicates that members could increase efforts to build connections with the faculty at large, to provide better education on Board policies on scheduling, etc. One suggestion has been that the Board hold a forum for discussion with faculty about athletics-related topics, and that Mr. Swarbrick be invited to make a presentation at the forum. Professor Bellia invited members to suggest ways of educating faculty on Board policies, the work of Academic Services for Student-Athletes, and so forth.

4. Proposed Revision of Off-Campus Housing Policy

Professor John Gaski presented a proposed revision to the Off-Campus Housing policy, which the Student Welfare subcommittee has been working on throughout this academic year.

a. Early enrollee modification: There is a consensus on the subcommittee to make a modification of the policy as it applies to early enrollees. The proposed change is to permit student-athletes in this category to apply for permission to move off campus after five semesters of enrollment rather than the current rule of six semesters.

Factors that cut in favor this modification include the following: These students identify most strongly with the students who have enrolled in the previous fall; practical necessity dictates that housing contracts are traditionally signed for a year beginning in the autumn rather than in the spring; if the students in the cohort of early enrollees succeed academically, then they well deserve this modified consideration.

The draft policy stipulates “appropriate progress to degree” as a standard for all requests. The subcommittee declined to adopt a hard-and-fast rule, such as 75 percent of coursework completed. In response to a question about whether the availability of a waiver would cause more students to enroll early, Professor Bellia stated that there is a carefully designed protocol for selection for early enrollees, and this protocol involves a number of campus administrators. It is unlikely that there would be an increase in early enrollees due to this seemingly lighter standard for off-campus residence. Ms. Bodensteiner concurred that there are sufficient checks and balances to ensure that the decision to permit early enrollment is made with the student-athlete’s welfare in mind.

Members discussed the competitive impact of Notre Dame’s housing rule; the policy states that all student-athletes must live on campus for six semesters before submitting a request to move off-campus. Members of the newly formed Athletics Steering Committee provided input to Professors Rhodes and Bellia, who shared the proposed revision with them recently. None had negative comments to make about the proposed changes. There was significantly more concern about the six-semester rule; all agreed that this rule presents a competitive challenge to Notre Dame. Members of the Athletics Steering Committee favored four semesters of on-campus residence. Any consideration of such a change, however, must await a broader discussion of the University’s on-campus housing policy.

b. Documented medical conditions: In an effort to regularize the process by which the Board considers ad hoc requests for waivers of the on-campus housing policy for medical reasons, the subcommittee has discussed establishing a minimum level of medical documentation demonstrating that a move off campus would mitigate a student-athlete's medical condition.

The subcommittee offered the guideline that documentation supporting the request be submitted to or reviewed by a University physician. Ms. Harding noted that while the Office of Student Affairs does not have an objection to providing the Board with medical information, the director of University Health Services, Sharon McMullen, has suggested that the policy may be difficult to fulfill as written. Ms. Harding offered to research this process question and report back to the Board. It was suggested that the clause requiring submission or review by a University physician be omitted from the policy for the time being until the details of process can be confirmed.

Ms. Harding noted that the process should not effectively require the University physician to "force the hand of the Board" on any decision. It is a lack of information that is motivating this proposed revision, and the change in protocol should be designed to address that problem. Members agreed that some kind of review by a University physician would be an appropriate element of the protocol; this layer of review would protect against a student having a family friend submit a note stipulating a medical reason to justify a waiver request.

Members discussed possible language and thinking behind these options. Professor Noble asked how often this kind of situation arises; there are a tiny number of instances. He noted that it would be desirable not to write rules that are not needed. Mr. Swarbrick indicated that the University processes physician documentation for a range of issues beyond requests for off-campus living.

Ms. Harding noted that this type of situation for the general student population would be handled by the Office of Disability. The full Board chose not to put the Board's decision making under the protocol of the disability policy.

Members reiterated the point made during a previous discussion of this topic: no Board member has medical expertise that would permit an informed review of submitted medical documentation. Professor Bellia concurred with this point, but noted that it would be inappropriate for the Board to remove itself from authority to make this decision. Professor Tenbrunsel agreed and noted the requirement of medical documentation encourages credibility on the part of the student-athlete. Other members observed that the requirements will discourage frivolous requests.

Pending further input from the Office of Student Affairs, the Board agreed to eliminate the requirement that a University physician review the medical documentation. Instead, the policy will require that "Such request must be accompanied by appropriate medical documentation."

c. The draft policy as originally submitted by the subcommittee included "extraordinary circumstances" as a possible third ground for a waiver. That category could capture past

instances in which the Board considered and approved waivers for the summer when a student demonstrated financial hardship. After discussion, members agreed to the following language: “Other circumstances the Faculty Board on Athletics deems appropriate, consistent with the best interests of the University and the individual student-athlete.”

d. Additional technical changes: Professor Bellia pointed out a number of technical edits that have been made to the policy, including changes reflecting a shift in responsibility for administering the policy from the Office of Student Welfare and Development to the Compliance Office, and the replacement of “Office of Residence Life” with “Office of Community Standards” throughout the document.

The changes were approved unanimously.

5. Request for Waiver of On-Campus Housing Requirement

Professor Bellia presented a request from a student-athlete for a waiver of the on-campus housing requirement for the summer of 2015. The student will return to on-campus residence in the fall of 2015. The request focused on the fact that the only aid the student is receiving for the summer is a books scholarship. The student could save a considerable amount of money by living off-campus. The Board approved the request unanimously.

6. Captain Selection Process

Professor Bellia presented the policy for captaincy approvals: the Board has the power to approve captains for all teams, and it has delegated to the Chair the power to approve “any nomination that clearly falls within board guidelines.” Under those guidelines, a candidate “must demonstrate high standards of conduct and strong leadership,” in addition to being in good academic standing. Professor Bellia asked members to review this charge and confirm that she is exercising the Board’s delegation as they expect her to.

The nomination process varies by sport. Some coaches make the selection; others submit a slate of possible candidates for approval, and the student-athletes select from among the approved candidates. When she receives a nomination, Professor Bellia asks the Office of Student Affairs to run a conduct check to see whether the candidate has any pertinent disciplinary history. If there are areas of concern, Professor Bellia discusses the nomination with Brian Coughlin. In terms of academic qualifications, there is no longer a GPA minimum. A student-athlete cannot be on probation at the time he or she is selected as captain.

A recurring question is how to handle nominations of student-athletes who have past academic or disciplinary transgressions. For example, in the case of a student who has been dismissed for an honor code violation or who has had a significant disciplinary incident (such as one resulting in a suspension from the University or a disciplinary probation), Professor Bellia has informed the coach or sport administrator that the nomination does not “clearly fall[]” within Board guidelines, and that she will not approve the nomination without further consultation with the Board. She does not reject a candidate; instead, she indicates to the coach that the candidacy requires review by the full Board. She remarked that coaches seem to interpret this decision as

an indication that the candidate will be denied. Thus, coaches tend to withdraw names that have been designated for full Board approval.

Professor Bellia asked the Board to consider whether this is the appropriate interpretation of her delegated authority. One concern is that when past academic or disciplinary transgressions result in the withdrawal or disapproval of the nomination, the Board could be viewed as tacking a new penalty on to a penalty that was tailored for the violation. For example, an Honesty Committee may dictate a penalty for an Honor Code violation; if the Honor Code violation leads to disapproval of the captaincy, the Board has effectively added its own penalty to the Honesty Committee's. This approach may imply that there is no expectation for redemption on the part of the student-athlete.

Members discussed the Board's understanding of the policy. Professor Rhodes agreed that students should not have to continue to pay over and over for a single violation. In addition, he noted that it is important for the team to have as a captain the person who is the leader of the team. That may on occasion include someone who has incurred a violation in the past. Professor Rhodes also noted that a Division I captaincy can be a significant item on a student-athlete's resume. Thus, the captaincy can have future value for a student.

Professor Kelly raised the question of why the Board is charged with making captaincy determinations at all. The fact that the Board has approval authority suggests that there may be a component of "well roundedness" that it is incumbent on the Board to evaluate. He agreed that it would be wrong to impose a second penalty on a candidate for a previous violation. However, he also remarked that it would be wrong to send the impression to other student-athletes that "lots of mistakes" can be shrugged off, if a student-athlete can make an easy return to exemplar status.

Professor Brockmole suggested that the issue of a previous violation is not a question of double penalties, but rather a question of character, which is appropriately a significant element of the captaincy decision. Professor Hellmann agreed that character is a captaincy value, but she suggested that it is possible for a student to commit a violation and later demonstrate leadership to overcome that violation. Professor Hellmann suggested that captaincies should represent more than just athletics.

Mr. Swarbrick asked if there are analogous situations on campus, where a student-chosen representative is overseen by University policy. While there are some similar situations, nothing is analogous since captain nominations involve coaches and the Board as well as the student-athletes. Clubs, for instance, are completely student-driven. Mr. Swarbrick noted that while coaches have the right to override student nominations of captains, by and large the process is driven by the student-athletes. Ms. Harding observed that the question is whether the process of nominating captains is fundamentally a team process or a University-validated process.

In response to a question about external reactions to captaincy selections, Professor Bellia stated that the Board and others are often concerned that the University's reputation will suffer if a student-athlete whose past transgression is widely known is named a captain. Experience may suggest, however, that outsiders are less concerned than the Board anticipates. Professor

Brockmole asked Mr. Swarbrick if the captaincy selection process presents any particular concerns for an Athletic Director. Mr. Swarbrick noted that the single most demanding audience for student-athlete leadership behavior is teammates. The team sets a rigorous standard of behavior for its chosen captains; students are looking for explicit demonstration that candidates can actually provide leadership.

Ms. Conboy reported that sports administrators are often unsure whether they should take a more or a less vigorous role in advising coaches about individual candidates' chances for a successful nomination. She suggested that there be further discussion of the functional role sports administrators could play in this process to provide informed support to coaches.

Professor Gaski endorsed Professor Kelly's point that a process acts as a signal to students that the captaincy is an important honorific that should be viewed as a privilege by students. He stated that the signal to external observers is an important way to affirm the standards of the University. Finally, he endorsed Professor Hellmann's point that there are numerous leaders on teams who do not occupy the captain's position.

Members discussed past precedents. Professor Bellia described one situation several years ago involving a student-athlete who was dismissed for a disciplinary violation and was readmitted to the University. A year after readmission, he was named a captain. There is no record of the full Board having considered the issue, so she suspects that a prior Chair simply approved the nomination. A more recent example involved a student-athlete who came off of disciplinary probation being named a "game-day" captain shortly thereafter. In this case, the full Board considered and approved the game-day captaincy.

Professor Gaski suggested that the policy could be augmented by a rule stating that if a violation occurs within one year of the captaincy nomination, then the student-athlete is barred from the position. Professor Bellia noted that many captains are seniors. If a student commits a transgression during his or her junior year, and there is a waiting period before he or she can become a captain, there may be no opportunity for the student to become a captain.

Professor Bellia ended the discussion by summarizing what she understood to be the Board's position. There is no hard-and-fast rule for handling cases involving past academic or disciplinary transgressions. The Board has indicated willingness to deal with issues on a case-by-case basis. The Chair should confidentially bring forward any case that warrants discussion; coaches should view the decision to bring a nominee to the full Board as indicative of a desire for more information rather than a negative indicator.

Mr. Swarbrick remarked that the two issues discussed today speak to an issue that is attracting national attention: higher educational institutions are in "a great flux" trying to define the relationship between the student-athlete and the institution. He advocates normalizing the experience of student-athletes against that of the general student population as much as possible. While in a number of ways, universities create advantages for student-athletes, such as scheduling preferences, nutrition, quantity of media attention, and apparel, there can be significant disadvantages for student-athletes that are now creating significant problems for institutions. Many rules imposed on student-athletes are demonstrably not for educational

purposes, which is the rationale proffered. The housing policy, which differentiates student-athletes from the general student population, would be an example of such a policy that creates a difference between student-athletes and general population students. In the case of captains, are students in the general population held to a standard that matches the policy for student-athletes? And if not, what is the value of the difference?

7. Report on Applications for a 5th Year of Eligibility

Professor Noble reported to the board that the Academic Integrity subcommittee, per its charge, has reviewed a set of applications for 5th year eligibility. Each case was routine; all cases were approved.

As the academic year is concluding, Professor Bellia thanked members for their service and dedication to the University and to the student-athletes.