

**Faculty Board on Athletics  
Meeting of November 19, 2014  
10:00 am-12:00 pm, 3108 Eck Hall of Law**

**Members present:** Patricia Bellia (Chair), James Brockmole, Ann Firth, John Gaski, Patrick Holmes, Dan Kelly, Joseph Powers, Thomas Noble, Robin Rhodes, Jessica Hellmann, Christopher Stewart, Jaime Pensado, Jack Swarbrick, Ann Tenbrunsel

**Member excused:** Erin Hoffmann Harding

**Athletics Liaisons present:** Missy Conboy, Beth Hunter

**Observers and Guests:** Marianne Corr—Vice President and General Counsel, Tracey Thomas (Recorder)

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

Professor Patricia Bellia called the meeting to order and asked Professor Dan Kelly to give the opening prayer.

**2. Minutes of October 15, 2014**

The minutes of the October 15, 2014, meeting were unanimously approved.

**3. Chair's announcements**

Professor Bellia announced that she had approved the women's lacrosse schedule for the spring. She also approved post-season travel schedules for women's soccer (ACC and NCAA) and men's soccer (ACC). The men's soccer team will have its initial NCAA rounds here on campus.

Professor Bellia announced that she approved Pat Connaughton as captain of the men's basketball team. She mentioned that Coach Mike Brey will likely attend an upcoming meeting to discuss certain issues relating to his team.

Professor Bellia reported that one of the University's outstanding former student-athletes has received a significant award. Elizabeth Tucker, a member of the women's soccer team and 2014 graduate, was named the NCAA Woman of the Year in October. This is the first time this honor has been given to an Notre Dame student-athlete. All of the finalists for the award had high levels of academic and athletic achievement and had made significant contributions to the community; Ms. Tucker stood out even among this group. Professor Bellia commented that attending the awards ceremony was one of the most meaningful experiences of her tenure as Faculty Athletics Representative.

Finally, Professor Bellia reported that in early November she submitted the Board's annual report to the Academic Council, per the University's Academic Articles. She distributed this document to all members and is happy to answer any questions about it.

#### **4. Academic Fraud Investigation—Marianne Corr**

Professor Bellia welcomed Vice President and General Counsel Marianne Corr to the meeting. Ms. Corr was invited to speak about ongoing academic fraud cases involving student-athletes. She has been an integral part of the well-publicized investigation concerning five current football team members. The student-athletes were suspended from the team in August, in view of potential concerns about NCAA violations, as soon as there were indications that academic fraud may have occurred. The five cases have been heard by a University Honesty Committee. The academic phase of the investigation is not yet complete, as all students found to have violated the honor code have the right to appeal the Honesty Committee decisions and the penalties imposed. One of the five football players has been reinstated to the football team and is currently an active member of the team. The remaining four have themselves announced that they have left the University at this time. Under the Family Educational Rights and Privacy Act (FERPA) and University policies and practices, no University officials may reveal the details of these cases or any other student's case. The students may choose to speak publicly about their own cases.

Ms. Corr reported to the Board on the timeline of events beginning in late July, 2014, when there was an initial indication that academic fraud may have occurred. The University began an investigation, guided by applicable NCAA precedents. All involved scrupulously followed proper procedures. For example, the potential violation was immediately reported to the Compliance Office. After the Director of Athletics referred the matter to Ms. Corr, Ms. Corr led the investigation without the Athletic Director's involvement. The initial phase of the investigation was completed in mid-August. Ms. Corr noted that at that time, the University decided to confirm publicly the suspension of the four student-athletes initially implicated. The students' names had already been posted online, along with the names of other students who were not implicated. The University determined that the innocence and privacy of other students needed to be protected. A fifth student was identified and suspended in late August.

The NCAA requires an institution to follow its own honor code policy with scrupulous fidelity. Given the complexity of the situation, some adaptations of the Honor Code were necessary, and the Executive Committee of the Academic Council approved guidelines for handling the cases. The adaptations included having a Comprehensive Honesty Committee conduct a single hearing for each student, rather than having separate Honesty Committee proceedings for each of the affected courses. The Comprehensive Honesty Committee completed its work in early to mid-October.

Ms. Corr addressed members' questions concerning potential NCAA violations.

Ms. Corr also reported that one outcome of this investigation is that the University has recognized that its honor code must be revised to more effectively respond to factors such as the pervasive effect of the Internet in research, the use of email to exchange written work, and the

lack of clarity on the definition of improper assistance. The Board will be kept apprised of the revision process as it affects the work of the Board and the academic experiences of student-athletes. Members expressed their concerns for students, faculty, and the University in maintaining an open and honest academic environment. Members discussed the need for better and more comprehensive education about the honor code. While the core of the honor code reaches certain obviously improper conduct, there is some lack of clarity about the line between appropriate and inappropriate forms of collaboration, for instance in the case of peer editing. On the faculty side, some faculty members regularly re-use assignments, examinations, and paper topics, which creates an environment in which cheating is more feasible.

Professor Bellia thanked Ms. Corr for her report; she joined Mr. Swarbrick in noting that Ms. Corr's professionalism and deep commitment to the students and the University were an invaluable asset to the community in this unusual event.

## **5. Academic Integrity Subcommittee**

Professor Bellia reported that one student-athlete has made a request for rescheduling of finals to facilitate his participation in a camp that could lead to his selection for a national team. The Board has a new policy on the rescheduling of finals in such cases. The policy requires a submission from the coach explaining the importance of the competition or qualifying event for the student-athlete's personal and athletic development. The Director of the Office of Academic Services for Student-Athletes consults with the student-athlete's dean and shares with the Board information on the student's academic standing and any academic risks the student's participation might present. Today's request has followed these steps, and it is brought before the full board today by the subcommittee, with its recommendation to approve.

Pat Holmes presented the request, which is from a first-year hockey player. Mr. Holmes consulted with Dean Hugh Page, who gave his approval for the request to move forward. In response to a question, Mr. Holmes remarked that the student's finals likely will be delayed until the week before the next semester begins. During that week, the student will return to campus and complete the finals. Until that time, the student will take an X grade in each course.

The Board approved the request. The request will be referred back to Dr. Page as a recommendation that Dr. Page consider rescheduling the student-athlete's finals, using the ordinary examination conflict policy as a model.

Professor Noble, chair of the Academic Integrity subcommittee, and Professor Bellia presented agenda items under consideration by the subcommittee for this year:

- Review the policy guiding requests for a fifth year of athletics eligibility.
- Examine the tension points in the scheduling of practice times versus class scheduling. The Registrar's Office has collected data that can inform the discussion of whether the Board should formalize its current guidelines into a policy.
- Implementation of Student-Athlete Task Force recommendations. Among the recommendations from the Task Force this summer was a recommendation to

establish a faculty mentoring program. The subcommittee is charged with establishing best practices for faculty mentors and brainstorming some names of individuals who would perform well in the role.

- Examine any indications of clustering in majors and in classes among student-athletes.

## **6. Graduation Rate Report**

Pat Holmes provided the most recent NCAA graduation rate report. This report is released by the NCAA yearly in October. There are two relevant measures: the Federal Graduation Rate (Fed Rate) and the Graduation Success Rate (GSR). Each rate measures a group of student-athletes who initially enrolled between 7 and 10 years prior to the release of the rate. The Fed Rate measures the percentage of first-year grant-in-aid student-athletes who enroll in the fall semester and graduate within six years. The GSR also measures the percentage of students who graduate within six years, but it covers first-year grant-in-aid student-athletes who enroll in either the fall or spring semester, it removes from the cohort any student-athlete who leaves the institution but would have been academically eligible to compete had he or she returned, and it adds to the cohort grant-in-aid student-athletes who transfer into the institution.

Notre Dame's graduation rate has been consistently high; the latest GSR is 99%, which puts Notre Dame at the top of all Football Bowl Subdivision institutions. Notre Dame has been number one or tied for number one in the GSR for the last eight years. The Fed Rate was 89%.

Mr. Holmes reported on the graduation rates of the individual teams. Twenty of the 22 teams have a GSR of 100%. Seven teams improved their Fed Rate from the past year, while four declined slightly. The rest maintained their Fed Rates.

Professor Tenbrunsel asked about the 94% GSR for football. Mr. Holmes commented that this rate is closely watched, and information is collected for each student who leaves without graduating. A number of these students will return and complete their degrees; this does not change the rate, however, if they return outside of the six-year window. He mentioned that many factors can influence a student to leave the University: a coaching change, a decrease in playing time, a desire to be closer to home, etc.

Mr. Swarbrick mentioned that the GSR has specific and limited value. He highlighted one university that, according to the report, has an 87% GSR but 40% Fed Rate. He suggested that there is value in looking at the spread between the two rates. He also supported the policy to closely study each case to understand what motivated each student-athlete to leave the University.

Mr. Holmes spoke briefly about the overall trends in graduation rates across the five power conferences (the ACC, the Pac-12, the Big Ten, the Big 12, and the SEC) for different sports. While in football there is a slow bend from 99% to 51%, in men's basketball, there is a sudden drop-off after 60%. This difference may reflect the rule that requires football players to complete at least three years after high school graduation before entering the NFL draft, whereas basketball players can enter the NBA draft at age 19.

Professor Bellia thanked Mr. Holmes for the informative report.

## **7. ACC/NCAA Updates**

Professor Bellia provided an update on “cataclysmic change” in the NCAA power structure. The NCAA will hold its annual convention in January, 2015. The five power conferences (the ACC, the Pac-12, the Big Ten, the Big 12, and the SEC) are developing legislative proposals in areas where they have been granted “autonomy.” The 65 institutions within the five power conferences, as well as the 15 student-athlete representatives who have been appointed by their respective conferences, will vote on these proposals at the Convention. The ACC named a Notre Dame student-athlete, track-and-field student-athlete Kaila Barber, as one of its representatives.

Professor Bellia also reported on the process by which the ACC has developed legislative proposals. The ACC formed a “5-5-5” Committee on Autonomy, consisting of five presidents, five Faculty Athletics Representatives, and five Athletics Directors. The 5-5-5 committee sought input from practitioners across the conference. Three subcommittees attempted to identify guiding principles that should govern institutions’ treatment of prospective, current, and former student-athletes and to ask what legislative proposals should flow from those principles. The 5-5-5 Committee on Autonomy and the Council of Presidents then vetted those proposals and determined what to submit to the NCAA for the January legislative cycle.

Professor Bellia noted that the voice of student-athletes within the autonomy process is something that Notre Dame would like to replicate and formalize. In the past, the Board has consulted student-athlete leadership, usually via the Student-Athlete Advisory Council (SAAC), for input on key policy issues. Professor Bellia invited Mr. Swarbrick to comment on plans to create a committee to engage student-athletes more systematically on policy issues that affect them.

Mr. Swarbrick commented that there is a positive trend within intercollegiate athletics of increasing formal engagement with student-athletes at all levels. The Department of Athletics is creating a policy steering committee. Although the details have not yet been finalized the committee likely will include five to seven student-athletes, including the chair of SAAC and the ACC’s student-athlete autonomy representative (Kaila Barber); Professor Bellia and one other Board member; coaches; and some members of Mr. Swarbrick’s senior staff. This group will meet regularly (the number of meetings has yet to be decided) to bring issues to the forefront and to be sure that the student-athlete’s voice is represented. It is not intended that this committee will duplicate the functions of the Faculty Board on Athletics or the Athletic Affairs Committee of the Board of Trustees. Rather, the committee will help shape the voice of the Department. Professor Bellia noted that the steering committee will provide a ready mechanism for accessing student-athlete input on a range of issues; she mentioned as an example desiring student-athlete input in the review of the off-campus housing policy. The new committee should begin to meet in the Spring 2015 semester.

As time had expired, the meeting was adjourned.