

**Faculty Board on Athletics
Meeting of April 17, 2015
11:30 am-1:30 pm, 500 Main Building**

Members present: Patricia Bellia (Chair), James Brockmole, Ann Firth, John Gaski, Jessica Hellmann, Patrick Holmes, Dan Kelly, Thomas Noble, Robin Rhodes, Michael Stanisic, Christopher Stewart, Jack Swarbrick

Members excused: Erin Hoffmann Harding, Jaime Pensado, Ann Tenbrunsel

Athletics Liaisons: Jill Bodensteiner

Observers and Guests: Tracey Thomas (Recorder)

1. Call to order and opening prayer

Professor Bellia called the meeting to order and gave the opening prayer.

2. Minutes of the February 27, 2015 meeting

The minutes of February 27, 2015 were unanimously approved.

3. Chair's announcements

Professor Bellia noted that graduate student representative Christopher Stewart will soon graduate and leave the Board. She thanked him for his dedicated service to the University, first as a student-athlete and now through his participation and leadership on behalf of the Board. All wished Mr. Stewart well in his next undertakings.

4. Applications for a Fifth Year of Athletics Eligibility

Professor Thomas Noble, chair of the Academic Integrity subcommittee, presented the results of the subcommittee's discussions of applications for a fifth year of athletics eligibility. The subcommittee is charged with reviewing and approving all applications. If there is any application the subcommittee deems "non-routine," the subcommittee brings that application before the full Board for its approval. This year there were 10 applications; nine were deemed routine and approved by the subcommittee. The subcommittee could not reach consensus on whether the tenth application was routine, and thus brought the application to the full Board for consideration.

The Board discussed the details of the application. Some members of the subcommittee indicated that while they believed the application to be non-routine, they would recommend the Board approve the application. After a discussion, the Board voted unanimously to approve the application.

Professor Noble addressed the questions of the criteria for approval and the breadth of the subcommittee's charge. He invited the Board to discuss these issues, including the definition of routine as well as the student's need to provide a substantial proposal for an academic program. Professor Noble identified three significant questions raised by the subcommittee: what is the status of unclassified graduate students at Notre Dame?; how do the student-athletes perform as unclassified graduate students?; and how will measures undertaken to promote student-athlete engagement apply to unclassified graduate students?

Members discussed what elements should enter into the subcommittee's decision on whether an application is routine. Elements to consider might include previous academic engagement, the quality of the application as predictor of engagement, and any previous record of academic difficulties. Mr. Holmes noted that, in the past, the subcommittee had only deemed "non-routine" those applications involving student-athletes on academic probation at the time of the application.

The subcommittee has identified the status of unclassified graduate students as a significant concern. There is no directly assigned administrator for unclassified graduate students, and there is a lack of clarity about the scope of the program, which enrolled 17 students last year, of whom six were student-athletes. John Lubker, the Assistant Dean of the Graduate School, performs some supervisory functions for this group. There is no specific mentor or advisor, however, for these students who are no longer undergraduates but are not accepted into a specific graduate program with access to that program's advisors.

This amorphous status may lead to a lack of academic engagement, which is another issue of significant concern to members. Professor Noble noted that student-athletes must maintain academic performance standards set by both the NCAA and Board to ensure athletic eligibility during the season and the post-season.

Successful applications for fifth-year status must present a program of at least nine credits, one of which must be at the 40000 level. For unclassified graduate students, absent a waiver from the Graduate School, one of the classes must be at the 60000 level or above. Members expressed significant concern about the quality of the experience for the unclassified graduate student-athlete; it should be "a meaningful experience." The subcommittee has been in year-long discussion of this issue. While the current policy seeks to encourage student engagement, the subcommittee expressed its concern that the policy is not sufficiently transparent or incentivizing. The subcommittee distributed a draft of a possible statement on fifth-year approvals. Professor Noble presented it as an interim step, in light of ongoing work that might affect the fifth-year policy.

The draft statement aims to support academic engagement and to empower coaches to understand and support the policy. It is directed to "affected sports," this year meaning football, soccer, and women's basketball; fifth year applications for other sports will be approved later in the spring. The subcommittee recommends that the Chair and Director of Athletics jointly meet with head coaches to communicate this statement and its rationale.

Members discussed the draft statement. Professor Rhodes expressed concern that the document also should indicate the University's commitment to protect and support the student-athletes in their goal of obtaining an education. He advocated including recognition of the University's obligation to provide a support system and a policy that is more than just a framework for punitive action. Professor Bellia noted that the document stresses "the University's core educational mission" and states that the University must "provide[] a structure for" a student-athlete's continued growth and engagement. She agreed that the Board needs to pursue its mandate to ensure there are meaningful pathways for unclassified graduate students.

Ms. Firth pointed to the guideposts for measuring engagement that are included in the document. Professor Bellia explained that the third, which requires a mid-semester minimum GPA, is difficult to enforce; the committee considered deleting it from the fifth year policy. The utility of this measure is dependent on professors' meeting their obligation to report mid-semester academic deficiencies. In addition, for the measure to trigger ineligibility at mid-semester, the student-athlete would need to be in serious danger of failing all three courses, which is usually unlikely. Nevertheless, this element does send a message to students and coaches that there is a possibility of a penalty if the student neglects his or her academics. The fourth measure, which addresses post-season eligibility, has been triggered on some occasions in the past. The conjunction of academic deficiency and post-season play, however, is not predictable.

Professor Noble reported on his initial investigation into the advisory situation for unclassified graduate students. The Director of Academic Services for Student-Athletes signs the fifth-year applications for unclassified graduate students, providing some advisory support. Mr. Holmes agreed that the advisory support structure that is strongly in place for undergraduates is significantly diminished for this category of students. All agreed that this is an area for improvement.

Mr. Swarbrick remarked that the curricular question is an important one; peer institutions approach this situation of fifth-year graduate students in a variety of ways. It is evident that a systematic examination would be beneficial. He noted that another related concern is the question of timing of progress towards completion of degree. It is important not to present additional reasons for coaching staffs to advocate slowing the progress toward degree, which can be detrimental to students. While some other institutions discourage graduation, this is not the preferred course at Notre Dame. The aim is to enable the student-athletes to find a way to maintain meaningful academic engagement while also continuing to play their sport. Ms. Bodensteiner described a new Masters of Arts program offered at Wake Forest that teaches management topics geared toward athletes; such an innovative program could offer a significant post-graduation preparation to student-athletes. Professor Noble noted that the Board cannot call into being any academic program; it is doubtful the Academic Council would look favorably at a graduate program aimed primarily at student-athletes.

Members agreed that the draft interim document stating the Board's policy on fifth-year applications expresses the kinds of concerns the Board has with the current climate. Disseminating the concerns to interested parties is important. Ms. Firth concurred and noted that she agreed with Mr. Swarbrick that there is a larger problem connected to the unclassified

graduate student program that needs attention. Feeling “ill-equipped to make broader policy recommendations” at this time, she advocated further study. Professor Kelly concurred.

Professor Bellia asked Mr. Swarbrick to assess the reception of the document by coaches. He indicated that the document is strong. The most effective dissemination would be to work with coaches, in person, to identify the concerns and to ask for significant support of the goals of the policy. It would be helpful to notify coaches that the broader issues have been identified and are being addressed.

Concluding the discussion, the motion was made and seconded to approve the draft policy subject to textual amendments to be made by Professor Bellia to strengthen the statement of the University’s commitment to provide meaningful academic opportunities for unclassified graduate students. A vote was called; the motion was approved unanimously.

5. Kanaley Award Nominations

Professor Bellia introduced the discussion of Kanaley Award nominees by noting that the Academic Integrity subcommittee is charged with bringing recommendations to the full Board for its approval. The Kanaley Award is given to senior monogram student-athletes who are most exemplary as students, athletes, and leaders. This year, there were 10 nominees; the Academic Integrity subcommittee recommends the award be given to five. After a brief discussion, the Board unanimously approved the recommendation.

The 2014-2015 Kanaley Award will be given to Anna Kottkamp, Rowing; Emma Reaney, Women’s Swimming and Diving; Ashley Armstrong, Women’s Golf; Peter Schneider, Hockey; and Emily Frydrych, Cross Country. Subcommittee members noted that these student-athletes are “truly outstanding.”

Members discussed the need to provide education to coaches to ensure that nominations are strong; it is a disservice to the student-athletes if nominations are incomplete or otherwise lacking. Next year, Professor Bellia will circulate exemplar nominations. In addition, she will ask coaches to have student-athletes submit a resume for inclusion with the nomination; this will give the student-athlete an opportunity to present him or herself.

6. Drug Testing Oversight Committee Report—Ann Firth

Ms. Firth, chair of the Drug Testing Oversight Committee (DTC), reported on the committee’s work. She thanked Board members who are part of the DTC and commended the work of the DTC as it undertook to transition the drug testing program to an “improved policy.”

Ms. Firth reviewed the changes to the former drug testing program, which were implemented in 2013 after a long study. Most significantly, drug testing transitioned from use of hair testing to urine testing. The rationale for the change was that the goals of the program were not being met by hair testing. Peer institutions are moving to urine testing. Since urine testing involves observed collection, it was no small request to ask student-athletes to participate in this

form of drug testing. A testing company, Aegis, was engaged; it works with a number of peer institutions. Use of an outside agent has brought a level of desirable professionalism to the process. Even so, a significant amount of staff time is needed to manage the program on a day-to-day basis. Ms. Firth thanked Ms. Bodensteiner's office and Dr. Kevin McAward in particular for their efforts.

The DTOC updated the panel of drugs tested, both removing and adding some drugs. This change was made with expert advice and with awareness of the NCAA testing panel. In addition, the revised policy adjusted sanctions so as to support a more educational and therapeutic approach. In the previous iteration, a first offense resulted in referral to counseling; a second offense resulted in dismissal of the student-athlete from participation in Notre Dame athletics. The program now couples probation and a counseling referral with any loss of athletics eligibility. The sanctions differ according to the type of substance (marijuana, other street drugs, and performance-enhancing drugs) and increase with subsequent offenses.

Ms. Firth noted that drug testing programs at universities and the NCAA have been a lively topic in the popular media recently. She pointed to Syracuse University as one institution facing sanctions from the NCAA for failure to administer its drug program properly; she also distributed a *Wall Street Journal* article discussing university student-athlete drug testing issues. In this article, Notre Dame's sanctions policies were included in a list of selected institutions' sanctions. She noted that the article does not distinguish Notre Dame's sanctions for marijuana from those for other street drugs, reporting only the latter.

The new protocols incorporate additional education for both student-athletes and coaching staffs. Ms. Firth complimented Ms. Bodensteiner's office for the high quality of the education programs the staff has implemented. Particular attention is being given to the topic of supplements containing performance-enhancing drugs. Many supplements contain banned substances that are not clearly marked on the containers. The education program is directly addressing this complex area. In addition, unannounced sweeps of locker rooms are conducted to find supplements. All student-athletes must sign a statement acknowledging that they understand they should not take supplements without conversation with the athletic training staff.

Ms. Firth spoke about the inclusion of a "safe harbor" provision in the revised program. Student-athletes are allowed one instance of safe harbor. Under the safe harbor program, prior to notification of random testing, a student can self-report use of a banned or illegal substance without being subject to sanctions (other than probationary testing). Safe harbor must be used before a drug test is administered and cannot be used to circumvent sanctions after a failed test. The aim of the provision is to increase accountability and to prevent further substance use. Since testing is random, it is possible that safe harbor offers intervention in a situation that otherwise would have gone unidentified.

Ms. Firth provided testing data for 2012-2013, 2013-2014, and 2014-2015. The number of tests increased from 360 in 2012-13 to 615 in 2013-14. In 2014-15, 867 tests will be administered by year's end. During 2013-14, seven student-athletes sought safe harbor. Program staff strongly believe that safe harbor provides a significant opportunity to provide interventions.

Ms. Firth noted that in the fall of 2014, there were five incidents of students failing to appear for a test. After investigating the circumstances of these cases, the DTOC reviewed its protocol for notification and decided to revise that protocol.

Ongoing assessment of the drug testing program indicates that the changes made beginning in the 2013-2014 academic year were positive. Some revisions to the policy were made after the first summer; it is anticipated that revisions will be made again this summer. Adjusting protocols in response to assessment is a way to maintain a successful program. Policy is clearer, sanctions are better defined and calibrated, testing protocols are improved, the quantity of students tested has increased, education has been strengthened, and opportunities to intervene effectively have increased.

The NCAA implements a separate testing program. Notre Dame has incurred no positive NCAA tests in the past two years. The NCAA continues to hold discussions on the rationale for testing for street drugs. While performance-enhancing drugs explicitly “cheat,” the nexus between recreational drugs and competition is less straightforward.

Ms. Firth invited questions. Professor Brockmole asked if Notre Dame’s test results need to be reported to the NCAA; the answer is no, as the NCAA policy is that each institution should appropriately follow its own policy. Syracuse is facing problems because the NCAA has charged it with failing to appropriately follow its own policy.

On the question of a uniform drug testing program for the conference or for all of Division I institutions, Ms. Bodensteiner suggested that in general, the NCAA is attempting to shift more authority back to campuses. Opinions are numerous and various at other institutions. Professor Rhodes asked what the rationale is for testing student-athletes for recreational drug use when no other students are tested. Ms. Firth said this testing supports the Athletic Department’s commitment to supporting student-athletes’ health and safety. Student-athletes are affirmatively tested in a scenario that could be described as “going beyond what is done for other students.” No testing results are shared with campus units for disciplinary purposes.

Ms. Bodensteiner noted that it is clear that a positive test is strongly correlated to other problems. The program has been designed to provide meaningful support to student-athletes who may be dealing with a significant drug use problem.

On the value of safe harbor for students, Ms. Firth noted that a positive test for a street drug results in a 33% loss of eligibility and probationary testing. Student-athletes avoid these penalties and are able to access the support system provided to help them break the drug habit. The testing panel is carefully designed to cover the current trends in usage. About 30 student-athletes are tested each week; the test panel varies regularly to be sensitive to changing usage patterns. Student-athletes are informed of categories of drugs being tested but not given the specific names of drugs.

A positive test affects eligibility but does not automatically affect scholarships. Canceled scholarships occur only on the occasion of a permanent loss of eligibility.

Professor Bellia thanked Ms. Firth for her report.

7. Proposed Revision to Off-Campus Housing Policy—John Gaski

Professor Bellia requested that the discussion of the proposed revision to the Off-Campus Housing policy be postponed until the next meeting since representatives of Student Affairs were unable to attend today's meeting. Members agreed.

The meeting was adjourned.