

**Faculty Board on Athletics
Meeting of December 10, 2014
10:00 am-12:00 pm, 500 Main Building**

Members present: Patricia Bellia (Chair), James Brockmole, Ann Firth, John Gaski, Jessica Hellmann, Patrick Holmes, Dan Kelly, Thomas Noble, Jaime Pensado, Joseph Powers, Robin Rhodes, Christopher Stewart, Ann Tenbrunsel, Brian Coughlin for Erin Hoffmann Harding

Athletics Liaisons: Beth Hunter, Michael Harrity

Observers and Guests: Jill Bodensteiner—Senior Associate Athletics Director; Brent Moberg—Director of Compliance, Jen Vining-Smith—Assistant Athletics Director; Heidi Uebelhor—Director of Compliance; Tracey Thomas (Recorder); Head Coach of student-athlete seeking fifth year of eligibility.

1. Call to order and opening prayer

Professor Patricia Bellia called the meeting to order and asked Professor Joseph Powers to give the opening prayer.

2. Minutes of Meeting of November 19, 2014

The minutes of the November 19, 2014, meeting were unanimously approved, pending comments by General Counsel Marianne Corr.

3. Request for Fifth Year of Athletics Eligibility/Credit-Hour Waiver

Professor Noble, chair of the Academic Integrity subcommittee, introduced the application of a student-athlete for a fifth year of athletics eligibility. The student is completing his undergraduate degree, and only has 1.5 credits remaining. The application was accompanied by a request for a waiver of the nine credit-hour minimum that, under Board policy, applies to a student-athlete competing in the fifth year, whether the student is an undergraduate student or a graduate student. The subcommittee itself has the authority to approve “routine” applications for a fifth year of athletics eligibility, and the application, if presented without the waiver request, would be “routine.” Rather than approving the application and referring the waiver request to the full Board, the subcommittee opted to refer the application and waiver together to the full Board.

The waiver request notes that University policies applicable to all students permit students completing their degrees to retain full-time status so long as they carry the minimum number of credits needed for graduation. Likewise, NCAA rules treat a student carrying all credits needed to complete the degree as a full-time student. Thus, the only basis for requiring the student to carry nine credits is the Board’s fifth-year rule.

Professor Noble stated that the subcommittee has taken note of the anomaly that, of all sub-groups of undergraduate students at Notre Dame, only fifth-year student-athletes are subject to a nine-credit-hour minimum in the final semester. The subcommittee will evaluate this policy on its spring agenda, but in the meantime recommends both the approval of the application and the approval of the credit waiver request. The floor was opened for discussion.

Members discussed at length the specifics of the case and the broader equity concerns presented by the current policy requiring all fifth-years student-athletes, including undergraduates completing the degree, to maintain nine credit hours. Professor Noble noted that the subcommittee has not been able to establish the history of this policy to review the rationale of the rule. The subcommittee proposes to review the policy in the spring 2015 semester. The scenario seems to be an unusual one, which suggests that there might not be a precedent set by the Board's decision, since it appears few student-athletes find themselves in similar circumstances. Waiver of the credit-hour rule is a Board decision, as this is a Board regulation, not a University or NCAA rule. It is an NCAA rule that a student-athlete must be a full-time student to be eligible to play; the Board's fifth-year rule establishes the parameters for full-time status.

In response to a question, Professor Bellia commented that one broad goal of the fifth-year policy is to ensure that students remain academically engaged. Credit hours could perhaps be considered a proxy for engagement. She noted that it could be argued this is a weak proxy; the University does not, for instance, question the academic engagement of fourth-year students who take only the number of credit hours they require to graduate. She also noted that other institutions have had high-profile incidents involving students taking a single non-substantive class (e.g., ballroom dancing) in the final semester. In adopting or maintaining the rule, Board members may have been influenced by these episodes.

Professor Hellmann asked if changing the policy would encourage student-athletes to extend their undergraduate coursework to a fifth year rather than finishing the undergraduate degree in four years. Professor Bellia agreed that if the policy were changed to permit undergraduate student-athletes to take fewer than nine credits in the fifth year, in theory students might slow down their academic progress (while still maintaining full-time status) to preserve an undergraduate status in the fifth year. Some might argue, however, that taking one or two semesters longer to finish the undergraduate degree is not wholly negative for student-athletes, who are juggling significant responsibilities.

Professor Noble noted that the subcommittee believes that as a practical matter a precedent will not be set. Because coaches, not players, manage scholarships, it is highly unlikely that many student-athletes would slow down their academic progress. Coaches also determine which student-athletes are allowed to petition for fifth-year status.

After hearing from the student-athlete's coach, who spoke about the student's maturity, leadership, and mentorship of team members, as well as other unique circumstances surrounding the request, the Board considered whether any waiver should be conditioned on the student-athlete taking a minimum of three credits, with a requirement that the course must be specifically

approved, and must be a course that meets regularly (rather than a directed reading) . The coach fully agreed with this stipulation.

After the coach's departure, members continued to discuss the application and waiver request. Professor Tenbrunsel commented that, for her, the relevant consideration is that the Board's regulation appears to treat undergraduate fifth-year student-athletes differently than the general student population. This anomaly might warrant an exception to the policy. She asked if first-year student-athletes might be harmed by the presence of senior teammates carrying very low course loads. It is preferable to have the role model be a high-achieving student. Members noted that many of the seniors will have participated in numerous summer school sessions and carried a significant course load in other semesters. This academic progress will itself provide a model for first-year team members.

Members generally agreed with Professor Tenbrunsel that the ideal is to treat student-athletes and the general student population the same whenever possible. Although there are Board policies that hold student-athletes to a higher standard than the rest of the student body, the question is always whether there is a compelling rationale for doing so.

Ms. Firth noted that the subcommittee's further examination of the policy should include a significant concern for encouraging student academic engagement. Credit hours may be the trigger for this, or some other feature may be devised to encourage engagement. Professor Noble observed that if the courses being taken are needed for graduation, that should necessitate a level of engagement. Ms. Firth stated that the type of course being taken might also lead to differing levels of engagement.

Professor Noble made a motion to approve the application for a fifth year of eligibility, and for a waiver of the nine credit-hour policy, conditioned on the student taking a three credit-hour course that meets regularly and that has been approved on the Board's behalf by the Director of the Office of Academic Services for Student-Athletes.

The motion was unanimously approved.

4. Student-Athlete Request for Rescheduling of Final Exams

Professor Bellia introduced a student-athlete request to reschedule final exams. The student has been invited to a U.S. National Team camp in December. This is the kind of national athletic experience that the University encourages student-athletes to take advantage of when possible. When the University recruits elite student-athletes, it makes a commitment to support the student-athlete's opportunities to compete at the highest levels.

This request is similar to one considered and approved by the Board at the November 2014 meeting. As discussed at that meeting, 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 by the subcommittee with its recommendation to approve. The request involves two exams; both professors have indicated that they are comfortable with an accommodation in this case. The professors and the student have not resolved the precise timing of the exams (and whether the student will need to take X grades in the courses).

Members discussed the policy and the specific request. Professor Powers said that his initial reaction was to vote No to this request; he noted that no student is given an excused absence to attend a job interview, for instance. Professor Tenbrunsel supported this position; in her courses, students have one unexcused absence with no exceptions. The University's excused absence policy does not apply to finals. The only accepted excuse for missing finals is death in the immediate family.

Members discussed the role of the faculty member under the policy. The policy requires faculty to accede to the decision of college deans who may require faculty to reschedule an exam in a given situation. The Board policy is designed to protect student-athletes from unnecessary conflict with faculty. Professor Bellia noted that the Department of Athletics recruits student-athletes with the commitment to support them in opportunities to compete at the highest levels in their sport. Notre Dame's peer institutions make this commitment as well. The premise is not that athletics will trump academics, but that the University will attempt to accommodate important athletic opportunities while preserving the student's academic opportunities and well-being.

Professor Noble noted that the subcommittee has found an anomaly in University practices with this policy. Faculty can and do accommodate requests to reschedule exams with no oversight or process. Student-athletes, however, are required to follow a rescheduling process in every instance. Professor Tenbrunsel stressed that student-athletes should not be given an easier standard than the general student population. She noted that the faculty are engaged in educating students, not in providing pathways to external opportunities such as jobs or training experiences. Mr. Coughlin commented that the campus practice is for faculty to make accommodations for exams without a formal process; these accommodations, however, are contrary to the policy as stated in the Academic Code.

Professor Bellia explained that the request was submitted under a Board policy calling for a recommendation based on two considerations: 1. the student's current academic standing, and 2. the developmental opportunity for the student-athlete. Professor Bellia commented that the Board could decide to revisit the policy, which was revised in the 2013-2014 academic year. The discussion at that time did examine many of the questions being raised today. The policy as it stands was approved based on the Board's view that it provided appropriate protection for the student-athlete.

Professor Gaski moved that the Board recommend to Dean Page that he give special consideration to the request of this student-athlete to reschedule the two exams. Professor Rhodes seconded the motion. The motion carried with one negative vote.

5. Compliance Office Annual Report

Jill Bodensteiner and staff from the Compliance Office gave the annual report to the Board. Staff included Jen Vining-Smith, Brent Moberg, and Heidi Uebelhor. The data covers the 2013-2014 academic year, and the report generally presents no significant changes from recent reports. Topics covered include the following: National Letters of Intent (NLIs), Grants-in-Aid and Squad Size; FAFSA and Pell Grant Information; Student Assistance Fund; Recruits; Waivers; Violations; Rules Education; Demographics; Donation Requests.

There is often a misconception concerning how grant-in-aid scholarships are distributed to student-athletes. Of the 729 student-athletes at Notre Dame, 302 receive no athletic financial aid at all. 202 student-athletes receive full scholarships, and 225 receive some amount of a partial scholarship (which can be as low as \$1.00). The majority of full scholarships are awarded to student-athletes in the “head count” sports, where a scholarship must be full. In the “equivalency” sports, on the other hand, partial scholarships are permitted. Head count sports include football, women’s tennis, volleyball, and men’s and women’s basketball.

The NCAA recently made a rule change that permits institutions to award multi-year scholarships. Notre Dame has chosen to use both multi- and one-year awards. Most awards given to head count student-athletes are multi-year, and most full scholarships awarded to student-athletes in equivalency sports are also multi-year. In equivalency sports, most Notre Dame coaches choose to give one-year partial scholarship awards, because this provides a much-needed flexibility for both student-athletes and coaches. Financial aid officials are aware that family situations change from year to year, resulting in changed financial needs. By awarding a partial scholarship as a one-year scholarship, the coach can be responsive to changed situations; students are able to compare the offers of aid from the financial aid office and athletics, and be able to choose the most advantageous offer each year.

Seventy-four student-athletes were recent recipients of Pell Grants. The NCAA includes the aggregate receipt of Pell Grants dollars as one element in its calculation of annual Student Assistance Funds (SAF) provided from the NCAA to institutions. The Compliance Office also uses this figure as the basis for distributing certain SAF funds to student-athletes. Notre Dame provides the second highest amount of SAF funds, behind Stanford. In 2013-2014, Notre Dame spent roughly \$670,000 of SAF funds. Student-athletes can receive \$1000.00 for graduate school application preparation. The Athletics Department has also instituted an iPad distribution program. SAF funds are used by student-athletes to cover such expenses as emergency travel, health insurance, clothing, and summer school expenses.

The number of official and unofficial recruiting visits per sport varies by team needs and the inherent recruiting methods and cultures within each sport. About 700 men and women were invited to visit Notre Dame during the 2013-2014 year.

The Compliance Office acts as advocate for coaches, individual student-athletes, and the University as a whole with the NCAA when appropriate for a waiver of a specific NCAA rule. Some topics for which waivers have been sought include initial eligibility, extension of eligibility, medical hardship, and progress toward degree. Of the fifteen waivers sought in 2013-

2014, zero were denied. Due to a change in NCAA rules, more discretion is being accorded to institutions to resolve minor issues, so recent years have seen a decline in the number of waivers sought.

Notre Dame self-reported twenty-four “secondary” violations in 2013-2014; this is the typical level of violations for Notre Dame. The NCAA has changed its language: secondary violations are now labeled Level III or Level IV violations. Ms. Bodensteiner commented that a rate of about 25 violations indicates two positive factors: the Athletics Department has created an environment which encourages self-reporting of mistakes, and it has instituted policies and systems which are vigilant and effective in detecting errors when they occur. One example of a typical violation is that a prospective student is given a game program in which a team poster was inadvertently included.

Rules Education continues to be a successful and innovative aspect of the Compliance Office’s portfolio. Sixty-seven percent of rules education is aimed at recruiting issues. The education programs are aimed at both internal and external constituents, and they use tools such as a website, videos, and other technology.

Donation requests reached 1575 requests in this year. Ms. Bodensteiner noted that this activity is “a major drain on staff time.”

In conclusion, Ms. Bodensteiner offered to distribute a four year violation trend spreadsheet. Professor Bellia asked for a comparison of Notre Dame’s violations rate with other ACC institutions. Notre Dame’s rate is typical of the ACC rate overall. Overall, the number will decrease, since the NCAA has delegated more authority to institutions. Additionally, deregulation at the NCAA will result in a decrease in violations. A new feature is that interpretive questions are now addressed first to the conference office, instead of to the NCAA. Notre Dame addressed the ACC with fifty interpretative questions, in a range between two and 150 questions from conference institutions.

Professor Bellia thanked the Compliance Office staff for this report.

6. Introduction of Guiorgie (Gia) Kvaratskhelia, Head Coach, Men’s and Women’s Fencing

Professor Bellia welcomed the new head coach for men’s and women’s fencing, Guiorgie Kvaratskhelia, who was most recently an associate head coach for fencing at Notre Dame. Janusz Bednarski, the longtime coach for the fencing team, recently announced his retirement for health reasons. Professor Bellia noted how fortunate Notre Dame is to have Coach Kvaratskhelia moving into the position. She invited him to speak to the Board about his goals and philosophy for the team.

Mr. Kvaratskhelia thanked the Board for inviting him to speak. He praised Mr. Bednarski and noted that the fencing program is strong, having had individual national champions in five of the last eight years, and having won the team national championship in 2011. He spoke briefly of his personal history as a student and a fencer; he represented the

country of Georgia on the national fencing team. He comes from a family of educators and holds a high value for education. In his role as coach he considers himself a teacher, and he places the academic experience of the student-athletes first.

Mr. Kvaratskhelia described his philosophy as one of positive reinforcement. He believes the strongest performances can be extracted from athletes with positive reinforcement. He noted that five Notre Dame student-athletes participated in the London Olympics in 2012. The Notre Dame reputation readily attracts talented athletes and strong students; Mr. Kvaratskhelia noted that this makes the coaching job “easier.” He said it is a pleasure to “enjoy the greatness every day.” Many of the fencing student-athletes have competed for national teams prior to enrolling in college, so they are very experienced in balancing the demands of studies and athletics. At Notre Dame, the team culture demands academic production; the penalty for shortfalls in the academics is athletic grounding. There are no exceptions to this rule; nonetheless, recruits are not dissuaded from joining the team and University.

In response to a question, Mr. Kvaratskhelia commented that fencing athletes have a wide range of majors. Academics come first in scheduling; practice is not permitted to interfere with academics.

Professor Bellia offered the congratulations of the Board to the coach and thanked him for speaking to members today.

Ms. Bodensteiner noted that Notre Dame has twelve new head and assistant coaches; her office will be working closely with coaches to ensure a seamless compliance transition in each of the affected sports.

As time had expired, the meeting was adjourned.