Faculty Board on Athletics
Meeting of February 28, 2014
9:00 am-11:00 am, **500 Main Building**

Members present: Patricia Bellia (Chair), Michael Desch, Ann Firth, John Gaski, Erin Hoffmann Harding, Patrick Holmes, Dan Kelly, Thomas Noble, Robin Rhodes, Richard Pierce, Michael Stanisic, Jack Swarbrick, Ann Tenbrunsel

Athletics Liaisons: Beth Hunter, Jill Bodensteiner, Missy Conboy

Observers and Guests: Tracey Thomas (Recorder)

1. Call to order and opening prayer

Professor Patricia Bellia called the meeting to order and invited Professor John Gaski to give the opening prayer.

2. Minutes of February 7, 2014

The minutes of February 7, 2014, were unanimously approved. There was a brief discussion of who can access the minutes of the Board as posted online. Only users with an Notre Dame NetID and password can gain access to the password protected minutes.

3. Chair's Announcements

Professor Bellia approved spring schedules for men's soccer, women's soccer, and rowing. She approved a change to the women's swimming schedule to add a "last chance" meet for student-athletes to qualify for the NCAA championships. This meet did not require an additional class miss.

Professor Bellia approved post-season travel for ACC conference championships for men's and women's swimming and diving as well as for women's basketball. She also approved a class miss for cheerleaders to accompany women's basketball to the ACC tournament. The participation of the men's basketball team in the ACC tournament will fall during spring break.

4. Follow-Up on Academic Risk Factors and Student-Athletes

Professor Bellia gave a follow-up report on the discussion of academic risk factors for student-athletes, which was a topic at the February 7, 2014, meeting. At that meeting, members briefly discussed the possibility of convening a task force to address the issue in greater depth. Professor Bellia and Mr. Swarbrick propose moving forward with a task force on at-risk student-athletes. As co-chairs, they will convene a group of campus stakeholders, which will receive a presentation on data similar to the one the Board received on February 7. The task force will be asked to analyze the data and to consider possible responses, and bring back the analysis to the Board, to Father Jenkins, and others (including Provost Tom Burish) as needed. Both Father Jenkins and Dr. Burish support this plan. The approach is similar to the approach taken last year

to revising the student-athlete drug testing policy. The task force will comprise experts from across campus, but the Board will have the opportunity to review the task force's work product before any presentation to the administration.

Membership on the task force has not yet been finalized, but will include faculty members drawn from the Board; representation from Academic Services for Student-Athletes, the Provost's Office, and Student Affairs; coaches and other Athletics staff who work with at-risk student-athletes; and former student-athletes. The task force will be flexibly small; it will have the option to bring in others with relevant expertise as needed. There will be a need for some staff support for the work generated by the committee. The timeline for the task force will be to meet regularly in spring 2014 and to produce a report by the beginning of July, so that the recommendations can be put into effect for fall 2014.

5. Academic Integrity Subcommittee Proposals

Professor Ann Tenbrunsel presented to the Board several proposals that have been drafted by the Academic Integrity subcommittee.

a. Proposed Revision to Study Day Policy

Professor Tenbrunsel asked Professor Dan Kelly to present a proposed revision to the Board's study day policy. The proposal was prompted in part by a request for an exception to the existing policy. With the change in conference affiliation, the subcommittee perceived that there could be recurring requests in the future. The subcommittee decided to take the approach of revising the study day policy generally, rather than proliferating team-specific exceptions to the current policy.

Professor Kelly shared the five principles that guided the subcommittee's revision of the study day policy. The subcommittee attempted: (i) to emphasize the importance of study days and avoiding study-day competition whenever possible, (ii) to clarify the criteria for certain limited exceptions to the general policy against study-day competition, especially in the context of non-conference competition, (iii) to treat all sports consistently, (iv) to treat conference and non-conference competition consistently, to the extent possible, and (v) to increase communication and reporting about the "protections for student-athletes" during study-day competition, protections that would apply to all sports and any study-day competition.

The opening paragraph of the revised policy emphasizes the need to protect study days and to avoid competition during these important days whenever possible. The policy preserves existing procedures for approval of schedules that involve study day competition for conference and post-season events. For non-conference competition, the proposed policy states as follows:

> A proposal for non-conference competition shall demonstrate that (i) every effort has been made to arrive at a competitive schedule outside of the study days; (ii) the coaching staff has made all adjustments possible to minimize the time commitment for student-athletes and maximize the time available for academic work during the study days; and (iii) every effort has been made to play at home, to avoid overnight travel, and to

minimize any travel time, including by using a charter flight for air travel whenever possible.

The first criterion combines the first two criteria of the old policy, but requires the coaching staff to demonstrate that every effort has been made to arrive at a "competitive" schedule outside of study days, rather than that the coaching staff show that the study day game is "demonstrably important for qualification for post-season competition" and that "every effort has been made to arrive at a full competition schedule outside of these days."

The prior policy had separate treatment of men's and women's basketball and all other sports. Requests for men's and women's basketball could be approved by the chair, whereas requests for all other sports had to be approved by the full Board. Under the new policy, for all teams, the chair is given discretion to approve the request or to bring it to the full Board.

The new policy extends the study day protections that had been in place for non-conference competition for men's and women's basketball to all sports and across all types of competition; this is a big change for student-athletes. Most of the specified protections remain consistent with the old policy.

The new policy also clarifies the procedures. At the schedule approval stage, coaches must demonstrate that the criteria for approval are met. Before the study day game occurs, the coach or sport administrator must submit to the chair information on how the protections for student-athletes will be met. After the competition, the departmental administrator and academic counselor discuss any difficulties that arose. The chair reports to the Board on compliance with the provisions and any challenges that arose.

In commenting, Ms. Bodensteiner signaled her approval of the revision. She noted that it is preferable to women's basketball to schedule an event at a location that is close by, a bus trip in length rather than one necessitating a charter. Members discussed the language on the use of charters. The language is intended to indicate the acceptability of using a charter if necessary to facilitate travel; the language is not intended to mandate charters as a necessary form of travel for these events. Ms. Bodensteiner also noted that when women's basketball schedules a study day game, it is because the team must have a "full complement of games" to be considered competitive. In this circumstance, it is less important that the game be with a strong opponent and more important that there be a sufficient number of games on the schedule. Professor Kelly noted that in eliminating the requirement to demonstrate that competition on a study day is demonstrably necessary for qualification for post-season competition, the subcommittee was trying to recognize precisely that point. The concept of a "competitive schedule" encompasses the need to have a full complement of games. Likewise, it encompasses a situation where a team needs to stay "sharp" between conference and NCAA competition, which was a factor in a recent men's lacrosse request.

Members agreed that the good faith of coaches throughout the process is essential. The chair has the option to push back in instances where the chair might sense that less than every effort has been made to arrive at a schedule outside of the study days, and the chair retains the option to refer the matter to the Board. In response to a question, Professor Bellia stated that the

new reporting protocol does not appear to be unduly burdensome for the chair. Past practice shows that the Board receives a limited number of requests from an identifiable group of teams that have the potential to compete on study days.

Members discussed the tradeoffs between scheduling a game during the final week of classes versus scheduling a game during study days. Professor Bellia noted that in her view, the preferable situation is for a student-athlete to participate in a game scheduled at noon at home on a study day; that is not always possible, however. Mr. Holmes said his office has always discouraged any absence from class during the last week of classes. He noted that the protections that will be codified in this revision guarantee that student-athletes will have more study time under the structured terms of the policy than they would if they remained on campus in unstructured time.

Members discussed the Board's commitment to protecting study days. Professor Bellia asserted that Board policy is to protect that time for students; there are no illusions that each student uses the time as efficiently as possible.

The Board voted with one abstention to accept the proposed revision to the study day policy.

b. Proposed Revision to the Procedure for the Resolution of Conflicts Between Final Examinations and Post-Season Championship Tournaments

Professor Tenbrunsel reported that two issues prompted the proposed revision to the Procedure for the Resolution of Conflicts Between Final Examinations and Post-Season Championship Tournaments. First, five students requested assistance with rescheduling exams in December 2013 because they had been invited to try out for United States national teams. Although the current policy does not mandate the rescheduling of exams in connection with national team events, it permits the Board to make a recommendation to the deans to accommodate such situations. The current policy, however, speaks of students who qualify for national team competitions, not students who seek to participate in tryouts or camps that might lead to eventual qualification for national team competition. The five requests were granted, but committee members were concerned about the mismatch between the requests and the policy, and particularly that there could be a slippery slope leading to requests that are only distantly connected to national team competition. Second, the men's soccer team faced a very difficult situation in December. The team competed in the NCAA championships through the weekend of study days prior to exams (and won the national championship). Because of the schedule and travel arrangements, the team did not arrive back on campus until early Monday morning. Sixteen members of the team had Monday exams; at least two had two Monday exams. The current policy makes no provision to reschedule exams under these circumstances, because the students were technically back on campus at the time the exams were administered. The policy also does not acknowledge that the students were deprived of study days because of the scheduling situation.

The revised policy addresses the first situation in two ways. First, it covers situations in which students "seek to qualify" for national team competition as well as situations in which

students have already qualified for national team competition. Second, it now includes two factors for the Board to consider when deciding whether to make a recommendation to the dean for special consideration: the student-athlete's overall academic performance, and the view of the student-athlete's Notre Dame head coach of the importance of the event to the student-athlete's personal and athletic development. The policy also requires consultation with the Director of Academic Services for Student-Athletes, which codifies existing practice.

The revised policy addresses the second situation by redefining the concept of an exam "conflict" so as to give the chair of the Board more discretion. The previous exam conflict policy was a joint agreement between the Board and the deans. Professor Bellia had raised with the Academic Code and Policy Committee (ACPC), which includes the "working" deans, the issue of revising the policy. The deans expressed the opinion that the chair of the Board should have increased discretion to build in a reading day for student-athletes when they are representing the University through the beginning of the exam period. The proposed policy would take this approach by affording the chair of the Board the discretion to define the period of conflict to take into account the need for reasonable preparation for and recovery from an athletic event. Thus, the period of conflict would encompass time for travel and, where necessary, a study day.

Student-athletes continue to be responsible for contacting instructors and making necessary arrangements to finish any outstanding work. Academic Services assists student-athletes in making face-to-face contact with faculty, although sometimes circumstances prevent this. Mr. Holmes noted that student-athletes are provided with a document detailing the nature of the event leading to the need for rescheduling an exam. This contact must be made before the last day of class; sometimes tournament play does not become an issue until the last minute. Faculty generally respond positively to requests.

Professor Noble suggested that this new protocol be monitored for effectiveness, to ensure that faculty members are acting in conformity with the spirit of the policy. Members supported this suggestion. Professor Noble asked about a footnote referring to a form for submitting X grades, suggesting that this step now involves an electronic form. Professor Bellia said that if the Board approves the policy, she will take it back to the ACPC for its consideration. The Registrar, Chuck Hurley, is a member of that group and will help to refine the language of the footnote.

Mr. Swarbrick complimented the new policy and urged its approval. Discretion has been vested in the right place in the new policy. In practice, the process has always been characterized by reasonableness; there is no reason to anticipate a change.

Members unanimously approved the policy.

In other business:

c. The subcommittee presented language that would codify the chair's current practice of reporting schedule approvals, including approvals that require exceptions from the Board's general policies, to the Board for inclusion in the minutes. The new language is as follows:

"The chair shall report the disposition of any scheduling request, including how any approved schedule complies with the requirements and limitations noted below, to the Board for inclusion in the Board's official minutes."

Members unanimously voted to accept this revision.

d. The subcommittee continues to investigate the issue of class scheduling and practice times. The subcommittee compiled a list of majors for the Registrar's Office to examine; the first meeting with the Registrar's team was productive. This will be an ongoing process, as the sources of tension are identified and solutions proposed.

Professor Bellia thanked Professor Tenbrunsel for her report.

6. Draft Revisions to Undergraduate Academic Code

Professor Bellia reported on the draft revisions to the Undergraduate Academic Code as they affect athletics. Professor Bellia is a member of the Academic Code and Policy Committee, which is charged with proposing revisions to the Undergraduate Studies Committee of the Academic Council. Professor Bellia highlighted three changes that may affect student-athletes.

Section 4.6 presents a codification of existing practice on the use of summer school to "cure" a spring academic probation before the fall semester. Students who are on academic probation at the end of the spring semester have the option to take summer school classes; the semester GPA entering the fall semester is then a combination of the spring and summer GPAs. The proposed change in section 4.6 clarifies that in averaging the spring and summer GPAs, the relevant GPA benchmark for going off of academic probation is that corresponding to the student's status at the end of the spring semester. Some students will have the status of a sophomore or above, some will have a second semester freshman status, and some will have a first semester freshman status. The benchmark GPA for release from academic probation is 2.0 for sophomores and above, 1.85 for second semester freshmen, and 1.7 for first semester freshmen. Mr. Holmes noted that the GPA rating that was missed by the student, pushing him/her into academic probation, is the same GPA rating that must be met in order to roll off academic probation.

A second revision, in section 6.2, reorders provisions addressing categories of dismissal and replaces the category of "non-academic dismissals" with the category of "other dismissals." An honor code violation had been defined as a "non-academic" dismissal, which arguably prevented students from describing their separation from the University as on the basis of academic reasons. Honor code violations now fall into the category of "other" dismissals. Should a student wish to speak publicly about his or her dismissal, the language of the Code would no longer dictate what the student can say. The University is still strictly limited in its speech about students' affairs, and can only say what the student requests it say in any given situation. It was noted that sometimes students ask the University to make a statement about a dismissal case in the interest of having accurate information made public.

It was noted that because an honor code violation leading to dismissal is still not a grade-based academic dismissal under section 6.2.3 of the Code, such a violation does not count toward the two academic dismissals that render a student's second dismissal permanent. Still, if an honor code violation affects a student's GPA and places the student on academic probation, then a second consecutive probation could result in a dismissal.

Referring to section 6.2.5, Ms. Harding noted that there has been some discussion of the concept of a dismissal based on conduct "clearly detrimental to the best interests of either the student or the University community." She asked whether the ACPC was comfortable with this language. Professor Bellia observed that the ACPC had not reconsidered or discussed this language, which was in the prior version of the Code. Ms. Harding asked if the General Counsel's office was represented on the ACPC. Professor Bellia confirmed that the committee included Brandon Roach, and more recently Brian Guarraci, as a member.

A third revision, in section 6.2.6, clarifies the status of student who would like to enroll in summer school courses following a dismissal from the University. The provision states that a student who is dismissed from the University "loses all privileges accorded a continuing student, and may not enroll as a non-degree-seeking student in classes during the fall or spring semester or during the summer session without the express permission of the Provost (or the Provost's designee)." This provision essentially codifies existing practice. A student who is dismissed in the spring for the fall semester may not enroll in the intervening summer. A student who was dismissed in the fall for the spring semester will apply for readmission in the spring. If admitted, the student will have the opportunity to enroll as a degree-seeking student in the summer.

Members briefly discussed the difference between a dismissal and a separation from the university. Separation is the overarching category, which can be subdivided into withdrawals and dismissals. Members agreed that a glossary for the Undergraduate Academic Code might be a helpful addition; Professor Bellia will report this suggestion to the ACPC.

7. Additional Subcommittee Reports

Professor Gaski reported on the work of the Student Welfare subcommittee. The subcommittee is addressing the grant-in-aid appeals process and related issues. The subcommittee had a "very productive meeting" with Jill Bodensteiner and her Compliance staff. The subcommittee will report more fully on its work at a subsequent meeting.

8. New Business

Professor Bellia is working to arrange a discussion with Dr. Jennifer Malcolm, football team physician, for the March 21 meeting. This session could involve discussion of policies on concussions, drug testing, and mental health. The revised concussion policy in Athletics may be ready to present then as well.

The meeting was adjourned.