

**Faculty Board on Athletics
Meeting of October 26, 2012
500 Main Building**

Members present: Patricia Bellia (Chair), Eileen Botting, Stephen Fallon, Maudess Fulton, Umesh Garg, John Gaski, Erin Hoffmann Harding, Patrick Holmes, Richard Pierce, James McKenna, Michael Stanistic, Ann Tenbrunsel

Members excused: Ann Firth, William Kelley, Jack Swarbrick

Board Liaisons present: Missy Conboy, Michael Harrity

Observers and Guests: Tracey Thomas (Recorder)

1. Call to order and opening prayer:

Prof. Patricia Bellia called the meeting to order and invited Prof. Michael Stanistic to give the opening prayer.

2. Approval of the September 21, 2012, Minutes

Prof. Bellia offered a comment about the minutes of the September 21, 2012. She redacted names and details from some of the discussions in order to preserve privacy, both specific and general, for the student-athletes who were the focus of the discussions.

Prof. James McKenna, who was not present for the September 21 meeting, commented on the summary of the discussion of the academic structure put into place to accommodate the student-athlete who missed the beginning of the academic year because of participation in the FIFA U-20 Women's World Cup team competition in Japan. Prof. McKenna had the student-athlete in question in one of his classes, and summarized the positives and negatives of the academic structure from the perspective of implementation. Committee members suggested that Chad Grotegut in the Office of Academic Services for Student-Athletes should follow up with affected faculty, so that the committee can better evaluate the success of the experience and the design of the program implemented under these circumstances.

Prof. Stephen Fallon suggested edits to the minutes, which were duly noted by Prof. Bellia.

The minutes thus amended were unanimously approved by members.

3. Chair's Announcements

Prof. Bellia approved captaincies for men's lacrosse, men's fencing, and women's fencing. In addition, she approved schedules for men's lacrosse (spring season), and indoor and outdoor track and field for men and women.

4. Academic Integrity Subcommittee Report

a. Proposed Revision to Study Day Policy—Basketball

Prof. Fallon, chair of the Academic Integrity Subcommittee, presented the proposed revision to the study day policy. The subcommittee had been charged by the Board to evaluate the policy, since there are “constant exceptions” being made to the policy by men’s and women’s basketball. The subcommittee met with Missy Conboy, Jill Bodensteiner, and Jim Fraleigh to discuss possible solutions, and then met separately to discuss a concrete proposal. Today, the subcommittee offers its proposed revision to the Study Day policy. The goal is to provide a set of criteria to govern a request for an exception to the policy that will support the Board’s goal of protecting the student-athletes at this time when they are being asked to perform during study days.

Prof. Fallon distributed the revised policy and invited members to comment. The proposal follows:

Given that the unique scheduling challenges of Men’s and Women’s Basketball have led to repeated and reasonable requests for exemptions from the Study Days guideline, the Board has drafted criteria for Men’s and Women’s Basketball competition on University reading days.

The men’s and women’s basketball programs at the University of Notre Dame shall make every effort to avoid scheduling non-conference basketball games (home or away) on a University reading day. In those situations in which scheduling complexities make such a game difficult to avoid, the following criteria shall apply:

- *Student-athletes will not be required to take part in any ancillary activities in conjunction with such a game (e.g. autograph session, reception, certain media requests, community visits).*
- *When game times are not dictated by TV, every attempt will be made to schedule the game early in the day, in an effort to maximize available time for student-athletes to focus on academic work.*
- *Travel (if necessary) shall be by bus or charter flight only, and every opportunity will be made to provide internet access, individual charging outlets, and other helpful study amenities.*
- *Student-athletes will be provided the following structured study opportunities/amenities if travel is necessary for competition on a reading day:*
 - *Teams will travel with an assigned academic counselor.*
 - *A room (separate from individual player rooms) will be made available for quiet study hours.*
 - *Internet will be made available to all student-athletes for academic purposes while traveling.*

- *Mandatory study hours will be observed for student-athletes as directed by the academic counselor and supported by the coaching staff.*
 - *Upon request, academic counselors will make appropriate technology available to capture review sessions that are missed due to athletic competition.*
- *Coaching staff will make every effort to provide the student-athletes with a full day off countable athletically related activities* on the day immediately following a reading day game, regardless of whether the competition is at home or away.*

The departmental administrator responsible for the sport will communicate to the FBA Chair how these criteria are to be met for any requested reading day game. At his or her discretion, the FBA Chair may decide on the request or bring the request to the full Board. The Chair will report to the full Board on exemption requests and their disposition.

** Any required activity with an athletics purpose involving student-athletes and at the direction of, or supervised by, one or more of an institution's coaching staff, including strength and conditioning coaches.*

Regarding the second bullet point, Prof. McKenna asked if FBA has the power to request the rescheduling of the tip-off of a game. Prof. Fallon reported that the Athletics Department assured his subcommittee that it would attempt to reschedule games if requested. Ms. Conboy noted that it is not an issue with home games that are not televised. Even in some limited circumstances, away games can be adjusted.

Prof. Tensbrunsel asked if the policy has sufficient deterrent effect to prevent the frequent exceptions. Members agreed that the language of the revised policy was "appropriate." The new policy is at the discretion of the Chair, which means that the Chair is delegated authority to accept or reject exception requests. Prof. Bellia noted that she has the authority to bring back to the committee any request, and that the policies requires that she report to the Board any actions taken under the delegation.

Prof. Fallon moved that the proposal for an addendum of the Study Day policy be adopted. The proposal was unanimously approved.

b. Other Issues

Prof. Fallon discussed other subcommittee priorities, including (1) examining some of the larger policy challenges currently facing intercollegiate athletics; (2) exploring Notre Dame's fifth-year policy and whether a more robust concept of red-shirting is appropriate; (3) considering whether should be more attention to high academically performing student-athletes (for example, reinvigorating the academic honors program for student-athletes); and (4) exploring the need for any changes to policies on the rescheduling of final exams, particularly for sports whose post-season always coincides with the final exam period (such as women's golf).

Professor Bellia raised two more issues for the subcommittee's consideration. First, she noted that as FBA Chair, she must give an annual report to the Undergraduate Studies Committee of

the Academic Council. When she presented this year's report, some faculty members reported a delay in receiving excused absence documentation for student-athletes who have to miss classes. Prof. Bellia noted this as a critical opportunity to improve communication between athletics and faculty. Faculty members suggested that at the beginning of each semester, student-athletes be identified to faculty and class misses be projected out for instructors. Having such information in advance would permit instructors in some cases to tailor their plans for the semester.

Second, a recurring topic of conversation has been the compression of student-athletes' course options. On the academic side, there is pressure to expand the day beyond the informally accepted notion of scheduling most courses between 8 am – 2 pm, when most student-athletes are available to take courses. Meanwhile, on the athletics side, there is a facilities crunch that affects the scheduling of practice. Prof. Bellia suggested, and Mr. Holmes concurred, that there may be a "crisis" is on the horizon in this area; she suggested that the FBA must get a better "lay of the land" before the crisis arises. There are some majors that have particular problems, although members agreed that the problem is more widespread than in the past. Competing pressures from administrative, faculty's, facilities' and athletics' goals will need to be addressed.

5. Grade and Graduation Rate Reports

Prof. Bellia invited Pat Holmes to provide grade and graduation rate reports.

Mr. Holmes began with the graduation rate. The Graduation Success Rate (GSR) was released yesterday by the NCAA; this rate is released by the NCAA annually in October. The GSR measures an institution's student-athlete graduation rate with a six-year lag. For the denominator, the GSR begins with grant-in-aid (GIA), first year student-athletes who enrolled at an institution during the fall or spring semester. GIA student-athletes who leave an institution but would have been academically eligible to compete had they returned the following term are removed from this cohort, and GIA student-athletes who transfer into the institution are added to this cohort. The numerator consists of the first-year GIA recipients and transfer GIA recipients who graduate within six years.

The Federal graduation rate (Fed Rate) differs from the GSR. The Federal Rate includes first-year grant-in-aid recipients who enroll at the institution during the fall semester. Student-athletes who leave the institution are counted as non-graduates; student-athletes who transfer into the University are not included in the cohort.

In addition to these graduation rates, the NCAA releases an institution's Academic Progress Rate (APR). The APR is a year-by-year (or real time) rate for each sport that includes every GIA student-athlete on a roster. The rate is calculated by giving each student-athlete the possibility of earning an eligibility point (by maintaining academic eligibility) and a retention point (by staying enrolled in the institution) for each term that s/he is receiving athletics aid. A student-athlete who leaves an institution (after at least one year in residence) with a cumulative GPA at or above 2.600 is removed from the cohort, provided the student-athlete enrolls immediately in another 4-year institution. The rate measures the earned eligibility and retention points against the possible eligibility and retention points. Information from Notre Dame is submitted to the NCAA by the first week in October, yearly, and typically released by the NCAA in June.

Mr. Holmes noted that APR “shows the work of the current coaching staff” and provides penalties directly where there is a need to penalize. Members discussed certain institutions whose men’s basketball programs appear to use a “one and done” model, and asked whether the APR system has a penalty for such institutions built into it. Mr. Holmes noted that when a student-athlete opts to turn pro, the student-athlete has to be in good standing, and be able to demonstrate that s/he is on a roster, was drafted, and/or is in a tryout situation in order to be removed from the APR cohort. If student-athletes do not finish the semester, it negatively impacts the APR of the institution.

Regarding the APR, Notre Dame had four teams with a positive change in their APR, six teams with a negative change, and sixteen teams with no change. Some of the negatives came from a slightly larger number of student-athletes who left the University. The details of the teams’ situations as regards APR give a more nuanced understanding than the rate in isolation. Notre Dame continues to have a consistent rate of teams with a perfect score, including twelve this year. In response to a question, Mr. Holmes said that if a graduate student-athlete leaves the University and is not in good academic standing, the institution would lose an eligibility point. Prof. Bellia and Mr. Holmes noted that although that occurred on occasion in the past, it is unlikely to occur in the future, because the graduate school’s single-semester “good standing” criterion applies only within a designated program of study, and most student-athletes in graduate status are “unclassified” graduate students.

Although Notre Dame cannot show a comparison to other institutions at this time, as most schools have not released their numbers yet, Mr. Holmes expressed confidence that Notre Dame will be, as usual, close to or at the top this year.

Regarding the GSR and Fed Rate, Mr. Holmes noted that John Heisler, Senior Associate Athletics Director for Media and Broadcast Relations, does an excellent job distributing this information to the media, and sorting and presenting it in an accessible and understandable way. Notre Dame’s numbers are, as usual, at the top. Notre Dame’s Federal Rate of 91% puts it second to Stanford’s 92%. The GSR is 99% for the fourth straight year and ranks Notre Dame at first in this rate.

Mr. Holmes discussed some individual team rates. Of the 22 teams, 19 have a perfect GSR. Football and lacrosse are at the top for their respective sports. Men’s tennis, at 91%, is impacted by one individual, who will move out of the cohort next year. While there were not as many firsts in the subcategories this year, the numbers overall remain fairly consistent. Notre Dame’s GSR for all student-athletes, male student-athletes, female student-athletes, and football student-athletes is the highest. Its Fed Rate is the highest, at 89%, for male student-athletes.

Mr. Holmes provided a comparison list of the GSR and Fed Rate scores of all schools that participate in BCS conferences (i.e., Big East, ACC, Big Ten, Pac-12, Big 12, and SEC) in football, men’s basketball, and women’s basketball. Notre Dame leads the BCS conferences in men’s basketball in both Fed Rate and GSR; it is tied for first in GSR and is second in Fed Rate for football; it is 11th in Fed Rate for women’s basketball but tied with a number of schools for

first with a 100 for GSR. Members complimented Mr. Holmes on this comparison chart, and he agreed with the suggestion that he send it to John Heisler.

Next, Mr. Holmes reported on the GPAs of senior GIA student-athletes living off campus. The numbers have remained consistent since the policy was changed to remove the minimum GPA requirement for senior student-athletes seeking to move off campus. There were 103 student-athletes living off campus. 72 experienced increases in their overall GPAs; 31 experienced decreases. The GPAs shifts for these students are consistent with the shifts in the overall student population for seniors.

Prof. Richard Pierce thanked Mr. Holmes for this annual report on Senior GIA off campus student-athletes GPAs. He proposed that this report no longer needs to be presented to the FBA. The motion was seconded. The proposal was unanimously approved.

Mr. Holmes presented a report on the spring 2012 team GPAs. Among all the teams, men's and women's golf continue to be strong. The women's golf team had the highest cumulative GPA of any Notre Dame team ever. Both teams are succeeding in academics and athletics; strong recruitment of athletes who want to get the most of their education is the key to this success.

14.4% of the student-athletes were on the Dean's List, and 37.9% had GPAs at or over 3.400. 66.2% had GPAs at or over 3.000. The high end of GPAs is higher and stronger than in the past. It is predicted that there will be a higher percentage of student-athletes in these categories in the future. However, the low end of the GPAs is concerning. 5% of student-athletes had GPAs at or lower than 2.250.

Mr. Holmes discussed the GPA distribution report of GIA student-athletes. For spring 2012, the average of all student-athletes' GPAs was 3.109, a solid number comparatively. Mr. Holmes noted the need for continuing support in certain sports. Highly successful sports, such as women's basketball with its deep run into the NCAA tournament, face particular challenges. Student-athletes from such teams are getting a lot of support from a range of services on campus, and overall the student-athletes balance the pressure well. The team has a good culture and good leadership, and it is steadily improving. Prof. Bellia suggested that the idea of taping courses, as was done for the freshman women's soccer player, might be investigated. Mr. Holmes agreed that the "technology piece" could play a bigger role now.

Members briefly discussed why the total number of student-athletes dropped to 660. Ms. Conboy explained that the membership of the rowing team experiences a big flux that affects totals. Academic Services also counts student-athletes in a slightly different way than the Athletics Department does in their respective reporting.

6. Student Affairs Updates

Erin Hoffman Harding gave an update on the Student Affairs Office; Ms. Harding is the newly appointed to Vice President for Student Affairs. She provided members with an organization chart of the office, and reviewed with members the staff in each position, some of whom are also

new to this organization. Ms. Harding expressed a lot of enthusiasm for the staff and praised them for their skills and past accomplishments.

Ms. Harding gave an overview of the goals for the division over the next five years, as those goals intersect with FBA. An issue that will receive attention is the procedures for selecting rectors and other hall staff. Since it is increasingly likely that the hall staff will be drawn almost exclusively from a lay population, this needs a lot of attention. There is “enormous satisfaction” with the undergraduate experience at Notre Dame, and one central reason for that is the trademark undergraduate hall life experience to be had at Notre Dame.

While Notre Dame has always been a residential institution, there has been a slight shift of higher numbers of seniors moving off campus (from 43% to 60%). It is unclear whether or not this is working for Notre Dame. The shift is not driven by study abroad; a student who studies abroad is slightly more likely to live on campus than off. Data on the reason for the shift needs to be gathered. It is clear that Notre Dame cannot house all its students on campus at this time.

A related issue is that, students are being asked to sign leases for off-campus housing one and a half to two years before intending to occupy that housing; that is, sophomores are signing leases for housing they intend to occupy in their senior year. The decision to move off campus is made before study abroad experiences or other on-campus experiences can influence their housing choices. While this is a free market choice, there are policy triggers the University could decide to pull to create incentives for a particular choice. Student Affairs is studying this situation in order to determine policy.

Ms. Harding also noted that the assignment of on-campus rooms is a “bizarre” system with problems that need to be addressed. Students who study abroad are not guaranteed a room when they return, for instance, which conflicts with the hall identity function of Notre Dame’s housing system. Ms. Harding noted that six years ago, an undergraduate master plan was created. At that time, 28 of the 29 residence halls were overcrowded. Today, that number is six. Some progress, then, has been made on issues connected with on-campus housing. There are still issues to address. Currently Notre Dame prioritizes its tradition of residential life over uncrowding. Notre Dame has a unique and different model from most undergraduate institutions. The administration believes it is special and so should be enhanced and preserved.

Prof. Pierce asked a question about the procedures for choosing assistant rectors and resident assistants, noting that some believe that resident assistants’ pay conflicts with financial aid awards. Thus, some believe that lower income students cannot afford to be resident assistants. Ms. Harding said that to her knowledge this is an erroneous belief; she offered to investigate further. [The Director of Financial Aid, Mary Nucciarone, subsequently responded to Ms. Harding’s query with the following information: “The RA award is treated as generously as possible to provide the student as much benefit as possible, and in the large majority of cases the RA award improves their financial aid package (it reduces self-help). For students who are receiving our most generous packages (no loan, small work and the remainder gift) the RA award will reduce University Scholarship as aid cannot exceed published cost of attendance.” Ms. Nucciarone urged that prospective RAs with specific questions schedule an appointment with a counselor in Financial Aid.] Members discussed why Law School students seem to hold a

high percentage of AR positions. In some other disciplines, faculty discourage students from taking on commitments outside of coursework. There are alternative models for ARs; one is to have a young professional in residence in the hall as well as the typical graduate student ARs. Ms. Harding noted that there is an application process for the AR and RA positions. Student Affairs would welcome applicants from a wide range of graduate studies.

Ms. Harding turned to the topic of the discipline system, long known as “Res Life,” at Notre Dame. After 18 months of extensive internal conversations and discussions with peer institutions, Student Affairs is now working to pilot some changes, which will be rolled out next year. This area will now be called “Community Standards.” The aim, as always, is to craft a discipline system that is a developmental process rather than a punitive process for the students. The program will be “rebranded” in part to encourage a new attitude toward the system.

Ms. Harding briefly addressed the topic of equal treatment in the discipline system, which was discussed at the September 2012 meeting. She emphasized that Student Affairs “unequivocally treats all students equally in the discipline process.” There is no difference in the treatment for development students, alumni students, student-athletes, etc., to name just a few of the constituent groups on campus. No one from the Athletics Department is involved in the discipline process. If there is any difference for student-athletes, it occurs outside and after the discipline process initiated by Student Affairs.

Among those who might sit on a disciplinary hearing board are included trained professionals from across the campus who work with students in a variety of capacities. This is a relatively unusual practice and one that strengthens the process.

In concluding her remarks, Ms. Harding invited feedback and engagement from faculty. Student Affairs is “about more than housing.”

7. Undergraduate Academic Code Update: Implementation of Revised Academic Code; Additional Proposed Revisions

Prof. Bellia briefly reported on the implementation of the revisions to the Academic Code that took effect in the 2011-2012 academic year. There have been positive and negative outcomes from the changes.

A positive outcome has resulted from the revision to the provision on “credit forfeiture.” Prior to 2011, the Academic Code provided that credits “expired” after five years. There were variations among colleges regarding exceptions to this policy. The provision was eliminated, opening the door for former students, including student-athletes, to return to Notre Dame to complete their degrees. This summer, certain related issues arose, including whether returning during the summer session is an option for (a) those unable to return during the academic year but who have only 3-8 credits remaining; and (b) those who have more than one semester’s worth of credits remaining, and who under the Academic Code must serve a semester in residence.

This summer, after lengthy discussions and some hard work by Mr. Holmes, three former student-athletes were able to return to campus for the summer session. Two completed the requirements to graduate, and one made progress toward his degree and will be on track to graduate after next summer. The decision to allow these students to return was enabled by a decision to centralize readmission in the Admissions Office rather than the colleges. Still, more work needs to be done to codify a policy making clear that being on campus in the summer session “counts” as the final semester in residence, thereby removing any impediments to the use of summer session as a degree completion tool. This will be an advantage particularly for former students who are professional hockey players, since they can only take courses during the summer sessions, due to their competition schedules.

A problematic impact of the revised Code was felt with respect to procedures for acceptance of credits for transfer students. There was no change in the relevant policy, which said that transfer students must ordinarily have a “B” average and normally have 27 credits. There was, however, a change to an unrelated provision for “matriculated” (enrolled) students. That change disallowed transfer (i.e., summer school) credit earned at less than a B. A problem arose when deans began applying this latter rule to incoming transfer students’ admissions standards. Even students with a B average might have a course in which s/he had earned a grade lower than a B. For incoming student-athletes, when these courses were rejected for credit, there was a detrimental impact on the student-athlete’s ability to meet NCAA progress-toward-degree requirements in future semesters. After extensive discussion, there was an acknowledgement that at least one of the colleges was misreading the policy. As a result, some previously disallowed credits were reinstated for student-athletes and for students generally. Going forward, there will need to be a clarification of the Code, as well as publication of any college-specific policies on transfer students (for example, Engineering will not accept a “C” in calculus).

These and other issues crystallized the need for yet another look at the Academic Code. The Provost’s Office has convened an ad hoc group to review the Academic Code, and Prof. Bellia has been named to that group. The articulated philosophy of the working group is to use the Code to enable students to flourish. Prior iterations of the Code have had a flavor of being “rigid or punitive”; the working group is charged with addressing this issue. Prof. Bellia will continue to report to FBA on the work of this group.

8. Multi-Year Grant-in-Aid Agreements

Prof. Bellia reviewed the NCAA rule change that permits institutions to move from one-year to multi-year GIA agreements. Notre Dame supported this move. An important implementation issue has arisen, however. NCAA guidance provides that a student-athlete cannot relinquish his/her GIA package in favor of a better financial package from the institution’s Financial Aid Office. This can be problematic, especially for athletes in “equivalency” sports who do not receive a full GIA, and in cases where there are significant changes in family circumstances. It is likely that fewer teams than expected will switch to this new system, given this disadvantageous rule interpretation.

Prof. Bellia shared new versions of GIA agreements for one-year awards and multi-year awards. The agreements reflect the FBA’s policy on cancellation, reduction, and non-renewal of awards.

In particular, Prof. Bellia called members' attention to paragraph 9 of the multi-year GIA agreement and paragraphs 9 and 10 of the single-year agreement. These provisions are designed to codify the FBA's policy.

Members discussed the relevant paragraphs of the agreement. On the proposed form for multi-year GIAs, Prof. Botting expressed concern with the following language: "In addition to having the reduction and cancellation authority set forth in paragraph 9(a) above at any time during the period of the award, Notre Dame may also reduce or cancel the athletics aid awarded pursuant to this Agreement at the end of an academic year (but not during an academic year) based on the student-athlete's repeated or egregious violation of stated University, Athletics Department, Faculty Board, or team rules or policies." Prof. Botting suggested that the language could be read to indicate that a coach could cancel a multi-year grant in aid in the summer, when the student had limited access to resources to assist in any appeal. Prof. Bellia stressed that the language was designed to be restrictive—that is, to prevent the withdrawal of aid mid-semester, thereby foisting a sudden financial burden upon a student. She offered to revisit the wording of this passage with Jill Bodensteiner to avoid any implication that a coach could time a decision so as to disadvantage the student.

As time had expired, discussion of other agenda items was postponed and the meeting was adjourned. The next meeting will be November 16, 2012, from 9:30-11:30 and will focus principally on compliance issues.