

**Faculty Board on Athletics
Meeting of December 5, 2011
500 Main Building**

Members present: Patricia Bellia (Chair), Eileen Botting, Rev. Tom Doyle, C.S.C., Stephen Fallon, Maudess Fulton, John Gaski, Patrick Holmes, Anthony Hyder, William Kelley, Tracy Kijewski-Correa, James McKenna, Richard Pierce, Ann Firth for Frances Shavers, Ann Tenbrunsel

Member excused: Jack Swarbrick

Board Liaisons present: Missy Conboy, Bill Scholl, Michael Harrity

Observers and Guests: Father John Jenkins, Tracey Thomas (Recorder)

1. Call to order and opening prayer: Prof. Bellia called the meeting to order and invited Father Jenkins to give the opening prayer.

Prof. Bellia welcomed Michael Harrity as a liaison to the Board, in his newly assumed capacity as Associate Athletics Director for Student Welfare and Community Programming. While he does not formally take that position until January 2012, because he was on campus, Prof. Bellia invited him to attend today's meeting. He spoke briefly about his goals and priorities in the new position. He complimented the high quality program established by Charmelle Green and noted that a strong staff is in place, with support from the top down. "There is no limit to what we can do," he stated.

2. Consultation with Father Jenkins

Prof. Bellia turned the meeting over to Father Jenkins and excused herself from the room. Father Jenkins explained that Prof. Bellia is in the third year of a three-year term as Chair of the FBA and as the University's Faculty Athletics Representative to the NCAA (FAR). Under the Academic Articles, the President "may, after consultation with the board, renew the chair for additional terms of up to three years each." Father Jenkins invited comments on Prof. Bellia's performance as Chair. After discussion, Prof. Bellia was invited back to the meeting. Father Jenkins expressed that he would like to reappoint Prof. Bellia as Chair and FAR. Father Jenkins thanked Prof. Bellia for her past and continuing service to the University and to the student-athletes in particular.

Prof. Bellia thanked Father Jenkins and Board members. Father Jenkins invited other questions and comments from FBA members.

Prof. Fallon, referring to an email exchange he has recently conducted with Father Jenkins concerning the financial issues surrounding intercollegiate athletics, as well as the Penn State scandal, asked Father Jenkins to comment on his sense of the current landscape. Father Jenkins noted that Notre Dame, in the current climate, can play something of a special role on the national stage, as one of few institutions that can lay claims to a spot in the top rankings of

universities and to a strong presence in competitive college athletics. It is incumbent upon Notre Dame to embrace its leadership role. Father Jenkins emphasized the role played by athletics in bringing Notre Dame, a small midwestern college, into national prominence. In light of that history, he believes that it is important for Notre Dame to remain committed to having a positive impact on intercollegiate athletics.

Prof. Kelley asked Father Jenkins to comment on what he termed “our biggest structural challenge going forward”: while the student population is getting steadily more highly credentialed, segments of the student-athlete population are not. Father Jenkins agreed that this presents a challenge for the University. He agreed that this challenge merits the attention of all entities that engage with student-athletes. Father Jenkins complimented the FBA for its attention to this topic and the Academic Services office for its role in helping to address this concern. Prof. Gaski added that it is important to remind the University community of the significant successes of Notre Dame student-athletes in their dual roles as students and athletes.

Prof. Botting mentioned the old term “scholar-athletes,” noting its disappearance from common use. She suggested there could be an increased focus on encouraging and even fostering scholar-athletes. It was noted that Notre Dame should have a higher number of Rhodes Scholars than it has, given the kind of student-athletes it attracts. Prof. Botting believed that it is incumbent on Notre Dame as a national leader to promote scholarship with athleticism. Father Jenkins agreed with this.

Prof. Bellia asked Father Jenkins to reflect on the current round of NCAA reforms. Father Jenkins spoke well of Mark Emmert, the new leader of the NCAA, who is working hard to bring needed reform to the institution.

Prof. Bellia thanked Father Jenkins for his time.

2. Approval of the November 14, 2011, Minutes

After rewording an item to protect student privacy, members considered the minutes of the November 14, 2011, meeting. Members discussed the level of detail in public minutes, as well as the pros and cons of having separate public and private versions when student privacy issues are involved. Several members commented that it is beneficial to future boards and to historians to preserve the texture of discussions, particularly of difficult issues. Prof. Bellia noted that she makes regular use of the archived minutes. She reminded members that the public version is available to anyone who has access to the password protected website, where the minutes are regularly posted. It is a mandated part of the FBA’s role to inform the faculty on issues related to intercollegiate athletics.

The non-public version of the November 14, 2011, minutes was unanimously approved. The public version of the November 14, 2011, minutes was approved with one abstention and one no vote.

Prof. Bellia made several chair announcements. She has approved captains for women’s lacrosse and men’s and women’s fencing. She approved schedules for men’s and women’s lacrosse and for rowing. She also noted that exams were rescheduled for a member of the women’s diving

team. Because the competition involved was not a post-season competition, the mandatory exam rescheduling policy was not triggered. Rather, the situation was handled through a request by the student's dean to the individual professor involved, and the professor was able to accommodate the request.

5. Grade and Graduation Rate Reports

Having reported on student-athlete GPAs at the November meeting, Pat Holmes now provided a report on the two main pieces of data by which institutions report academic progress of student-athletes: the graduation rates and the Academic Progress Rates. The NCAA releases two graduation rates based on information reported by its member institutions: the Federal Graduation Rate (Fed Rate) and the Graduation Success Rate (GSR). The Fed Rate and the GSR measure the graduation rates of grant-in-aid student-athletes within six years of enrollment. This year's rates encompass a cohort of students who entered college between 2001 and 2004. A difference between the two rates is that the Fed Rate tracks the ratio of entering student-athletes who graduate within a six-year period but does not account for transfers into or transfers out of the institution, whereas the GSR adds student-athletes who transfer in and subtracts student-athletes who transfer out in good academic standing. In addition to releasing graduation rates, the NCAA releases team-by-team Academic Progress Rates (APRs). The APR is a year-by-year rate for each sport that includes data on every grant-in aid (GIA) student-athlete. The APR calculation assigns one point for each eligible student-athlete and one point for each student-athlete retained at the institution, and divides this total of "earned" eligibility and retention points by the total of the "possible" eligibility and retention points.

Mr. Holmes first reported on APR. In comparing the 2009-2010 year with the 2010-2011 year, eleven sports teams at Notre Dame improved their APR scores, while 10 held steady at the same scores, and five dropped their scores. Over the past four years, a number of teams have received a perfect score. Nine teams got a perfect 1000 in 2007-2008; eight in 2008-2009; nine in 2009-2010; twelve in 2010-2011. This indicates a significant improvement. In two of the last three years, Notre Dame has had the highest number of teams with a perfect score.

The APR will be used by the NCAA in determining eligibility for tournament play and bowl games. Mr. Holmes noted that because student-athlete eligibility for APR purposes is based on the institution's own eligibility criteria rather than merely on the NCAA's minimum standards, at some institutions the information used to calculate the APR is significantly different than it is at Notre Dame. For example, although some institutions assess eligibility based on whether student-athletes passed the NCAA-required six credit hours in the prior semester, Notre Dame assesses eligibility based on that rule as well as its own semester GPA rules (such as the 2.0 requirement for students in the third semester and beyond).

Next, Mr. Holmes reported on the graduation rates. Overall, Notre Dame stands #1 in both the Fed Rate and the GSR in the Football Bowl Subdivision group, comprising 120 institutions. The Fed Rate permits a comparison between the student-athlete population and the student population as a whole. The student-athlete cohort (years 2001-2004) graduated at a 91% rate, while the same cohort of the student population graduated at 96% rate. The GSR for all student-athletes was 99%. Mr. Holmes reported the 2011 Fed Rate and GSR for some subcategories of Notre Dame student-athletes as well:

- Male SA: Fed Rate-first at 87%; GSR-first at 98%
- Female SA: Fed Rate-first at 96%; GSR-first at 100%
- Black SA: Fed Rate-second at 85%; GSR-first at 98%
- Football SA: Fed Rate-fifth at 83%; GSR-first at 97%

Members asked Mr. Harrity what this data tells him, as he assumes his new position at Notre Dame. He noted that the numbers are “phenomenal” in the record of achievement and the consistency in achievement of the student-athletes. In terms of the work of his office, Mr. Harrity stated that career development is a priority. There is room to enhance the programming for career development for student-athletes, crafted to meet the needs of different categories of students.

Members praised the programs that have supported the student-athletes and enabled them to achieve the high graduation rates reported here by Mr. Holmes. Members discussed the need to get these accomplishments into the national media, for the good of the institution as well as college sports more broadly. While the data is regularly sent to media outlets, it is difficult to draw the level of attention that this kind of information deserves.

6. Class Miss Report

Prof. Bellia presented the Class Miss Report for 2010-2011. The FBA’s policy permits three class absences in the M/W/F sequence and three in the T/Th sequence for regular season competition. In addition to indicating how frequently each team missed class during each semester, the report attempts to show when during the semester the absences occurred. At the committee’s request, in this year’s version of the report, Prof. Bellia added GPAs for each semester, noting changes from the previous year in the corresponding semester. She cautioned, however, that the information indicates that GPAs are affected by a variety of factors, of which only one is class misses. In hockey, for instance, the fall GPA is likely to have been more affected by the twelve freshmen on the team; in women’s basketball, the GPA variation can be aligned directly with the particular composition of that relatively small team in the semesters at issue. So, the data may be helpful but not wholly determinative.

Prof. Bellia noted that the chart indicates when a class miss has occurred, with different colors to indicate different types of misses. Among the challenges of quantifying the data are the different kinds of misses incurred by individual sports, such as fencing, versus team sports, such as basketball. Prof. Bellia has used some discretion in charting the information.

Prof. Bellia invited comments. Members discussed the data, noting variations in competitive schedules, the impact felt by post-season competition, and the demanding schedules of some sports. It was noted that Notre Dame is the only institution in the BCS with a class miss policy of this rigor.

Members discussed the situation for individual performers who miss class in order to participate in non-collegiate competitions, such as fencing for the Polish national team or playing on the U20 US National Soccer team. These are situations that must be handled by the student and can sometimes present significant challenges in negotiation with faculty. Members agreed that it

would be unfortunate to have the challenges dissuade some student-athletes from attending Notre Dame.

Mr. Holmes spoke about the strengths of the system. At many sister schools, each student-athlete must negotiate on his/her own permission to miss class. The educational experience is strengthened by Notre Dame's policy, a plus with parents. Perhaps the biggest plus of the system is that students are not penalized by class misses, which is attractive to recruits. Father Doyle noted that as every institution struggles with this, it is an issue about which the NCAA should be more rigorous.

7. NCAA Reform

Prof. Bellia reported on the ongoing reforms of NCAA rules, which are occurring at a rapid pace, led by NCAA president Mark Emmert. The major themes of the reforms are focusing on student-athlete academic success and fiscal sustainability. Regarding the latter, it was noted that only 22 of the 120 FBS schools' Athletic Departments turn a profit. In addition to these themes, the summer 2011 retreat, which gathered university presidents, other administrators, and NCAA leaders, was shadowed by the background of compliance scandals.

Procedurally, these legislative changes are happening under a different process than is typical. Normally legislation is introduced prior to the main NCAA Convention in January. The legislation is reviewed by the institutions and acted upon by Legislative Council, with the Board of Directors then reviewing the legislation. Once legislation is adopted, there is an opportunity for an override by the member institutions. The schedule has shifted, with the Board of Directors approving numerous legislative proposals without formal membership discussion or a vote of the Legislative Council. In addition, although legislation adopted in this manner is subject to "override" if a sufficient number of institutions object to it, the NCAA recently adopted legislation changing the number of institutions required to call for an override from 30 to 75, and changing the number of institutions required to suspend the effect of the legislation from 100 to 125.

Out of the retreat emerged six working groups charged with evaluation of different aspects of college sports. One of these groups was charged with modifying academic standards for eligibility in athletic competition. Currently, the model requires student-athletes to attain a certain level of high school performance in order to be a "qualifier" for financial aid and the opportunity to practice and to compete.

The working group has recommended, and the Board of Directors has approved, a shift upward, of 0.5, in the required high school GPA to be able to compete. This change will affect current high school freshmen—i.e., those entering college in 2015. An athlete who misses the cutoff is academically red-shirted. This does not negatively impact eligibility, as the five-year clock starts in that first year in college. According to the NCAA, based on academic profiles of student-athletes entering Division I institutions in 2009-2010, 43 percent of incoming basketball student-athletes and 35 percent of incoming football student-athletes would be red-shirted under this rule. A student-athlete who is academically red-shirted would be required to meet full-time enrollment at the institution. In addition, a student-athlete who is red-shirted would need to complete a full

year of residence at the institution before becoming eligible to compete. The fifth year of eligibility has not been “soft guaranteed” in the proposed legislation. Bill Scholl remarked that at most institutions, the fifth year is already nearly explicitly guaranteed.

Some other proposed academic changes include the following: starting in 2015, 10 of the 16 core high school courses will need to be taken before the seventh high school semester and the GPA for two-year college transfers is shifted up to 2.5. The APR will be set at 930, up from 900, as a minimum level required to compete in post-season competitions. The APR changes will be phased in over the next three years; a new penalty structure will be implemented if a team does not meet the new APR standard. It was noted that nationwide, men’s basketball programs will be most affected by these changes. Reports indicate that if the new 930 APR requirement had been in effect in 2011, 99 Division I men’s basketball programs would have fallen below that APR standard for post-season competition.

Another working group was charged with Student-Athlete Well Being; Director of Athletics Jack Swarbrick is a member of this group. A similar procedure was used by this working group—proposal of new provisions, report to the Board of Directors, adoption of the provisions.

One such provision concerned the “cost of attendance,” or “miscellaneous expense allowance.” This additional sum would provide any student-athlete who receives the equivalent of a full GIA with an additional sum corresponding to the institution’s published cost of attendance, up to the maximum of \$2000. One issue with this provision is that it can be selectively applied among institutions; the institution is permitted, but not required, to give the allowance to all student-athletes receiving the equivalent of a full GIA. Some conferences have indicated, for example, that the allowance will be available only to football and basketball student-athletes. There are significant equity issues involved as well, because students in “equivalency” sports who receive partial GIAs would not receive even a pro-rated allowance. Additionally, there may be significant Title IX implications in the implementation of this provision, as typically institutions have more male than female GIA student-athletes.

Based on these concerns, and also on the coupling of this proposal with a second controversial financial-aid related provision, there appears to be a groundswell in favor of a call for an override of this provision.

A second issue addressed by this committee was the move to a multi-year GIA award, a significant change from current practice, in which the GIA is allocated for one year only, with no guarantees of renewal. The new provision allows institutions to make an award of up to four years GIA. Notre Dame’s coaches are happy with this change because it allows them to indicate a serious level of commitment to the student-athlete.

The FBA’s own Student Welfare subcommittee has discussed the provision. One concern is that certain non-athletic conditions can be written into the GIA agreement. The current FBA policy governing appeals from the reduction, cancellation, or non-renewal of GIA sets forth only very limited circumstances in which the non-renewal of a one-year agreement is permitted. To maintain that policy going forward, the FBA needs to ensure that the criteria for cancellation of a multi-year agreement align with the current criteria for non-renewal of a one-year agreement. In

other words, because the term of the award may now be four years, the FBA will work with the Compliance Office to ensure that any non-athletic conditions permitting cancellation do not go beyond the grounds that currently would permit non-renewal. The Athletics Department agrees that we should avoid the production of a list of conditions that can be a pretext for withdrawing aid from a student-athlete. Several members noted that, in effect, by virtue of its strict policy on non-renewals, Notre Dame has always made the four-year promise of financial aid to all GIA student-athletes.

As time had expired, the meeting was adjourned.