

**Faculty Board on Athletics
Meeting of March 28, 2012
500 Main Building**

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

Members excused: Jack Swarbrick, Tracy Kijewski-Correa

Board Liaisons present: Missy Conboy, Bill Scholl, 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 Ann Firth to give the opening prayer.

2. Chair's Announcements

Prof. Bellia announced the approval of several post-season schedules. Student-athletes in swimming, indoor track and field, and women's basketball participated in NCAA post-season competition, and the chair approved various class misses and travel arrangements to meet those occurrences. Prof. Bellia noted the success of these student-athletes at the national level.

3. Minutes of February 29, 2012

The minutes of the February 29, 2012, meeting were unanimously approved.

4. Report of the University Committee on the Drug-Testing of Student-Athletes (Mirella Riley, Office of the President)

Prof. Bellia welcomed Mirella Riley of the Office of the President to give the report of the Committee on the drug-testing of student-athletes; this report is given annually, for the previous academic year. Today's report is for the 2010-2011 academic year.

Ms. Riley gave a brief background on the committee's task. The drug-testing policy and program implemented at Notre Dame is separate from the NCAA's mandated drug-testing program. Notre Dame's program is run in-house, and the samples are collected on campus and sent out for analysis. In a given year, typically about 400 student-athletes (of about 770) are tested in randomized, 2-week cycle test periods. The student-athlete appears and gives a hair sample; the test detects use of certain drugs in the prior 6-month period. This test does not detect the use of steroids, however. (A urine test for steroids is administered to all incoming football players at the time of the new academic year physicals; in addition, steroids are detected as part of the NCAA drug testing program.)

The committee reports directly to the President of the University. One goal of this separate drug-testing policy is to safeguard the University's integrity. The committee is also concerned to

identify any problems of concern about drug abuse and to provide preventive education and information to student-athletes about this potential problem. The University's testing policy is more rigorous than that mandated by the NCAA. The last change to this policy occurred in 2007; the committee regularly reviews and discusses the policy. Notre Dame's policy differs from the policies at other Division I institutions in that two positive test results incur the penalty of a permanent ban from playing varsity sports at Notre Dame.

Ms. Riley provided a summary of the results from the testing in 2010-2011. Of a total 396 hair samples, taken between September 1 and April 30, there were 393 valid results indicating 4 positive tests for use of marijuana and 1 positive test for failure to show up for a test (under the policy, such a failure results in a positive determination, which is counted among the two positives that trigger a ban).

Members asked about the notification process by which student-athletes are informed to appear for a drug-test. The program is administered through the Sports Performance division within Athletics. The list of student-athletes to be tested is generated by the Student Welfare and Development office, which applies a macro to the Registrar's database. The list is then reviewed by the Compliance Office. Multiple e-mails are sent. There is no process of confirming that the emails are received and/or opened. The health center, which administers the tests, uses reminder phone calls, as a testing period ends, for student-athletes who have yet to appear for the test. Absences must be documented with paperwork. For missed tests, the student-athlete will be tested in the next testing period.

Prof. Pierce referred to a statement made at the February 29, 2012, meeting by Brian Coughlin, Associate Vice President for Student Affairs, that there appears to be a slight but perceptible increase in the use of illegal drugs on campus. Prof. Pierce asked if that pattern is confirmed by the testing results. Ms. Riley reported that the number of positives has been consistent over the last couple of years, with very few positive tests.

Pat Holmes asked if data could be presented on the number of individuals who are actually tested (accounting for the random repeat tests of some student-athletes). Ms. Riley noted that the health center does not track the incidence of repeat tests. Committee members observed that it would be helpful to know the pattern of randomized student-athletes by team. Ms. Riley agreed to provide this information.

Prof. Bellia thanked Ms. Riley for this helpful report.

5. Kanaley Award Nominations

The Academic Integrity subcommittee met today, March 28, to review the nominations for the Kanaley Award. Prof. Bellia distributed handouts listing previous winners of the award and showing trends in nominations and selections over the previous 8-9 years. Committee members discussed the subcommittee's proposed slate of winners. Members were invited to bring forward other nominees for recommendation. Members discussed the effect of an insufficiently supported application on a student-athlete's nomination. There was a brief discussion of options for improving the quality of applications generally, including providing a model of a strong

application to the coaches and sport administrators. With respect to one nominee whose application was insufficient, the subcommittee had concluded that it could not supplement the nomination with its own research. Committee members agreed that education for the future quality of applications seemed to make more sense than unbalanced efforts to repair the current situation.

The Board voted unanimously to name the following student-athletes as Kanaley Award winners: Tim Abromaitis (men's basketball), Kristen Dealy (volleyball), Greg Klazura (men's soccer), Shannon Mathews (women's tennis), and Kevin Randall (men's lacrosse).

6. Academic Integrity Subcommittee Report—Fifth Year Applications; Fifth-Year Policy

Prof. Fallon gave a report on the committee's decisions about the first set of applications for a fifth year of eligibility. The subcommittee approved applications for ten fall sport student-athletes, including seven in football (Braxton Cave, Michael Golic, John Goodman, Kapron Lewis-Moore, Dennis Mahoney, and Daniel McCarthy), and three in men's soccer (Bonifacio Adam Mena, Michael Rose, and William Walsh).

Prof. Fallon reported that the subcommittee had discussed at length two patterns in the course plans submitted with the applications. There was significant clustering of fifth-year student athletes in several courses (e.g., one course was listed in seven of the eleven course plans), and there was, unlike in the past, a large number of courses graded satisfactory/unsatisfactory (as opposed to A/B/C/D/F). The subcommittee struggled with the question of evidence of academic engagement in the applications reviewed for this meeting. While uneasy with the evidence of engagement in some (not all) of the applications, the subcommittee, noting that the applications met the stated FBA requirements, concluded that the applications must be approved.

Prof. Bellia distributed a document containing the criteria for fifth-year applications. Almost all of the student-athletes who choose to apply for fifth year status do so as unclassified graduate students. There are requirements imposed by the Graduate School as well as FBA requirements. Each course proposal must be reviewed by a faculty member or a dean. Members discussed the need to monitor the academic experiences of fifth-year students, with an eye toward a possible rule change to exclude courses graded on a satisfactory/unsatisfactory rubric. It was noted that in the past there was a persistent problem with students proposing directed readings or special studies courses without sufficient detail; as a result, the rules were modified, and the problem eliminated. Mr. Holmes noted that he would "not be unhappy with a shift to graded courses" for unclassified graduate students.

The quality of the applications was discussed. Mr. Holmes noted that most fifth-year student athletes are not deeply committed to graduate study; the majority of them return to Notre Dame for one semester and 9 credit hours. In addition, he noted that in order to compete at the highest level, Notre Dame must be able to exercise the option of "red-shirting." Therefore, there needs to be an academic slot for those student-athletes. He encouraged the idea of looking outside the box to find a meaningful subject for this group to pursue, such as sports management courses. The situation is challenging for the Academic Services office, which tries to help the student-

athletes make their experience as academically meaningful as possible; he would welcome suggestions.

Prof. Botting suggested that an additional layer of advising might be beneficial; including a faculty member in the process of course selection would be positive. Prof. Bellia mentioned that the addition of John Lubker, assistant dean for the Graduate Schools, who has agreed to advise student-athletes who are graduate students, should be beneficial. Prof. Botting noted that there are three main groups of student-athletes involved. There is a group of true graduate students who are deeply engaged academically. There is a group composed of “primarily students with ambitions to be professional athletes.” These students need to acquire some basic skills for later in life. A third category includes the self-directed student. The FBA’s role in helping to procure sufficient guidance for these different groups of students needs to be defined. Members discussed the viability of encouraging specified courses of study for these student-athletes. Mr. Holmes noted that access to courses is a significant issue for these students; it is difficult for them to gain a spot in business courses, for instance. Prof. Botting suggested that it is the responsibility of the Board and the President’s Office to shape policy that permits students to “do serious work.” Prof. Gaski, while supporting the argument that students should be encouraged to take challenging and/or meaningful courses, noted that these applications offer clear conformity to the “letter of the law;” as required, these students are requesting permission to enroll in courses offered by the University.

Prof. Fallon, noting his appreciation for the positions offered during the discussion, expressed a hope that the FBA, mindful of its role as “the principal advisory group to the President on educational issues related to intercollegiate athletics,” would examine the implications of its current fifth-year policy for academic integrity and student welfare. Acknowledging that the current system, which allows coaches to defer a decision on fifth-year eligibility until the spring of a student-athlete’s senior year, is advantageous to our teams’ competitiveness, Prof. Fallon was skeptical that the policy worked to the benefit of the student-athletes themselves. An earlier decision on a fifth-year, perhaps even in the year when the student-athlete did not play, would allow a student-athlete and his or her advisors to build a rational academic plan, perhaps with a second major. A change of this sort would have the added benefit of reducing or eliminating the practice of having most of our fifth-year student-athletes in the problematic category of unclassified graduate students.

It was noted that there are NCAA rules that determine whether a student can complete a minor in the fifth year or work on two majors. Prof. Kelley noted that students in pursuit of a second major during the fifth year should be offered a support system. In addition, he acknowledged that the culture of the system ensures that student-athletes will be inclined toward courses that fulfill the requirements without inhibiting their opportunity to compete.

It was agreed that the committee would take under advisement the question of amending the policy to require fifth-year student athletes to enroll in 9 credit hours that are letter graded.

7. NCAA Reform Update; Office of Student Affairs Follow-Up

a. Prof. Bellia gave a brief update on the NCAA reform process.

In the area of academic reforms, the provisions adopted by the NCAA Board of Directors were not overridden and remain in effect. The initial eligibility standards are scheduled to go into effect in 2015, so current high school freshmen are affected by these rules. There has been some discussion among the NCAA membership that the reform is moving too quickly in this area. Prof. Bellia noted that it is possible this question will be raised at the April 2012 Board of Directors meeting. Notre Dame has not determined whether it will register a formal comment on the situation.

Second, the Board of Directors adopted legislation proposed by the Student Well-Being working group that would be permit institutions to offer student-athletes multi-year grants-in-aid. As Prof. Bellia had reported by e-mail, an override attempt narrowly failed to gain enough votes. The Faculty Board on Athletics must review its policy on the nonrenewal and cancellation of grants-in-aid in light of this new legislation.

Third, the Student Well-Being working group, of which Mr. Swarbrick is a member, had proposed a rule amendment permitting institutions to provide a miscellaneous expense allowance, of up to \$2000 or the institution's cost of attendance (whichever is lower), to student-athletes. This proposal remains under discussion. One of the proposed models offers the miscellaneous expense allowance as aid for "unmet need." The Compliance Office ran the numbers on this model, and determined that because many of the neediest student-athletes are eligible for Pell Grants, the student-athletes with the most financial need would not be entitled to receive the miscellaneous expense allowance. This would make the "unmet need" approach unpalatable to most institutions. The models are still under discussion.

b. As a follow-up to the previous month's discussion of Student Affairs policies, Prof. Bellia noted an issue that occasionally arises when student-athletes receive sanctions for certain disciplinary infractions. On occasion, Residence Life policies call for students to be stripped of their residence hall privileges. This outcome can be at odds with FBA policy that student-athletes live on campus until the senior year. Resolution of this conflict is affected by NCAA rules that require that a student-athlete not receive a sanction or benefit that is different from that which a non-student-athlete would receive in the same circumstances. This issue is under discussion; members will be updated.

8. Liaison Updates

Prof. Bellia invited Michael Harrity to report on the restructuring of the Student-Athlete Advisory Council. Mr. Harrity noted that upon taking up his position, he met with 39 student-athlete leaders; these were wonderful conversations that gave him some insight into the context of a student-athlete at Notre Dame. Nominations to SAAC are currently informal; some coaches consider it a significant role, but others do not. Through discussion, the student-athletes designed a more formal process. Teammates will nominate candidates to SAAC, and coaches will have final approval. SAAC is also empowered to interview applicants. The changes are popular and all are excited to see how the process unfolds. Thus far, the quality of the nomination forms has been impressive. Mr. Harrity noted that participation in the nomination process develops a life skill for the students. Another proposed idea is to hold six SAAC forums

that any student-athlete may attend. This change should address the sense that those who are not members do not have a voice or an outlet for concerns. Ms. Conboy noted that for some student-athletes, the process of selecting a representative to SAAC seems to be “double secret;” this revised process provides a welcome transparency. She agreed that it should lead to increased engagement. This change is part of a process in Athletics to increase and improve the attention given to student-athletes’ needs. In addition, it is hoped that SAAC will increase its engagement with Student Government; student-athletes will have an opportunity to be more engaged as leaders in the campus community. In response to a question, it was noted that the FBA generally aims to send a faculty member to each SAAC meeting, as SAAC regularly talks about issues that are of concern to the FBA.

Ms. Conboy informed members that the coach of women’s swimming, Brian Barnes, has taken a full leave of absence from the University in light of his wife’s illness, which has recently become more serious. Assistant coach Kate Kovenock has taken over leadership of the coaching staff, and she has requested some further assistance. Although the season has ended, eight swimmers have qualified for Olympic trials. Several options were considered, including bringing in a “master coach.” The Department of Athletics concluded that the least disruptive choice would be to ask Tim Welsh, the men’s swimming coach, to take on a role as general manager of the two teams. Jen Vining-Smith in the Compliance Office is confirming with the NCAA that this is permissible. Coach Barnes welcomes this option, and the student-athletes’ parents have responded positively.

As there was no further business, the meeting was adjourned.