

**Faculty Board on Athletics
Meeting of September 20, 2010
500 Main Building**

Members present: Patricia Bellia (Chair), Eileen Botting, Stephen Fallon, Thomas Frecka, Umesh Garg, Patrick Holmes, William Kelley, Tracy Kijewski-Correa, Rev. Tom Doyle, C.S.C., Richard Pierce, Clark Power, Kevin Richards (student representative), Frances Shavers, Jack Swarbrick

Member excused: Ann Tenbrunsel

Board Liaisons present: Missy Conboy, Charmelle Green, William Scholl

Observers and Guests: Mik Aoki, Head Baseball Coach; Josh Berlo, Senior Assistant Athletics Director; Mirella Riley, Executive Assistant to the President and Chair, University Committee on the Drug Testing of Student-Athletes; Joe Russo, Director of Student Financial Services; Tracey Thomas (Recorder).

1. Call to order and opening prayer: Prof. Patricia Bellia called the meeting to order and invited Father Doyle to give the opening prayer. She welcomed all members to a new year of service to the University. Members introduced themselves, including two new members: Prof. Eileen Botting, Political Science, and Father Thomas Doyle, C.S.C., the new vice president for Student Affairs. Not present today is newly appointed member Ann Tenbrunsel.

2. Minutes of May 4, 2010

The minutes of the May 4, 2010 meeting were unanimously approved.

3. Chair's Announcements

Prof. Bellia welcomed new and returning members, thanking them for their service on this committee. Her overall vision has not changed from the previous year: to ensure the voice of faculty in matters that are at the intersection of athletics and academics; to nurture the commitment to academic integrity within the athletics program; and to promote the academic success and overall welfare of Notre Dame's student-athletes.

Prof. Bellia briefly named several key issues which will be carried over from the previous year's work to this year's agenda. In light of its charge to ensure institutional support for student-athletes, the Board will continue to study the score "gap" between a segment of the student-athlete population and the rest of the student population. The Board will also continue to explore the issue of academic honesty, on the level of policy and programming. The Board will continue to remain informed on changes and topics in the intercollegiate athletics landscape generally, and on athletics-related academic and student-welfare issues within this campus. As in the past, the Chair will continue to invite reports from offices on campus that intersect with athletics. For instance, when the new associate vice president for enrollment management is in place in Dec. 2010, the Chair will extend an invitation to him to speak with the Board.

Prof. Bellia next described two changes in NCAA rules that affect Board policies. First, a new NCAA rule requires approval of men's basketball schedules by the Faculty Athletics Representative before the beginning of each semester. Because the Chair approves all schedules on behalf of the Board, the only practical effect of this change was that the Chair had to approve a provisional version of the schedule in August. This early version did not yet include Big East competition; she is about to approve the full schedule now. Second, the NCAA introduced new time limits for decisions and appeals concerning student requests for permission for another school to contact the student about transferring and for a release allowing the student to transfer. Prof. Bellia has charged the Student Welfare subcommittee with revising the current policy, which now has time limits for appeals that are out of step with the new NCAA requirements. Should any appeals arise before the Student Welfare subcommittee finishes its work on the revision, the Chair will respond to the appeals in line with current NCAA requirements.

Prof. Bellia reported on the schedule approvals since the last Board meeting. She approved the following new schedules, all of which conform to Faculty Board guidelines: Men's Basketball (fall only); Men's and Women's Cross Country; Football; Men's Lacrosse (fall only); Rowing; Softball; Men's Swimming and Diving; Women's Swimming and Diving; Men's and Women's Tennis; and Women's Basketball. Prof. Bellia reminded members that study day games for December 11, 2010, for both Men's and Women's Basketball were approved on November 9, 2009, by the full FBA. Women's Basketball also has a game scheduled within the last three days of classes, but as it is a conference game, it is within FBA guidelines.

Prof. Bellia next discussed new schedules that required her to exercise her discretion to approve an extra class miss. The fall schedule for Women's Lacrosse conforms to FBA guidelines, but the spring schedule has four class misses in the M/W/F sequence to accommodate a match with Vanderbilt and matches with both Stanford and the University of California-Berkeley on a single trip west. These competitions add significantly to the strength of the schedule, an important factor in NCAA selection decisions. In the fall semester, Hockey will have four class misses in the M/W/F sequence and only two in the Tu/Th sequence. The situation results from the departure of the University of Nebraska-Omaha from the Central Collegiate Hockey Association. The CCHA's new scheduling model precludes Notre Dame from scheduling "home and home" series with Michigan and Michigan State. Using such series previously enabled the team to avoid the fourth class miss.

Professor Bellia then discussed revised schedules. Men's Golf substituted one competition for another, thereby shaving one class miss day from the schedule and limiting the team to four class misses in the M/W/F sequence without rotating any players. The revised Men's Soccer schedule involved no class miss changes. Women's Volleyball was forced to miss two Tuesday/Thursday classes due to flight limitations; previously, the team had no Tuesday/Thursday misses scheduled. Lastly, flight limitations forced the women's golf team to add a class miss in the M/W/F sequence, bringing the team's total to four.

Finally, Prof. Bellia noted that following the sudden death of former team member Tory Jackson's mother, the Men's Basketball team had asked to travel as a team to the visitation. Following a protocol established a few years ago, Prof. Bellia, in consultation with the Office of

Student Affairs, asked Academic Services for Student-Athletes to provide “verification” to instructors of the student-athletes’ presence at the event. An official excused absence is not permitted in these circumstances, but the “verification” allows professors to exercise their discretion to excuse the team members’ absences.

Prof. Bellia also reported that she had approved team captains for the following sports: Cheerleading; Men’s Cross Country; Men’s Soccer; Women’s Soccer; Women’s Tennis; Volleyball; Men’s Swimming; and Men’s Tennis. She explained that as the Football team is rotating captaincy each week, she and the Office of Student Affairs had approved a slate of captain candidates as a pre-approval for each week’s captains. The Chair of the Faculty Board had used the same approach when Coach Willingham employed a similar system several years ago.

Finally, Prof. Bellia reported that the revised grant-in-aid appeals policy went into effect in August. Prof. Bellia noted that this topic is on today’s agenda for consideration of certain modifications.

4. Introduction of Head Baseball Coach Mik Aoki

Prof. Bellia invited Josh Berlo, Senior Assistant Athletics Director and sport administrator for Baseball, to speak about the decision not to retain the previous coach and the process of conducting a search for and hiring the new coach, Mik Aoki. After discussing several factors influencing the decision not to retain the previous coach, Berlo outlined the criteria used in the search: 1. A commitment to success at the highest competitive levels; 2. An attention to detail; 3. Concern for player development; 4. An understanding of and commitment to Notre Dame’s academic standards; 5. Proven experience as a head coach at the college level; 6. Experience coaching a baseball team located in a northern climate. The Department of Athletics is confident it has made a “best fit” choice in Coach Mik Aoki, most recently coach in the ACC at Boston College.

Coach Aoki was invited to address members. He thanked the Board and spoke about his excitement to be associated with Notre Dame and the possibilities he sees in the baseball program. He noted that the student-athletes are “good kids” who are working hard to reach success. He stressed that success in the classroom is of “paramount importance” to him and his coaching staff. He emphasized his personal and professional background at strong academic institutions, most recently Boston College. He stressed his hope that faculty would view him as an ally to the academic program; he invited contact if problems arise in the classroom, so that these situations can be quickly and seriously addressed.

Prof. Bellia initiated questions by asking Coach Aoki to assess the attitude of the athletes. Aoki said that the baseball players are notably mature and well grounded. He mentioned that they are goal-oriented, with a sense of future plans. In response to a question about recruiting, Aoki said that he began recruiting as quickly as possible, since it is so crucial to the development of a strong program. A large part of good coaching is developing the players you anticipate will help you win a championship. About recruiting for an institution which is located in a northern climate, Aoki stated that if an institution has the proper indoor facilities to help develop players

and the financial wherewithal to take the necessary early spring trips to warmer climates, then the northern location is no disadvantage to recruiting. In addition, he noted that Notre Dame has significant academic and faith-based advantages that attract student athletes.

Prof. Kelley asked Coach Aoki to describe his goals and coaching style. Aoki said that once he has established his own system here at Notre Dame, then he fully expects to be competing for and winning Big East championships on a fairly regular basis. His aim is to be in the top three in the conference and to be competing on a national stage, with regional and super-regional appearances in championship play. He said that Notre Dame has recently achieved this level of success and can do so again. He reiterated that Notre Dame can attract the best student-athletes available, able to compete with the kinds of excellent teams fielded at Louisville and South Florida, new opponents due to conference changes.

About his coaching style, Aoki said that while he is capable of “dropping the hammer” when necessary, generally he believes that athletes play relaxed and play better when the coach is not yelling at every mistake. Physical mistakes are just that: the coach should either recruit a better player or do a better job of teaching players to play. Mental mistakes may necessitate some tough talk, which generally would be administered privately. Aoki stressed the fun of playing baseball, a pleasure he wants to be sure the athletes tap into.

Prof. Pierce asked about the challenges of the university’s class miss policy. Aoki noted that a formal policy is appreciated by parents of recruits, who may be worried about the athlete’s ability to balance academics and athletics. He said the class miss policy imposes some challenges on scheduling because of the need to travel to southern schools early in the season. It is typical for games to be scheduled on a Friday-Saturday-Sunday schedule, in part because of the revenue associated with the Friday night “gate.” In addition, in alternate years, the Big East conference requires either four or five road matches. Aoki said he looks forward to working together to keep the student-athletes’ schedules in appropriate balance.

Prof. Botting asked Aoki to speak about ways to encourage a good academic/sports balance for the students. Aoki named as first priority “protecting their time.” Coaches can do this by structuring practices so that the athletes feel they have gotten the most out of every practice. Maintaining consistent but flexible rules is also important. Flexibility by the coaching staff with respect to the needs of individuals can further overall success. Upper class students may need to practice at off hours to accommodate class schedules. Recognizing that Saturday’s starter need not travel to Wednesday’s game if there is no possibility he will enter the game is another example of appropriate flexibility.

Aoki spoke briefly about the “right player” for Notre Dame, in response to Prof. Fallon’s question. In sum, he said “I want to recruit the smartest good baseball player I can find.” Noting that he has had considerable experience in assessing and evaluating the “fit” between athlete and institution, he stressed that recruiting a player not well suited to the whole Notre Dame program is a disadvantage to the student and to the baseball program.

Prof. Bellia asked for an assessment of Coach Aoki’s experience thus far with Notre Dame’s academic support services for student-athletes, and how it compares to past experiences. Aoki

said the system appears to work similarly to those he has had experience with. He noted with approval that coaches will receive three reports from classroom instructors, rather than the typical one or two. Since freshmen particularly can be reticent to ask for help, more frequent check-ins should prove beneficial to catching problems early. He congratulated Pat Holmes of Academic Services on the successes of that office.

Prof. Bellia thanked Coach Aoki for taking the time to meet with the Board and wished the team a good season. She stressed that the Board looks forward to working with Aoki to ensure a successful experience for the student-athletes.

5. Updates from Student Affairs (Rev. Tom Doyle, C.S.C.)

Prof. Bellia welcomed Father Doyle to his new position as Vice President for Student Affairs. Father Doyle gave a short report on changes and occurrences connected with Student Affairs since he took over in June 2010.

One change involves the transfer of Notre Dame Security and Police from the division of Student Affairs to a new Office of Campus Safety, whose director will report to Executive Vice President John Affleck-Graves. This change was recommended by a task force as part of an ongoing discussion on campus about the best ways to provide the most effective and efficient life, health, and safety services to all campus members. Father Doyle stressed that the day-to-day interaction between his office and security should not change at all.

Father Doyle reviewed the series of interactions between local police and Notre Dame students at off-campus social events during summer 2010 and the beginning weeks of fall 2010. He reviewed the data available from these incidents, briefed members on the steps being taken by University administrators, and spoke encouragingly about ongoing conversations taking place between city officials, police officials, and Notre Dame administrators. University officials are focused on maintaining communication with city officials as well as providing students with support and guidance to process these experiences and to approach future choices in an informed and thoughtful way.

Mr. Swarbrick concluded the discussion by stressing the “extraordinary” engagement and leadership of key University administrators in all dimensions of this difficult issue.

6. Update on Conference Realignment

Mr. Swarbrick reviewed the events of summer 2010, during which some shifts in conference affiliation occurred. Mr. Swarbrick discussed the University’s goals throughout the conference realignment discussions, the extent of contact with other presidents, athletic directors and conference presidents throughout the process, and the efforts undertaken to preserve and enhance relationships with other FBS institutions. Mr. Swarbrick spoke briefly about the factors that mark successful conferences, including the degree of similarity among institutions in terms of the relationship between academics and athletics. Mr. Swarbrick concluded by emphasizing that the conference realignment discussion is not over; all the factors that led to the summer of reevaluation are still present and likely to grow in importance.

In reference to a question about a possible “arms race” in coaches’ pay for the non-revenue college sports, Mr. Swarbrick said that an apparent arms race is cyclically identified in college athletics. It is certainly true that the financial model for the Olympic sports in college is changing. Increased financial success will change the financial model for coaches. Increased investment would be natural under these circumstances. Mr. Swarbrick noted that it is more likely that pockets of success in individual programs are fueling increased coaching salaries, rather than an across-the-board shift in these programs generally.

Prof. Bellia thanked Mr. Swarbrick for his update.

7. Annual Drug Testing Report

Prof. Bellia introduced Mirella Riley, executive assistant in the Office of the President and Chair of the University Committee on Drug Testing of Student-Athletes, who had been invited to give the annual report on the results of the drug tests randomly administered to student athletes. Her report covers the results of Notre Dame’s institutional policy; the NCAA has a separate drug testing policy to which our student-athletes are also subject. Today’s report covers the period June 2009 through May 2010. In the academic year, 400 random hair tests were administered. There were five positive tests. Of the five, four tested positive for marijuana and one tested positive for both marijuana and cocaine. As part of the testing, the committee implemented quality control testing of the laboratory results by submitting two purchased samples; the results correctly correlated.

Five represents a significant increase over recent years; typically there are only “a couple” of positive results. The committee is guardedly concerned about a possible trend. Mr. Swarbrick noted that a hair test will detect marijuana use up to six months previous to the test; thus, marijuana used by entering freshmen in the summer prior to enrolling at the university will be detected. Generally, when there is a positive test, athletes are “forthcoming” about the ingestion, and the strength of substance revealed by the test generally corroborates the story told. The Department of Athletics is vigilant about these occurrences and provides extensive education and information to student athletes about drug use.

In addition to hair tests, 101 urine tests were conducted during Summer 2009 for football team members. One test underwent further review but came back normal.

Ms. Riley noted two concerns for the committee: 1. Evaluation of the effectiveness of the drug testing policy as an educative tool. 2. Determination of the appropriateness and value of notifying coaches of a positive test.

On the first concern, Ms. Riley said the policy had been updated four years ago. The committee intends to revisit it soon to evaluate its effectiveness at safeguarding the health and safety of students. On the concern of coach notification, Ms. Riley reported that the committee has long desired to notify coaches. The first negative test does not incur punishment to the athlete. Nonetheless, the committee believes it is beneficial to the athlete’s health and safety for the coach to be notified as coaches generally are in a strong position to intervene quickly.

Prof. Garg asked if there were any second positive tests among the five positives; Ms. Riley responded that none were second positives. Ms. Riley said the heightened concern about a possible trend is due to the fact that five first positives increase the chances of a second positive test for someone, for which punishments are meted out. Prof. Garg asked about concerns discussed in past years about the possibility of racial bias in hair testing. Prof. Bellia noted that Dr. Moriarity had extensively discussed this issue at the October 2009 meeting and had emphasized his view that there is no evidence of false positives produced as a result of different hair composition.

Prof. Kijewski-Correa remarked on the fact that the drug testing committee had concluded that it was appropriate to notify coaches of the results of a drug test; she noted the inconsistency in that coaches could not be informed of honor code violations. Prof. Bellia said that based on the General Counsel's interpretation of FERPA, there is no legal barrier to notification of coaches. Rather, the barrier to coach notification is the guidelines of the Honor Code Committee. Prof. Kijewski-Correa said that there appears to be increasing evidence that the leadership of a team—coaches and captains—plays a critical role in aiding an athlete who might be beginning to slip down the slope of negative behaviors. Prof. Bellia concurred, noting that in discussions with the Honor Code Committee, the FBA has suggested the drug testing committee's policy as a model for future guidelines.

Prof. Botting asked about the purpose of the drug testing policy, and in particular about whether the policy is designed to target performance enhancing drugs or illegal drugs more generally. Ms. Riley noted that there is a four-fold purpose in which the various strands are interwoven. Discouraging illegal drug usage is one part, as is discouraging use of performance enhancing substances and providing health and safety education. Prof. Bellia noted that at the October 2009 meeting, Dr. Moriarity had explained why Notre Dame's policy does not broadly target steroid use: the NCAA's urine testing at championships, which generally detects steroid use, carries sufficiently harsh penalties for a positive test result that (in the view of the Drug Testing Committee) it obviates the need for Notre Dame to conduct random testing for steroids.

Mr. Scholl asked how many student athletes are represented by the 400 hair tests. Ms. Riley offered to provide that data, including whether there were any repeat testers among that number.

Prof. Bellia thanked Ms. Riley for her informative report.

8. Implementation of Revised Grant-in-Aid Appeals Policy

Prof. Bellia reviewed the Board's recent work on the grant-in-aid appeals policy. She reported that there was an immediate appeal filed under the new policy, which went into effect in August 2010. She invited Joe Russo, Director of Student Financial Services and the chair of the appeals panels formed under the policy, to offer his reflections upon the new policy and the experience of implementing it.

Mr. Russo reported that historically cancellation of GIA is unusual. In all cases, students have a right to appeal, although appeals are relatively rare, averaging one per year. Recently that has

changed, as there are more sports, athletes and coaches at the varsity level, and appeals have slightly increased. Notre Dame's policy is in strict compliance with NCAA policy. The five-member appeals panel has the power to either override or support the coach's decision. The process for appeals was revised about five years ago and then again in 2010. It is this last revision which is under consideration today. Mr. Russo remarked that he is very supportive of most current refinements to the process. The changes added clarity and purpose. In the case of the recent appeal, the hearing ultimately was canceled. Issues which arose prior to the cancellation included whether Athletics representatives could be present during the testimony of witnesses on Athletics' behalf and, if not, how to identify the "representative(s)" versus the "witnesses"; and whether the policy should include broader authority to adjust the timing of the process or other procedures when an expedited appeal is necessary.

Members agreed to table the first issue—regarding Athletics' presence during the testimony of its witnesses—due to time constraints. On the question providing authority to the chair of the appeals panel to change the timing of the hearing process, Prof. Bellia described the timing issues that arose in connection with the August appeal. The ground for cancellation of aid was that the student was ineligible for competition. The student's eligibility status was not confirmed until after summer school grades were reported. Once the student decided to appeal the cancellation of aid, Prof. Bellia and Mr. Russo worked rapidly to complete the appeals process before the August 24, 2010, start date for the fall 2010 semester, in order to ensure fairness to the program and the student-athlete. The entire timetable for the appeal was compressed to roughly a week, which forced Mr. Russo (in consultation with Prof. Bellia) to waive provisions that control the submission and dissemination of evidence. Prof. Bellia reported that a major difficulty was finding a graduate student to sit on the hearing panel, given that at that time of year, graduate students with the appropriate athletic connection were not generally available.

Prof. Bellia noted that she had consulted the Student Welfare subcommittee, which favored bringing the relevant issues straight to the full FBA for its consideration. Prof. Bellia provided two options to amend the policy: one under which the chair of the hearing panel could alter the timeline for submission of evidence, and one under which the Faculty Athletics Representative, the chair of the hearing panel, and the Assistant or Associate Athletics Director responsible for NCAA Compliance could collectively agree to vary procedures as needed to complete an expedited appeal. Members agreed that as there is no way to anticipate flexibility needs, the broader language was desirable. The change was unanimously approved.

As time had expired, the meeting was adjourned.