

**Faculty Board on Athletics
Meeting of November 11, 2009
500 Main Building**

Members present: Patricia Bellia (Chair), Stephen Fallon, Thomas Frecka, Umesh Garg, Patrick Holmes, William Kelley, Tracy Kijewski-Correa, Mary Ann McDowell, Richard Pierce, Rev. Mark Poorman, C.S.C., Clark Power, Kevin Richards—(student representative), Robin Rhodes, Frances Shavers, Jack Swarbrick

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

Observers and Guests: Jill Bodensteiner—Associate Athletics Director (Compliance & Legal); Jonathan Tsipis—Associate Head Coach, Women’s Basketball; Martin Ingelsby—Assistant Coach, Men’s Basketball; Tracey Thomas (Recorder)

1. Call to order and opening prayer: Prof. Patricia Bellia called the meeting to order and invited Prof. Tom Frecka to give the opening prayer.

2. Minutes of October 14, 2009 meeting: The minutes for the October 14, 2009, meeting were unanimously approved. In response to a question, Prof. Bellia said the minutes are regularly posted at the Faculty Board on Athletics website and available through the Notre Dame Report.

3. Chair’s Announcements:

Prof. Bellia reported that since the September meeting she had approved schedules for men’s fencing, men’s golf (spring), and women’s rowing, all of which fell within Board guidelines. She approved amended schedules for women’s and men’s basketball, with changes not affecting classes missed, as well as a revised fall women’s lacrosse schedule involving an additional class miss but still within Board guidelines. Prof. Bellia also noted that she had approved a men’s baseball schedule involving a fourth class miss within the M/W/F sequence, as a result of the Big East/Big Ten challenge (a tournament previously discussed at Board meetings). This schedule also involved a non-conference competition at an away site on the last day of classes, but because of the timing and location of the game, no classes will be missed. Finally, she approved a women’s softball schedule including a home non-conference competition on a study day; the game was scheduled so that the team will only be on the field from 2 to 6 pm. A revised women’s softball schedule includes a half-day class miss above the three in the M/W/F sequence due to travel complications. Prof. Bellia noted that these matters would be discussed further in the context of a discussion of the Chair’s discretion to approve schedules.

Prof. Bellia reported that she had approved captaincies for women’s cross country, women’s fencing, men’s fencing, women’s golf, women’s basketball, and men’s golf.

4. Proposed Revisions to FBA Manual:

Prof. Bellia turned to the FBA Manual which she revised in the summer, upon assuming the chairmanship. The major change concerns the structure of the manual. Board policies, practices and guidelines which pertain to internal Board matters were grouped together and moved to the back of the manual. Those materials which concern those external to the Board—students, coaches, administration etc.—were grouped together and moved to the front of the manual. This section includes such materials as the class miss policies, issues concerning student eligibility and student life, and appeals procedures. Prof. Bellia noted the color-coded document that identifies the location of all shifted materials.

Prof. Bellia explained that the reorganization of the Department of Athletics, which occurred in summer 2009, necessitated other changes because of shifts in titles and job functions, particularly the division of Compliance and Student Welfare into separate offices. Prof. Bellia said she and the Associate Athletics Director for Compliance, Jill Bodensteiner, had reviewed the manual to identify which functions have been newly allocated to each position. These changes primarily involve pages 15, 16, 17, 18, and 20.

The changes to the FBA Manual were unanimously approved.

5. Proposed Changes to Honor Code Nondisclosure Policy:

Prof. Bellia introduced the Honor Code Nondisclosure Policy discussion by noting that the Board had discussed at the May 2009 meeting the question of whether the policy as it currently stands serves student-athletes and the University effectively. Under current policy, notification of the first violation of the Honor Code is limited to the faculty member concerned, Associate Provost Dennis Jacobs, and the chair of the honesty committee for the department involved. In May, Board members had concluded that this policy did not serve student-athletes or the University well.

Recognizing that the current policy was driven in part by privacy concerns, the Academic Integrity subcommittee had sought the advice of Marianne Corr, Vice President and General Counsel, concerning the impact of the Family Educational Rights and Privacy Act (FERPA). At the October 2009 meeting, Ms. Corr indicated that FERPA did not prevent disclosure of a first offense to coaches and others. Coaches qualify as “school officials” with a legitimate educational interest in receiving the information. Prof. Bellia noted that with the FERPA concerns resolved, the matter rests in the hands of the University Committee on the Academic Code of Honor, which will discuss the notification question at its November 18 meeting. In light of that upcoming meeting, the Academic Integrity subcommittee had sought the input of the Student-Athlete Advisory Council (SAAC) on the question and had prepared a draft letter outlining the perceived reasons for a policy change.

SAAC considered the issues at its November 2, 2009, meeting, which Prof. Bellia, Prof. Pierce, Prof. Frecka, Ms. Conboy, Ms. Green, and Mr. Swarbrick had all attended. Prof. Bellia asked Prof. Pierce to report on that discussion. Prof. Pierce said that the students deeply impressed him by their overwhelming support of disclosure to coaches of first honor code

violations by athletes. The athletes perceive this as a team issue: it weakens a team to have these kinds of issues left unaddressed. Prof. Pierce reported the students as impressively unanimous in their support of this change. Professors Frecka and Prof. Bellia concurred with this impression.

Prof. Bellia invited Prof. William Kelley to discuss the letter he had prepared on behalf of the subcommittee on Academic Integrity. Prof. Kelley said the letter details the ways in which informing coaches of first violations of the honor code will benefit student-athletes and the University more broadly. The letter responds to the objections that have been raised against informing coaches: (1) that notification violates students' privacy; (2) that notification will lead coaches to impose penalties over and above those that a non-student-athlete would receive; and (3) that student-athletes should not be treated differently from non-student-athletes. Prof. Bellia noted that the student-athletes addressed the three central concerns directly at the SAAC meeting: they did not see the privacy issue as more significant here than in the other circumstances where academic information flows to coaches; they did not expect coaches to punish such violations but rather expected additional consequences to be tailored to the problem, such as adding study hall hours; and they were not concerned by any perceived differences in treatment from non-athlete peers. The athletes expressed cognizance that the privilege of participation in collegiate athletics might mean some compensating sacrifices.

Members discussed the ramifications of the proposed changes. Prof. Garg and Fr. Poorman noted that the change in policy would have to clear the Academic Council, which is typically reluctant to make exceptions for student-athletes that differentiate them from their peers. Prof. Kijewski-Correa, noting that an anomaly of the current policy is that consequences do flow to student-athletes when violations of Residential Life rules are committed, wondered why there would be an objection to similar consequences flowing from academic violations. Prof. Kelley confirmed that the draft letter addressed this discrepancy in policies. Prof. Powers said one potential problem is that under the current policy, a student knows ahead of time what penalty will accrue from a violation, but that the possibility that a coach may exact further consequences is a "wild card" under the proposed change, making it more difficult for a student to decide to accept a negotiated outcome and possibly complicating the procedure for the faculty member concerned.

Mr. Scholl noted that these points, while valid, are addressing problems of enforcing the honor code rather than specific concerns of the student-athlete's welfare. Prof. Garg said that devising language that would effectively prevent the coach from imposing additional unwarranted consequences is very difficult. Mr. Swarbrick said that defining what is a sanction is difficult, and limiting the imposition of sanctions might lead to undue scrutiny of coaching decisions: did a student not start in a game because of performance issues, because of the coach's lack of trust in an athlete, or because of an honor code violation? Mr. Swarbrick said, however, that the Department of Athletics would work closely with coaches to prevent the imposition of inappropriate sanctions such as 5 am weight room attendance.

A motion was made and seconded that Prof. Bellia transmit the draft letter, after making any changes necessary to conform the draft to the Board's discussion or in response to additional conversations with Dennis Jacobs or other members of the University Committee on the Academic Code of Honor. The motion carried unanimously.

6. Grade and Graduation Rate Reports: Pat Holmes

Mr. Holmes presented data on student-athlete GPAs for Spring 2009 and cumulative 2008-09 GPAs. The current cumulative year GPA of 3.169 is the highest in the history of athletics at Notre Dame; the Spring '09 GPA average of 3.210 is the third highest ever. Five teams had semester team GPAs greater than or equal to 3.400 (Golf (W), Hockey, Soccer (W), Tennis (W & M)). Three teams—Soccer (W), Swimming (M) and Tennis (W)—recorded their highest semester GPAs ever. Four other teams—Basketball (M), Swimming (M), and Tennis (W & M)—recorded their highest cumulative GPAs ever.

Sixteen full-time student-athletes had perfect 4.0 GPAs. 14.6% of the student-athletes were on the *Dean's List* and 43.4% had GPAs greater than or equal to 3.400. 70.0% of the student-athletes had GPAs greater than or equal to 3.000. In addition, eight Notre Dame student-athletes earned ESPN *The Magazine Academic All-America* honors in 2008-09; since 2000, Notre Dame—with 84—has more Academic All-Americans than any other institution. Overall, Notre Dame is one of two institutions with over 200 Academic All-Americans. Further, four Notre Dame student-athletes were recipients of NCAA Postgraduate Scholarships; this is the first time Notre Dame has earned four in one academic year.

Prof. Frecka commented on how impressive these data are, and asked in what ways the University publicizes such notable successes. Mr. Holmes said the Sports Information Office does a great job disseminating the aggregate information throughout the season. This information is also reported in the Annual Report. Ms. Conboy said that while the details are not generally published, some facts, such as the number of teams with GPAs over 3.0, do get into the press. Father Poorman noted that because some teams have relatively small roster, release of such information must be kept general in order not to violate privacy rules.

Members discussed certain teams that have lower numbers than most of the other teams. Mr. Swarbrick noted that Notre Dame teams line up consistently with the NCAA GPA data regarding relative performance of teams. Members discussed at length certain categories of potentially at-risk students. As the discussion closed, Prof. Bellia observed that at the FBA's December meeting, faculty members (including John Duffy, director of the University Writing Program, Patrick Clauss, Associate Director of the University Writing Program, and Nicole MacLaughlin, a First-Year Composition teacher) would discuss current programs, including the University Writing Center, the First-Year Composition course available through the Summer Bridge Program, and particularly a one-credit writing tutorial with a studio component, that serve at-risk students. Writing skills are a major key to success over four years of academic work. The discussion might serve to help the Board identify ways to support at-risk students.

Mr. Holmes next presented data on GPAs for grant-in-aid (G-I-A) student-athletes who have moved off campus. Since the 2007 amendments to the FBA's policy, there has been no GPA requirement for permission to move to off campus housing. Of the 78 senior G-I-A students living off campus in 2008-09, 61 showed an increase in GPA; 17 showed a decrease. While the numbers are not broken down by team, Mr. Holmes assured the Board that the 17 were well

distributed among the sports and colleges. Members agreed that a more relevant factor would likely be which athletes lived in the same house. Prof. Bellia asked members if this information has particular value to them; should Mr. Holmes' office continue to compile this report in light of FBA policy changes that eliminated the minimum GPA for moving off-campus? Members said that it was helpful to be able to confirm that lower GPAs are not being registered exclusively by one or two sports.

Mr. Holmes briefly presented information about the GPAs of the five fifth-year student-athletes.

Finally, members looked at graduation rates. The chart lists both the NCAA graduation success rate (GSR) and the federal rate. The 2009 GSR is the best Notre Dame has ever had, at 99%, moving up from a consistent 98%. The federal rate has also risen, from 89% to 90%. Prof. Garg asked about the Men's Basketball federal rate, which is low compared to all other teams. Mr. Holmes said that the team experienced a number of coaching changes over the six-year graduation window compiled in this figure, which resulted in some students in good academic standing leaving the team, which in turn negatively impacted this rate. In fact, 69% represents a high point for the team over the last 8 to 9 years, indicating some renewed stability for the team. Prof. Kijewski-Correa asked about the National Collegiate Scouting Association's collegiate "power rankings," in which Notre Dame was ranked fourth but which listed an NCAA graduation rate of 31st. Mr. Holmes explained that when all 351 Division I NCAA institutions are compared, the rankings shift because not all of those NCAA institutions have a football team. Typically we are compared with the 120 Division I Football Bowl Subdivision (FBS) institutions, a category in which we are consistently in the top 5 for graduation rates.

7. Men's and Women's Basketball—Requests for Study Day Game: Jill Bodensteiner, Jonathan Tsipis, and Martin Ingelsby

Prof. Bellia introduced the three visitors appearing on behalf of the basketball programs: Jill Bodensteiner, who serves as sport administrator for women's basketball, Jonathan Tsipis, associate head coach for women's basketball, and Martin Ingelsby, assistant coach for men's basketball.

Ms. Bodensteiner reported that both basketball programs are requesting permission to schedule non-conference games on the Saturday study day in the Fall 2010 exam period. Ms. Bodensteiner said that she anticipates this to be a recurring request in light of scheduling complexities. She described some of the many factors impacting scheduling. The NCAA legislates the first game date—the second Friday in November—and establishes the total number of games at 28. The Big East conference games make up a large portion of those 28; the Men's team must also schedule 10 nonconference games and the women 12. Each team has certain "hold days" for the Big East; for the women's team, these days have been pushed back into December (4 hold days in early December) and the men must hold every day beginning with Christmas day. In addition, schedules need to be coordinated with other Notre Dame team schedules. No home games would be scheduled on a home football date, for instance, and it is desirable to avoid conflicts with home hockey games. The arena is shared with the Volleyball team as well. Also, dates in early December are regularly held in anticipation of Volleyball hosting tournament play. And, of course, Notre Dame never schedules games during the exam

period, unlike other institutions. In addition to these internal restrictions, the schedule must coordinate with other institutions so as not to create system-wide conflicts and so as to accommodate travel schedules and television opportunities. Finally, the students need a chance to get home for a holiday break.

The result is a large number of unavailable dates for scheduling, leaving the study days prior to exams a necessary time slot in order for the two basketball programs to be able to schedule all available 28 games. Ms. Bodensteiner said this makes the Saturday of study days a very attractive date. She said the intention would be to set the schedule for that date carefully, to pull the students away from studies for the least possible amount of time. In the case of the women's program, the game requested would be a home game and the women athletes would not be called to warm up before 12:30 p.m., with the game starting at 2 p.m. Mr. Ingelsby likewise discussed the timing of and potential opponent for the men's game, as well as the ways in which the typical routine could shift to minimize the disruption to student-athletes' study schedules.

After discussion, Prof. Bellia thanked the group for its presentation and said she would provide the Board's response to the request shortly.

8. Class Miss / Scheduling Report:

Prof. Bellia noted that the request by the basketball program for permission to schedule a game during the study day period prior to exams is best seen in the context of broader discussions of the Board's role of approving teams schedules and of the discretion the Board has delegated to its Chair.

Prof. Bellia reviewed the overall class miss policy, which, for regular season competition, grants teams three excused absences in the Monday/Wednesday/Friday sequence and three in the Tuesday/Thursday schedule. In addition, since 2008, the Chair has also had discretion to grant up to two additional class misses to enable coaches to build competitive schedules. In April 2009, a request from the women's golf team for a third "extra" class miss prompted discussion of whether the Chair should have additional discretion. At that time members concluded that the Chair's discretion should extend only to the two class misses above the three each in the M/W/F and Tu/Th sequences. In addition, members also requested a report from the Chair regarding how frequently the Chair has exercised discretion to grant class absences above the three each in the M/W/F and Tu/Th sequences.

Prof. Bellia discussed the patterns she could glean from her first months as Chair and from the files she inherited from her predecessor. She discussed requests by women's and men's golf teams, whose scheduling difficulties are well known to Board members. She noted that the women's soccer team has faced schedule challenges due to the expansion of the Big East, which in turn has forced the team to seek an additional class miss to schedule non-conference opponents. The baseball and softball teams experience occasional weather-related causes for additional excused absences. Prof. Bellia reported that, in her view, the pattern reveals that no slippery slope is developing; coaches making competition-related requests are demonstrably working to keep within the rule set by the Board.

Prof. Bellia noted, however, that although the Chair's discretion to approve additional class misses relates to the Board's desire to enable coaches to build competitive schedules, some requests made over the last few years relate to concerns for student welfare in addition to or rather than competitive interests. For instance, the softball team recently requested a half-day miss because otherwise the team would arrive at a competition site at 3 a.m. on the morning of the game day; the hockey team requested a class miss to avoid 24 hours of continuous travel to the University of Alaska-Fairbanks. Prof. Bellia asked members to consider if these are the types of situations under which the Board is comfortable with the Chair exercising the discretion delegated to her. Alternatively, should such requests come before the Board for approval, as occurred today with the Basketball study day requests?

Members expressed the view that the Chair should continue to exercise her discretion as she currently is doing, but give an end-of-the-year report on classes missed. Members expressed concerns regarding class misses for post-season play, which do not fall under the 3 M/W/F- 3 Tu/Th rubric. Prof. Bellia noted a requirement in the FBA manual that coaches timely inform the Chair of the travel, practice, and competition schedules for post-season play. She explained that this requirement, in her view, forces the coach to consider carefully what circumstances actually justify a class miss request in post-season play. She noted that because it was unclear whether this requirement has recently been enforced, she had asked the Department Athletics to emphasize with all coaches the importance of following this procedure. Members agreed that a more timely and detailed flow of information from the coaches would aid the Board in monitoring. Prof. Pierce noted that informing the team liaison would be a helpful way of developing communication links.

Prof. Bellia turned to the question of approval of study day game requests. She noted that the system of approving study day games—and particularly whether to consult the Board on such requests—has varied under Chairs in the recent past. The operative language in the FBA Manual is ambiguous, stating only that such requests must be discussed with the relevant sport administrator. Prof. Bellia noted that Board members had in years past questioned whether the Board should review study day requests at all, particularly the recurring requests involving basketball, but that the Board had ultimately decided that the Board should continue to consider requests on a case-by-case basis. Prof. Bellia noted that the question presented in light of the variations in recent practice is slightly different: does the Board wish to hear requests itself, or does the Board wish for the Chair to consider such requests on its behalf?

In discussion, Board members agreed that requiring teams to come before the Board to make these requests acted as a “slow down mechanism,” enforcing deliberation on teams. Prof. Bellia summarized the discussion to this point: Board members prefer to retain the power to hear study day game requests, but the chair will continue to proceed as she is currently doing with respect to class misses over and above the three each in the M/W/F and Tu/Th sequence.

Members turned to consider on its merits the basketball programs' request for permission to schedule competition on a Fall Saturday study day. The discussion touched on members' strong disapproval of scheduling any away games during study days. Mr. Swarbrick also explained the necessity of scheduling a full slate of 28 games; playing one fewer game than permitted is equivalent to conceding a loss; 20 wins represents a “magic” number for basketball teams. Ms.

Conboy noted that protecting dates in December for the volleyball team's possible hosting of tournament play necessitates the Basketball teams using a study day for competition. If these dates are not protected, then the volleyball team would be pushed onto the road during the last week of classes, disadvantaging them. Preserving this opportunity is valuable for volleyball; and the basketball teams will work with a home game restriction for study day game scheduling. Some members expressed a preference for a Saturday study day game rather than a Friday game, including a night game, in light of course reviews offered by faculty and the availability of faculty office hours on Fridays but not Saturdays. Others discussed the broad unacceptability of competition during this end-of-semester period. Ms. Conboy emphasized the concern shown by coaches that students take full advantage of study opportunities and review sessions.

Prof. Bellia noted that the previous approval she gave for this year's women's basketball game on a study day was granted in the context of a set of restrictions shortening the typical pre-game routine. She suggested that the Board could approve the request and also express its concern about the study issues student-athletes face. Coaches could be reminded of the importance of review sessions and the goal of minimizing the time students are required to be at the arena prior to and after the game. Ms. Conboy said the teams would likely be willing to present a full four day schedule as part of the approval process. Mr. Holmes emphasized that if we allow a team to schedule a study day game, we should not impose restrictions that would compromise the team's ability to prepare well. Mr. Holmes said that the teams are working hard to schedule a quality opponent and should be supported in their chances to prepare fully. The student-athletes are very aware of the necessity of balancing studies and sports throughout the semester, supported by coaches; as a rule, the athletes have been doing their jobs throughout the semester and are well prepared for this challenging study and finals week.

A motion was made to approve the basketball programs' requests to schedule games during the study period in Fall 2010. The motion was unanimously approved. Prof. Bellia said she would convey the results of the vote and also the substance of the Board's conversation to the basketball programs.

As time had expired, the agenda items of Subcommittee Reports, and reports from *Ex Officio* members were postponed and the meeting was adjourned.