

**Faculty Board on Athletics
Meeting of February 26, 2010
500 Main Building**

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

Members excused: Thomas Frecka, Umesh Garg, Patrick Holmes

Board Liaisons present: Missy Conboy, William Scholl

Board Liaisons excused: Charmelle Green

Observers and Guests: Tracey Thomas (Recorder); Tom Nevala—Senior Associate Athletics Director for Business Operations and Youth Programming; Adam Sargent—Associate Director of Academic Services for Student-Athletes

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

2. Minutes of December 2, 2009 meeting

Prof. Bellia reported that in response to a decision made at the January 2010 meeting, she has had all previous FBA minutes removed from the online “ND Reports.” FBA minutes are now only available at the FBA website and are password protected.

Prof. Fallon offered a minor correction to the January 22, 2010, minutes. The minutes so amended were unanimously approved.

3. Chair’s Announcements

Prof. Bellia reported that she has approved the women’s rowing schedule, and has approved a rotating system of captains for that team.

Prof. Bellia noted that earlier in the month she had cleared the Men’s Basketball team to travel to Seton Hall University a day-and-a-half earlier than planned due to severe weather disruptions on the east coast. This decision was made in part on the recommendation of both the charter company and representatives of Seton Hall. At the time, the men’s team had not met its class miss quota. Subsequently, she also approved another early departure, for today, so that the team can get to Georgetown University with sufficient time to practice in the arena—a professional arena with limited practice times. The Men’s Basketball team is thus over by one class miss on the MWF schedule.

Prof. Fallon agreed that sending the team to Seton Hall a day early was the right decision, but questioned whether the television schedule had any influence on the decision not to reschedule the game. He expressed concern that student needs might take second place to television concerns. Prof. Bellia noted that the possibility of rescheduling the game had been discussed, but Seton Hall and Notre Dame had no common dates available on which to reschedule the game. Mr. Swarbrick explained that with the rare exception of a featured Monday night game, typically there are a sufficient number of games being produced for television at the same time that a cancellation can be accommodated by distributing another game across two channels instead of one. Thus, the television schedule has little impact on these kinds of decisions.

Prof. Bellia spoke about a recent meeting of Big East Directors of Athletics, Senior Woman Administrators, and Faculty Athletics Representatives, which she and Missy Conboy had attended. Among the major topics, the Big East Commissioner met with each subgroup at the conference to discuss the future of the Big East. Also mentioned was the ongoing search for a NCAA president.

Another topic that was raised is one which Prof. Bellia and Mr. Swarbrick were interested in members' views: the topic of student-athletes taking online courses in place of traditional courses. Ms. Conboy said that online courses have the potential to contribute to academic fraud, as has happened at other universities. One advantage is that online courses avoid the problem of class misses (although Ms. Conboy noted that many other institutions do not have class miss policies). Mr. Swarbrick asked whether the University properly can place limits on student-athletes' election of online courses if non-athletes have unlimited opportunity. Prof. Bellia said that the FARs at the conference were concerned that in the not-too-distant future, there might be a Big East basketball player who has never set foot in a classroom, but instead who has taken online course exclusively.

Members discussed the issue. Ms. Conboy asked how many online courses are offered at Notre Dame. Father Poorman, noting that most ND online courses are designed for outreach, said that on occasion an athlete who is considering early enrollment will address a deficiency in meeting Notre Dame's requirements for incoming students by taking an online course. Adam Sargent reported that currently student-athletes cannot use online courses for college credit nor bring them in from other sources to earn college credit.

Mr. Swarbrick said that while he'd like to oppose the use of online courses by student-athletes, he acknowledged that it wouldn't be appropriate for Notre Dame to dictate what should be an approved course at another university. Ms. Conboy wondered if coaches are hearing from prospective recruits any push for such courses. Members agreed that such a situation is not likely to occur with student-athletes who are interested in attending Notre Dame. Father Poorman said the University would be at a distinct disadvantage against peer institutions in this discussion. Prof. Power asked if the Big East is discussing a common standard on this issue. Prof. Bellia said that while the FARs were of that mind, that does not necessarily represent the position of the Big East as a whole. The FARs hoped to have NCAA standards augmented. Members agree generally that as a minimum, student-athletes should not be allowed to take more online courses than non-athletes are permitted to take.

4. Facilities Report—Hockey Arena

Prof. Bellia welcomed Tom Nevala to present the design plans for the new hockey venue. Mr. Swarbrick reported briefly on the decision making process which is reflected in the design of the building. Mr. Swarbrick said that when he came to Notre Dame, plans were forming to make a significant financial investment in the renovation of the North dome of the Joyce Arena, including the hockey rink. He determined that this was not an effective use of university resources, believing that in 5-10 years, the investment would be regretted. The plan accommodated hockey effectively but did not sufficiently address other university needs, such as providing attractive and functional university spaces. For instance, the Naimoli Club in the new Purcell Pavilion provides the university with wonderful hospitality space. Also, in the renovation plans of the North dome, no new space was being created and yet former university space was being taken away. The university has regular need for a large space in which to serve meals to a large number of people. Until such a space is built elsewhere on campus, it would be inadvisable to eliminate what we have.

An additional design concern was the efficient use of funds in building a sheet of ice. It was determined that the cost benefits of building and holding ice would be maximized by building two rinks. This also enables the University to increase its support of local youth programs. Mr. Swarbrick said he had nothing to do with the actual design of the venue but that he could not be more pleased with the way the design incorporates these values.

Mr. Nevala gave a dynamic and informative presentation of the new venue's design. He acknowledged that, with Notre Dame having started this process in Spring 2009, the October 2011 opening date represents an aggressive schedule but one that all concerned are eager to meet. The building will be LEED certified, and the site is due south of the Joyce Center, across from Innovation Park and across Leahy Drive from the new track location.

The exterior and décor of the facility is a beautiful collegiate gothic design, resulting in a distinctive building. The main entry will be on the north side, facing the Purcell Pavilion. The exterior was designed with inspiration from some original campus architecture. For instance, elements of the old field house have been incorporated, as well as elements of both the Purcell Pavilion addition and ND Stadium. There will be a grand entry tower and numerous pilasters.

The design includes two rinks, with the main rink, of slightly larger than NHL dimensions, running east/west and the auxiliary rink, of Olympic dimensions, running north/south. Mr. Nevala walked members through the building, describing both the public and team designated spaces. There will be some retail space, a large entry vestibule, a main concourse, a university space that will feature a club similar to Naimoli Club in Purcell Pavilion, and designated student seating with space for the beloved hockey pep band. The main concourse has a seating capacity of ~3700, sitting and standing, with comfortable 19 inch minimum chairback seats. The student seating is bleacher designed; standing room areas feature a drink rail for fans. And the press area is located on the south side of the arena on the club level.

The west end of the arena is designed to have an atrium effect, with numerous windows, some of which allow visitors to see from the main rink into the auxiliary rink. Atypical of ice rinks, exterior windows will permit a great degree of natural light; on all such windows will be treated in such a way that direct light does not fall on the ice. The coaches' offices are located on the north side of the building on the concourse level, looking out on the campus.

Access to the auxiliary rink is from the event level, down the main stairs. This space is designed with campus, community and youth use in mind. Seating will accommodate about 250 fans, and there are four locker rooms associated with the auxiliary rink, a pleasant change from the current rink situation where there are no changing spaces for campus and public users. At the north end is a public community space, the skate and broomball boot rental area, and a space which can be used for birthday parties, a must for community use. Physical education classes will make use of this rink and its facilities, as will Notre Dame's active women's hockey club team and figure skating club. There are designated official locker rooms for this rink as well as the main rink.

The space dedicated to varsity use includes a weight room for all athletes, a team lounge, athletic training space and equipment space, a wet area for therapy and a cardio room, as well as a team space with a class room and a multi function room for weekly Mass, meals etc.

The venue represents a great addition to the ND experience and will be a boon for campus and for community uses. It is anticipated that it will become a popular regional hockey venue for community youth sports.

Prof. Bellia asked Mr. Nevala to address the impact on local ice venues. He reported that early in the planning stages, Pat McMahan, ND alum and member of board of directors for the Ice Box, which houses the other ice rinks that are used competitively, was approached. His response was positive; this construction relieved him of investing in another rink, which all perceive is needed for youth uses.

Prof. McDowell asked about plans for the space hockey is currently using in the Joyce Arena. Mr. Swarbrick said a master plan is being developed to reprogram the space efficiently while still retaining the big open space needed regularly by the university. Some possible uses include solving pressing needs for fencing and for volleyball. The bottom line will be to maximize the open space.

Prof. Kelley asked about the liability issues connected with public skating. Ms. Conboy said this will be worked out in conjunction with the General Counsel and that the venue and its uses are being benchmarked with the similar facility built by Miami University (Ohio). Mr. Nevala noted that hockey players of all ages carry specific insurance and that the university will most likely invest in insurance designed for this venture because the community use is a key component of the plan. The facility is expected to become self-sustaining economically; the Miami of Ohio ice venue grosses about 1 million/year.

Prof. Bellia thanked Mr. Nevala for his presentation.

5. Proposed Amendments to Policy on Appeals from Nonrenewals of Grant-in-Aid

Prof. McDowell said the Student Welfare subcommittee has had many discussions on this policy, in conjunction with Jill Bodensteiner and Joe Russo, Director of Student Financial Services. Prof. McDowell reviewed the numerous changes made to the policy, giving members an opportunity to ask questions about each change. Members were in agreement with most of the changes.

Discussion occurred about the major change of adding the role of an appeal advisor to help student-athletes with the process of appealing a non-renewal of grant-in-aid; this advisor role was modeled from guidelines and practices promulgated by the NCAA. The advisor would be assigned from a pool of individuals who have an understanding of the procedures involved. This pool will include former Faculty Board of Athletics members and the current student representative to FBA. Explanation of the specific duties of the advisor's role are detailed in supporting material which will be circulated to coaches and student-athletes, to make the procedure more transparent. This position was designed in part to move the process away from a growing tendency by students to be legalistic. The University recognizes that it is a significant event to lose a scholarship, and the advisor position represents an effort to provide support without recourse to outside legal assistance.

The procedure is as follows: after the appeal advisor is assigned to the student, contact will be made within five days. At a meeting, the advisor will explain the appeals procedure and act in an advisory capacity, but will not assist in the production of any documentary materials.

A second change was discussed. Jill Bodensteiner had raised an issue with the composition of the previous hearing panel in light of NCAA Bylaw 15.3.2.3, which precludes an institution from delegating the responsibility for conducting a hearing to its faculty athletics committee. Under the prior policy, four of the five slots on the appeals panel had been filled by FBA members, including the student representative and the Vice President for Student Affairs. Prof. McDowell reported that the student representative has been replaced by a representative from SAAC, and the Vice President of Student Affairs, who sits on FBA, has been replaced with the Associate Vice President of Student Affairs. These changes ensured compliance according to Ms. Bodensteiner.

Members discussed the changes. Prof. Fallon expressed concern that the changes represented the letter of the NCAA law rather than fulfilling its spirit, as the new members would still be "socialized" in the athletics world. Prof. McDowell said that at some institutions, appeals committees were composed of regular financial aid staff. The solution arrived at represented an effort to draw on individuals with substantial understanding of the ND student-athlete situation. Prof. Rhodes noted that the concern the NCAA bylaw reflects arises because many institutions' faculty athletics committees are part of the Athletics Department. Because at ND the FBA reports to the President, there are not the same kinds of concerns about an inappropriately close relationship.

Prof. Kelley expressed concern that having the student representative come from SAAC might result in too close a relationship between the student making the appeal—or that student's

teammates, whose interests might be opposed to those of the student making the appeal—and the student hearing the appeal. Members agreed and discussed other possible choices. It was determined to have the student representative position filled by a graduate student appointed by the Chair of FBA; Prof. McDowell said the language would be changed to “graduate student” and she agreed to consult with Ms. Bodensteiner to confirm compliance.

Having concluded the discussion of the changes to the appeals policy, members then discussed the supporting interpretative document. It was agreed that if this document is to be circulated among concerned parties, particularly coaches and student-athletes, then the language needs to be carefully vetted to be in perfect agreement with the language of the policy document. Prof. McDowell said that the supporting document has been drawn up with an eye to full education of all parties to improve the process for the athletes, and that clear language would be a high priority.

Prof. Bellia asked if members were ready to vote on the changes to the policy document, including the change in wording to “graduate student.” Ms. Conboy asked whether the document would be sent to Ms. Bodensteiner before becoming final. Prof. Bellia, noting that it appears the Board has held sufficient discussion on the topic, suggested members vote on the language of the policy, and then forward it to Ms. Bodensteiner for confirmation of the compliance issues. She noted that any further changes to the supporting documents would be made in the spirit of today’s discussion and in consultation with Ms. Bodensteiner. Prof. McDowell concurred that the Board would have an opportunity to review any further changes made to the supporting document. Prof. McDowell made a motion to vote to approve the policy changes, including the friendly amendment of changing “SAAC president” to “graduate student.” The vote was unanimously in favor with one abstention.

Ms. Conboy asked how this policy is impacted when a student-athlete commits a violation while still receiving grant-in-aid but not an active sports participant for whatever reason. Mr. Sargent confirmed that the university has other avenues to pursue if violations occur in non-athletic related areas; the student-athlete’s scholarship can be pulled based on language inserted in the agreements.

Prof. Bellia thanked Prof. McDowell for guiding the appeals policy review through many rounds of discussion.

6. Request to Re-Set Practice Time for Student-athletes

Prof. Pierce introduced a request that arose from a letter sent by Prof. Rob Easley, College of Business. Prof. Easley requested that the “last class slot” available for student-athletes be moved back to 3 p.m. from the current 2 p.m. slot. This subject was discussed in subcommittee and the decision was informed by conversations with Pat Holmes and Adam Sargent. The decision reached was that moving the time back would negatively impact the evening study hall schedule and student-athletes’ quality of life. It was felt that a sufficient number of classes are available in the time slot up to 2 p.m. so that students have not suffered from a lack of class choices.

Adam Sargent, Academic Services, said that what would be at stake is quality of life for the student-athletes. He explained that under the new football coaching staff, athletes are getting in and out of practice on time and earlier than in recent years. This allows the structured study hall to start earlier and thus finish earlier, so that student-athletes are back in their dormitories with ample time for further study or participation in other aspects of the campus life. In recent years, this was not happening; students were still involved in athletics-related activities until mid-evening, the study hall did not start until later, and students were eating take-out food as they rushed to study hall. Coach Kelly has already established an efficient condensing of the time schedule for football players, which enables the rest of the schedule to work in a timely way. With the additions of the training table and the increased use of the Guglielmino Family Athletics Center (“the Gug”), a nearly ideal situation is developing. The student-athlete’s experience should be efficient and on time: practice, a quality meal, a transition to the structured study experience. This should materially improve the overall health of the athletes, outweighing the advantages of being able to get in one more class window.

Mr. Sargent said it was unfortunate that a local newspaper had reported that it was Brian Kelly who had moved the study hall to the Gug, since that does not accurately convey what happened. It was a fear of this perception that was identified as the only drawback to this move, in fact. Academic Services rightly reports to the Provost, not the Athletics Department, and having the study hall in a clearly identified academic setting, DeBartolo Hall, speaks to issues of possible inequities among students. Moving study hall to the Gug came about because Coach Kelly asked Academic Services what its biggest challenge is. When he learned about the space challenges that Academic Services faces, he offered the Gug space because it was available. When the offer was made, in the context of Academic Services facing some restriction in its current study hall space, personnel evaluated the Gug space and found it to be particularly well suited to the study hall needs—9 rooms, white boards, computer lab, etc. The size also makes oversight easier for staff. Although coaches are present in the building while study hall is occurring, they are not intruding in study in any way; in fact, the presence of coaches can often reinforce the message of Academic Services’ staff and offers support for that guidance to athletes. The mutual and effective communication between Academic Services and coaches is visible to the athletes, again reinforcing the academic message.

Prof. Kelley asked about compliance concerns; Mr. Scholl reported that the Compliance Office was consulted as part of the process of making this change. Ms. Conboy noted that the presence of coaches is not by definition a problem under NCAA rules.

Prof. Fallon noted that the change in the last class time had been approved only for football and basketball. The change made fewer class time slots available, but the tradeoff was supposed to be that student-athletes would be free of athletic commitments at a reasonable time. As the football practice time slipped, however, student-athletes’ evenings were negatively affected by their athletic commitments. The current situation offers improvements and benefits in terms of athletic practice and overall academic and student welfare. One remaining question, however, is what impacts, if any, are felt by student-athletes involved in other sports. Mr. Sargent said that the situation for athletes on other teams is, frankly, of a different order altogether. The population of most concern is primarily the 32 scholarship students who are involved in the structured study hall system. These students are already significantly benefiting from the

efficient and structured practice, training table, study hall arrangement whose pieces have all recently been put into place.

Members briefly discussed the additional scheduling challenges for student-athletes who are taking courses that involve labs; this involves courses across the maths and sciences as well as the arts. Mr. Sargent indicated that the message coming from the new football regime is one of enthusiastic support for the pursuit of academic goals and a willingness to work with individual students' requirements.

Prof. Bellia concluded the discussion by noting that she will compose a letter informing the Dean of the College of Business (through whom Prof. Easley's letter had been routed) of the Board's decision on the topic of moving the class end time; members declined the necessity of reviewing the letter.

7. Application of the Fifth-Year Policy to Transfer Students

Prof. Pierce introduced the topic of the policy for transfer students who seek fifth year status which the Subcommittee for academic integrity has been discussing. The issue arose because of an individual student's situation; that situation has since resolved itself. Nonetheless, the general question merits consideration: according to current policy, an athlete needs to apply for fifth year standing once s/he has completed eight semesters at ND. Transfer students technically do not fall under this rule as, generally, they have not taken eight semesters at ND, even though they have completed eight college semesters. Such students, who have NCAA eligibility remaining, are in an anomalous position; does the Board want to amend the policy?

Prof. Bellia said she brought this topic to the subcommittee because the Board wants these students to be academically challenged and engaged, and because there should be an educative value, for coaches and for the athlete, as part of the process of making the decision to return for a fifth year. In some cases, student-athletes will pay the full cost of the fifth year, and the Board is concerned that there be a compelling academic reason to spend that money.

Members briefly discussed the complexities of the various scenarios that might arise under this policy. It was agreed that the issue be returned to the subcommittee to 'hammer out' language.

8. New business

a. Exit Survey for departing student-athletes

Prof. Mary Anne McDowell reported that the Subcommittee on student welfare, with the assistance of Charmelle Green, has revised the exit survey for graduating athletes which addresses diversity issues for athletes. In section C, more specific questions about potential discrimination for a range of reasons—racial, gender, religion, sexuality—have been inserted in an effort to better identify the team and coaching staff cultures. Questions were also added to learn more about the classroom experience of student-athletes and any possibilities of discrimination that might be felt there.

Prof. McDowell reported that some statistics are available, although the collation of the surveys is not complete. She provided a brief indication of some responses. Prof. McDowell said that a high number of specific comments were also reported on the survey; Ms. Green is compiling that information. A complete report will be made to the Board when available. Father Poorman noted that the survey may need a complete overhaul to split out a “whole clump” of discriminatory issues covered by one question. New technology tools will make that simple and avoid aggregate data that is not informative.

b. SAAC “Rebuilding Together”

Prof. Bellia said that SAAC is involved in a large service project in conjunction with the South Bend community. Formally known as “Christmas in April,” Rebuilding Together is a house renovation project similar to Habitat for Humanity. SAAC is seeking to have the Athletics Department sponsor two houses at this event, with maximum student-athlete participation. The date is April 17, starting at 8 a.m. Members were encouraged to work along with their team. Deadline for signup is March 1, 2010 through Sarah Smith, at smith.625@nd.edu, in Charmelle Green’s office.

The meeting was unanimously adjourned.