

**Faculty Board on Athletics
Meeting of December 7, 2018
12:00 pm-1:30 pm, 500 Main Building**

Members Present: Patricia Bellia (chair), Corey Angst, Jaime Bleck, James Brockmole, Ann Firth, Erin Hoffmann Harding, Dan Kelly, Sean Kelsey, Mary Ann McDowell, F. Clark Power, Adam Sargent on behalf of Patrick Holmes, Jack Swarbrick, Aaron Striegel, Cameasha Turner

Members excused: Patrick Holmes, Kevin Vaughn

Athletics Liaisons: Missy Conboy, Mike Harrity, Jody Sadler, Angie Torain

Guests: Heidi Uebelhor, Assistant Athletics Director, Compliance; Brian Coughlin, Associate Vice President for Student Development; Heather Ryan, Director of the Office of Community Standards;

1. Opening Prayer

Professor Patricia Bellia welcomed the group, calling the meeting to order at 12:04 pm. She invited Professor Corey Angst to offer the opening prayer. Professor Bellia introduced Mr. Adam Sargent, Associate Director of Academic Services for Student-Athletes, who attended the meeting on behalf of Mr. Patrick Holmes.

2. Minutes of Meeting of November 9, 2018

Mr. Holmes submitted suggested changes to the Minutes electronically prior to the meeting; Professor Bellia highlighted those changes for the Board. No other member suggested changes. Professor Mary Ann McDowell moved to vote on the Minutes with Professor Sean Kelsey seconding the motion; the Board approved the Minutes with a vote of eleven in favor, zero against, and one abstention.

Professor Angst asked a question regarding the minimum number of credits required for a student-athlete to be eligible, to which Professor Bellia replied, consistent with the requirement for all students, that a student-athlete must be a full-time student until his or her final semester in which he or she need only take the remaining required credits to complete his or her degree. Mr. Jack Swarbrick inquired as to the genesis of the question, to which Professor Angst referenced a conversation occurring on an online discussion board external to the University. Ms. Heidi Uebelhor clarified the NCAA rule. Mr. Swarbrick noted that a person graduating this December could be eligible as a part-time student under that rule. Mr. Sargent shared that two student-athletes will be graduating this December. Ms. Uebelhor briefly described the process of going part-time for student-athletes. Additional discussion ensued among the Board. Mr. Sargent commented that the University's process is incredibly well-vetted through the Office of the Registrar. Professor Bellia reiterated that each student-athlete's eligibility is certified prior to competition, noting the rigor of that process.

3. Chair's Announcements

Schedules. Professor Bellia announced that she approved the schedule for Indoor Track & Field and Baseball.

Captaincy Approvals. Professor Bellia announced she approved those nominated as captains for the Cheerleading squad.

Waivers of the On-Campus Housing Policy. Professor Bellia shared that she received two requests for waivers of the Board's On-Campus Housing Policy, both of which the Office of Disability Services determined could be resolved with the student-athlete's move to an air-conditioned, on-campus dorm room.

4. Disciplinary Report

Professor Bellia invited Mr. Brian Coughlin, Associate Vice President for Student Development and Ms. Heather Ryan, Director of the Office of Community Standards, to present the 2017-18 Disciplinary Report.

Mr. Coughlin explained the metrics and layout of the disciplinary report. He stated that the statistics for student-athletes in this disciplinary report are similar to that of the general student body population, including the breakdown by gender. In response to a question from Professor McDowell, Mr. Coughlin replied that he would provide the Board with the percentage of student-athletes who are repeat offenders. Mr. Coughlin pointed out statistics by sport roster, noting that 2017-18's numbers are consistent with those from the previous five academic years. Replying to a question from Professor James Brockmole, Mr. Coughlin said that 2017-18 Disciplinary Report covers student misconduct except those offenses that are academically-related or fall under the auspices of Title IX. He noted that previous years' disciplinary reports included statistics on Title IX offenses but that these numbers were removed from the 2017-18 Disciplinary Report as Title IX incidents are now handled through a process managed by the Title IX coordinator, using a process that is completely separate from the Office of Community Standards.

Mr. Coughlin opined that there will be an increase in the number of low-level cases in the disciplinary process reflected in next year's report as the Office of Community Standards has been encouraging Rectors to be more consistent in the documentation of these low-level offense, noting that this is not so much a shift in policy as it is a shift in documentation practices.

Ms. Uebelhor queried Mr. Coughlin as to whether or not these statistics were shared with coaching staffs, to which Mr. Coughlin replied that this information is shared with Ms. Jody Sadler, Senior Associate Athletics Director.

Mr. Coughlin described the nature of the cases in the report, again noting the consistency with past years' cases. In response to questions from Professor F. Clark Power, Mr. Coughlin listed the basic types of cases, including violations of: vandalism, alcoholism, assault, and parietais. Mr. Coughlin described the University's categories of responses to these incidents and

the severity of each: meetings, conferences, and hearings. Hearings, as the most serious response for the most significant offenses, could call into question a student's ability to remain enrolled at the University; meetings serve as the University's response to what's colloquially described as a "typical college mistake." Conferences are frequently used to address a second offense within the same category of cases. Mr. Coughlin commented that approximately ninety percent of the cases resulted in either a meeting or a conference and that, should the Board desire, he could include Title IX statistics in this report. Replying to questions from Professors McDowell and Angst, Mr. Coughlin said there were no online violations in 2017-18 as those include incidents such as illegal downloads rather than social media stalking. Professor Power expressed a desire to have the types of violations broken down by category and severity. Mr. Coughlin replied that multiple violations frequently combine to form one incident, e.g. inappropriate alcohol use tied to an assault, but offered to include Title IX statistics in this report. Professor Bellia requested that he do so as reviewing those numbers for the student-athlete population is important and helpful to the Board.

Professor McDowell asked if these numbers are reflective of those from the general student body; Mr. Coughlin said yes, for the most part. He offered that alcohol is the number one issue for all students. Ms. Erin Hoffmann Harding stated that her office has information that indicates there are higher rates of high-risk drinking behavior at Notre Dame compared to other institutions. Ms. Cameasha Turner, an Assistant Rector, commented on the number of incidents of high-risk drinking behavior among students this year, particularly as compared to past years. Mr. Coughlin explained that this is one of the reasons why the Office of Community Standards is encouraging Rectors to more consistently document low-level offenses so that resources can be provided to involved students earlier in their Notre Dame career. Professor Brockmole asked several questions regarding the logistics of how alcohol incidents are cited and processed; Mr. Coughlin explained that Notre Dame citations are not legal citations and that should a citation be issued by a local, non-Notre Dame law enforcement agency, Notre Dame may not necessarily know law enforcement issued a citation.

In response to a question from Professor Bellia on drug use versus alcohol use, Mr. Coughlin remarked that the statistics have remained consistent over the last two years but is interested to see how the legalization of marijuana in Michigan may impact Notre Dame. Replying to a question from Professor Bellia on strategies for combating high-risk alcohol use, Ms. Hoffmann Harding stated that the McDonald Center for Student Well-Being conducted a listening tour on this issue and that information on this subject was specifically added to the Moreau first-year experience class. She added that the Division of Student Affairs is considering creating a task force on high-risk alcohol use and including this issue in its strategic plan, noting the primary concern being student safety and well-being rather than student experimentation. Mr. Coughlin affirmed that sentiment. Ms. Turner shared insights on this issue from her experiences as an Assistant Rector. Professor Aaron Striegel inquired as to whether anyone had conducted risk assessments on this issue; Mr. Coughlin replied in the affirmative. In response to a question from Professor Bellia regarding off-campus residences, Mr. Coughlin replied that each student organization, including sports teams, traditionally have a group of students that rents an off-campus residence and hosts social gatherings at these residences.

Ms. Missy Conboy asked about the definition of the term “hazing.” In response, Mr. Coughlin described an example from the Fall 2018 semester that demonstrated the need to further educate students about hazing and its manifestations. Mr. Coughlin stated again that this is an issue for the entire student body.

In response to questions from Professor Brockmole regarding off-campus residences and the Board’s waiver of its On-Campus Housing Policy, Mr. Coughlin and Ms. Ryan collectively replied that students do not necessarily behave worse while living off-campus than they did while residing on-campus. Ms. Hoffmann Harding offered that the ability to host large gatherings in a house is at the core of this issue. Professor Bellia commented that it will be interesting to see the impact of the Division of Student Affairs’ new on-campus residency policy on this issue. Professor Bellia addressed Professor Brockmole’s question regarding the Board’s waiver of its On-Campus Housing Policy by describing the current process for vetting these requests. Receiving no other questions, Professor Bellia thanked Mr. Coughlin and Ms. Ryan for their report.

5. Drug Testing Report

Professor Bellia invited Ms. Ann Firth, Chair of the Drug Testing Oversight Committee (DTOC), to present the 2017-18 Drug Testing Report on student-athletes. Ms. Firth thanked the Board for its time and offered a brief history of the drug testing program, sharing that the policy was significantly updated in 2013. She explained the debate surrounding whether or not the University should continue to drug test its student-athletes, noting two key, competing factors in the decision to continue drug testing student-athletes: that virtually all NCAA Division I institutions have such a program due to the existence of an NCAA Drug testing program, and the concern surrounding treating student-athletes differently than the general student body. Ms. Firth noted that the results of these tests are not shared with DTOC’s Student Affairs’ partners primarily because the requirement to submit to drug tests is not required of the general student-body population. Ms. Firth shared the list of DTOC members, discussed Dr. Matt Leiszler’s position as the program’s Coordinator, and noted that a third party contractor completes the actual testing.

Ms. Firth offered basic statistics from the 2017-18 academic year, including the number of administered tests, types of tests, number of positives, and the types of positives. She highlighted the reduced number of positive tests, crediting the partnership of several campus offices for that decrease.

Ms. Firth described DTOC’s concern regarding marijuana use in general, particularly with its legalization in an increasing number of states, and that DTOC is tracking on the NCAA’s policy on marijuana usage. Ms. Firth shared DTOC members are currently discussing the severity of the penalty for first and second positive drug test for marijuana, noting that this will be a topic of on-going conversation as the landscape around marijuana usage is changing.

Ms. Firth described the education and awareness program and its positive effect on discouraging abuse. Ms. Firth pointed out there were zero positive tests for performance enhancing drugs (PEDs), stating that common prescriptions for Attention Deficit Disorder, for

example, could cause a positive test under this standard without a valid prescription on file with Sports Medicine.

In response to a question from Professor Striegel regarding the use of opiates, Ms. Firth stated that while the drug screens do test for it, a positive finding would not trigger a violation of Notre Dame's drug testing policy because there are injuries, for example, that merit their use. Ms. Firth described the Safe Harbor Policy and offered statistics on its use in response to a question from Professor Bellia.

Replying to a question from Professor McDowell on synthetic marijuana, Ms. Firth stated that DTOC is aware of very serious health cases that result from the use of synthetic marijuana and that the drug's use is sometimes spurred by the fact that synthetic marijuana may not trigger a positive finding on a drug test. Ms. Firth noted the difficulty of testing for synthetic marijuana as its chemical make-up is constantly evolving.

In response to two questions from Professor Clark regarding the use of PEDs and the consequences for a positive finding for marijuana use, Ms. Firth described the consequences for the positives tests and DTOC's belief that the consequences for a positive test are deterring the drugs' use. Professor Bellia added that the NCAA's penalty for PED use is severe and both she and Ms. Turner commented on the near certainty of being tested should a student-athlete participate in a NCAA championship. Mr. Swarbrick commented that while not dismissing the influence of the sanctions, he believes the focus on overall health and well-being also plays a role in reducing drug use. Ms. Firth commented on the demographic breakdown of the positive tests. Professor Bellia thanked Ms. Firth for the report.

6. Pending NCAA Legislation

Professor Bellia reviewed for the Board the NCAA's legislative process, including the two distinct tracks for categories of legislation: the Council process, with most votes occurring in April, and the Autonomy process, with most votes occurring in January. She explained that Notre Dame's best mechanism to provide feedback on these proposals is through the ACC's governance process, part of which is a webinar scheduled for next week to gather institutional positions on Autonomy proposals.

Professor Bellia outlined the five most critical proposals for the Board to consider plus a recommended proposal from the Commission on College Basketball, of which Rev. John I. Jenkins, C.S.C., was a member. She described the Commission on College Basketball's proposal to add five additional independent voting members to the NCAA's Board of Governors and discussed Fr. Jenkins' support of the proposal. The five selected proposals cover the following topics: summer access, early recruiting, financial aid, and academic eligibility. Professor Bellia explained each of the five selected proposals in turn as well as the current rule that the proposal would modify. The Board discussed the proposals, debating the merits of each. Athletic department liaisons offered additional insights and answered questions throughout the conversation.

8. Adjournment

Professor Bellia adjourned the meeting at 1:40 pm.