

**Faculty Board on Athletics  
Meeting of October 5, 2018  
12:00 pm-1:30 pm, 500 Main Building**

Members present: Patricia Bellia (Chair), Corey Angst, James Brockmole, Ann Firth, Pat Holmes, Dan Kelly, Sean Kelsey, Mary Ann McDowell, Aaron Striegel, Jack Swarbrick, Kevin Vaughn

Members excused: Jaimie Bleck, F. Clark Power, Cameasha Turner

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

Guests: Brian Coughlin for Erin Hoffmann Harding, Claire Leatherwood Slebonick (recorder)

**1. Opening Prayer**

Professor Patricia Bellia invited Professor Dan Kelly to give the opening prayer.

**2. Introduction of New Members**

Professor Bellia welcomed the group to the first Faculty Board on Athletics meeting for the 2018-19 academic year and introduced the Board's newest member, Professor Aaron Striegel, representing the College of Engineering.

Professor Bellia announced that the Athletics Department shifted its liaisons to the Board, introducing Angie Torain, Senior Associate Athletics Director, and Jody Sadler, Deputy Athletics Director, as new liaisons. Professor Bellia then asked each person in the room to introduce himself or herself.

**3. Introduction of New Head Coaches**

Professor Bellia invited recently hired head coaches to attend this meeting to introduce themselves to the Board. She noted that Ms. Alison Silverio, the head coach of the women's tennis program, could not make it to today's meeting due to two student-athletes playing deep into a tournament this week. Professor Bellia commented that she would invite Ms. Silverio to a future meeting.

Professor Bellia introduced Mr. Mike Johnson, who was promoted from associate head coach to head coach of the volleyball program upon the resignation for health reasons of head coach Jim McLaughlin. Mr. Johnson thanked Professor Bellia and the Board. Mr. Johnson described how the reputation of Notre Dame made him want to coach here. He discussed what comes to mind when he thinks of Notre Dame: excellence in all things. Mr. Johnson thanked Mr. Jack Swarbrick and Ms. Missy Conboy, volleyball sport administrator, for the opportunity.

Mr. Johnson described his career path to this point. He passed up opportunities to coach at his alma mater, the University of Washington, and left a head coaching job at Xavier University to become Notre Dame's associate head coach. He shared that he did so because Notre Dame is a place at which an athletics program can absolutely be the best. He said he was thankful to Notre Dame's former volleyball head coach, Mr. McLaughlin, for hiring him as the associate head coach.

Mr. Johnson commented that while there is a piece of him that is excited to be the leader of the volleyball program, he feels a sense of responsibility to develop the program to reflect the excellence that is Notre Dame. Mr. Johnson shared with the Board his message to the team: the way the team trained under Coach McLaughlin, the systems, mechanics, all of that would be the same, but that the difference would be that Mr. Johnson would be himself. He said that the buy-in from the team has gone well. Mr. Johnson touched on the team's performance so far this season. Mr. Johnson shared his recognition that Notre Dame is unique and special; that Notre Dame student-athletes receive opportunities that they would not receive if they attended school anywhere else; and that the Board is critical to this endeavor. He commented that perhaps a coach's greatest responsibility lies in whom we select to represent this university, in both selection of staff and recruitment of players.

In response to a question from Professor Jim Brockmole regarding what type of support the Board could provide, Mr. Johnson answered by sharing a story about a current volleyball student-athlete whose personal interaction with a faculty member made a significant difference in the student's life. He encouraged faculty members to make themselves available for personal interactions with student-athletes.

Professor Bellia noted volleyball's scheduling challenges and asked if the number of class misses is an issue for the students. Mr. Johnson replied that Notre Dame's class miss policy is a big advantage in recruiting and that perhaps the ACC could schedule the conference games differently, but that scheduling conference games differently would likely require a different model. Professor Bellia invited Mr. Johnson to comment on a more regional conference scheduling model; he explained that the odd number of teams playing ACC volleyball would create challenges for a regional scheduling model. He also noted that the ACC has decreased the number of conference matches from twenty to eighteen.

Mr. Jack Swarbrick noted the unusually high coach turnover the Athletics Department encountered over the past year. Mr. Swarbrick explained that some of this changeover was attributable to long-tenured coaches retiring or other unusual circumstances, such as the former volleyball head coach resigning because of health issues. He shared that the number of internal hires throughout this time was unusually high. Mr. Swarbrick explained that there is no preference for internal hires but that the best people for the job, in many of these instances, happened to already be coaching at Notre Dame because they were attracted to Notre Dame's uniqueness and wanted to work in this environment.

Professor Bellia thanked Mr. Johnson, wished him luck with the rest of the season, and invited Mr. Matt Sparks, the newly hired Hatherly-Piane head coach of track & field and cross

country, to join the meeting. Professor Bellia introduced Mr. Sparks as the former four-year associate head coach previously focusing on the distance events.

Mr. Sparks began by describing track & field and cross country as a bit of a circus and his role as its conductor. He noted the difference in this role from the associate head coach position he previously held, emphasizing that he is concentrating on getting to know all the student-athletes on the team in a different way and on a different level.

Mr. Sparks described the cornerstone characteristic he wants in any coaching staff member: the ability to interact well and connect with other people. He shared that all the coaches on his staff are a reflection of the program and his vision for it. He explained the reason this is such an important characteristic is because track and field and cross country student-athletes push their bodies to their limit and in order to do that, there needs to be a deep trust between the student-athlete and coach. In response to a question from Professor Mary Ann McDowell, Mr. Sparks replied that which type of event coach is hired depends on the emphasis of the program. Mr. Sparks shared the backgrounds of the members of his coaching staff, describing the group as a good blend of experience and fresh faces.

In response to questions from Professor Bellia and Mr. Swarbrick, Mr. Sparks replied that it would be rare to have the whole team or coaching staff together, explaining that the different event groups and the complicated practice schedule, among other things, make this difficult. Replying to a question from Professor Bellia, Mr. Sparks described how the new Harris Family Track & Field facility supports the student-athletes' success and aids in mitigating this inherent disjointedness by providing the team with space to gather and interact with one another.

In response to a question from Professor Bellia, Mr. Sparks replied that although the weather could be challenging throughout the spring, he does hope to host outdoor meets in this venue as well as to share the space with the community. Mr. Swarbrick asked for Mr. Sparks to discuss the potential of the program; Mr. Sparks briefly recapped the program's history before stating the program could be one of the best in the country, reaching the podium at national championships. He shared that the coaching staff had the number one recruiting class in the country on the men's side matriculate at Notre Dame this fall. Replying to a question from Professor Corey Angst about Notre Dame's typical recruiting success, Mr. Sparks discussed the positive trajectory in recruiting.

Professor Bellia thanked Mr. Sparks and wished him success, and Mr. Sparks thanked the Board for its time.

#### **4. Captain Nomination**

Professor Bellia discussed the Board's standards for captains and reminded the Board that she, as Chair, has the authority to approve nominations on the Board's behalf when a candidate "clearly" meets the guidelines of high standards of conduct and strong leadership. Professor Bellia opted to bring a nomination forward for the full Board's discussion, as the nominee was found responsible for a community standards violation at the beginning of the academic year.

The Board discussed the elements of the community standards violation, with Mr. Brian Coughlin, Associate Vice President of Student Affairs, providing additional context. Mr. Coughlin shared that the nominee demonstrated the positive and appropriate growth that the community standards process contemplates. Professor McDowell spoke in favor of approving the nominee's captaincy after which the Board asked several questions of Mr. Coughlin. Mr. Swarbrick spoke in support of the nominee's positive development as a result of the formative community standard process.

Professor McDowell moved to approve the nomination with Professor Kelly seconding the motion; the Board voted unanimously to approve the nominee's captaincy.

Mr. Swarbrick raised an additional request, seeking approval for a temporary replacement of an injured football captain to walk out for the coin toss at the start of the following football game. [Professor Bellia subsequently communicated with Associate Athletics Director Ron Powlus concerning the rotation of game-day captains into the injured player's slot.]

## **5. Reports of Ex Officio Members or Liaisons**

Professor Bellia explained that she is changing the agenda order to allow Mr. Swarbrick to present a couple of issues as he must leave the meeting early.

Mr. Swarbrick brought two legal items to the Board's attention: currently pending anti-trust cases and fraud cases involving men's collegiate basketball. He briefly discussed both sets of cases, the issues involved, their current posture, and how the two cases may be influencing each other.

Mr. Swarbrick also raised the issue of sports gambling, its legalization, and its potential impact on collegiate athletics, on Notre Dame specifically, and on the student-athletes. In response to questions from Professor Angst, Mr. Swarbrick briefly described *Murphy vs. National Collegiate Athletic Association* (otherwise known as the Professional and Amateur Sports Protection Act of 1992 (PAPSA) case), which precipitated this change in legal status. Mr. Swarbrick noted that states are quickly mobilizing to react to the decision and described the relationship of prop betting to college student-athletes.

With no other questions, Mr. Swarbrick thanked the Board.

## **6. Minutes of Meeting of May 10, 2018**

Professor Bellia put forth the Minutes of Meeting May 10, 2018, for approval, with minor corrections. As no Board member had substantive changes to the Minutes, Professor Angst moved that the Board approve them, with Professor Kelsey seconding the motion; the Board voted unanimously to approve the minutes.

## 7. Chair's Announcements

Professor Bellia passed out a list of schedule approvals and captaincy approvals that she undertook on the Board's behalf since the last meeting.

In light of its discussion during the May meeting, Professor Bellia alerted the Board to the disposition of the question of when, if at all, volleyball would play a game during orientation weekend. Volleyball played on Thursday night, which in no way interfered with Welcome Weekend events.

Professor Bellia raised the women's basketball schedule as deserving special note, as Notre Dame pushed back against an Atlantic Coast Conference (ACC) conference schedule that necessitated five consecutive Thursday class misses. Professor Bellia shared that through the work of Katie Capps, sport administrator for women's basketball, Notre Dame was successful in reducing the class misses to four Monday-Wednesday-Friday (MWF) and three Tuesday-Thursday (TTH) class misses. Professor Bellia stated that all those who represent Notre Dame in discussions with the ACC have a duty to press for more logical schedules. In response to a question from Professor Brockmole, Professor Bellia assured the Board that Notre Dame's class miss policy had some effect in convincing the ACC to move some of the scheduled games. Professor Bellia commented that she is concerned about the potential effect of the ACC network on conference schedules and class misses.

Professor Bellia reiterated that Notre Dame is committed to using its class miss policy to protect our student-athlete's welfare but that having a class miss policy, or using it in this way, is not common among ACC institutions. Mr. Swarbrick added that it is important to realize that these schedules are not necessarily being driven by the ACC conference office staff; rather, it is Notre Dame's institutional peers within the conference and the different academic models among the institutions that produce a different perspective when it comes to scheduling. He also noted this tension is being intensified by both competitive and broadcast pressures. Replying to questions from Professor Brockmole, Mr. Swarbrick said that he continues to see the ACC staff attempting to accommodate Notre Dame's wishes but acknowledged that this dynamic will likely become more fraught as the number of conference matches for each sport increases and with the advent of the ACC network.

Professor Bellia offered an example of the men's basketball class miss to demonstrate that the number of class misses endured by the women's basketball team is not yet ubiquitous. She noted that Notre Dame had allies from two institutions with similar academic models to enable the adjustments to the women's basketball schedule. In response to a question from Professor McDowell, Professor Bellia stated that other schools, even out of conference, did not seem to have the same class miss policy or mindset that Notre Dame espouses.

In response to a question from Professor Kelly, Ms. Conboy explained that Notre Dame's representatives must do their utmost to ensure the ACC understands our wishes as it develops the conference schedule. Ms. Conboy explained some of the institutions' input options for providing scheduling preferences to the ACC, such as preferred travel dates and finals periods. She described how sometimes the best way to effect a schedule change is to go directly to our

conference opponent and see if they are willing to change the game time. Mr. Swarbrick added that every school has additional factors to consider when thinking about its schedule, such as the schedule of its home arena if it is public or otherwise a shared venue. He emphasized that the ACC has several different elements affecting the creation of its conference schedule. In response to a question from Professor Bellia, Mr. Swarbrick offered that there may be software solutions the ACC could engage. He added as a separate but related topic that he needs to find more resources to enable Notre Dame's teams to charter more frequently, as chartering significantly reduces missed class time. In response to a question from Professor Aaron Striegel regarding potential cost savings from gained efficiencies in scheduling, Mr. Swarbrick said that while cost savings are a factor that prompt some institutions to support a different way of scheduling, others are resistant to any changes.

Professor Bellia announced that men's basketball requested a Reading Day game, which she approved subject to the team chartering to and from the contest. She stated that Hurricane Florence caused numerous changes to schedules, including for women's soccer and men's soccer, but neither exceeded their allocation of class misses. Professor Bellia announced that the Academic Integrity Subcommittee discussed and approved a request from the hockey program that the team be allowed to practice on campus prior to departing for an away contest rather than practicing once the team arrives at its destination, as this change will save the program a half-day class miss.

Professor Bellia provided information on the various housing waivers requested by student-athletes since the last meeting, noting that ten were submitted. Of those requests, two were granted, five were denied, and three are still pending. She flagged as another item on today's agenda the question of how to handle a student-athlete's medically supported request for an air conditioned room when such a room is not available on campus.

## **8. Academic Integrity Subcommittee Report**

Professor Kelly presented proposed revisions of the "Petition for Use of Athletics Eligibility while Enrolled in a Fifth year of Undergraduate Coursework or as a Graduate Student" (Fifth Year Policy) recommended by the Academic Integrity Subcommittee (Subcommittee). He briefly provided background on the proposal, noting that the Board approved some changes in principle with instructions for the Subcommittee to develop substantive language to fill out the approved concepts. He observed that the changes to the Fifth Year Policy were prompted by parts of the policy being outdated and having no practical effect, and by the inapplicability of this policy as currently written to graduate transfer student-athletes. Professor Kelly reminded the Board that the increasing number of graduate transfer student-athletes is a matter of concern, but that the Board's current policy does not apply to this group of student-athletes in the same way as it does to other groups of student-athletes. Professor Kelly highlighted that Board approval is needed for the changes related to transfers.

Professor Kelly described the proposal and accompanying documents in detail and reiterated the philosophy behind treating student-athletes who initially matriculated at Notre Dame and those who transferred into Notre Dame with parity. Professor Bellia echoed the philosophy of consistent treatment among the student-athletes based on their category of study—

undergraduate student, degree seeking graduate student, or unclassified graduate student—rather than whether or not the students transferred into Notre Dame. Professor Kelly described the creation of two separate options: (1) a “Declaration of Use” (Declaration) option for undergraduate students and degree-seeking graduate students; and (2) a “Petition for Use” (Petition) option for unclassified graduate students. Professor Kelly succinctly described the differences between the two options, including that the Subcommittee will continue to exercise approval authority over applications in the latter category. Professor Bellia added that there is a requirement that Mr. Patrick Holmes annually present a report to the Board on the Declarations.

The Board unanimously adopted these changes to the Fifth Year Policy.

## **8. Student Welfare Subcommittee Report**

Professor Bellia announced that because the Student Welfare Subcommittee had only done some work by email but had yet to officially meet and elect a Chair, she would present the Subcommittee’s report.

She raised two issues: the possibility of updating the Board’s transfer-related policies in light of NCAA legislative changes and the need to address a question regarding the wait-list for on-campus housing as it relates to Board’s Housing Waiver process.

Professor Bellia described the NCAA legislative changes surrounding the transfer process, highlighting the October 15, 2018, effective date for many of those new rules. She explained that, under the new rules, student-athletes would no longer need to get permission of their current institution prior to engaging in dialogue with a second institution’s athletics staff about transferring to that second institution; rather, under the new rules, student-athletes notify their current institution of their desire to transfer. Professor Bellia emphasized the fundamental shift from the student-athlete’s current institution being able to control which institutions the student-athlete speaks with regarding a possible transfer, to the student-athletes having complete autonomy in this space.

Professor Bellia detailed the two competing proposals for updating the Board’s transfer-related policies: (i) a simple update of the language by replacing any reference to “permission to contact,” the old term, to “notification of transfer,” the new term; or (ii) a more significant update to the substantive policy that specifies a default rule for which services and benefits remain available to a student-athlete after he or she submits his or her notification of transfer. This second option bifurcates the Athletics Department’s services according to whether or not the service is primarily related to student-athlete well-being or to athletic performance, providing default protection to the student-athlete’s access to those services most germane to well-being, while, as a default matter, restricting access to those services most germane to athletic performance. Professor Bellia further explained that the second option carries an appeal procedure, similar to those already employed throughout the Board’s policy manual, that the student-athlete may initiate should they wish to contest the restriction of access to services. Professor Bellia provided additional context from the Subcommittee’s email discussion.

In response to a question from Professor Kelly, Professor Bellia explained that the language allows for discretion in determining whether or not a student-athlete would continue to have access to services. Following a comment from Mr. Michael Harrity, the Board discussed the merits of providing default access to sports psychologists.

Replying to a question from Professor Angst, Professor Bellia commented that more transfers are expected because student-athletes are no longer required request permission to contact. The Board discussed various mindsets a coach may have regarding a student-athlete's desire to transfer and whether or not the language adequately protected a student-athlete's access to the appropriate services. In response to a question from Professor Kevin Vaughn, Professor Bellia acknowledged an outstanding question of whether and, if so, how a student-athlete's notification of transfer would affect the student-athlete's aid. She noted that the Board would need to take up this question at its next meeting due to time constraints.

Professor McDowell moved to approve the second option, with Professor Brockmole seconding. The Board unanimously approved the second option.

Professor Bellia invited Board members to discuss what she should do on their behalf when resolving a Housing Waiver in which the Office of Disability Services recommends that a student-athlete move to an air-conditioned residence hall but no on-campus rooms are available. The Board discussed implementing a waiting period as well as other attendant issues, such as aligning the policy for student-athletes with that of non-student-athletes. Mr. Coughlin confirmed that non-student-athletes in this position would be permitted to move off-campus.

Professor Kelsey moved to allow student-athletes in this situation to be permitted to move off-campus with Professor McDowell seconding; all present Board members voted to approve.

## **10. Adjournment**

Professor Bellia adjourned the meeting at approximately 1:35pm.