Faculty Board on Athletics
Meeting of Wednesday, March 6, 2019
12:30-2:00 pm—3108 Eck Hall of Law

Members Present: Patricia Bellia (chair), Corey Angst, Jaimie Bleck, Ann Firth, Dan Kelly, Sean Kelsey, Pat Holmes, Mary Ann McDowell, Susan Ohmer, F. Clark Power, Aaron Striegel, Jack Swarbrick, Kevin Vaughan

Members excused: Erin Hoffmann Harding, Cameasha Turner

Athletics Liaisons: Missy Conboy, Jody Sadler, Angie Torain

Guests: Heidi Uebelhor, Assistant Athletics Director, Compliance; Claire Leatherwood Slebonick, Assistant Athletics Director, Policy, and Recorder

1. Opening Prayer

Professor Patricia Bellia called the meeting to order at 12:32 pm and offered the opening prayer.

2. Minutes of Meeting of February 8, 2019

Professor Dan Kelly offered changes relating to the numerical formatting of the minutes of the meeting of February 8, 2019. Board members voted unanimously to approve the minutes with the changes noted by Professor Kelly.

3. Chair's Announcements

Schedules. Professor Bellia announced that she approved post-season schedules for men's and women's swimming, hockey, women's basketball, and cheerleading; a change in schedule and a half-day increase in class miss for men's golf due to the opportunity to charter to a contest with other Notre Dame teams; spring season schedules for outdoor track and field; and the fall season schedule for women's golf.

Waivers of On-Campus Residence Requirement. Professor Bellia shared that in keeping with the Board's precedent, she approved three waivers of the Board's On-Campus Residence Requirement: one for a student-athlete who is an early enrollee and two for student-athletes who receive a minimal athletic scholarship.

4. Review of Transfer-Related Policies

Professor Bellia reminded the Board that it amended its transfer policy last fall to appropriately reflect the impending launch of the NCAA Transfer Portal and associated rule changes. She described that, with the amendment, the Board presumptively gave transferring students continued access to services relating to student welfare while allowing a sport

administrator, in consultation with a coach and the Faculty Athletics Representative, flexibility to determine access to services that were more related to performance.

Professor Bellia explained the issue currently before the Board, which is whether or not the presumptive access to sports medicine services encompasses only those conditions the student-athlete developed while participating as a member of a Notre Dame varsity program or whether it includes "new" injuries sustained after the student submits the Notification of Transfer.

Professor Bellia noted that this issue arose after the Student Welfare Subcommittee's recent meeting and, thus, she decided to raise this issue with the full Board. She provided context surrounding the issue, including the concern that a student-athlete could get injured while following the athletic training program for the institution to which he or she plans to transfer and the potential impact of that injury on sports medicine resources for current Notre Dame student-athletes.

Board members discussed this issue at length. Various points arose in the conversation, including the continuity of access to general campus health services that could be used for new injuries, the student-athlete's athletic grant-in-aid (GIA) status and whether the GIA included language referencing this issue, the impact of new injuries on the institution's resources without the corresponding ability to direct the training program, and the impact that treating new injuries could have on resources available for existing student-athletes. A consensus emerged around the idea that if a student-athlete is receiving care from sports medicine for something that happened while he or she was a student-athlete for a Notre Dame varsity program, then Notre Dame has a duty to continue to provide that care. Further discussion ensued over whether Notre Dame should create a duty to provide care for new injuries for a student-athlete that has essentially withdrawn from the team by submitting his or her Notification of Transfer.

Professor Sean Kelsey moved that the Board's policy maintain presumptive access to services related to student welfare except that access to sports medicine services would be limited to continuing care for injuries or issues that arose while the student-athlete participated for a Notre Dame varsity program. Professor Mary Ann McDowell seconded this motion. Eight members of the Board voted in favor, zero opposed the motion, and one abstained.

Professor Bellia stated that specific policy language would be developed and shared with the Board.

5. Graduation Rate Report

Mr. Holmes reported that the NCAA released the graduation rates for member institutions in November, explaining the two graduation rate metrics: the Federal Graduation Rate (Fed Rate) and the Graduation Success Rate (GSR). Mr. Holmes highlighted the differences between the two rates. Mr. Holmes explained that the GSR is a metric introduced by the NCAA in the early 2000s that accounts for transfers, both in and out of a university. Mr. Holmes stated that the Fed Rate is used by all institutions for all students to determine whether or not a student graduates within six years of enrolling in a fall semester regardless of the student's transfer

history. Because the Fed Rate does not provide a mechanism to track transfers, Mr. Holmes noted the Fed Rate consequently counts outgoing transfers as academic failures. Mr. Holmes remarked that the Office of Strategic Planning and Institutional Research (OSPIR) calculates the annual Fed Rate figure while Academic Services for Student-Athletes (ASSA) reports on student-athletes who are a subset of that group. Mr. Holmes offered that most articles about graduation rates for student-athletes use the GSR figures and described how there can be significant differences between the GSR and the Fed Rate within a sport.

Mr. Holmes illustrated the difference between the GSR and Fed Rate by examining the numbers in the different rates' cohorts, explaining that the GSR effectively added approximately 15% more student-athletes into the cohort based on its inclusion of transfers. Replying to a question from Professor Corey Angst, Mr. Holmes explained that students have six years to graduate without being counted as a failure by the Fed Rate. Additionally, Mr. Holmes shared that the NCAA's Academic Progress Rate (APR) is a metric used to track the academic progress of student-athletes in real time. In answer to a question from Professor Dan Kelly, Mr. Holmes explained the relevant retention thresholds.

Mr. Holmes stated that Notre Dame's numbers for the current reporting cohort are fairly consistent with Notre Dame's results from past years, explaining that Notre Dame's Fed Rate for the most recent report (involving students who entered in Fall 2011) is 92% for student-athletes and 95% for all students, and the GSR, which is a four-year rate, is 98%. Mr. Holmes described the 98% GSR as a consistent trend, noting that Notre Dame's GSR numbers have been 98% or 99% for all 14 years in which the GSR has been measured. Notre Dame has ranked first or tied for first for an institution's overall GSR percentage for each of the last 12 years. He shared how Notre Dame compares to other FBS institutions, pointed out the GSR and Fed Rate difference for each sport, and commented on the demographic breakdown.

Professors McDowell and Ohmer voiced concern over lower GSR numbers for African-American student-athletes. In response, Mr. Holmes said that his staff could compare the Fed Rate for African-American Notre Dame students to the Fed Rate for African-American Notre Dame student-athletes. The Board discussed this issue, with Professors Angst and Ohmer asking questions about various trends and data points. Answering a question from Ms. Missy Conboy, Mr. Holmes confirmed that whether a student leaves in good academic standing or not, the Fed Rate is negatively impacted. Professor Bellia asked Mr. Holmes to share the raw numbers driving the African-American student-athlete rates. Professor Kelly commented that the comparing our ranking year-to-year is not particularly helpful as the same Fed Rate or GSR in different years can result in a different place in the rankings. Mr. Swarbrick shared his opinion that the most useful comparison is to the other members of the autonomy conferences.

Mr. Holmes added that several former student-athletes were in the process of trying to complete their degrees. In reply to a question from Professor McDowell, Mr. Holmes shared that former student-athletes use services provided by ASSA while in pursuit of their degrees. Mr. Holmes added that ASSA staff members proactively reach out to those former student-athletes who need to complete their degrees to encourage them to do so, and that Notre Dame helps with funding should the student-athlete elect to pursue the completion of his or her degree.

In response to a question from Professor Aaron Striegel, Mr. Holmes explained the impact that completing a degree within the six-year window has on the graduation rates. Replying to a question from Professor McDowell, Mr. Holmes agreed that additional demographic markers, such as first generation college students, would be helpful. He stated that he would explore such metrics with OSPIR.

Mr. Holmes highlighted the comparison among men's basketball and football within autonomy conferences and explained that the smaller sample size in men's basketball affects the range more so than in football. In answer to a question from Professor Angst, Mr. Holmes discussed the sanctions associated with having a low APR. Professor Bellia explained the reasoning behind attaching sanctions to a low APR.

Professor Kelly congratulated Mr. Holmes and his staff on assisting the student-athletes in their achievement of such high graduation rates. Mr. Holmes, while thanking Professor Kelly, credited the student-athletes, staff, and faculty of Notre Dame.

Professor Bellia thanked Mr. Holmes for his report.

6. Class Miss Report

Professor Bellia described the purpose of the annual Class Miss Report, emphasizing the Board's goal of ensuring teams are not put at a structural and significant academic risk through their competition schedules. This report seeks to provide information on the types of absences teams are exposed to over the course of a semester.

Professor Bellia pointed out the legend, shared illustrative examples, and discussed the impact NCAA rules can have on scheduling. She noted that in sports involving individual competition, individual team members who advance far into a tournament are then typically withheld later in the year to mitigate the additional missed class from the deep tournament run. Professor Bellia explained how she and ASSA staff work together to manage this.

Replying to a question from Professor Kelly, Professor Bellia recalled to the Board its class miss policy and the Chair's authority to allow two additional class misses over the three Monday-Wednesday-Friday and Tuesday-Thursday permitted by the policy. She provided examples of the reasons coaches may have to request those additional misses and shared specific situations, while noting this analysis is independent of post-season play. Professor Bellia described the post-season class miss process, emphasizing its deliberateness. She provided examples of how she takes steps to work with coaches administrators to minimize class misses for sports' post-season.

Professor Bellia offered that this year's numbers are fairly consistent with those from past years, except for those reported for women's basketball and hockey, both of which had significant post-season absences because of successful runs deep into the NCAA tournament. Hockey's numbers were also affected by weather issues the team encountered in connection with travel to their NCAA regional.

Professor Bellia shared that, overall, she perceives a disregard from ACC peers concerning the importance of minimizing class misses. Professor Bellia shared an example that emphasized this point and described Notre Dame's efforts to mitigate the amount of classes missed. Ms. Conboy provided examples of requests made by Notre Dame to the ACC that would help to minimize class misses as well as the complications some of the alternatives could cause, such as increased travel costs to return to campus in between weekday contests. Professor Bellia noted that she consistently raises this issue with ACC Faculty Athletic Representatives (FARs) and discussed this with Father Jenkins earlier in the week, but cautioned the Board that it needs to be vigilant.

In response to a question from Professor McDowell, Ms. Conboy assured the Board that Notre Dame is attempting to be strategic in its scheduling and in coordinating travel among Notre Dame teams, but explained that the ACC's structure—that of each sport having its own committee that crafts the sport's conference schedule—makes this challenging.

7. Report of Student Welfare Subcommittee

Proposed Revision of Welcome Weekend Policy. Professor Bellia introduced Professor Susan Ohmer as the Chair of the Student Welfare Subcommittee (Subcommittee). Professor Ohmer reported on the Board's current policy related to the holding of varsity athletic practices and games during the fall First-Year Welcome Weekend (orientation). Student Affairs (in conjunction with First Year of Studies) had significantly revised the Welcome Weekend schedule a few years earlier. With the schedule now fairly settled, the need arose to adjust the Board's policy to better align with the schedule. In addition, the Board has in the past considered requests for waivers of the policy's restrictions on competition. The Subcommittee sought to codify the criteria for waivers and to provide appropriate delegation and guidance to the Chair to handle requests for such waivers.

The Subcommittee unanimously recommended amending the Welcome Weekend policy in three ways.

- First, the Subcommittee recommended adjusting the time restrictions built into the policy, so that the window for Welcome Weekend opens at 3:30 pm on Friday and closes at 3 pm on Monday. The practice restrictions on first-year students would apply through 3 pm on Sunday. Professor Bellia noted that, knowing that Ms. Erin Hoffmann Harding would not be present at today's meeting, she discussed the draft changes with both Ms. Hoffmann Harding and Ms. Lauren Donahue, Director of New Student Engagement. They supported the policy changes and in fact proposed the elimination of the Monday practice restrictions.
- Second, the Subcommittee recommended codification of the following criteria for waivers of the competition restrictions: that the Board will weigh (i) the ability of the coaching staff to build a competitive schedule without scheduling a contest during Welcome Weekend; (ii) the impact of the scheduling decision on student-athlete welfare (including the academic impact of scheduling the contest at a later date); (iii) the extent to which the coaching staff has exhausted all efforts to schedule the contest outside of Welcome Weekend; and (iv) the extent to which the competition can be integrated into the Welcome Weekend schedule.

- Third, the Subcommittee recommended that the Board delegate to the Chair its authority to evaluate and grant those requests that fall within its existing precedents, in keeping with the Board's current practice in relation to athletic activity during Study Days. Should the Board grant this delegation of authority to the Chair, the Subcommittee recommends that the Chair report on these requests to the Board.

The Board voted unanimously to adopt these revisions.

Application of On-Campus Residence Requirement to Summers, post-2020. Professor Ohmer reported that the Subcommittee also discussed how to handle the application of the On-Campus Residence Requirement to student-athletes in the summer, in light of the new University housing policy's silence on residency requirements for the summer. Professor Bellia commented that as of right now, the Board requires student-athletes who receive a grant-in-aid to reside on campus for three years, including summers. She described how the Board's policy will be superseded in 2020 by the University's new policy requiring all students to live on-campus during their first three academic years. However, because the University's policy is silent on summer residency requirements, a question remains as to whether or not the Board's policy should continue to be in effect for summers.

Professor Ohmer discussed the Subcommittee's recommendation, which is that the Board no longer play a role in residency requirements. The Subcommittee was guided in part by the principle that student-athletes should be treated the same way as other students, unless there is a compelling reason to have a different policy. Athletics or individual teams could still require student-athletes to live on campus during the summer, but the Subcommittee felt that the Board should not impose that requirement.

The Board unanimously voted to adopt the Subcommittee's recommendation, thereby eliminating its On-Campus Residency Requirement beginning with the summer of 2020.

8. Reports of Ex Officio Members and Liaisons

ACC Updates. Professor Bellia invited Ms. Conboy to report on what transpired at the ACC spring meetings. Ms. Conboy shared the following discussion points: the ACC's equalization of the regular and post-season travel party size for various teams; presentations on gambling, the launch of the ACC network, and the current legal landscape of college athletics; requests to support particular pieces of NCAA legislation; a potential partnership with the United States Olympic Committee (USOC) initiative to celebrate Olympians; and changes to the ACC's Intra-Conference Transfer rule.

Professor Bellia provided additional context surrounding the ACC's Intra-Conference Transfer rule, briefly describing the relationship between it and the NCAA rules. She commented on the work of an ACC working group, of which she was a member, that determined the ACC's Intra-Conference Transfer rule was unnecessarily punitive. The working group recommended the elimination of the requirement that a student-athlete lose a season of eligibility should he or she

transfer within the conference. In response to a question from Ms. Heidi Uebelhor, Professor Bellia noted that the change is effective immediately and potentially retroactive.

In answer to a question from Professor Bellia, Mr. Jack Swarbrick described institutional efforts surrounding sports gambling. Ms. Angie Torain shared that, in addition to Athletics educational efforts, the NCAA is developing resources for student-athletes that Athletics will share.

9. Adjournment

With a reminder of the Board's next meeting on April 12, 2019, Professor Bellia adjourned the meeting shortly after 2:00 pm.