

**Faculty Board on Athletics
Meeting of September 20, 2017
2:30 pm-4:00 pm, 2130 Eck Hall of Law (Faculty Meeting Room)**

Members present: Patricia Bellia (Chair), Corey Angst, Jaimie Bleck, James Brockmole, Erin Hoffmann Harding, Patrick Holmes, Daniel Kelly, Mary Ann McDowell, F. Clark Power, Michael Stanistic, Jack Swarbrick, Cameasha Turner, Kevin Vaughan

Members excused: Ann Firth, Susan Ohmer

Athletics Liaisons: Jill Bodensteiner, Melissa Conboy, Beth Hunter

Guests: Heidi Uebelhor, Claire Leatherwood Slebonick (recorder)

1. Call to order and opening prayer

Professor Patricia Bellia called the meeting to order at 2:33 pm and invited Professor Daniel Kelly to give the opening prayer.

Professor Bellia invited members of the Faculty Board on Athletics (Board) to introduce themselves. She reviewed the composition of the Board's manual and the roles of the ex officio members and liaisons, briefly introducing each liaison and describing his or her role within Athletics.

2. Minutes of the May 11, 2017, meeting

Professor Bellia reviewed the minutes of the May 11, 2017, meeting. She noted that the Board's approval would be subject to any changes from Brian Coughlin, Associate Vice President for Student Development, and Ryan Willerton, formerly the Director of the Office of Community Standards, regarding their presentation.

The Board conditionally approved the minutes by a unanimous vote.

3. Priorities for 2017-18

Professor Bellia reviewed the upcoming year's priorities for the Board, highlighting the work of the two subcommittees.

Regarding the priorities of the Academic Integrity subcommittee, Professor Bellia described the following: a continuation of the course clustering project, implementing the tool that the Office of Strategic Planning and Institutional Research (OSPIR) has developed; and monitoring the impact on Notre Dame, including the class miss implications, of the launch of the Atlantic Coast Conference (ACC) network. Regarding the priorities of the Student Welfare subcommittee, Professor Bellia described the following: monitoring the implementation of the

National Collegiate Athletic Association's (NCAA) new time management legislation at Notre Dame, particularly the compression of athletics into certain windows of time, which could affect student-athletes' academic schedules; and the facilitation of degree completion by student-athletes who have left Notre Dame without graduating. Professor Bellia noted that Mr. Patrick Holmes, Director of Academic Services for Student-Athletes, is committed to making this project a priority, as is the Provost. Both subcommittees will also be involved in a revision of the *Statement of Principles on Intercollegiate Athletics*.

Professor Bellia reviewed agenda items for upcoming meetings, which included: the introduction of John Handrigan, hired over the summer as the head men's golf coach; an update on the legal landscape for intercollegiate athletics; and continued discussion of support for at-risk student-athletes, including an update from OSPIR on its assessment of the factors that place student-athletes at academic risk.

4. Chair's Announcements

a. Infractions Case

Professor Bellia updated the Board on Notre Dame's NCAA infractions case. Notre Dame is appealing a single penalty in the case, the vacation of team records. Notre Dame participated in a hearing before the Infractions Appeal Committee over the summer, and that committee's decision is likely imminent.

b. Summer Business

Professor Bellia summarized the business she undertook on the Board's behalf over the summer.

Schedules. Professor Bellia reviewed the schedules she approved on the Board's behalf, noting that this information will be appended to this meeting's minutes. Professor Bellia pointed out that in certain individual sports, every student-athlete does not necessarily participate in every contest. In such cases, the coaching staff and academic counselors monitor which contests each individual student-athlete participates in, so as to ensure that no student-athlete exceeds the maximum number of approved absences. The list of approved schedules includes schedules for men's and women's golf, the two sports as to which the full Board at its May 2017 meeting had approved excused absences that fell outside of Professor Bellia's delegated authority. Professor Bellia also discussed the memoranda on Reading Day competitions submitted by sport administrators on behalf of the men's and women's basketball programs and the hockey program.

Captaincies. Professor Bellia announced that she approved several captaincies on behalf of the Board, explaining that the Chair has the delegated authority to approve nominations that clearly meet the Board's guidelines. In each case, Professor Bellia consulted with Mr. Coughlin prior to approving the captaincy. The list of approved captaincies will be appended to this meeting's minutes. Professor Corey Angst asked about the significance of the "alternate" designation for three of the hockey captains, and inquired about the approval process more

generally, including how the Board handles the discussion of specific student-athletes in its meetings. Professor Bellia explained that, each year, hockey designates a single captain and one or more alternate captains, a practice that is unique to hockey but that tracks what occurs in the NHL. Mr. Swarbrick elaborated that only the captain is allowed to talk to the referee on the ice during a game. In response to Professor Angst's procedural questions, Professor Bellia described the Board's practices for discussing student-athletes, including the removal of references to specific students in the meeting's minutes.

Waivers. At the end of the Board's May 2017 meeting, the Board voted to delegate temporarily to Professor Bellia the authority to approve requests for waivers of the on-campus residency requirement. The Board's rule requires all grant-in-aid student-athletes to live on campus for a minimum of the first six academic year semesters of their undergraduate studies and during any summer sessions falling within those six semesters. Professor Bellia circulated a chart that summarized, in relation to past precedents, the requests she approved on the Board's behalf. Some requests involved students being awarded athletics aid after already having signed a lease. Professor Bellia described an unusual case in which a student-athlete had no money for living expenses. Both of the student's parents had lost their jobs two years ago, and the parents drained their 401k to meet expenses. The draining of the 401k rendered the student ineligible for a Pell Grant for this academic year, because Pell eligibility is calculated based on financial information from two years earlier. In consultation with the Office of Financial Aid and the Compliance Office, Professor Bellia approved the student's request to move off-campus, so as to enable the student to economize on rent and use a portion of her scholarship for basic living expenses.

Professor Bellia directed the Board's attention to the requests involving medical conditions. The process for such requests involves submission of medical information to Sara Bea Disability Services (Disability Services), which solicits input from a university physician. Often the recommendation is in favor of altering the student's dorm assignment, so as to provide a single and/or air-conditioned room. In some cases, however, no such room is available at the time the student files the request. Professor Bellia noted that she had consulted Karen Kennedy, Director of Housing, and Scott Howland, Coordinator of Disability Services, about whether there should be deadlines in the Board's process. Mr. Howland and Ms. Kennedy would support deadlines for each semester, such as October 15 for spring semester requests and March 1 for fall semester requests. In response to a question from Professor James Brockmole, Professor Bellia invited Ms. Jill Bodensteiner to comment on student-athletes' awareness of the timing and waiver process. Ms. Bodensteiner replied that she thinks student-athletes' general awareness level regarding this issue is low.

Professor Bellia noted that she had a current request from a student who had sought a single room as an accommodation for a medical condition. No single was available at the time of the request, and he then filed a waiver request to enable him to live off-campus. The Office of Disability Services supported the request for alternative housing. Professor Bellia asked the Board how it would like her to proceed with this request, and, relatedly, whether the Board would like to extend the delegation of authority the Board had granted over the summer. In response to a question from Professor Michael Stanisic, Professor Bellia replied that she favors not taking committee time to handle requests for which there is clear precedent. Professor

Brockmole stated that he is in favor of a continued delegation as the precedent clearly indicates the Board follows the recommendation of the medical personnel. In response to a question from Professor Kelly, Professor Bellia confirmed that should the Board approve a continued delegation of authority, she would report any approvals back to the Board. She would present to the full Board any request that does not clearly fall within the Board's established precedent. Professor Bellia noted that this approach would mirror the delegated schedule and captaincy approval processes.

In response to a question from Professor F. Clark Power, Ms. Erin Hoffmann Harding, Vice President for Student Affairs, shared that the factor most predictive of whether or not a student will move off-campus is disproportionate wealth. Ms. Hoffmann Harding further explained that the University's financial aid policy is to support students living off-campus with the same amount as is offered for on-campus residents. She noted that there are off-campus options that are both more and less expensive than on-campus options.

Professor Mary Ann McDowell moved that the Board delegate to the chair the authority to approve waiver requests that clearly fall within existing precedent, subject to the requirement that the chair report any such approvals to the Board. Ms. Hoffmann Harding seconded the motion, which carried unanimously.

c. Subcommittee and Liaison Assignments

Professor Bellia directed the Board to the list of subcommittees, noting the plan to break into subcommittee meetings after the Board's meeting concludes to choose a chair for each subcommittee. Professor Bellia pointed out each Board member's team liaison assignment, describing that these relationships provide the Board with a window into and understanding of a particular program that the Board would not otherwise have. She emphasized the importance of this broad understanding of all Notre Dame's sports, particularly in relation to the creation of Board policies and rules. Professor Bellia described the expectations associated with the team assignment, including having lunch or coffee with the team's sport administrators and coaching staff and planning with the coaching staff to attend a practice.

d. Academic Council Report

Professor Bellia drew the Board's attention to the annual report she submitted to the Academic Council, and thanked Ms. Claire Leatherwood Slebonick for its preparation.

e. Academic Year Business

Professor Bellia discussed beginning-of-the-year business, highlighting needed schedule changes related to Hurricane Irma for both men's golf and women's volleyball.

Finally, Professor Bellia noted for the record that, at a meeting on August 17, 2017, the Board had approved an additional captain for football.

5. Reports of Ex Officio Members or Liaisons

Professor Bellia invited Ms. Hoffmann Harding to discuss the recent announcement regarding changes to the student body's on-campus residency requirement.

Ms. Hoffmann Harding described the multi-year conversations on this issue, highlighting the efforts to address creatively the trend of seniors moving off-campus. Ms. Hoffmann Harding shared that OSPIR conducted numerous focus groups, first, to understand why students choose to move off-campus, and second, to identify incentives to encourage seniors to stay on-campus. Ms. Hoffmann Harding added that concurrent with OSPIR's efforts, her office benchmarked Notre Dame's on-campus residency requirement, which is one year, against the requirements of its peers, which are typically at least three years. Ms. Hoffmann Harding offered a timeline of discussions surrounding this issue, noting that last fall Father John Jenkins, University President, appointed an ad hoc committee of the Board of Trustees to consider the topic. The full Board of Trustees discussed the potential policy change in May 2017. Ms. Hoffmann Harding explained that there are two components to the new policy: first, requiring that students reside on campus for three years—a requirement that will solidify a trend that already exists, as currently only 2-3% of sophomores and 13-15.5% of juniors move off-campus; and second, providing a variety of incentives for seniors to remain on campus. In explaining the second component, Ms. Hoffmann Harding emphasized the mentorship seniors provide to underclassmen as a motivating force to incentivize seniors to remain on campus. She catalogued some of the incentives under consideration.

In response to several questions, Ms. Hoffmann Harding clarified that the policy would take effect with the class entering in Fall 2018. She confirmed that there would be a waiver process. Professor Bellia commented that the timetable of this policy's implementation means that the Board's on-campus residency requirement will remain relevant for grant-in-aid student-athletes until 2019. Professor Kelly commented that outside of the coming two transition years, the two policies will align, which will eliminate the need for the Board's policy and its consideration of waiver requests.

In response to a question from Ms. Cameasha Turner about the timing of a meeting to receive student feedback on the change, Ms. Hoffmann Harding noted that although the basic policy change has already been made, there are details that are still open to input, including the reasons for exceptions to the policy and the scope of senior incentives.

Replying to Professor Power's question on what drove the decision to change this policy, Ms. Hoffmann Harding responded that if the University believes in residential integration as part of the educational experience, then this policy change makes sense. Additionally, Ms. Hoffmann Harding offered that she is excited about the possibility that senior incentives will result in more seniors remaining on campus.

In response to a question from Professor Angst, Ms. Hoffmann Harding stated that 63% of seniors move off-campus, which represents an increase over time of 20%. In response to a question from Professor Kelly, Ms. Hoffmann Harding replied that the two newly built dorms, Dunne and Flaherty, solved the immediate overcrowding problem in the undergraduate residence

halls. She noted the challenges surrounding the disparity between facilities and the fifteen-year renewal cycle for the dorms.

Professor Bellia thanked Ms. Hoffmann Harding for her report.

Professor Bellia invited Mr. Jack Swarbrick, Vice President and Director of Athletics, to touch upon two recent lawsuits that have been recounted in the media. Mr. Swarbrick deferred to Ms. Hoffmann Harding to discuss the pending Title IX case that has garnered national media attention, but noted that Ms. Hoffmann Harding did a great job as the University's spokesperson on this topic when recently interviewed on national television. Mr. Swarbrick commented that historically, Notre Dame has been reluctant to discuss similar issues. He complimented Mr. Paul Browne, Vice President for Public Affairs and Communications, on the great job his office did in providing to the media the salient facts of this case.

Ms. Hoffmann Harding commented that Title IX cases can be tremendously complicated, and this one was no exception. She described some of the relevant facts of the case. In response to a question from Professor Angst, Ms. Hoffmann Harding replied that the University has not yet filed a response to the initial complaint.

Mr. Swarbrick discussed a second lawsuit against the University that received a significant amount of national public attention in which a former football player alleged that his medical information was withheld from him to his detriment. Mr. Swarbrick shared key facts of the case and discussed the University's position. Replying to a series of questions from Professor Power, Mr. Swarbrick described the decision-making authority of the athletic trainers. The trainers report to Mr. Michael Harrity, Senior Associate Athletics Director for Student-Athlete Services. The reporting structure seeks to preserve the independence and finality of the trainers' medical judgment.

Professor Bellia thanked Mr. Swarbrick for his report.

6. Implementation of NCAA Time Management Rules

Professor Bellia invited Ms. Jill Bodensteiner, Senior Associate Athletics Director of Compliance and Policy Management, to discuss the implementation of the NCAA time management rules.

Ms. Bodensteiner described the background and timeline of the time management legislation, noting that it was passed in January 2017 and went into effect on August 1, 2017. Ms. Bodensteiner explained the difference between the NCAA Division I's autonomy schools and the non-autonomy schools. The time management legislation is autonomy legislation. Ms. Bodensteiner explained that the impetus behind the legislation was to ensure that student-athletes have time to effectively engage in campus life and to pursue excellence in both the classroom and athletics.

Ms. Bodensteiner led the Board through a discussion of the new legislation, explaining concepts such as countable athletically related activities (CARA), required athletically related

activities (RARA), and required off-periods. Ms. Bodensteiner emphasized the reason why these concepts are important, specifically that RARA cannot occur on a day off and that all RARA must be on a time management plan. Replying to a question from Professor Kelly, Ms. Bodensteiner responded that “on-days” might be busier than they previously were, emphasized that this year will be a feedback year, and shared her hope that a byproduct of this legislation is that auxiliary programming becomes more efficient. Ms. Bodensteiner highlighted two exceptions to the time management rules. These exceptions allow student-athletes to engage in academic and health and medical activities on a day off and do not require either of those categories of activities to be included on a time management plan. In response to a question from Professor Brockmole, Ms. Bodensteiner answered that teams may keep practicing until they know whether or not they made the post-season. Ms. Bodensteiner shared feedback from the student-athletes indicating that some think this new legislation provides too much time off. Replying to a question from Professor McDowell, Ms. Bodensteiner offered an example of how the additional required days off may be used during the winter vacation period. Ms. Bodensteiner also explained how travel works under the new legislation.

Ms. Bodensteiner stated that the Athletics Department (Athletics) invested in a new software program called TeamWorks in order to assist with this legislation’s implementation. Athletics requires coaches to provide student-athletes with two versions of time management plans: a year-at-a-glance schedule, and a daily schedule in a minimum of two-week blocks. Creation of the time management plan must be a collaborative process that includes student-athlete input. Ms. Bodensteiner briefly discussed a newly created Associate Director position within the Athletics Compliance Office. The position focuses on the implementation of the time management legislation and related policies.

Ms. Bodensteiner highlighted four areas in which the legislation affords institutions some interpretive power, specifically regarding: (1) changes to the time management plan, including differences for changes related to extenuating circumstances as compared to those unrelated to extenuating circumstances; (2) the definition of voluntary and its application to events such as Mass; (3) student hosting and the challenges associated with prospective student-athletes changing their plans; and (4) facility pressure, particularly as it relates to the limitations of Loftus Sports Center, the importance of keeping enough class blocks free from RARA, and the added stress of hosting visiting teams.

Ms. Bodensteiner elaborated further on the facility pressure issue, describing the squeeze many coaching staffs feel as they try to schedule a practice within a tight window. As an example, Ms. Bodensteiner described how a team that needs to leave campus by 3:00 pm to travel to a contest may be forced to choose between having an early morning practice or not having one at all, and asked if the Board had interest in considering the additional proviso of an afternoon class miss in these situations. Ms. Bodensteiner stated that this travel-related, constrained practice opportunity issue will impact various groups. In response to a question from Professor Angst, Ms. Bodensteiner replied that the Campus Crossroads project did not alleviate these issues, as no new intercollegiate athletic space was created as part of this project. Professor Bellia noted that the basketball teams eventually will shift to a new practice facility, but that no sport using a field will be relieved of the current pressure. Mr. Swarbrick shared that the opportunity to bubble Notre Dame Stadium was considered, but that it would not satisfy the fire

code requirements. Mr. Swarbrick emphasized that Athletics is focused on developing a second indoor surface—not only to meet the requirements of the new time management legislation, but to hold practices during times that make sense for student-athletes’ lives. Mr. Swarbrick commented that the intersection of the time management legislation and the facility limitations has put Athletics in a critical position.

Mr. Swarbrick highlighted for the Board that the current time management legislation largely reflects Ms. Bodensteiner’s leadership at the national level.

Professor Bellia raised the issue of practice time for spring football, specifically the coaching staff’s concern about the drain on student-athletes caused by holding conditioning sessions before the first class block begins at 9:30 in the morning on Tuesdays and Thursdays (TTH) in the spring semester. For the last several years, the football team has practiced in the morning on Mondays, Wednesdays, and Fridays (MWF) in the spring semester, with practice ending in time for students to attend the class block starting at 10:30. Professor Bellia shared the reason for conditioning in the morning on TTH is in part to free up the space for other teams to practice later in the day. Football is requesting that the team be allowed to have a later start for their conditioning sessions on TTH, with students able to attend classes beginning at 11:00 am. Professor Bellia noted the difficulty of finding any alternatives due to the new time management legislation. She asked for input from the Board.

The Board discussed various factors, including the domino effect on other teams, the impact an evening study hall would have on the Academic Services for Student-Athletes (ASSA) staff, and course clustering concerns, among others. Professor Brockmole commented that the TTH 9:30 am time slot is probably the busiest class slot for the College of Arts and Letters. He shared his concern that, as many of the required classes are offered at this time slot and may not be able to be replicated in alternative time slots, affected student-athletes would be shut out from pursuing certain majors. Additionally, Professor Brockmole, while noting the enormity of the issue, stated that if a department offers a second section of a class, this second offering frequently depresses the number of unique courses offered by the department, which in turn affects the curriculum. Professor Angst seconded the comments made by Professor Brockmole as they relate to the Mendoza College of Business, noting that his three-section class is the exception as many courses are only offered in one section. Mr. Holmes offered that while his office does not yet have enough information to fully analyze the impact of limited section offerings, he can say that there will be challenges. More discussion ensued, with Professors Brockmole and McDowell offering comments on the process by which the academic course offering schedule is set. Professor Bellia commented that she believes a dialogue around the sustainability of offering additional sections is something the Board needs to have with the deans (or deans’ designees) of the University’s colleges.

Further discussion centered on the sequencing of the courses. Professor Bellia stated that this issue is a task for the subcommittees to monitor, noting that the Board has a responsibility to ensure Notre Dame provides student-athletes the education it committed to providing them. Members agreed that ASSA staff should review students’ prior year schedules to estimate the impact of a shift in TTH conditioning.

Professor Brockmole observed that the need for a second indoor practice field is not just an athletics issue; it is an academics issue. Mr. Swarbrick commented that the scheduling issues also affect student-athlete engagement with the campus community. If a student-athlete cannot get back to his or her dorm until 11:00 pm because of a late practice, the student-athlete has much less time to engage in his or her dorm community. Mr. Swarbrick emphasized that Notre Dame must solve this problem and that it is a current priority of Athletics. Mr. Swarbrick described one possible solution to the need for a second indoor field space, which is to enclose the first of the two football practice fields. Answering a question from Professor Bellia, Mr. Swarbrick said that while the field would be lined for football, other teams would be able to use the field.

In response to a question from Professor Stanisic, Mr. Swarbrick replied that a similar situation exists concerning Athletics' aquatic facility. Particularly in light of high community usage of the aquatics facility, Athletics could use a second facility.

6. Adjournment for Selection of Subcommittee Chairs

Professor Bellia indicated that the class miss report would be discussed at a later meeting. Professor Bellia noted that the next meeting on October 25, 2017, would take place in Corbett Hall and. An optional tour of the new stadium space will follow.

After requesting the subcommittees meet briefly to select a their respective chairs, Professor Bellia thanked the Board members for their time and adjourned the meeting at 4:05 pm.

APPENDIX A: SCHEDULE APPROVALS (May-September 2017)

Approval Date	Sport	Within 3MWF/3TuTh Misses Each Semester?	Reason for Exception
8/29/17	Baseball (Fall only)	Y	
6/29/17, 9/7/17	Men's Basketball	Fall: Y Spring: 4/0	Conference travel. Away reading day game (non-conference) approved.
8/29/17	M/W Cross Country	Y*	More than 3 MWF on schedule, but individuals will not exceed 3 MWF misses.
8/30/17	Football	3 full and 1 partial	Partial absences determined on a case-by-case basis in consultation with ASSA.
6/19/17, 7/20/17, 9/6/17	Men's Golf	Fall: 4/3 Spring: 5/4 (FBA approved 5/11/2017)	Tournament schedule
6/19/17, 6/20/17	Hockey	Y	Away reading day game (conference) approved.
7/19/17	Men's Soccer (Fall only)	N: 3.5/3	Conference travel. Additional miss involves 2 pm dismissal.
6/29/17, 8/8/17	Men's Swimming/Men's Diving	Y	
8/23/17, 8/29/17	Men's Tennis	Y*	*Involves individual competition in fall semester; any extra misses will be dealt with on a case-by-case basis.
9/12/17	Women's Basketball	Y	Away reading day game (non-conference) approved.
5/30/17 & 9/1/17	Women's Golf	Fall: 5.5/3 (FBA approved 5/11/2017)	Tournament schedule
8/29/17	Women's Lacrosse (Fall only)	Y	
9/12/17	Rowing	Y	
8/24/17	Softball	Spring: 5/3	Competitive schedule
6/29/17, 8/8/17, 8/29/17	Women's Swimming / Women's Diving	Y	
8/8/17	Women's Tennis	Y*	*Involves individual competition in fall semester; any extra misses will be dealt with on a case-by-case basis.
5/30/17, 9/6/17	Volleyball	5/1	Format of non-conference tournaments; ACC schedule.

APPENDIX B: CAPTAINCY APPROVALS (May-September 2017)

Approval Date	Sport	Student-Athlete(s)
8/14/17	Women's Cross-Country	Rachel DaDamio Anna Rohrer
8/14/17	Men's Cross-Country	Brent Kennedy Kevin Pulliam
9/6/17	Women's Fencing	Sabrina Massialas Marie-Anne Roche Francesca Russo
9/6/17	Men's Fencing	Nicholas Hanahan Hazem Khazbak Jonah Shainberg
9/12/17	Women's Golf	Alison Snakard
9/12/17	Women's Lacrosse	Sydney Cardozo Molly Cobb Samantha Giacolone
8/18/17	Hockey	Jake Evans Jordan Gross (A) Luke Ripley (A) Andrew Oglevie (A)
8/8/17	Women's Soccer	Sandra Yu Monica Flores Ginny McGowan