

**Faculty Board on Athletics  
Meeting of March 21, 2016  
1:00 pm-3:00 pm, 500 Main Building**

Members present: Patricia Bellia (Chair), Alexa Baltes, James Brockmole, John Gaski, Erin Hoffmann Harding, Patrick Holmes, Dan Kelly, Sean Kelsey, Mary Ann McDowell, Robin Rhodes, Michael Stanistic, Jack Swarbrick, Kevin Vaughn

Members excused: Ann Firth, Ann Tenbrunsel

Athletics Liaisons: Michael Harrity, Missy Conboy, Beth Hunter, Jill Bodensteiner

Guests: Chad Grotegut, Heidi Uebelhor, Brian Coughlin, Ryan Willerton, Claire Leatherwood (Recorder)

**1. Opening Prayer**

Professor Bellia called the meeting to order and invited Professor James Brockmole to offer the opening prayer.

**2. Minutes of Meeting of February 15, 2016**

The Board approved the minutes of February 15, 2016, with one correction to the last sentence of the first full paragraph on page two.

**3. Chair's Announcements**

Professor Bellia announced that she had approved two schedule adjustments due to weather-related issues. Baseball required an extra class miss to leave South Bend ahead of a storm, and the women's golf team had a canceled return flight.

Additionally, Professor Bellia approved post-season travel for the men's and women's basketball teams.

**4. Student-Athlete Disciplinary Report (Brian Coughlin, Associate Vice President for Student Development, and Ryan Willerton, Director, Office of Community Standards)**

Professor Bellia invited Brian Coughlin, Associate Vice President for Student Development, and Ryan Willerton, Director, Office of Community Standards, to give the Student-Athlete Disciplinary Report.

Mr. Coughlin and Mr. Willerton provided data for the 2014-15 academic year, along with a comparison to 2013-14 data. They discussed which students were included in the definition of student-athlete for the purposes of the report. Additionally, they stated that the demographic numbers on the first page of the report referred to any conduct processing, including those

incidents in which a student was ultimately found not to be responsible for a violation of the University's Standards of Conduct. Mr. Coughlin explained that the numbers represented are unique and individual to each incident, meaning that one student could have more than one incident, with each incident counting separately in the numerical totals. Finally, Mr. Coughlin noted that the demographics for student-athletes were consistent with those from the general student population.

Mr. Coughlin moved on to the portion of the report providing team-specific information on findings of responsibility for student-athletes. He noted that student-athletes tend to do things, both good and bad, with their teammates, meaning that it is not uncommon for several student-athletes from the same team to violate student conduct policies in the same incident, which could have an effect on a team's numbers, particularly when comparing year-to-year trends. Mr. Coughlin and Mr. Willerton confirmed that findings of responsibility in the student-athlete population are consistent with those of the general, Notre Dame student population.

Mr. Coughlin then moved on to describe the processing of conduct incidents, emphasizing the differences among process settings. Notre Dame has a progressive disciplinary system. More routine violations and initial violations would likely result in a meeting with a rector. An allegation of a more serious violation or a repeat violation would lead to a conference: a conversation with staff from the Office of Community Standards. When the seriousness of the incident is such that the finding of responsibility could result in dismissal from the University, the matter would be handled in a formal hearing before a panel of University Conduct Officers, which includes Office of Community Standards staff and other administrators within the Division of Student Affairs.

In response to a question from Professor Stanisic, Mr. Coughlin and Mr. Willerton acknowledged the potential dissonance between the Board's standard requirement that students receiving athletics grant-in-aid must live on campus for the first six semesters, and the Office of Community Standards' assigning an outcome of a loss of on-campus housing. Mr. Coughlin noted that there is communication between Athletics and Student Affairs when necessary regarding these outcomes, which are reserved for severe disruptions of the residential community.

Mr. Swarbrick then noted the overall decline in incidents between 2013-14 and 2014-15 and asked Mr. Coughlin to posit potential causes of decline. Mr. Coughlin stated that because the updated conduct process and database currently in use is only two years old, he was not ready to comment on any trends. In response to a question from Professor Bellia, Mr. Coughlin stated that the shift in the way the conduct process is being conducted has been positively perceived and has enabled the Student Affairs staff to deal with incidents in a more formative, educational way.

Professor Bellia thanked Mr. Coughlin and Mr. Willerton for their report.

**5. Academic Process Review (Heidi Uebelhor, Assistant Athletics Director, and Chad Grotegut, Assistant Director, Academic Services for Student-Athletes)**

Professor Bellia introduced Heidi Uebelhor, Assistant Athletics Director, and Chad Grotegut, Assistant Director of Academic Services for Student-Athletes, and invited them to provide their report on the Academic Process Review. Ms. Uebelhor thanked the Board for the opportunity to present.

Ms. Uebelhor first described the impetus for the Academic Process Review by briefly referencing the academic misconduct issues at the University of North Carolina (UNC) and the much-publicized Wainstein Report. Members of Academic Services for Student-Athletes (ASSA), the University Registrar's Office (Registrar), and the Athletic Compliance Office (Compliance) reviewed the Wainstein Report with the goal of identifying best practices and evaluating policies and practices at the University of Notre Dame.

Mr. Grotegut detailed the Academic Process Review, discussing how certain processes, while being monitored, still contain a certain level of risk, specifically: class attendance, course clustering, grade changes, and special studies and directed readings. The next part of the presentation focused on how to mitigate the risks in these areas.

Ms. Uebelhor discussed class attendance in greater detail, first highlighting that the only general university policy regarding class attendance is the requirement that a professor must provide a policy to his or her students regarding absences. ASSA staff and others recognize, however, that student-athletes generally do much better in their classes if they attend regularly. To assist the ASSA staff in monitoring student-athlete class attendance, ASSA employs students as class checkers for those student-athletes considered to be at risk. Ms. Uebelhor noted that class checking using student employees as checkers can be unreliable, predictable for student-athletes, and disruptive.

In response to a question from Ms. Harding regarding whether or not there have been complaints from student-athletes about feeling targeted by class checks, Mr. Grotegut responded that the majority of these complaints are from those student-athletes who are most at risk.

Ms. Uebelhor then transitioned into a broader discussion about the possibility of using technology to enhance the ability to check class attendance by using the location of a student inside a building. There are obvious privacy concerns with the use of this technology. A discussion then ensued regarding the advantages and disadvantages of the use of this technology, including both logistical and ethical concerns raised by Professor Stanisic and Professor McDowell.

Mr. Grotegut then turned to the second identified risk, course clustering. Mr. Grotegut briefly described possible innocuous causes of course clustering among student-athletes, including restrictions on their ability to take classes at certain times due to their athletic schedules as well as the fact that some majors are more popular than others. Mr. Grotegut recognized that the Board's Academic Integrity Subcommittee has been developing strategies to identify and mitigate risks associated with course clustering.

The third identified risk is the ability of professors to change the grades of students. Noting a situation at Syracuse University, Professor Bellia stated that there are pending changes in the Academic Code that could constrain the ability of professors to change grades.

Mr. Grotegut then returned to Directed Readings and Special Studies, describing the ways ASSA staff members currently monitor this coursework. Current methods include ASSA staff asking for a course description and/or syllabus from the professor; however, Mr. Grotegut stated that ASSA staff receive this information for approximately fifty percent of these courses. In response to a suggestion from Professor McDowell, Mr. Grotegut stated that ASSA is considering building in a request to the Chair of the Department in order to increase the response rate of professors providing their syllabi.

Following this discussion, Mr. Grotegut and Ms. Uebelhor moved on to offering their recommendations, which included developing a plan to audit academic data.

A discussion ensued. Professor Bellia asked, with respect to directed readings and special studies courses, if there was a special process needed for student-athletes or if the process needed to be improved for all students. Professors Brockmole and Stanisic commented about the proliferation of directed readings among the student population in general. In response to a question from Professor Brockmole about course clustering, Mr. Grotegut stated that a comparison of grades within classes is available. Professor Bellia noted that the Academic Integrity Subcommittee is specifically looking at this issue.

Noting that the UNC case involved a specific department, Professor Kelly asked if there were any institutional checks being done on specific departments. Ms. Leatherwood responded with a brief description of possibilities of using data from the Registrar's office to create institutional checks. Professor Kelly, as chair of the Academic Integrity Subcommittee, responded that the subcommittee will continue to investigate and suggested that the Board should develop guidelines for when there should be an extra review of a course. Mr. Swarbrick offered that many of the topics of this discussion will be on the agenda for a meeting between himself, Provost Burish, and Professor Bellia later this semester.

At the conclusion of this discussion, Ms. Bodensteiner provided an update based on a presentation the previous week of the Academic Process Review to a larger group of practitioners from various offices. This presentation discussed six themes, including: (A) evaluation of assessment and individualized plans for first-year and at-risk student-athletes; (B) the development of a committee to investigate class attendance; (C) concerns regarding directed readings; (D) concerns regarding course clustering; (E) the methods to provide coaches and administrators more guidance on these issues; and (F) how to facilitate relationships and educational opportunities with working deans, the Honesty Committee, and others.

Following this update, Professors Rhodes and Vaughn raised additional concerns regarding technologies designed to track students' class attendance by effectively tracking the movements of the students themselves. Mr. Swarbrick stated that there should be a very robust discussion about the use of these technologies and offered that the discussion should be framed as a general student issue, rather than a student-athlete issue. Professor Bellia noted that

academic probation arguably affects student-athletes more than it affects other students, which in turn imposes on ASSA an obligation to assist at-risk student-athletes to the best of its ability. In response to a question from Professor Rhodes, Mr. Holmes stated that midterm grade checks are frequently too late to provide much benefit to struggling student-athletes. Professor Kelsey stated that he was not comfortable with the suggestion that all incoming first-year student-athletes are at risk and, thus, need to have their class attendance checked.

Professor Kelly, referencing a troubling element at the center of the UNC case, asked if Notre Dame has any checks to make sure lecture classes are actually meeting as listed with the Registrar. Although the response was in the negative, Mr. Holmes stated that his staff members would most likely become aware of this sort of situation if it were occurring based on their interaction with professors and students.

In response to a question from Ms. Harding, Mr. Holmes affirmed that his staff members usually have a fairly accurate idea of which student-athletes are not going to class. Professor Rhodes asked if requesting student-athletes to self-report how many classes they missed would help encourage attendance, with Mr. Holmes responding that, while his staff members are asking these questions and use additional tools to identify discrepancies, the biggest challenge is to identify the outliers. In concluding the discussion surrounding these topics, Professor Kelly noted that the key to preventing many of these problems is to have a good Academic Services staff acting with integrity. He commended Mr. Holmes for his office's work.

## **6. Student-Athlete Request for Waiver of On-Campus Housing Requirement**

Professor Bellia then shifted the discussion to a student-athlete's request for a waiver of the on-campus housing requirement. Per the Board's policy, the student-athlete is required to stay on-campus this summer because she receives an athletic grant-in-aid. The student-athlete's waiver request focused on the following factors: (1) the student has an off-campus internship, and living off-campus will facilitate her transportation (she is an international student without a driver's license and needs to be close to public transportation); (2) the internship begins a month before her summer session class begins; (3) she would save money on meals by living off-campus.

Professor Gaski, chair of the Student Welfare Subcommittee, provided the recommendation from the subcommittee supporting this waiver request, stating that four members were in favor, zero opposed, and one member abstained. The Board voted to approve the waiver request, with ten members of the Board in favor, zero opposed, and one abstaining.

## **7. Update from Academic Integrity Subcommittee (Dan Kelly)**

Professor Bellia invited Professor Kelly to update the Board on the work of the Academic Integrity Subcommittee. Professor Kelly described three issues currently before the subcommittee: (1) course clustering; (2) the Board policy on captaincy eligibility for student-athletes; and (3) NCAA eligibility for graduate students, including fifth-year students.

Professor Kelly first updated the Board on the subcommittee's work on course clustering and captaincy eligibility. Regarding clustering, Professor Kelly noted the receipt of survey responses from other ACC schools on their policies and procedures regarding clustering. The subcommittee continues to study this issue. Professor Kelly highlighted the primary concern with the captaincy eligibility policy, specifically whether or not there should be a waiting period for student-athletes who have separated from the University at some point during their academic careers prior to their ability to be designated as captains of their team.

Following this update, Professor Kelly discussed the NCAA eligibility issue for graduate students. Professor Kelly first described the Board's current approval process for student-athletes wishing to exhaust their fourth year of athletics eligibility during a fifth academic year. The crux of this problem is determining which academic program a fifth-year student-athlete should be allowed to pursue. Professor Kelly remarked that this question intersects with discussions within the NCAA Committee on Academics of graduate student eligibility. Thus, the subcommittee must both examine Notre Dame's policy as is and track and anticipate possible NCAA rules changes.

Professor Kelly offered five possibilities for how a student-athletes could use a fourth season of eligibility during a fifth year of academic study: (1) a student-athlete could delay his or her undergraduate graduation by dropping a required course; (2) a student-athlete could delay his or her graduation by adding a second major or a minor to his or her program of study (although the addition of a minor to delay graduation is not currently permissible under NCAA rules); (3) a student-athlete could graduate but enroll in a certificate program for post-graduates, if one were available; (4) a student-athlete could enroll as an unclassified graduate student, possibly with increased oversight; and (5) a student-athlete could enroll in a regular, degree-seeking graduate program. One issue is that option (4), currently pursued by some fifth-year student-athletes, may be foreclosed by the NCAA, if the membership adopts current proposals by the Committee on Academics to tighten graduate student eligibility requirements.

In the ensuing conversation, Professor McDowell offered that there are discussions occurring about oversight of certificate programs among other groups on campus. Ms. Harding mentioned accreditation concerns. In response to a question from Professor Rhodes asking about the goal of any institutional policy changes, Professor Kelly described the goal of the subcommittee as focusing on ensuring that the University is well-positioned to adapt should NCAA rules change to disallow current options offered by the University.

Professor Bellia offered additional context on the genesis of this issue, describing how these questions and initial desire to change the NCAA rules arose out of a discussion within the NCAA membership regarding the eligibility of graduate transfers. Professor Bellia added that although adding a minor to delay graduation in order to take advantage of a fourth year of eligibility in a fifth year of academic study is not currently permissible under NCAA rules, the subcommittee believes this is a good option and should be pushed at the NCAA level.

In response to a question from Professor McDowell, Mr. Holmes responded that the number of students who leave after a semester of graduate work varies, with Professor Kelly noting that typically those students are unclassified graduate students. Professor McDowell

remarked that a downside of the proposal of adding a minor is that student-athletes would not be able to graduate with their class, although Professor Rhodes responded that they would be able to walk with their class regardless of whether they are actually graduating at that time.

At the conclusion of this discussion, Professor Bellia requested that Board members provide Professor Kelly with any additional input. Mr. Swarbrick noted that, in terms of sequence, athletic department representatives will need to articulate the University's position in the national debate on this issue over the coming months.

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

Following Professor Kelly's report, Professor Bellia updated the Board on time demand reforms. Professor Bellia described the institutional process for developing a position on this issue and gathering input from its constituents, emphasizing the Athletics Steering Committee's role, including its goal of developing guiding principles to drive eventual legislation. Initial input from student-athletes indicates a desire to improve the efficiency and predictability of athletically related scheduling.

Professor Bellia invited comment from Ms. Bodensteiner, who serves on an ACC subcommittee dedicated to time demands. Ms. Bodensteiner explained the Athletic Steering Committee's process, which involves facilitated discussion. The Steering Committee believes that facilitated discussion on this issue will generate more accurate feedback than surveys will because of the complicated and nuanced nature of the topic.

Following those comments, Ms. Bodensteiner announced that there would be a general educational session on Financial Aid on the following Wednesday in the Basketball Auditorium and that all Board members were invited to attend.

## **9. Adjournment**

Immediately prior to adjourning the meeting, Professor Bellia updated the Board on its changing membership, noting that Professor Susan Ohmer and Professor Kelsey, currently a member of the Board, were elected to open positions.

Finally, Professor Bellia stated that the Academic Integrity Subcommittee would be communicating with the Board prior to the next meeting on its recommendations for the recipients of the Bryon V. Kanaley Award.

Professor Bellia adjourned the meeting at 3:00 p.m.