

**Faculty Board on Athletics
Meeting of February 28, 2020
11:45-1:15 pm—500 Main Building**

Members Present: Patricia Bellia (Chair), Corey Angst, Jaimie Bleck, Ann Firth, Lauren Hanna, Adam Sargent on behalf of Patrick Holmes, Sean Kelsey, Randy Kozel, Richard Pierce, F. Clark Power, Aaron Striegel, Kevin Vaughan

Members Excused: Erin Hoffmann Harding, Susan Ohmer, Jack Swarbrick

Athletics Liaisons: Missy Conboy

Guests: Claire Leatherwood Slebonick, Assistant Athletics Director and Recorder

1. Opening Prayer

Professor Patricia Bellia called the meeting to order 11:49 am and asked Lauren Hanna to offer the opening prayer.

2. Minutes of Meeting of December 13, 2019

The Faculty Board on Athletics (FBA) unanimously approved the minutes of December 13, 2019.

3. Chair's Announcements

Schedules. Professor Bellia announced that she approved the following spring schedules on the Board's behalf: men's lacrosse, volleyball, men's soccer, and women's soccer. She added that women's soccer has a class miss associated with their foreign tour and had received the requisite waiver from the NCAA. Professor Bellia shared that she approved the post-season schedule for swimming.

Professor Bellia shared the following changes to previously approved schedules, noting both teams remained under the Board's policy limits: an additional half-day class miss for swimming, an additional half-day class miss for baseball, and a time change for baseball.

Professor Bellia provided context around her decision to allow the men's basketball team to travel directly from an away contest at Boston College to an away contest at Wake Forest. The intention of the travel directly between the two away contests was to limit the impact of a high volume of travel within a short timeframe; however, it required student-athletes to miss classes on the Thursday and Friday between games. The team remained under the class miss limits for Thursday classes while only one student-athlete would register a fourth Friday class miss due to this request. Professor Bellia discussed the student-athlete's fourth miss with Mr. Patrick Holmes, Director of Academic Services for Student-Athletes (ASSA), and as he supported the decision, Professor Bellia approved the request.

Professor Bellia announced two items relative to the men's lacrosse schedule: (1) her approval of a half-day class miss for a home contest; and (2) a time change due to television broadcasting. She shared that it is not the Board's typical practice to grant class misses for home contests and so provided additional context around her rationale for granting it, including the facts that men's lacrosse remained under the limit for Tuesday-Thursday (TTh) class misses and is scheduled to play a high number of games within a short timeframe.

Housing Waiver Requests. Professor Bellia announced her approval of eight mid-year enrollee Housing Waiver Requests, per the Board's delegation of authority to do so when the requests are clearly within precedent. She provided information surrounding these approvals, including the minimum number credits passed by the requesting student-athletes.

Petition for Use of Athletics Eligibility While Enrolled in a Fifth Year of Undergraduate Coursework or as a Graduate Student. Professor Bellia shared that there were four student-athletes who submitted petitions that needed to be considered over the semester break as they would become fifth years at the start of the spring 2020 semester. She provided additional context surrounding their petitions, including that two were unclassified graduate students. Professor Bellia forecasted an agenda item to be discussed later in the meeting from the Academic Integrity Subcommittee related to the timing of these petitions.

4. Class Miss Request, Fall 2020 Volleyball Schedule, Mike Johnson, Head Coach

Professor Bellia introduced Mr. Mike Johnson, head coach of the volleyball team, to discuss his request for six Friday class during the fall 2020 campaign.

Mr. Johnson explained that Friday night matches dominate the fourteen-week volleyball schedule, leading the volleyball staff to try to mitigate a potential for a high number of Friday class misses. He described that the staff usually manages this by doing two things: (1) requesting the Atlantic Coast Conference office (ACC) schedule the volleyball team to play away matches over fall break and Thanksgiving vacation; and (2) splitting the non-conference schedule evenly between home and away matches.

Mr. Johnson shared that the ACC has shown little regard in recent years for Notre Dame's requests to play away over the fall and Thanksgiving break. This year proved to be no different, with the ACC scheduling Notre Dame to play away for four out of the first seven Friday conference matches but playing at home over fall break. Ms. Missy Conboy petitioned the ACC to ensure that volleyball played away over Thanksgiving vacation, but even with that concession, the current schedule necessitates four Friday class misses for the ACC schedule and two Friday class misses for the non-conference schedule. Mr. Johnson described the inherent difficulties in moving a match once scheduled by the ACC, including that a request to move one match has a cascading effect that requires four teams agreeing to move a match.

Professor Bellia added that post-season class misses for volleyball would be rather minimal, as the ACC does not have a post-season conference tournament for volleyball and,

while the team would need class misses for the first round of the NCAA tournament, they would not need any for the second round.

Professor Bellia noted that the Board consults with ASSA on these requests, so asked Mr. Adam Sargent to provide any comments on behalf of volleyball's ASSA counselor, Mr. Josh Skube. Mr. Sargent shared that some colleges, specifically those with STEM and First Year of Studies courses, schedule more Monday-Wednesday-Friday (MWF) classes or MW classes with a Friday tutorial. He shared that this is particularly difficult dynamic for volleyball student-athletes to manage. He stated that it is difficult, particularly in those curriculums, to avoid Friday classes or to push those courses with a Friday meeting into the spring semester as that could affect sequencing within the major and creates difficulty in long-term schedule planning. Professor Bellia shared that she asked Mr. Skube if a true pre-registration for classes, which is currently available to football and basketball student-athletes, would help volleyball students avoid some of these complications as it would provide the students increased access to TTh or MW class options. She noted that many more male student-athletes than female student-athletes currently enjoy the benefits of pre-registration, highlighting a gender equity concern.

Mr. Johnson voiced support that a change of this nature would help mitigate his team's scheduling issues. Professor Bellia commented that the Board could make a recommendation to the Registrar and the Provost's Office about adding volleyball to the pre-registration cohort but identified ancillary issues necessary to first explore with Mr. Johnson, including whether he could adjust practice time on TTh to accommodate this change. Mr. Johnson responded that he was confident his staff could make the necessary adjustments and reiterated his concern about the potential that additional class miss requests would become a regular need in future seasons. Ms. Conboy agreed that pre-registration would be a huge benefit to the program in that it would help student-athletes mitigate class misses on Fridays. Professor Bellia remarked that from an academic profile perspective, volleyball would be the next team to benefit from pre-registration.

Mr. Sargent commented that the potential of classes ending later in the afternoon on MW and TTh to accommodate fewer classes on Fridays warrants a broader conversation with Mr. Skube. Ms. Lauren Hanna asked for any student-athlete feedback on missing Friday class sessions and whether the volleyball student-athletes would be precluded from taking a class if it met on Friday. Mr. Johnson responded that he hears more complaints from student-athletes when the game schedule forces them to miss several Fridays in a row. Professor Bellia added that providing pre-registration to volleyball student-athletes would not preclude them from taking a class that met on Fridays, but that it would allow student-athletes increased access to take MW or TTh classes, particularly as some of those courses with a Friday meeting could be shifted to the spring semester.

In response to a question from Professor Jaimie Bleck, Professor Bellia commented that the general concern surrounding adding more student-athletes to the pre-registration pool relates to equity between student-athletes and students. She remarked on the intense scrutiny and conversations surrounding the decision to allow football and basketball student-athletes to pre-register and noted that any recommendation to add volleyball student-athletes would likely engender a similar conversation. Mr. Sargent stated that ASSA works diligently to ensure that courses are not over-subscribed by pre-registering student-athletes.

Professor Bellia asked Ms. Conboy if she petitioned the ACC to change the conference schedule to be more accommodating to Notre Dame's requests; Ms. Conboy remarked that she did so but without securing any changes to the first half of the conference schedule. Professor Bellia shared her frustration that this lack of sensitivity to Notre Dame's policy seems to be a continual issue. Ms. Conboy added a concern regarding the potential reinstatement of the ACC conference championship for volleyball in future years.

Professor Bellia posed a question to Mr. Johnson about whether or not there would be an increased opportunity to play more of our non-conference games at home should the team improve. Mr. Johnson replied that while it is possible, that change is not likely to be a panacea for this issue due to the way the NCAA Championship Tournament Selection Committee uses the Rating Percentage Index (RPI) and the cost in guaranteed money likely needed to convince teams to play at Notre Dame without a return match. Ms. Conboy described additional complexities related to hosting more Friday matches opposite home Saturday football games, which are heightened in Fall 2020 as Notre Dame will host a United States Presidential Debate (Debate). Ms. Ann Firth thanked Mr. Johnson, Ms. Conboy, and Athletics for their work in accommodating the necessary changes due to Notre Dame's hosting of the Debate.

With no more questions for Mr. Johnson, Professor Bellia excused him from the meeting. Mr. Johnson thanked the Board for the opportunity to discuss this request.

Professor Power voiced his concerns surrounding the increasing frequency of additional class miss requests due to the ACC's disregard for Notre Dame's policy. He asked whether there were any paths available for Notre Dame to address this issue with the ACC. Ms. Conboy provided her observation that part of the challenge is Notre Dame's location outside of the primary geographic region for the conference.

Professor Bellia commented that while she wants coaches to be as creative as possible in limiting class misses, she offered two options for the Board that could help his efforts: (1) supporting additional guarantees for volleyball, including a home-and-away series with a Big 10 opponent; and (2) supporting adding volleyball to the pre-registration group.

In response to a remark from Professor Power, Ms. Bellia noted that Notre Dame does not offer systematic online classes but that ASSA records classes, as permitted by instructors, to assist student-athletes when they must be absent due to competition. Ms. Conboy commented that volleyball is a one-semester sport so there are no spring class misses. Replying to a question from Professor Bellia, Ms. Conboy said she would explore whether it would be possible to add more volleyball student-athletes to the summer bridge cohort. She explained, in response to a question from Mr. Sargent, potential legislation up for a vote by the Council in April that may affect summer bridge operations. Replying to a question from Professor Kevin Vaughan, Ms. Conboy shared the likely schedule should the Board not approve this class miss request.

Professor Sean Kelsey shared his view and rationale, moving to approve the class miss request before the Board. Professor Corey Angst seconded the motion and the Board voted unanimously to approve the request.

Professor Bellia raised for the Board's consideration whether or not it wanted to support the addition of volleyball to the pre-registration group of student-athletes. Replying to a question from Professor Randy Kozel, Ms. Bellia explained that pre-registration is permissible per NCAA rules as Notre Dame provides pre-registration to a select group of students who are not athletes, adding that pre-registration for student-athletes is fairly standard practice across most NCAA member schools. Professor Bellia shared concerns about the current equity of pre-registration as many more male student-athletes have this opportunity than do female student-athletes. Ms. Conboy added that the Athletics Department is in the midst of an internal gender equity review. Professor Bellia shared that Mr. Holmes indicated that, due to a variety of factors, volleyball should be the next sport added to the pre-registration cohort. Mr. Sargent commented that further conversation is necessary between Mr. Johnson and Mr. Skube to ensure that Mr. Johnson adjusts his practice schedule to accommodate longer MW and TTh class windows. Ms. Conboy remarked that she believed a shift in the practice window to accommodate this change would be possible. Professor Bellia voiced her agreement that further conversation between ASSA and the volleyball staff is necessary to ensure the appropriate shift in practice time. Mr. Sargent confirmed that this would be a benefit to the student-athletes provided the volleyball staff adjusts the practice time as discussed.

Professor Angst questioned whether clear connection exists between offering volleyball student-athletes pre-registration and decreasing potential class misses, offering other solutions such as using priority registration when a student-athlete is a junior or a senior to mitigate this issue. Professor Bellia responded that Mr. Skube specifically linked the availability of pre-registration to a decrease in class misses and Mr. Sargent stated that, due to differences in colleges and the sequencing of courses, it is not necessarily possible for all student-athletes to use the junior and senior priority registration to mitigate this problem. He provided insight into potential scheduling problems when a course becomes filled before a student has the opportunity to register for it, noting that each college has its own nuances when it comes to scheduling and sequencing. Mr. Sargent commented on the difference in impact between priority and pre-registration.

5. NCAA Legislative Proposals Update

Professor Bellia reviewed the NCAA legislative process and introduced several proposals currently under consideration by the NCAA Council with relevance for the Board. She discussed two proposals relative to the vacation of team records penalty, a proposal that would significantly alter the men's soccer season, two proposals regarding the academic eligibility of graduate students, and one regarding required participation in athletic activities over the summer vacation period. Ms. Conboy provided additional context around the men's soccer schedule proposal while Professor Bellia did so for the other proposals. Professor Bellia shared that the NCAA Council would vote on these proposals during their meeting scheduled for April 23-24, 2020.

6. NCAA Transfer Waiver Working Group Update

Professor Bellia provided an update on the NCAA's Transfer Waiver Working Group. She reminded the Board that NCAA rules, referred to as the year-in-residence requirement, prohibit student-athletes from competing during the year after they transfer but student-athletes in some sports, i.e. all those except football, basketball, baseball and hockey, are eligible to receive a one-time-transfer exception to allow them compete immediately upon transferring. She offered additional context around this process, including the existence of additional waiver options available to all sports and a decided trend towards the routine granting of these waivers. Professor Bellia explained that the NCAA's Transfer Waiver Working Group is considering eliminating the year-in-residence requirement as long as transferring student-athletes meet a set of criteria, which would be the same as what the one-time-transfer exception currently uses.

Professor Bellia commented that this concept engendered much conversation at the recent ACC meeting, summarizing the discussion points. She asked the Board for any reactions or concerns, noting that the ACC requested institutional feedback.

Discussion ensued. Ms. Conboy asked for clarification around one of the elements currently required by the one-time-transfer exception: the institution from which the student-athlete is transferring must give permission for the student-athlete to use the one-time-transfer exception. Professor Bellia agreed that this element presented a philosophical inconsistency with the conceptual change and shared the discussion around this point from the ACC meeting, noting that this is of less practical concern as coaches are increasingly likely to give their blessing. In response to a question from Professor Kozel on the paradigm case for keeping the current rule, Professor Bellia explained that stakeholder views do not always align on whether or not to acquiesce to the one-time-transfer exception and that the ACC has historically prohibited intra-conference transfers. Ms. Conboy shared a general concern about tampering. Replying to a question from Professor Aaron Striegel, Professor Bellia commented that the denied student-athlete often publicizes an institution's refusal to give its permission for the one-time-transfer exception. In response to a comment from Professor Angst regarding a student-athlete transferring mid-season, Professor Bellia remarked that NCAA rules prohibit a student-athlete from competing for different institutions within the same championship season but that this possibility speaks to the need to recruit student-athletes who are true fits for Notre Dame. Ms. Conboy shared a concern about this rule change leading to a potential increase in the number of prospective student-athletes applying to Notre Dame while Mr. Sargent commented on the impact Notre Dame's rigorous academic requirements could have on degree completion for transferring student-athletes.

Professor Bellia stated that this concept necessitates additional conversation.

7. Report of Academic Integrity Subcommittee

Proposed Amendment to policy on Use of Athletics Eligibility While Enrolled in a Fifth Year of Undergraduate Coursework or as a Graduate Student. Professor Bellia introduced a technical change recommended by the Academic Integrity Subcommittee designed to clarify

petition deadlines as listed in the Board's Petition for Use of Athletics Eligibility While Enrolled in a Fifth Year of Undergraduate Coursework or as a Graduate Student.

The Board voted unanimously to accept the changes recommended by the Academic Integrity Subcommittee.

8. Adjournment

Professor Bellia adjourned the meeting at 1:18 pm with a reminder that the Board will hold its March meeting in the Law School.