

**Faculty Board on Athletics  
Meeting of March 24, 2021  
2:00-3:30pm—via ZOOM**

**Members Present:** Patricia Bellia (Chair), Corey Angst, Alex Blachly, Jaimie Bleck, Lauren Hanna, Erin Hoffmann Harding, Patrick Holmes, Tracy Kijewski-Correa, Randy Kozel, Mary Ann McDowell, Susan Ohmer, Richard Pierce, Aaron Striegel, Kevin Vaughan

**Members Excused:** Jaimie Bleck, Ann Firth, Jack Swarbrick

**Athletics Liaisons:** Jody Sadler, Angie Torain

**Guests:** Erin Abbey, Associate Director, Heidi Uebelhor, Associate Athletics Director; Claire Leatherwood Slebonick, Assistant Athletics Director and Recorder

**1. Opening Prayer**

Professor Patricia Bellia offered the opening prayer at 2:02 pm.

**2. Minutes of Meeting of November 20, 2020**

With no changes made to the Minutes of the Meeting of November 20, 2020 (Minutes), Professor Corey Angst moved to approve the Minutes; Professor Susan Ohmer seconded the motion. The Board unanimously approved the Minutes.

**3. Chair's Announcements**

Professor Bellia offered a series of announcements relating to Sports Schedule Approvals, Captaincy Approvals and the Board's Annual Report.

*Sports Schedule Approvals.* Professor Bellia announced that she approved schedules for the winter sports of fencing and indoor track as well as revised schedules for swimming and diving and hockey. She shared that she approved schedules for the following spring sports: men's and women's golf, cross country, men's and women's lacrosse, softball, rowing, men's and women's soccer, volleyball, and outdoor track and field. Professor Bellia explained that she also approved both the original as well as the revised schedules for men's and women's tennis. She stated that she approved post-season schedules, including conference and NCAA championship play, for men's and women's basketball, cross country, indoor track and field, swimming and diving, fencing, and hockey.

Professor Bellia presented a request from the Director of Track & Field and Cross Country to potentially add as many as two missed class days if necessary to enable an elite student-athlete to achieve the Olympic Trials competition standard. Professor Bellia asked for a delegation of authority from the Board to consider this scenario on its behalf should this situation come to pass; the Board unanimously granted this delegation of authority.

*Captaincy Approvals.* Professor Bellia shared that she approved captains for swimming and diving, baseball, women's lacrosse, women's tennis, and softball.

*FBA Annual Report.* Professor Bellia announced the inclusion of the 2019-20 Annual Report of the Board in this meeting's materials and apologized for the oversight that led it to not be directly shared prior to this point.

#### **4. Report of Academic Integrity Subcommittee**

*Byron V. Kanaley Award.* Professor Bellia introduced Professor Angst, Chair of the Academic Integrity Subcommittee (AIS), and the work of the AIS surrounding the Byron V. Kanaley Award.

Professor Angst explained the Award's history, its criteria, and the process the AIS used to arrive at the recommended awardees up for consideration by the Board. Specifically, Professor Angst noted the challenges of comparing student-athletes across sports. He discussed the nominations, including some basic information on the number of nominees and representation of sports, and described the exemplary characteristics of the nine student-athletes AIS recommended for the award: Yared Nuguse, Stefani Kaylyn Deschner, Abigail Heck, Pierce Crawford, Daniel Cassidy, Alessandra Aldave, Alex Holloway, Cameron Corse, and Hannah Thompson. Professor Angst then focused on three student-athletes that engendered the most discussion among the AIS members.

In response to questions from Professors Ohmer and Professor McDowell, Professor Angst agreed that it is important to educate coaches on the significant role their nomination and recommendations play in the analysis of the AIS. He also discussed the relatively equitable distribution of nominees and awardees across all sports. Professor Bellia added that she shares an exemplar letter with the coaches every couple of years so that they have a model and offered to raise this issue at an upcoming Coaches meeting.

Professor Angst noted AIS passed on putting forward a remarkable student-athlete for the Board's consideration but only because that student-athlete is returning for another year of play as a graduate student.

With no more questions or discussion, Professor Angst moved to approve all nine recommended by the AIS; Professor Ohmer seconded the motion. The Board voted unanimously to approve all nine student-athletes for receipt of the 2020-21 Byron V. Kanaley Award.

#### **5. Petitions for Use of a Fifth Year of Eligibility for Men's and Women's Soccer, Volleyball**

Professor Bellia introduced the idea of adjusting the timing of the deadline for the Petition for Use of a Fifth Year of Eligibility for Men's and Women's Soccer and Volleyball (Petition). She reminded the Board of the typical timing of the deadline for these Petitions for fall sports, which is March 31, and the May 1 deadline for winter and spring sports. Professor

Bellia described the anomalous spring championship season for most fall sports which was shifted from the fall due to COVID-19, and highlighted the awkwardness of requiring these Petitions to be submitted prior to the conclusion of the championship season. She shared that it would be helpful for men's and women's soccer and volleyball to have the option of delaying their Petition submissions until May 1, which would align with the deadline for the other sports that are competing into the spring season. Professor Bellia explained that Academic Services for Student Athletes (ASSA) supports this one-time alteration of the deadline. The Board voiced no objections to shifting the deadline to May 1 for men's and women's soccer and volleyball for this year.

## **6. Compliance Annual Report**

Professor Bellia introduced Erin Abbey, Associate Director of Compliance, and Heidi Uebelhor, Associate Athletics Director of Compliance, to present the Compliance Annual Report for 2019-20.

Ms. Abbey walked the Board through the first several pages of the report and highlighted that the numbers and trends in the Annual Report may be a bit inconsistent when compared with previous years as COVID-19 affected many functions of the Compliance Office.

Ms. Uebelhor provided information on transfers, including the existing NCAA rule, likely impending changes to that rule, and the potential impact of those changes. She explained how the NCAA's allowance for an extra year of eligibility for many student-athletes due to the impact of COVID-19 could impact rosters, recruiting, and the transfer landscape into the future, focusing on the anticipated increase in the number of transfers. Ms. Abbey supported Ms. Uebelhor's statements with several relevant statistics. In response to a question from Professor Bellia, Ms. Uebelhor described the academic level, either graduate or undergraduate, of the current year's transfer student-athletes.

Ms. Abbey discussed data surrounding the termination of athletics aid. In reply to questions from Professors Ohmer and McDowell, Ms. Abbey shared some details of those individual circumstances. Professor McDowell shared her concern that, without more procedural or structural protections in place to protect student-athletes, some student-athletes could be pushed into a voluntary withdrawal without appropriate department oversight. Professor Bellia offered a description of the appeals process available for any student-athlete who loses his or her athletic grant-in-aid. Ms. Abbey discussed the Compliance Office's process for documenting the reason for the separation and offered to explore additional procedural or structural protections for student-athletes. In response to a question from Professor Ohmer, Ms. Abbey shared that these voluntary withdrawals were spread among several teams.

Ms. Abbey provided additional context around the distribution percentages and amounts from the Student Athlete Fund, including the impact of COVID-19 on the amount of money received from the NCAA and then distributed. She discussed the ways in which these monies are typically spent and how these funds were focused on critical needs in the 2019-20 academic year.

Ms. Uebelhor discussed information related to recruiting and noted the huge impact COVID-19 had in this space, particularly on campus visits. She also noted the impact of a fairly recent change in the NCAA recruiting rules that limit visits to a prospect's junior and senior years. In response to a question from Professor Ohmer, Ms. Uebelhor described the difference between official and unofficial visits, when they are allowed and how they are used across sports.

Ms. Uebelhor explained the information on Waiver requests and focused on Legislative Relief Waivers related to student-athletes' desire to use their Name, Image and Likeness in connection with various endeavors. She noted that she expects these numbers to decrease in next year's report as institutions were granted increased authority from the NCAA over the past year to make interpretative decisions related to these requests from student-athletes.

Ms. Uebelhor provided additional context around reported violations, including the possibility that interpretive flexibility granted to institutions by the NCAA due to COVID-19 could depress the number of violations in next year's report. She forecast that Ms. Angie Torain, Senior Associate AD for Culture, Diversity and Engagement, will discuss the institution's most recent Level 2 violation later in the meeting. Professor Bellia added that the report represents when the violations were reported, not necessarily when they occurred.

Ms. Abbey and Ms. Uebelhor concluded with a discussion of the global representation of Notre Dame's student-athletes.

In response to a question from Professor Bellia, Ms. Torain and Ms. Uebelhor highlighted transfers and roster creep as areas for the Board to closely monitor. Ms. Abbey added that even with the additional eligibility being provided by the NCAA to some student-athletes due to the impact of COVID-19, Notre Dame teams must maintain the standard NCAA grant-in-aid limits. Ms. Abbey also emphasized Name, Image, and Likeness as an area for the Board to follow. In reply to a question from Professor McDowell, Professor Bellia shared that there will be substantial time on the next meeting's agenda devoted to Name, Image and Likeness.

## **7. NCAA Infraction Education**

Professor Bellia introduced Ms. Torain and her topic of NCAA Infraction Education.

Ms. Torain shared that one of the goals coming out of the institution's most recent NCAA infractions matter is to enhance the department's education of NCAA rules and that her presentation would focus on the context surrounding that goal. She shared the education plan enacted by the Compliance Office in the immediate aftermath of the violation and plans for how to continue educating department staff going forward.

Ms. Torain invited Ms. Uebelhor to discuss the underlying facts of the violation, how the institution became aware of it, and the NCAA's enforcement investigation. Ms. Uebelhor did so; she also described the culture around the underlying violation and the significance of the NCAA's "bundling" of three separate violations together. She discussed the leveling of the infractions and why the University disagreed with the Level 2 designation.

In response to a question from Ms. Lauren Hanna, Ms. Uebelhor shared the reasons why the University opted to undergo the negotiated resolutions process and the penalties levied against the institution. Ms. Uebelhor discussed likely changes to Compliance Office procedures resulting from this matter as well as the significance of probation.

In reply to a question from Professor Pierce, Ms. Uebelhor discussed how some Notre Dame student-athletes' participated in voluntary questioning with NCAA investigators.

Professor Bellia thanked Ms. Torain and Ms. Uebelhor for their report.

Professor Bellia alerted the Board to the elimination of the ACC's Intraconference Transfer rule and provided an overview of the next meeting's agenda.

## **8. Adjournment**

Professor Bellia adjourned the meeting at 3:15 pm.