

**Faculty Board on Athletics  
Meeting of February 13, 2013  
2108 Eck Hall of Law**

**Members present:** Patricia Bellia (Chair), Eileen Hunt Botting, Stephen Fallon, Ann Firth, Maudess Fulton (student representative), Umesh Garg, John Gaski, Erin Hoffmann Harding, Patrick Holmes, William Kelley, James McKenna, Richard Pierce, Michael Stanistic, Jack Swarbrick, Ann Tenbrunsel

**Observers and Guests:** Missy Conboy, Michael Harrity, Tracey Thomas (Recorder)

**1. Call to order and opening prayer**

Prof. Patricia Bellia called the meeting to order and gave the opening prayer.

**2. Minutes of December 7, 2012**

The minutes were unanimously approved.

**3. Chair's Announcements**

Professor Bellia announced that she had approved captaincies for women's lacrosse and men's and women's outdoor track and field. She also approved a schedule for women's volleyball for the spring and approved a schedule change for men's and women's diving that did not affect the class miss count. In addition, she approved a weather exception for women's basketball, which had to fly out a day early in order to get to Seton Hall ahead of a forecasted major snow storm (which did materialize).

Two student-athletes are to be commended: Grant van de Castele, men's soccer, was named by the Big East as the Male Scholar-Athlete of the Year. Alex Coccia, men's fencing, was recently elected Student Body President.

Professor Bellia distributed two handouts to members for their at-leisure perusal. The first was distributed to her at a recent ACC meeting for Athletic Directors (ADs) and Faculty Athletic Representatives (FARs), the first regular ACC meeting in which Notre Dame has been included. She is sharing this document (Report of the Ad Hoc Committee on Olympic Sports Regular Season Travel) for the purpose of conveying a sense of how the conference operates. The document presents principles concerning scheduling, including a significant emphasis on academics and student welfare issues. She noted that the document was presented to the FARs of current member institutions for a binding vote. She observed that ACC staff members were welcoming and helpful at this recent meeting. She discussed with staff members the possibility of conducting a survey concerning how each school handles red-shirting and the fifth year of eligibility. The ACC staff would be willing to conduct the survey on Notre Dame's behalf or to assist Professor Bellia in conducting it directly.

The second document presents a table of recent NCAA legislative changes. The changes reflect the Rules Working Group's effort to thin the NCAA rule book so as to remove some of the rules that are perceived to generate onerous monitoring without corresponding benefits for student welfare. With two major exceptions involving recruiting, the changes are expected to be uncontroversial. Professor Bellia noted that she could invite members of the Compliance Office to a future meeting to review these changes, if desired. The Rules Working Group is about to move into a second phase, dealing with more controversial rules that need to be addressed. There will be less agreement on the way to handle these issues.

Professor Bellia mentioned that, at the ACC meeting, the ADs and FARs discussed the recent rule change regarding initial eligibility standards. FBA members may recall that the new initial eligibility standards were to take effect in 2015; implementation was then delayed to 2016. Despite this delay, many institutions have suggested that the new standards are too high and should be pulled back and/or delayed. The ACC FARs uniformly opposed a delay or watering down of the standards. The issue is being discussed across college athletics; FBA members should expect to hear more about it.

#### **4. Athletic Director's Updates**

Prof. Bellia invited Director of Athletics Jack Swarbrick to provide updates on a number of issues. Mr. Swarbrick discussed four subjects:

- Feature articles about the recent success of the Notre Dame football team
- NCAA issues
- Transition to the ACC
- The well-publicized hoax perpetrated on student-athlete Manti Te'o

Mr. Swarbrick distributed a binder of reprints of feature articles written through early January 2013 about the Notre Dame football success. He noted that the level of attention to the football program's success exceeded anything ever experienced by Notre Dame in its history, in part due to the development of social media and the Internet. Given the onslaught of attention, campus entities worked very hard to use the opportunity presented to promote Notre Dame and its values.

Mr. Swarbrick turned to recent actions by the NCAA, including changes initiated by the Rules Working Group. The recent rule change to recruiting has essentially deregulated communications with prospective student-athletes. This change is extremely controversial; no coach involved in collegiate football thinks this change is a good one. The rule will impose tremendous burdens on the coaching staffs in terms of time, and it will lead to competition among schools that will result in a significant increase in recruiting expenditures. There is virtually no support among coaches for this change.

Professor Fallon noted that when this topic was discussed several years ago, the FBA was opposed the deregulation of text messaging on behalf of both coaches and students. Mr. Swarbrick acknowledged that although the general principle under which the Rules Working Group was operating—to eliminate “silly” rules—was a good one, the principle may have been misapplied in the case of the recruiting rules.

Mr. Swarbrick reported on the Committee on Student-Athlete Well-Being, of which he is a member. The committee has taken up the issue, very important to NCAA President Mark Emmert, of additional financial compensation for collegiate student-athletes. The NCAA membership rejected a prior proposal to provide some student-athletes with a miscellaneous expense allowance. A reformed committee is now revisiting this topic. The question is whether there is adequate support for student-athletes who are effectively precluded by their athletic schedules from having either summer jobs or employment during the academic year. The issue is complicated, and the Committee has yet to arrive at agreement on the right approach.

Next, Mr. Swarbrick turned to the topic of conference affiliation. He discussed in detail the ongoing negotiations concerning Notre Dame's departure from the Big East, the effect of these negotiations on scheduling discussions for the 2013-2014 season, and the likely impact that negotiations between the Big East and the "Catholic Seven" would have on Notre Dame's position.

Finally, Mr. Swarbrick turned to the topic of the hoax perpetrated on All-American football player Manti Te'o. Professor Bellia had distributed to members confidential material discussing the hoax. Mr. Swarbrick offered to address questions on any aspect of the circumstances, Notre Dame's handling of it, and members' observations.

Members raised several questions about the effect of this incident on future student-athletes. Mr. Swarbrick addressed the issue of education of student-athletes in the challenges of social media. While a lot of attention has been given already to the substance of student-athlete communications, attention will also now have to be given to with whom student-athletes are communicating. The program run by the Student Welfare and Development office is excellent in this regard. It was agreed that all Notre Dame students could benefit from this kind of education.

Mr. Swarbrick also commented on the post-event assessment of Notre Dame's media strategy. A careful analysis supports the conclusion that Notre Dame could not have done anything differently to prevent this occurrence, to protect the student-athlete, or to detect the problem as it was happening. In response to Professor Botting's remarks about ethical media representations of students, Mr. Swarbrick talked about the University's responsibility for media ethics in the representation of student-athletes in University-sponsored media. Noting that media is now taking a wide range of forms that present different challenges, he concurred that the University needs to be constantly vigilant. He remarked that the University often does not manufacture interest in student-athletes; rather, the University responds to interest from other media sources. Ms. Conboy noted that the University produces more media content than ever before, highlighting the experiences of faculty and students from all aspects of the University. A conversation about media ethics would benefit the entire campus community. It was noted that coaches should be included in an education process that works to inform all University-connected personnel of the many complicated aspects of media relations as they affect students' privacy. Mr. Swarbrick noted that the University has some obligation to provide public information about student-athletes' health, well-being, and whereabouts. Often, the University is working very carefully to protect privacy, in terms of academic and social issues. The

University must negotiate a balance between privacy and implementing some control and framing on material that is going to be disseminated regardless of any University policy.

### **5. Class Scheduling and Team Practice Times—Chuck Hurley, University Registrar, and Jennie Brackett, Assistant Registrar**

Professor Bellia invited Chuck Hurley and Jennie Brackett, of the Registrar's Office, to speak to the Board about the rationale for the proposal to shift the standard class meeting times. The Academic Integrity Subcommittee has spoken with Mr. Hurley about this proposal in connection with the scheduling of practice times. Historically, the trend has been to insure that there are sufficient required courses available to student-athletes between the hours of 8 am and 3 pm. Sports teams are confronted with limits on the availability of athletic facilities to accommodate all team practices. These factors can combine to make it difficult for student-athletes to schedule the classes they need to complete their majors in a timely fashion.

Mr. Hurley reported that, in fall 2012, Associate Provost Christine Maziar brought up the issue of standardization of class times. The current format has been in place for about 20 years; it is overdue for some improvements. Last year, 2011-2012, 50% of classes were scheduled during non-standard times. There is no oversight procedure in place at the Provost level to force faculty to choose from standard times. Most of these non-standard requests are for idiosyncratic and/or personal reasons. During the past five years, this pattern has been increasing. These factors produce enormous conflicts when students try to register for classes. In addition, these non-standard times, which sometimes overlap two and even three time slots, result in very inefficient use of classrooms, which are already at a premium.

The Registrar has worked with deans to create a new standardized time structure. It should be in use for the fall 2013 schedule. Mr. Hurley noted that labs and graduate seminars will not be included in this scheduling process. The new schedule should reduce conflicts and open up more M/W time slots.

Mr. Hurley invited questions and comments. Professor Bellia mentioned that the new schedule was presented to coaches last Wednesday. The only question raised concerned what might be placed into the afternoon M/W slots during which most teams have practice. Mr. Hurley agreed that this was something to watch with great care; that task has been given to Angie Chamblee.

The first round of course building for fall 2013 will go into Banner on February 14. Reports will be run and data collected on the success of the changes. There are 155 Registrar-controlled classrooms. The time slots between 10:00 am and 2:30 pm are solidly booked from Monday through Thursday. There are more openings on either side of this block. The Registrar's Office is working to increase efficiency of scheduling. This means spreading out the schedule, balancing the schedule, and working to not over-utilize time slots.

Professor Garg noted that the 8:30 am slot is being shifted back to 8:20 am; he wondered if that will prove "too early" for most undergraduates. Mr. Hurley reported that this decision was made in light of some early scheduling that is already occurring; the students in fact are used to the day

starting this early. He also noted that one goal is to spread out the schedule so as to encourage the weekend not to begin on Thursday or even Wednesday night.

In response to a comment, Mr. Hurley agreed that scheduling courses with 50% non-standard requests was “very complex.” He noted that it made finals scheduling particularly hard. The standardization should lead to more efficiency, thus opening more slots for new offerings. It is not easy to “just build more classrooms.” This requires financial support. Were the University to propose a new classroom building, a donor would surely ask about utilization of current classrooms, and it would be impossible to disguise the inefficiencies in the current system.

Mr. Harrity asked what will prevent a return to an unbalanced schedule. A new rule has been implemented: any non-standard class time has to be approved by Dr. Maziar, for courses in registrar-controlled classrooms. The department chair and the dean of the college must approve the request, which is then submitted to the Registrar, who will then submit it to Dr. Maziar. Mr. Hurley noted that there are on occasion legitimate pedagogical reasons for a non-standard time, but it is expected that the number of non-standard class times will be a small minority.

Professor Fallon, chair of the Academic Integrity Subcommittee, reported that the committee has submitted to Mr. Hurley a set of questions relating to the concern that student-athletes might not be able to complete majors of choice. Some student-athletes now have only 8 slots available to them. The committee is interested to know the percentage of classes in the 20000 and 30000 ranges that are scheduled after 2 pm. In addition, the committee named five sample departments for information on course scheduling in these representative departments.

Mr. Hurley said the Registrar’s Office is “very open in the future” to develop some standardized reporting mechanisms that can monitor trends. The Registrar “sits on a mountain of data.” He invited Ms. Brackett to report on data in response to the submitted questions.

Ms. Brackett distributed a spreadsheet of the Fall and Spring 2012 and 2013 20000- and 30000-level courses. There are “a large number of courses in non-standard” time slots; on the spreadsheet, the red highlighted line indicates the times of concern mentioned by the committee. In addition, of the five sample departments, with attention to the 3 pm “line in the sand,” there are concerns about the courses offered by Political Science and a particular concentration in Film, Television, and Theater (FTT). She invited questions.

Professor Fallon, agreeing that there is a lot of information to absorb from these helpful documents, noted that it appears that if student-athletes are able to take classes through 3 pm, they will, generally, have 10 slots available to them. However, it becomes more difficult for student-athletes to get the courses they need if they have to be out of class by 2 pm. There is a lot of variability among coaches about the flexibility of practice times. And even when coaches are flexible, student-athletes can enforce a self-competitiveness, which means they do not want to miss practices even when permitted to do so.

Pat Holmes thanked the Registrar for this useful information and noted that the Registrar’s Office has been “consistently receptive” to the needs of the student-athlete population and its need to make use of specific time slots. He would like to continue to develop ways for student-

athletes to make use of time slots between 2 and 3 pm. He noted that FTT has been receptive to working with his office. Some past changes to practice times were driven by needs to accommodate the travel restrictions of commercial air flight from South Bend. Mr. Holmes said past relaxation of scheduling standards can be revisited.

Mr. Hurley turned to the question of Summer School, which he directs. He said that course scheduling in the summer should be considered a viable option for departments and for students. It has always been “the wild west” of course scheduling, in which faculty can teach whatever they want, whenever, in whatever classroom in the traditional 7-week summer session slot. He is working to pull the scheduling back in with some firmer organization, in part to assist Housing and Food Services to maintain a more predictable business model. In terms of organization, summer school will shift to a 3-week schedule, which it has piloted already. In 2014, there will be three 3-week sessions, of which the last two can be combined to a 6-week session if needed. The last week of summer school will end one week earlier than currently, which will provide many fall-season student-athletes with the opportunity to return home prior to the beginning of practice seasons. All students will have increased opportunities for research and internships under this schedule.

Mr. Hurley noted that this three 3-week session design is informally available to any faculty for Summer 2013; faculty members can simply contact the Registrar to request this format. He also noted that the College of Arts and Letters will move to a 6-week format for all its summer courses because of an earlier decision by its College Council that all summer school courses must be at least four weeks long. Mr. Hurley noted that he was unsuccessful in persuading Arts and Letters to change its position.

A final question addressed to Mr. Hurley touched on a coach’s concern with “off-book” midterm exam scheduling. Student-athletes are sometimes negatively affected by this practice. Mr. Hurley said he is working, with the help of the Provost’s office, to reduce the occurrence of these schedules. Occasionally there are legitimate reasons for these exam schedules; Dr. Maziar is “keeping an eye” on this practice. Mr. Holmes noted that in very large courses, of 450 students, there are challenges in getting all exams scheduled and completed. Faculty have developed different models in response to the situation; coaches need better communication about what options exist for student-athletes so that they are not penalized.

Professor Bellia thanked Mr. Hurley and Ms. Brackett for providing this informative report.

Professor Richard Pierce thanked the Athletics Department for the great job it did in hosting the BCS championship in Miami. He noted particularly the exceptional information provided and the consistent graciousness of the staff. Mr. Swarbrick accepted his thanks on behalf of the staff.

As there was no further business, the meeting was adjourned.