

**Faculty Board on Athletics
Meeting of March 24, 2010
500 Main Building**

Members present: Patricia Bellia (Chair), Thomas Frecka, Umesh Garg, Stephen Fallon, Patrick Holmes, William Kelley, Mary Ann McDowell, Rev. Mark Poorman, C.S.C., Richard Pierce, Clark Power, Kevin Richards (student representative), Robin Rhodes, Frances Shavers, Jack Swarbrick

Members excused: Tracy Kijewski-Correa

Board Liaisons present: Missy Conboy, Charmelle Green, William Scholl

Observers and Guests: Tracey Thomas (Recorder)

1. Call to order and opening prayer: Prof. Patricia Bellia called the meeting to order and invited Prof. Umesh Garg to give the opening prayer.

2. Minutes of February 26, 2010

The minutes of the February 26, 2010 meeting were unanimously approved.

3. Chair's Announcements

Prof. Bellia announced that she had approved a revised Rowing schedule. She also approved the schedules for Men's Soccer in the fall and Volleyball in the spring and the fall. The Men's Soccer schedule had four class misses in the M/W/F sequence but none in the Tu/Th sequence. The fall Volleyball schedule was atypical in necessitating a fourth class miss in the M/W/F sequence for a Big East game; Villanova's participation in hosting the Special Olympics required Villanova to move its match with Notre Dame, which would typically be scheduled for Saturday night, to Friday night. Prof. Bellia announced that she approved captains for the Baseball team.

Prof. Bellia also noted that she had also approved post-season travel plans for Men's and Women's Swimming, Fencing, Men's Basketball, and Cheerleading (in connection with the Men's Basketball team's travel to the NCAA tournament). Regarding post-season travel, Prof. Bellia said the coaches and sport administrators have cooperated in providing full information on the schedule travel, practice, and competition, which she then approves and provides to Academic Services.

4. Request of Women's Soccer for Exception to Orientation Policy (Randy Waldrum, Head Women's Soccer Coach)

Prof. Bellia welcomed Coach Waldrum and congratulated him on a fabulous fall soccer season. She said Coach Waldrum has been invited to present to members the rationale behind his request for an exception to the rule precluding the scheduling of home competition during first-year orientation weekend.

Coach Waldrum thanked members for the opportunity to explain the request. He stressed his desire to be up front about the situation, noting that because of the current conference and NCAA landscape in women's soccer, he has had to make special requests before and may well have to do so again.

One ongoing issue for Women's Soccer is the difficulty of adhering to Notre Dame's class miss limitations. These difficulties have increased since the Big East expanded to two divisions of eight teams. Notre Dame is fortunate to have the option of Fall Break which allows for scheduling of road games and avoids some class miss problems. Coach Waldrum has asked the conference to work with this break in devising the schedule; while this is generally feasible, still the class miss issue is a persistent concern.

Coach Waldrum noted that he learned early in his tenure as Notre Dame's head women's soccer coach that while NCAA rules permit teams to play 20 games each season, at Notre Dame a schedule of 18 games works best because it means that the games usually can be played on weekends. Midweek road games are the hardest to accommodate because they tend to result in more class misses.

An additional scheduling challenge arises because of a NCAA change to the length of the Women's Soccer schedule. Men's Soccer plays a 12 week schedule, but women had traditionally played an 11 week schedule. Three years ago, the NCAA added an additional week to the schedule while keeping the timing of the national championships the same, with the women playing the weekend prior to the men. That has resulted in an extra week being added to the schedule at the beginning of the academic year, which at ND conflicts with first-year orientation weekend. The change, in 2008, was initially temporary and subject to a review. Because of the late notification of this change, games were added to the first-year orientation weekend very late in the scheduling process. The following year, 2009, the NCAA again added an extra week to the 11 week schedule, again resulting in Notre Dame scheduling games during orientation weekend. This year, the first day of permissible regular season competition falls on August 20, 2010, again coinciding with orientation weekend.

Coach Waldrum is requesting to play two games during orientation weekend. The first would be on the Friday of orientation weekend, in the early evening. His rationale is that Friday night is a relatively event-free night for the orientation schedule, and the early evening time is likely to draw a better crowd than an afternoon time would. Coach Waldrum is aware that Friday evening is the time scheduled for the first residence hall meetings for all freshmen. The time slot of 5:30 p.m. was chosen to enable freshmen to arrive at their residence halls in time for this 8:00 pm meeting. A second game is proposed for Sunday at 2:30 p.m. This time would allow freshmen to attend the Mass and brunch that are planned as part of the orientation.

Coach Waldrum noted some uncertainty regarding whether the situation will repeat itself, given the movement to align the Men's and Women's Soccer seasons to combine the College Cup for both groups. While the coaches oppose the plan, it may well be approved. Under this plan, the Women's Soccer season would begin at the same time as the Men's, and the orientation weekend conflict would no longer occur.

Coach Waldrum concluded by reiterating that the Soccer team fully understands the importance of orientation weekend, and regrets that NCAA-driven contingencies are dictating this request.

Prof. Bellia asked if Coach Waldrum could address the importance of non-conference games to the strength of the Women's Soccer schedule, noting that the games scheduled during orientation weekend are with non-conference teams. Coach Waldrum said these games are key for the team because they offer Notre Dame an opportunity to schedule teams with stronger RPIs than some of the teams on the conference schedule. Four weekends in each season are dedicated to non-conference play; if the orientation weekend is eliminated as an option, then Notre Dame's strength of schedule would be affected, with possible repercussions for Notre Dame's participation or seeding in the NCAA tournament.

Ms. Green asked about the interaction between not maximizing the number of games permitted to be scheduled and this request. Coach Waldrum said he has chosen to schedule only 18 games for several reasons: to avoid as far as possible weekday games; to reduce the incidence of class misses; and to guard the health and welfare of the student athletes. He noted that a schedule of Wednesday, Friday and Saturday games takes a physical toll on student athletes. However, there is a loss of competitive opportunities in moving from 20 to 18 games, and the additional loss of the orientation weekend would limit the team to 16 games. This increases the pressure to do well in non-conference play. The decision to play weekday games generally results in choosing a team that is within driving distance, which in some cases means scheduling a weaker opponent, again affecting the RPI. Coach Waldrum noted that overall, there are more disadvantages than pluses to the 20 game schedule.

Prof. Fallon asked if games would be scheduled during the weekday if the pending request were not approved. Coach Waldrum said he would need to use that option because decreasing the schedule to 16 games is not feasible; it would leave the team no wiggle room and put a lot of pressure for victory on every game. Unfortunately, it would likely result in an increase in class misses as it is difficult not to miss classes while traveling midweek. This would be regrettable, as he has tried to make it a priority not to miss classes. Ms. Conboy reported that because of Coach Waldrum's scheduling philosophy and the high performance of the team, the Women's Soccer team recently has hosted the first rounds of post-season competition, meaning that the team is at home and able to continue attending classes through this phase of the season.

Members briefly discussed why the women's soccer coaches are against the consolidation of the College Cup, as Coach Waldrum had mentioned, and whether that decision will implicate class misses and other scheduling issues. Coach Waldrum said there is no direct relationship between the two discussions. However, women's soccer coaches feel there are more disadvantages than advantages to consolidation: either the fields will be more extensively damaged by the increased number of teams playing on them at the same time, or they will be played on the less desirable artificial surface; there are very few locations with suitable conditions for hosting 8 teams in December. He also noted that the atmosphere for the women's championship is consistently "great" but different from that of the men's—the women do not want to lose their separate and established identity.

Prof. Garg brought up the question of the times during the day that the two games have been scheduled. Coach Waldrum said athletes arrive at the locker room about 1 to 2 hours ahead of starting time, so the time set aside by the students for the 2:30 p.m. game is from about 12 p.m. to 5 p.m. Prof. Bellia noted that this still leaves time on that Sunday for the freshmen to attend the Class Mass and the brunch. In addition, the freshmen would be released immediately after the end of the game scheduled on Friday in order to get to the residence hall meetings. Father Poorman said those details resolved his concerns; he said that the absence of the student-athletes from these orientation events is always noted, so he appreciates the conscientiousness and the transparency with which this request has been planned. Coach Waldrum said that support of the orientation weekend events is his primary concern outside of the games themselves, and that the team will make every effort to accommodate those events.

Prof. Bellia noted that she had had multiple conversations with Kevin Rooney in First Year of Studies since FYS is in charge of Orientation Weekend, as well as with Father Poorman. Their feedback had helped to shape the request from Coach Waldrum. FYS had reviewed Coach Waldrum's proposal and had responded that the new times chosen for the games alleviated their concerns.

Coach Waldrum thanked the Board for its consideration.

Members discussed the request after Coach Waldrum's departure. Prof. Fallon said the presentation was persuasive because Coach Waldrum demonstrated convincingly that he has considered the students' best interests from all angles. To remain competitive, these two games need to be on the schedule, and it is clear that moving them to different dates will produce another set of problems that would have to be handled. Father Poorman also supported the request, and he congratulated the Chair on her extensive diplomacy to work out the issues between all the stakeholders. He asked if there will be any ripple effect on other teams from this request. Prof. Bellia said that was a concern of FYS as well. She noted that she approves all schedules under the Board's delegation to her, and that any request for an orientation exception must come before the full Board. The last request in another sport was Volleyball's request in 2007, which the coach indicated would not recur until at least 2012.

Prof. Garg noted that the sports administrators should be made aware that this is an exception which is not intended to establish any new pattern. Ms. Conboy said that based on the NCAA start dates for playing season, the only other team which might make such a request would be Volleyball.

Prof. Bellia mentioned that the Fall teams do need to be sensitive about scheduling team social events during this Orientation period. Faculty have raised the concern that students should not be drawn away from official events for team activities. Ms. Conboy said while it is reasonable that coaches might want to bring together an incoming class of freshmen athletes with their families, still they should be encouraged to do so when it does not conflict with official events.

Members voted unanimously to grant Coach Waldrum's request.

5. Subcommittee Reports

a. Academic Integrity:

1. Vote on Kanaley Award Nominations

Prof. Pierce thanked the coaches who have provided the list of nominees. There was a drop in the number of nominees several years ago, so Charmelle Green and others worked to remind the coaches of this award's importance, and this year's list of nominees shows that this effort has been successful. At the same time, coaches have provided some self-censoring and have produced a list of good nominees.

The list of nominees was honed to six by the subcommittee. Prof. Pierce invited the Board to review the list and discuss this decision. The Board discussed a number of issues, including the number of honorees and the factors the subcommittee had used to select them. Subcommittee members emphasized that in choosing among the honorees, the subcommittee focused on the "story" of each nominee as a way of drawing the details into a complete package. Board members discussed that coaches are individually interpreting the criteria for the award, which may cause some inconsistencies. Prof. Bellia noted that although a set of "exemplar" nominations had been provided to coaches, perhaps the coaches would benefit from a longer discussion with her at a future coaches' meeting on the expectations for this award. Ms. Green said that her office can help with clarifying the meaning of service, since it tracks the service hours of athletes and can provide the hours to coaches. Mr. Swarbrick said that he endorsed the subcommittee's "story" approach to considering the nominees; one of the powerful aspects of the collegiate athlete's experience is developing over four years of athletics and study into a flourishing student athlete who has maximized his/her experience at Notre Dame. The growth is what should be celebrated in this award.

Members voted unanimously to endorse the six award winners named by the subcommittee.

2. Report on Approval of Fifth-Year Applications

Prof. Pierce praised the work of Pat Holmes's office in bringing the fifth-year applications to completion and reported that the subcommittee had considered and approved all six applications submitted. Board members discussed issues that arose in the subcommittee's consideration of the applications. Prof. Bellia noted that this year's group of applications did not present some of the same concerns as last year's in terms of directed readings that were not fully developed in the plan of study. The Board's tweaking of the policy last year, and the continued efforts of Academic Services, have had beneficial effects. Finally, Board members discussed the possible incongruity between a student taking the minimum number of courses needed to graduate in the final semester before graduation but proposing an academic basis for a fifth-year plan; members expressed varied views on this subject.

3. Report on Issue of Fifth-Year Registration

Prof. Pierce presented the report of the subcommittee's discussion with Sam Gaglio, Assistant Dean in the Mendoza College of Business, regarding fifth-years' registration for classes. Although they register immediately after rising seniors, fifth-years sometimes have difficulty registering for the classes they have submitted as part of the academic plan approved by advisors (such as Prof. Gaglio) and by the Faculty Board. Prof. Pierce presented a form Prof. Gaglio developed. The form would permit students to seek individual overrides for the courses they select. The form would permit the Registrar's Office to enroll the students in the selected courses even when the Registrar's system "codes" the classes in such a way that they would otherwise appear closed to the student.

In response to a question, Prof. Pierce said that students do often take different courses than those submitted for course approval in the Spring registration period. This change in courses does not need to be approved. Pat Holmes said that his office checks the number of classes and the number of hours being registered, and confirms that at least one of the courses is at the 40000 level. The office does not evaluate the quality of the courses being taken, and that is acceptable in the current registration environment. When students plan for their fifth year, they are often choosing courses for approval without access to the course descriptions, and they have the registration challenges described above. Mr. Holmes said that the form suggested by Prof. Gaglio presents a good starting point for developing a new process. He also mentioned that closer advising of this cohort of students would be useful in order to help them to recognize the long-term value of their choices in preparing them for the work world after the fifth year.

Members discussed the utility of the form, which puts ownership on the students as well as the department which is offering the courses. Mr. Swarbrick asked if a process of close monitoring could be instituted since it involves such a small group of students each year. Members discussed the advantages and disadvantages of closer monitoring; Mr. Swarbrick noted that the Department would want to avoid any undue perception that the fifth-year option is being abused. Prof. Bellia noted Prof. Gaglio's desire to be informed of changes when his signature has provided approval for the form, and noted that she could take on the function of consulting with the fifth-year students. Prof. Fallon wondered if the current system reflects a contradiction: there is the appearance of a policy and a form that results in an approved plan, but there is also room for students to override this plan with independent choices. And if the standard is to meet NCAA criteria, then why add the unnecessary structure of an approved plan? Members discussed the reasons for closer monitoring of the course plans. Some expressed a strong feeling that the plans should come back to the Chair for final approval if a student makes changes in course selection. Prof. Bellia suggested that this year's applicants be tracked to see what sort of changes they make to their proposed academic plans. Mr. Swarbrick said that a counseling process would offer a positive resource to students, an opportunity to engage them in effective future planning. Prof. Kelley concurred and noted that requiring an approved plan ensures that students have gone through an advising process—a process that he considers to be valuable.

Prof. Bellia thanked Prof. Pierce for his leadership and report.

b. Student Welfare

The report of the Student Welfare committee was postponed until the next meeting.

6. NCAA Committee on Infractions Discussion (Missy Conboy)

Prof. Bellia said that she has invited Ms. Conboy to give a brief report on her experiences as a member of the NCAA Committee on Infractions, on the theory that the Board can profit from understanding the process of this NCAA committee as it might affect Notre Dame.

Ms. Conboy said this is the most active NCAA committee, meeting 6 times a year for 3 to 4 days, with numerous conference calls as well. She has served for one and a half years; a member can serve for up to nine years. It is a great opportunity for ND to have representation on this committee; Patty O'Hara was the most recent member from ND.

Ms. Conboy gave an overview of how a case is brought to the committee and makes its way through the process. An investigation begins with a report of a possible violation; typically this report is made by one of four agents: 1. A disgruntled student athlete or former employee; very occasionally this might be a former coach. 2. Another institution: typically schools contact the NCAA if they observe infractions by other schools. ND's practice is to contact the school directly to let them know what has been observed. 3. Interviews of high profile athletes. 4. Self reports by institutions.

In the past an investigation was conducted by NCAA staff without contacting the concerned school. Now the typical process is for the school to partner with the NCAA, and perhaps conference officials, to develop the case. The investigation takes half the time, and it is much easier to make contact with the necessary people.

When the official inquiry is sent to the school, a response is formulated; there is a 6 to 8 week period for the response. This is then forwarded to committee members who might be working on two to three cases at a time. In a given weekend meeting, committee members would typically hear three cases.

When the committee convenes, two of the ten members sit apart and ask no questions. They are then available to take part in an appeal heard by the Infractions Appeals Committee. The Committee on Infractions includes seven individuals from NCAA institutions/conferences (currently, law faculty, conference officials, and a member of an Athletics staff—Ms. Conboy), and three members from the general public. A minimum of six members is needed to hear a case.

In a hearing, the NCAA enforcement staff sit facing the group representing the school, which often includes the president of the school. After the hearing, members deliberate and then produce an opinion within 4 to 6 weeks. The report is drafted by staff at the national NCAA office and then an assigned committee member edits the draft with the staff writer. Confidentiality is crucial to the successful work of this committee.

Ms. Conboy commented on the lessons she has learned through her service on the committee. Academic fraud is considered the worst type of violation by the committee. Fraud connected to online courses is a significant source of infractions currently. Recruitment violations are also serious. Text message violations continue to occur despite the ban because texting can be so convenient for coaches. Providing extra benefits to student athletes is a frequent violation: during her service, there have been two cases involving extra benefits through campus bookstores. The use of agents by athletes is a frequent violation, as is exceeding coaching limitations of various sorts. Exceeding established practice times occurs often, and is usually reported by athletes.

A pattern to infractions is the failure to monitor. Often an institution will have put in place a system for monitoring but simply failed to use it. This is a different level of violation than “lack of institutional control,” however. Under this violation, there is no system in place, and no one is enforcing rules. This infraction is treated very seriously by the committee.

Consistent self reporting of infractions is important because it enables small infractions to remain such. Each is handled independently and often does not lead to a larger violation. The NCAA is generally aware of a pattern of self reporting. Most major cases are made up of an accumulation of smaller violations. This can be avoided by consistent self reporting of the small cases as they occur.

Ms. Conboy stressed the importance of strong organization and good record keeping. This should be communicated throughout the coaching structure, so that coaches understand to keep records of every conversation and each situation as it arises. Also, Compliance needs to keep current and since the rules are constantly changing. High profile athletes need greater monitoring and involvement by staff, and the NCAA expects schools to exercise this heightened level of responsibility for these kinds of student-athletes. She added that violations are exacerbated by ugly facts: if there are shady actions, drugs, unsavory relationships attached to a suspected infraction, those ugly facts can create increased suspicion.

Ms. Conboy said she has learned from her service to consult with Compliance regularly to make sure that potential problems are handled before they spiral out of control, and to be proactive about learning from the mistakes of others.

Prof. Bellia thanked Ms. Conboy for her presentation.

8. New Business

Prof. Bellia reported to members that one of the programs discussed in December 2009, the writing tutorial offered through the University Writing Program, is in some jeopardy of being eliminated due to budget constraints. Because this program has been useful to a number of at-risk student-athletes, Prof. Bellia, after consulting with Pat Holmes and Adam Sargent, drafted a letter in support of the program. She asked members for their input on whether the letter should be sent, and, if so, whether the Board members preferred that she send the letter on their behalf or in her capacity as Faculty Athletics Representative.

In response to a discussion about budget, Prof. Frecka asked if it would be appropriate for the Athletics Department to provide some or all of the necessary funding for this particular course. Prof. Kelley said he would strongly object to that option because the course is offered to our student-athletes as students, not as athletes. The course is part of the University's academic mission, and he feared that it would set a bad precedent for Athletics to provide partial or complete funding for it. Members concurred.

After further discussion, members agreed that Professor Bellia should send the letter to the Provost's Office on behalf of the Board.

As time had expired, the meeting was unanimously adjourned.