

FBA Meeting Minutes
October 26, 2006
Notre Dame Room, LaFortune Center

Members: Prof. Donald Pope-Davis (Chair); Prof. Patricia Bellia; Prof. Harvey Bender; Prof. Eileen Botting; Prof. Stephen Fallon; Mr. Patrick Holmes; Prof. David Kirkner; Ms. Kathryn Lam (Student Rep.); Prof. Richard Pierce; (Rev.) Mark Poorman, C.S.C.; Prof. F. Clark Power; and Prof. John Weber.

Members absent: Prof. Francis Castellino; Dr. Frances Shavers; and Dr. Kevin White.

Board Liaisons: Mr. Michael Karwoski and Mr. Stan Wilcox from the Athletic Department.

Board Liaison absent: Ms. Missy Conboy

Observers and Guests: Mr. Bill Hoye, Associate Vice President and Deputy General Counsel; Ms. Mary Hendriksen, executive assistant to Prof. Pope-Davis; and Ms. Kitty Cooney Hoye, recorder.

Call to Order and prayer: The Chair called the meeting to order at 6:20 p.m. Prof. Weber offered the opening prayer.

1. Approval of minutes of previous meeting: Prof. Power moved for approval of the minutes from the meeting of September 21, 2006; Prof. Pierce seconded the motion, which passed unanimously.

2. Family Educational Rights and Privacy Act (FERPA) discussion - Mr. Bill Hoye, Office of General Counsel

The Chair introduced Bill Hoye, associate vice president and deputy general counsel, for a brief overview and summary of the Family Educational Rights and Privacy Act (FERPA). The act, explained Mr. Hoye, is aimed at protecting the confidentiality of student educational records. Under FERPA, schools must generally afford students both “the right to review” and “the right to amend” their educational records. The act also provides for some student control over the disclosure of information from these records. Mr. Hoye went on to explain some of the more relevant exceptions to the act and their applicability to the FBA. He also provided members with several related handouts, including a copy of the University’s “Confidentiality Agreement” as required under FERPA. Each member of the FBA was asked to sign and return the document to Mr. Hoye.

Because of time constraints, the Chair asked that agenda items 3 thru 5 be deferred to a later time to ensure that the Board could address some of the more timely matters on the agenda.

3. Announcements – (discussion deferred)

4. Discussion of possible FBA contributions to the celebration of 35 years of women’s athletics at Notre Dame – Prof. Botting (discussion deferred)

5. FBA response presentation by Dr. Harry Edwards at August 2006 forum – Prof. Botting (discussion deferred)

6. Subcommittee Reports

Communications – Prof. Fallon

The subcommittee is setting up a meeting with Ava Preacher, the University's Victim's Resource Person for victims of sexual assault, to discuss sexual harassment issues as they relate to student-athletes. There is no specific issue regarding sexual harassment at this time; rather, the subcommittee is merely seeking information and opening up the channels of communication. He added that the subcommittee is also exploring issues related to undergraduate advising of student-athletes.

Student Welfare – Prof. Botting

The subcommittee met to discuss the Student Athlete Advisory Council (SAAC) proposal presented at the September FBA meeting requesting some type of SAAC presence on the FBA. The subcommittee formulated an alternative proposal that members believe satisfies the need for better communication between the SAAC and the FBA. Ms. Lam described the proposal as having three prongs: (1) The FBA will invite a SAAC representative to attend either subcommittee or board meetings as appropriate on an "as needed" basis. (The SAAC representative would be considered an "invited guest" and not a member of the board.) (2) FBA subcommittee members would attend SAAC meetings on a rotating basis. (3) Active participation by FBA members in member/team pairings to be outlined later at today's meeting by Prof. Pope-Davis should also enhance communication between the SAAC and the FBA.

To facilitate attendance at the SAAC meetings, Prof. Botting asked that Ms. Mary Hendriksen coordinate the SAAC meeting schedule and assign one of the three subcommittees to each SAAC meeting. The subcommittee chair, in turn, will assign a member to attend the SAAC meeting. Attendance would be scheduled on a rotating basis so as not to overly burden any FBA member.

Mr. Karwoski explained that his current duties as associate athletic director include a communications component that was a direct response to the desire expressed by the SAAC for better communication between student-athletes and the Athletic Department administration. He said that he mentions this not in opposition to the subcommittee's proposal but so that the Board is aware of his role with the SAAC before making any other decision.

As subcommittee chair, Prof. Botting moved that FBA members attend SAAC meetings on a rotating basis, with subcommittee assignments to be made by Ms. Hendriksen in consultation with the SAAC. Her motion passed, with five members in favor and three opposed.

Prof. Botting next discussed a separate issue brought to the subcommittee's attention regarding the Faculty Board on Athletics' off-campus residence policy. [Current policy is that all student-athletes receiving a grant-in-aid "must live on campus at least until the end of their junior year. Such students may live off campus as seniors if they achieve: (1) a cumulative grade-point average of at least 2.70 over their first five semesters; or (2) a semester grade-point average of at least 3.00 in both their fourth and fifth semesters." Petitions to approve an off-campus living arrangement must be approved by the relevant head coach, the Office of Student Affairs, and the Director of Athletics. The FBA does not review or vote on student-athletes' petitions.] An *ad hoc* subcommittee was formed, she explained, to review the circumstances surrounding a specific case involving a current student-athlete who was seeking an exception to the off-campus housing policy. She added that formation of an *ad hoc* subcommittee is in accordance with past practice of the Board when an exception has been sought—although there have been times when the FBA chair has made the decision. In the case at hand, subcommittee members (Profs. Botting,

Fallon, and Kirkner) decided that their role was to decide if it was “reasonable” to grant the exception requested in this particular case. They decided to focus on that issue alone and agreed not to take into consideration other factors presented in the case. In addition to the student-athlete at issue, they met with the chair of the FBA, the coaching staff, Dr. White, Mr. Wilcox, and Mr. Karwoski.

Prof. Fallon related that the subcommittee decided to recommend that the Board allow the exception.

After discussion by members, the Chair clarified that the Board is faced with two issues at this time. One relates to a suggestion by Prof. Kirkner that the off-campus housing policy and related issues be placed on the agenda for a future FBA meeting. The other is the recommendation that the Board allow this particular student-athlete’s petition for an exception to the off-campus housing requirement.

The Chair then called for a vote on the subcommittee’s recommendation. The vote was five members in favor of granting the exception and three opposed.

-Academic Integrity – Prof. Bender

Prof. Bender said that subcommittee members need to address the issue of graduation, specifically as it relates to student-athletes who do not need any additional credits. Prof. Botting commented that this is an issue for the full Board to address and recommended that it be included as an agenda item in the future. Mr. Karwoski stated that the time frame for student athletes to make any changes to their schedule is “now.” Any changes to be made in graduation requirements for next year should be made as soon as possible.

7. Ex officio and Liaison reports

Fr. Poorman – no report at this time

Mr. Holmes – agreed to defer student athlete grade report until November meeting

Mr. Karwoski – no report at this time but noted that it is the time of year leading up to the January NCAA meetings when he reviews all the NCAA legislative proposals and changes. He will summarize the more relevant proposals for the FBA and report back at the November or December meeting.

8. New / Old Business

The Chair distributed a list pairing FBA members with the various men’s and women’s varsity athletic teams. He said that all the coaches have been informed of the pairings initiative and are “on-board” with the program. FBA members should make contact with their head coach(es) and make arrangements to attend one or more team practices. In addition, FBA members should make an attempt to attend as many “home” competitions as possible. The Chair is currently looking for additional resources to fund travel expenses for at least one “away” team event and will provide an update for Board members at the November meeting. Board members will be asked to provide an informal update on their teams from time to time.

Prof. Bender made a motion to adjourn. Prof. Pierce seconded the motion, and the Chair adjourned the meeting at 7:55 p.m.