

FBA Meeting Minutes

**Special session to discuss the University's housing policy for grant-in-aid student-athletes
May 15, 2007**

Sorin Room, LaFortune Student Center

Members: Prof. Don Pope-Davis (Chair); Prof. Harvey Bender; Prof. Eileen Botting; Prof. Stephen Fallon; Mr. Patrick Holmes; Ms. Kathryn Lam (Student Rep.); Prof. Daniel Lapsley; (Rev.) Mark Poorman, C.S.C.; Prof. Richard Pierce; Prof. Vincent Rougeau; and Dr. Frances Shavers

Members absent: Prof. Francis Castellino; Prof. David Kirkner; Prof. John Weber; and Dr. Kevin White

Board Liasons: Mr. Michael Karwoski, Ms. Missy Conboy, and Mr. Stan Wilcox of the Department of Athletics

Observers and guests: Ms. Ann Firth, Associate Vice President of Student Affairs; and Ms. Kitty Cooney Hoye, recorder.

1. Call to order: The Chair called the meeting to order at 4 pm.

2. Amendment of the University's housing policy for grant-in-aid student-athletes

[Currently, the University's housing policy for grant-in-aid student athletes is as follows:

Grant-in-aid student-athletes must live on campus at least until the end of their junior year. Such student-athletes 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. Student-athletes wishing to reside off-campus as seniors must, during their junior year, file a petition with the director of athletics. Moreover, the head coach, the Office of Student Affairs and the director of athletics must endorse such petitions. The faculty board does not review or vote on these petitions.

During the 2006-07 academic year, the subcommittee on student welfare evaluated the current housing policy and sought feedback on the policy through discussion with student-athletes, coaches, and Student Affairs.]

At today's meeting, having already reviewed the subcommittee proposal as well as Fr. Poorman's follow-up draft/revision, the Chair asked Prof. Botting to speak on behalf of the subcommittee's initial draft of the off-campus housing policy, which generally eliminates a GPA requirement for senior student-athletes. He will then turn the floor over to Fr. Poorman for a discussion on his proposed revisions to the subcommittee's original draft.

Prof. Botting stated that the subcommittee is comfortable with Fr. Poorman's draft and suggested, in the interest of time, that the discussion focus instead on Fr. Poorman's draft/revisions. Fr. Poorman prefaced his remarks by pointing out that he does not consider this draft as being a "policy" per se, but rather "recommendations" for the entity that will ultimately put the recommendations into practice. If the Board's revisions are to become a policy, he said, they must have a home where they can reside and be enforced. He believes that the Department of Athletics would be the most logical "home" for the policy.

A lengthy discussion followed and focused primarily on the first two recommendations to the policy; eligibility (all varsity student-athletes or only those with grants-in-aid over a certain figure), and timing (at what point are student-athletes eligible to apply to live off campus). Fr. Poorman's draft included a recommendation requiring all student-athletes who receive a certain percentage of grant-in-aid (\$4000), to live on campus until the end of their junior year. After briefly explaining the grant-in-aid process, Mr. Karwoski urged the board to delete the portion of the policy that limited eligibility to those with grants-in-aid that "total half or more of the yearly charge for room and board." In reality, explained Mr. Karwoski, the first portion of any student-athlete's grant-in-aid package goes to tuition and therefore, it is not necessary to include such specific requirements. To do so would cause needless confusion. Adding that the policy will likely find a home in their department, Mr. Wilcox concurred with Mr. Karwoski and said that for ease of administration, he would like to see the rules be as simple as possible.

The board also discussed the timing of the policy, with some members questioning whether it was sufficient to allow student-athletes to live off campus during their senior year or whether a specific age requirement should be added. Prof. Pierce, who served as FBA liaison to the hockey team, pointed out that hockey players are, on average, one or two years older than the typical Notre Dame student-athlete. It is the "nature of the sport" he explained, and to limit the policy to only those in their senior year might not be appropriate. Instead, Prof. Pierce argued, adding an age requirement to the policy - "21 years old or older" would take a "maturity factor" into consideration as well.

Members then discussed some of the implications a specific age requirement might have on both the Department of Athletics and Student Affairs. Prof. Pierce and Prof. Rougeau pointed out that class status and/or age are not the only requirements under the policy. At any point along the way, said Prof. Pierce, the coach can still say "no" and deny the student-athlete's application.

If approved, the new policy would go into effect this fall with student-athletes applying to live off campus for the 2008-09 academic year. To do so, however, pointed out both Fr. Poorman and Mr. Karwoski, requires this board to approve the new policy "very soon." The chair called for a motion to amend the housing policy for grant-in-aid student-athletes by eliminating the grade point requirement for seniors.

MOTION to change off-campus housing policy as follows:

Housing Policy for Grant-in-aid Student-Athletes at Notre Dame

Prior to 1997, grant-in-aid student-athletes were required to reside on campus throughout their undergraduate careers. From 1997 to the present, grant-in-aid student-athletes could petition in

their junior year for the right to move off campus senior year, provided they met several academic and disciplinary criteria. Based on its review of current policy, the Faculty Board wishes to both ensure the continued participation of grant-in-aid student-athletes in the rich traditions of residential life at Notre Dame and give senior grant-in-aid student-athletes greater freedom in choosing whether to live on or off campus. Currently, approximately 56% of all Notre Dame seniors reside off campus, and not surprisingly, senior grant-in-aid student-athletes also express interest in moving off campus. Their reasons for wishing to live off campus mirror those of other seniors. Some seek more space and privacy than dorm living offers, others want to live with or near their friends, and still others hope to build a bridge between their lives as undergraduates and their post-graduate identities.

In light of these considerations, the housing policy for grant-in-aid student-athletes at Notre Dame is as follows, beginning in Fall 2007:

1. All grant-in-aid student-athletes must live on campus until the end of their junior year. Married grant-in-aid student-athletes are exempted from this policy.
2. During their junior year, grant-in-aid student-athletes who are not on disciplinary probation with the Office of Residence Life and Housing may apply to the Office of NCAA Compliance and Student-Athlete Development/Welfare in the Athletics Department for permission to live off campus during their senior year.
3. Prior to granting permission, the Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare will take the following steps:
 - a) Consult with the Office of Residence Life and Housing to verify that the grant-in-aid student-athlete is not on disciplinary probation; and
 - b) Seek approval from the head coach of each applicant's team. The head coach will consider the student's behavioral history as a member of the team in deciding whether or not to approve the student's request.
4. The Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare is responsible for issuing decision letters to those grant-in-aid student-athletes who have requested permission to live off campus. If the decision is negative, the letter should include information about the appeals process (described below).
5. The Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare will monitor grant-in-aid student-athletes' compliance with this policy, working closely with the Office of Residence Life and Housing. In those instances in which the Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare receives information that a grant-in-aid student-athlete is living off campus in violation of this policy, the Director will issue a written warning to the student-athlete, giving him/her seven (7) days to correct the situation.
6. If the Director determines that the grant-in-aid student-athlete is not living on campus after the seven (7) days have elapsed, the Director will schedule a meeting with the grant-in-aid student-

athlete and his/her head coach. Those found in violation of the housing policy will face team discipline, including but not limited to, possible loss of playing time. Violators may also face loss of their grant-in-aid.

7. The Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare is responsible for providing grant-in-aid student-athletes with written explanations of any sanctions imposed upon them for moving off campus without permission. Information about the appeals process (described below) should be included with the written explanation.

Grant-in-aid Student-Athlete Housing Policy Appeal Procedures:

In those instances where: a) a grant-in-aid student-athlete's request for permission to live off campus during the senior year is denied by the Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare, or b) a grant-in-aid student-athlete is determined to have moved off campus without permission by the Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare, the grant-in-aid student-athlete is informed, in writing, that he or she, upon written request to the Faculty Athletics Representative (FAR), has an opportunity for an appeal hearing. The written request for an appeal hearing must be received by the FAR within ten (10) days of the Office of NCAA Compliance and Student-Athlete Development/Welfare's written denial of the grant-in-aid student-athlete's request to move off-campus or written explanation of sanctions imposed because of non-compliance with the housing policy.

A hearing is conducted no later than thirty (30) days after the FAR receives the written request for a hearing. The FAR appoints three non-*ex officio* members of the Faculty Board on Athletics as voting members of the hearing panel. The FAR designates one of these three members of the hearing panel as its chair. The chair of the hearing panel schedules the hearing. At the hearing, the grant-in-aid student-athlete appealing the decision and representative(s) of the Department of Athletics, including the head coach of the grant-in-aid student-athlete's team, are given an opportunity to argue for or against the decision under appeal. The hearing shall be informal. No rules of evidence apply. Neither the grant-in-aid student-athlete nor the representative(s) of the Department of Athletics are permitted to proceed through legal counsel at the hearing. They may, however, seek the advice of legal counsel or be represented by legal counsel outside the hearing. At the hearing, both parties are afforded a reasonable opportunity for the presentation of relevant witnesses and pertinent documentary evidence. The hearing panel has the right to question any and all witnesses, to examine documentary evidence and to summon other witnesses as it deems necessary. No witness or party is present during the testimony of any other witness or party, except that the grant-in-aid student-athlete may choose to be present for any and all witness or party testimony and to respond to such testimony. The hearings are open only to the hearing panel and the parties or witnesses while they are testifying. The grant-in-aid student-athlete and representative(s) of the Department of Athletics provide to the hearing panel every document or other exhibit to be used at the hearing, and the names of any witnesses they intend to call, no later than seven (7) days prior to the hearing. The hearing panel promptly distributes to the other party copies of all materials submitted by each party. The hearing panel may refuse to hear the testimony of any witnesses not so disclosed or to consider any exhibits not so disclosed.

After all the evidence and testimony are presented, the panel deliberates in closed session. Its deliberations are and remain confidential unless disclosure is required by law. The panel's role is to decide whether or not the grant-in-aid student-athlete housing policy has been applied to the grant-in-aid student-athlete's case in a reasonable and fair manner. The hearing panel may accept, reject, or modify the decision of the Director of the Office of NCAA Compliance and Student-Athlete Welfare/Development. It puts forward a single vote regarding the appeal, positive or negative. Within ten (10) days after the hearing concludes, the chair of the hearing panel transmits a written copy of its decision to the grant-in-aid student-athlete and the Director of the Office of NCAA Compliance and Student-Athlete Welfare/Development. The decision of the hearing panel is final and may not be appealed.

Nothing in these policies and procedures prohibits or prevents the grant-in-aid student-athlete and the Department of Athletics from resolving their dispute by mutual agreement at any time. If such an agreement is reached, the grant-in-aid student-athlete or the Director of the Office of NCAA Compliance and Student-Athlete Development/Welfare promptly so notifies the hearing panel, in writing, and the pending review is dismissed.

Fr. Poorman seconded the motion, which passed unanimously.

3. Adjournment: The Chair adjourned the meeting at 4:45pm.