

FBA Meeting Minutes
May 7, 2007
Sorin Room, LaFortune Student Center

Members: Prof. Donald Pope-Davis (Chair); Prof. Harvey Bender; Prof. Eileen Botting; Prof. Stephan Fallon; Mr. Patrick Holmes; Ms. Kathryn Lam (Student Rep.); Prof. Daniel Lapsley; Prof. Vincent Rougeau; and Prof. John Weber

Members absent: Prof. Francis Castellino; Prof. David Kirkner; (Rev.) Mark Poorman, C.S.C.; Dr. Frances Shavers; Prof. Richard Pierce; and Dr. Kevin White

Board Liaisons: Mr. Michael Karwoski and Mr. Stan Wilcox of the Department of Athletics

Liaisons absent: Ms. Missy Conboy of the Department of Athletics

Observers and Guests: Mr. John Heisler, Sr. Associate Athletic Director of Media Relations, Sports Information Office

1. Call to Order and prayer: The Chair called the meeting to order at 6:00 p.m. Prof. Vincent Rougeau offered the opening prayer.

2. Minutes of previous meeting: The minutes from the meeting of April 13, 2007 passed unanimously.

3. Informational items: No informational items were distributed.

4. Reports:

Academic Profile of Student-Athletes

Mr. Holmes presented to the Faculty Board a handout containing both a full report and a summary of the academic profile of Notre Dame's student-athletes, a report presented annually. Notre Dame currently has 675 student-athletes participating on 26 varsity teams. This number represents 8.10% of Notre Dame's undergraduate population. Of these students-athletes, 400 (or 59.26%) receive athletics grants-in-aid. Women represent 42.00% of student-athletes receiving grants-in-aid and receive 41.57% of aid actually dispersed. Women represent 46.58% of the Notre Dame undergraduate population and 41.93% of the Notre Dame student-athlete population. Minority students represent 20.7% of the undergraduate population and 17.1% of the student-athlete population. African-Americans comprise 4.0% of the undergraduate population and 10.1% of the student-athlete population. African-American males represent 3.8% of the male population and 13.5% of the male student-athlete population. Of the African-American male undergraduates, 31.4% are student-athletes. With regard to religious affiliation, 82.4% of undergraduates are Catholic; 63.1% of student-athletes are Catholic. While the Notre Dame undergraduate population generally divides about equally among the four grade levels, the student-athlete numbers decrease as student-athletes advance through Notre Dame – in part due

to a natural process of attrition and in part to the fact that a number of sports, such as rowing, football, and track, have large first year numbers. With regard to distribution in Notre Dame's colleges, 50.6% of undergraduates are enrolled in either Arts and Letters (32.4%) or Business (18.2%). Of all student-athletes, 55.2% are enrolled in Arts and Letters (30.5%) or in Business (24.7%). Engineering (9.2%) and Science (12.9%) claim 22.1% of all Notre Dame undergraduates. Engineering (4.0%) and Science (7.0%) claim 11.0% of student athletes. The most popular majors for Notre Dame undergraduates as a whole are political science, finance, psychology, biology, and science pre-professional. The most popular majors for student-athletes are finance, marketing, sociology, accounting, and psychology. Male student-athletes most frequently major in finance, accounting, history, marketing and political science. Female student-athletes most often major in marketing, sociology, finance, psychology and science pre-professional. Mr. Holmes discussed each category set out in the summary. He pointed out that the numbers describe the situation at the conclusion of the Fall semester.

Prof. Pope-Davis suggested that the Board be provided results from prior years in a side-by-side comparison to have a better understanding of the trends taking place over time. Mr. Holmes agreed to provide such figures in the future.

Drug Testing of Student Athletes

In the absence of Dr. Shavers (a member of the Faculty Board and also Chair of the University Drug Testing Committee), Professor Pope-Davis distributed a memo from Dr. Shavers regarding the 2006-2007 Report of Drug Testing Program. The memo provided an overview of this year's results.

Athletics Department Summary

Substituting for Dr. White, Mr. Heisler presented an update on the athletics programs for 2006-2007. Notre Dame is currently ranked 14th in the latest set of standings released in the 2006-07 United States Sports Academy Division I Directors' Cup all-sports competition sponsored by the National Association of Collegiate Directors of Athletics (formerly known as Sears Directors' Cup). Mr. Heisler also noted that Notre Dame's APR (Academic Progress Rate) is very strong. [APR ratings are calculated by the NCAA and are based on the academic eligibility, retention and graduation of student-athletes.]

15 Notre Dame teams have competed or will compete in NCAA competition or a bowl game, with two other teams sending one individual to post-season competition – a total of 17 teams with NCAA/bowl game postseason (of 19 possible; 7 TBA). Eight teams finished among the NCAA top-32, five in the top-8 and three in the top-4 (does not include BCS bowl-game entry). Additionally, Notre Dame is on pace to have 15 teams ranked in the final national top-25 (of 24 sports with national polls). The Irish have seen 16 different teams ranked in the top-25 (of 22 with national polls), including 15 that were ranked in the top-20, 12 in the top-15, 11 in the top-10, eight in the top-5 and four ranked as high as 1st (2) or 2nd (2). Notre Dame has finished as a postseason conference champion or runner-up in 16 of 23 sports (includes men's lacrosse regular-season/no tournament; 2 TBA) while finishing 1st – 3rd in 19 of those sports and among the top-4 in 21 of the 23. The Irish won three regular-season league titles and finished top-4 in eight of nine (one TBA).

A discussion ensued regarding tracking the progress of student-athletes after they graduate from the University. Mr. Heisler noted that the Athletic Department does conduct exit interviews of each graduating senior student-athlete but does not currently track their progress after graduation. Responding to questions about whether the Monogram Club tracked such information, Mr. Heisler noted that the Monogram Club does not gather or analyze extensive data on its members relative to their professional progress. Prof. Rougeau suggested that the Office of Institutional Research (OIR) already collects similar data on all graduates and that perhaps it would be best to utilize an already existing operation to obtain such data (e.g., simply adding a few questions to the OIR questionnaire to indicate whether the student participated in a varsity sport and on what team he/she was a member). Prof. Bender suggested that information from intervals of 5 and 10 years after graduation would be helpful in following up on student-athletes and understanding how they progress after their experience at Notre Dame.

5. Amendment to Nonrenewal of Athletics Grants-in-Aid Appeals Process

Prof. Botting of the Student Welfare Subcommittee presented a minor amendment to the Faculty Board policy regarding the appeals process for nonrenewal of athletics grants-in-aid. The specific issue is the right of the student-athlete to be present during testimony of the coach and other parties.

Current language: "No witness or party is present during the testimony of any other witness or party, except that the student-athlete may choose to be present for any and all witness testimony and to respond to such testimony."

Proposed amendment: "No witness or party is present during the testimony of any other witness or party, except that the student-athlete may choose to be present for any and all witness **OR PARTY** testimony and to respond to such testimony."

Prof. Botting explained that the Board's original intention was to have such language included in the policy. She referenced the minutes of the meeting of May 8, 2006 (see item 5, pp. 69-70) and the policy itself (see the Appendix to the minutes, pg. 71). She explained that it was an oversight that such language was not included in the draft included in the 2006-2007 Faculty Board on Athletics Manual. The Board unanimously approved the amendment stated above. See below for the revised policy.

6. Adjournment: The Chair adjourned the meeting.

Athletics-Related Financial-Aid Hearing Procedures As amended, May 2006 and May 2007

Notre Dame has traditionally respected and honored the impressive service and commitment of the student-athlete to the good of the broader university community. Consequently, Notre Dame

has sought to strongly protect the security and well-being of its student-athletes, including in matters pertaining to athletics-related financial aid. The cost of a Notre Dame education significantly exceeds that of many of its peers in NCAA Division I athletics. For this reason, Notre Dame's practice has shunned non-renewals, cancellations, or reductions of athletics-related financial aid. Additionally, in general practice, Notre Dame has not considered a student-athlete's athletic performance, contribution to the team, or injury as appropriate grounds for non-renewals, cancellations, or reductions of athletics-related financial aid. The administration of the Department of Athletics has treated seriously those rare cases in which non-renewals, cancellations, or reductions of athletics-related financial aid have been proposed; such cases involve student-welfare issues that warrant careful deliberation, complete fairness, and appreciation of the decision's crucial effects on the student-athlete's ability and desire to remain and flourish at Notre Dame.

A student-athlete whose athletics-related financial aid is reduced, cancelled, or not renewed by the Director of Athletics is informed in writing by the Director of Financial Aid that he or she, upon written request to the Faculty Athletics Representative (FAR), has an opportunity for a hearing. The written request for a hearing must be received by the FAR within fifteen (15) days of the University's written notification of the reduction, cancellation, or non-renewal of the student-athlete's athletics-related financial aid.

A hearing is conducted no later than thirty (30) days after the FAR receives the written request for a hearing. The FAR appoints two *non-ex officio* faculty members of the Faculty Board on Athletics and the Faculty Board's student representative as voting members of the hearing panel. The Vice President for Student Affairs or his/her designee serves as a voting member of the hearing panel. The Director of Student Financial Services or his/her designee serves both as a voting member and as the chair of the hearing panel. The sole non-voting member of the hearing panel is the director of NCAA Compliance in the Department of Athletics, who serves as a resource concerning NCAA, conference, and Department of Athletics rules and regulations for the voting members of the hearing panel.

At the hearing, the student-athlete appealing the decision and representative(s) of the Department of Athletics, including the head coach of the student-athlete's team or former team, are given an opportunity to argue for or against the decision under appeal. The hearing is informal. No rules of evidence apply. Neither the student-athlete nor the representative(s) of the Department of Athletics may 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 (in person or in writing) and pertinent documentary evidence. The hearing panel may question any and all witnesses, examine documentary evidence and summon other witnesses as it deems appropriate. No witness or party is present during the testimony of any other witness or party, except that the student-athlete may choose to be present for any and all witness or party testimony and to respond to such testimony. Otherwise, the hearings are open only to the hearing panel and to the parties or witnesses while they testify. No later than seven (7) days prior to the hearing, the student-athlete and representative(s) of the Department of Athletics provide to the chair of the hearing panel every document or other exhibit they plan to use at the hearing, and the names of any witnesses they intend to call. The chair of 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 the presentation of all the evidence and testimony, the voting members of the panel deliberate in closed session. The panel's deliberations remain confidential unless disclosure is required by law. The panel decides whether or not NCAA, conference, and university rules and regulations regarding the decision under appeal have been applied to the student-athlete's case in a reasonable and fair, and therefore not arbitrary, manner. The hearing panel may accept, reject or modify the decision of the Department of Athletics. It puts forward a single vote, positive or negative, regarding the appeal. Within ten (10) days after the hearing, the chair of the hearing panel transmits a written copy of its decision to the student-athlete and to the Department of Athletics. The decision of the hearing panel is final and may not be appealed.

Nothing in these policies and procedures prohibits or prevents the student-athlete and the Department of Athletics from resolving their dispute by mutual agreement at any time. If such an agreement is reached, the student-athlete or the Department of Athletics promptly so notifies the hearing panel, in writing, and the pending review is dismissed.