FACULTY BOARD ON ATHLETICS
UNIVERSITY OF NOTRE DAME

Meeting of November 8, 2005

5th Floor Conference Room, Main Building

Members present: Prof. Fernand Dutile (Chair); Prof. Patricia Bellia; Prof. Harvey Bender; Prof. Eileen Botting; Mr. Bobby Brown; Prof. Francis Castellino; Prof. Stephen Fallon; Mr. Patrick Holmes; Prof. David Kirkner; (Rev.) Mark Poorman, C.S.C.; Prof. F. Clark Power; Dr. Frances Shavers; and Prof. John Weber.

Members absent with excuse: Prof. Donald Pope-Davis; Dr. Kevin White.

Observers present: Ms. Missy Conboy, Mr. Mike Karwoski and Mr. Stan Wilcox, all of the Department of Athletics; Ms. Kitty Hoye, recorder.

1. Call to order and prayer: The Chair called the meeting to order at 5:05 p.m. Prof. Power led the group in prayer.

2. Minutes of previous meeting: On the motion of Prof. Bender, seconded by Prof. Bellia, the minutes for the meeting of October 5, 2005, were unanimously approved.

3. Announcements: The Chair announced that he had approved, on the Board's behalf, proposed schedules for men's golf (spring 2006) and men's and women's fencing (2005-06). The Chair has also approved amendments to the schedules for women's swimming (adding November 17, 2005, as a missed-class day) and to women's soccer (adding the morning of October 10, 2005, as a missed-class morning). Even after those amendments, both schedules remain within University guidelines. The Chair announced approval of the following captains for 2005-06: women's fencing (Mariel Zagunis, Valerie Providenza and Amy Orlando); and men's fencing (Greg Howard, Patrick Ghattas and Frank Bontempo). All candidates for captain met University guidelines requiring approval by the Office of Student Affairs and grade-point averages above 2.3. At this point, members of the Board ratified the decisions of its Chair.

4. Possible amendments to University's *Academic Articles* and *Statement of Principles for Intercollegiate Athletics*: Prof. Power, speaking on behalf of the subcommittee on communications, brought to the Board several proposals. The first involved amendment of the current term limits imposed on the Chair of the Faculty Board on Athletics by the University's *Academic Articles*. (Since the Chair also operates as the University's NCAA Faculty Athletics Representative, those term limits affect that position as well.) As developed in a discussion that took place at the Board's previous meeting, these limits strongly inhibit the ability of the person in those positions to move to positions of prominence at a national level. The Chair

stronglysupported abolishing those limits, nonetheless emphasizing that any such abolition would not affect him; he will end his service as Chair at the end of his sixth year, as specified by the currently applicable term limits. Ms. Conboy asked what process attended implementation of such a change. Prof. Bellia responded that the proposal would be sent to a subcommittee of the Academic Council for its review. Should the Academic Council itself approve the change, that change would then go to the Board of Trustees for its approval. Despite this relatively long process, the amendment hopefully could be accomplished by the time of the next meeting of the Board of Trustees in February. The proposed change would allow future Chairs of the Faculty Board on Athletics to be reappointed to terms of up to three years following the initial three-year term. Reappointments by the president would require consultation with the Faculty Board. Prof. Bender asked why the subcommittee settled on terms of three years rather than some longer period. After all, isn't the intent underlying the proposed change to give the person enough time to move up within the hierarchies of the various organizations off campus? Prof. Power: No reason actually surfaced in this regard. The three-year duration does align with the initial term. The Chair added that a three-year term allows for appropriate flexibility; the person appointed gets enough time to learn the ropes, but both the president and the appointee get to reconsider the appointment before too long a period has elapsed. Father Poorman pointed out that a five-year appointment may make it more difficult to find someone willing to serve. Prof. Power moved the adoption of the proposal to pursue amendment of the *Academic Articles* to replace the current term limits applicable to the Chair of the Board with the possibility of reappointments to terms of up to three years following consultation with the Board. The motion carried unanimously.

Prof. Power also brought before the Board a proposal for the creation of the position of "Chair designate." Under the proposal and when practicable, the president, after consultation with the Faculty Board, would appoint the Chair's successor early enough to allow that successor a transitional year during which to serve an apprenticeship under the incumbent. Thus could the Chair-designate become familiar with the responsibilities of the two positions involved and cultivate relationships with relevant personnel both on-campus and off-campus. While not disagreeing with the concept, the Chair questioned the wisdom of including the position within the *Academic Articles*; to his knowledge, no other campus positions—many more important than Chair of the Faculty Board on Athletics—include the specific creation of a successor-designate. Father Poorman agreed. Placement of the provision in the *Academic Articles* struck him as being "overly process-oriented." This matter should be left to the president's discretion. Prof. Power responded that the subcommittee thought it wise to provide some mechanism for a Chair-designate, but did not insist that the position be enshrined in the *Academic Articles*; if not there, the provision could be built into our own procedures. Prof. Fallon concurred; we need not include the provision in the *Academic Articles* but, if we do not include it there, we should have some process for triggering such an appointment by the president. Prof. Power noted that appointment of a Chair-designate, under the proposal, implicated faculty review through presidential consultation with the Faculty Board. Dr. Shavers: What if the language were softened to "could" rather than "should"? The Chair suggested that the *FBA Manual* could include the sense of the Board regarding the desirability of appointing a Chair-designate. Such a recommendation would need no further process; the Chair could include it in the *FBA Manual* as part of the annual review he conducts to bring the volume into concurrence with actions taken by the Board during the previous year. Addressing another issue, the Chair voiced his view that such a Chair-designate should not be a formal member of the Board, but rather an "observer."At

this point, the Board turned its attention to the issue of whether the position of "Associate Chair" should be created. A person in such a position could, for example, cover meetings when the Chair is not available. Dr. Shavers indicated her concern that creating such a position might engender in the person filling it, or in others, an expectation, symbolic or otherwise, that the Associate Chair would succeed to the position of Chair. Responding to a question regarding the extent to which an Associate Chair might help the Chair, the current Chair responded that much of his work came as NCAA Faculty Athletics Representative, and most of that work, for example attendance at meetings of the Big East faculty athletics representatives or national conferences and meetings, proves to be non-delegable. Father Poorman: Would such an associate help with regard to approval of captains and schedules and similar matters? Maybe, replied the Chair. Nonetheless, although he had no significant problem with the concept internally, externally the position really is not needed. Also, that position might create in the person filling it expectations with regard to succeeding to the position of Chair. In any event, if his successor should find such a position desirable, that Chair could come to the Board proposing a more informal arrangement for such a person. In light of this discussion, Prof. Power moved that the proposal for creation of the position of "Associate Chair" be withdrawn; the subcommittee had included it in order to make the positions of Board Chair and FAR more attractive. But since, apparently, the addition of an "Associate Chair" would result in an unnecessary administrative level, it should not be pursued. Prof. Power moved, on behalf of the subcommittee on communications, that the *FBA Manual* reflect the sense of the Faculty Board that, when practicable, the president appoint a "Chair designate" early in the last year of the Chair's service. The motion carried.

At this point, Prof. Power, again on behalf of the subcommittee on communications, proposed that the Faculty Board recommend that members of the Board of Trustees not be directly involved in the process of hiring and terminating coaches or other personnel of the athletics department. Since, of course, the Faculty Board on Athletics cannot bind the Board of Trustees, implementation of such a policy would require the approval of the Trustees. Such a policy could appear in Notre Dame's *Statement of Principles for Intercollegiate Athletics*, with the Chair of the Board of Trustees being added as a signatory (currently only the president, the director of athletics and the Chair of the Faculty Board on Athletics sign the *Statement)*. Prof. Power pointed out that the Association of Governing Boards of Universities and Colleges (AGB), an association to which Notre Dame belongs, has specifically endorsed such a policy. Placing the policy in our *Statement of Principles*would highlight the importance of it and of its implementation. Prof. Weber: Are contract extensions included in this policy? The Chair responded that the Association's statement does not expressly address that point. Prof. Castellino added that such extensions constitute a relatively new concept and, therefore, understandably might not have been targeted by the Association. In light of this, Prof. Weber observed that perhaps the Association's policy does not go as far as it should. Rather than focus on the hiring and firing decisions, the Chair suggested, might we not better recommend that the Board of Trustees commit itself to the AGB's total statement on athletics? That would seem less contentious and more comprehensive. Prof. Weber asked how up-to-date the Association's statement is. There has been only one statement, the Chair replied, the one made in March 2004. Prof. Fallon remarked that changing the language as the Chair suggests, while perhaps making our position less confrontational, would not have the virtue of making clear the Faculty Board's concern about the Trustees' inappropriate involvement in hiring and firing. Father Poorman suggested that the Faculty Board on Athletics might need to take a look at the entire

statementbefore proceeding. Prof. Power, agreeing, stated that he would take the matter back to the subcommittee for consideration. The Chair said that he would send a copy of the statement to each member of the Faculty Board.

At this point Prof. Power, on behalf of the subcommittee on communications, proposed that the description of the responsibilities of the Faculty Athletics Representative, as set out in Notre Dame's *Statement of Principles for Intercollegiate Athletics*, be amended. Currently, those responsibilities include serving on "search committees for senior athletics administrators and head coaches." The proposal would require that the Faculty Athletics Representative be consulted as well with regard to contract extensions and terminations of senior athletics administrators and head coaches. Currently, pursuant to an agreement reached with both the president's office and the director of athletics, the Faculty Athletics Representative is consulted concerning all such extensions. The proposal would incorporate that agreement, and consultation with regard to terminations, into the *Statement of Principles for Intercollegiate Athletics*. Prof. Weber asked whether, in light of that agreement, the Chair had been consulted concerning the extension of the contract of the current head coach in football. Yes, the Chair responded, he had been fully consulted. Ms. Conboy added that extensions or renewals of all coaches are brought to the attention of the Chair for his advice. Most of these, the Chair added, are not controversial and therefore need no extended discussion. The Board voted to pursue amendment of the *Statement of Principles for Intercollegiate Athletics* to reflect the suggested additional responsibilities of Notre Dame's Faculty Athletics Representative. The Chair thanked the subcommittee on communications for all the work that went into its proposals to the Board.

5. The "Bridge Program:" The Chair called on Mr. Holmes to provide a report on the Summer Bridge Program. Beginning in 2001, Mr. Holmes noted, the NCAA allowed incoming Division I men's and women's basketball student-athletes to enroll in academic courses during the summer before their initial fall semester. The intent was to help raise graduation rates, especially for men's basketball, by having students complete six credits of course work while fulfilling other aspects of their overall transition to university life. Based on the apparent success of this program, the NCAA extended this opportunity to incoming student-athletes of other sports, beginning summer 2005. Each institution was free to choose who would be invited to participate on its campus.

With generally favorable outcomes, Notre Dame's First Year of Studies (FYS) and Office of Academic Services for Students-Athletes (ASSA) had provided summer-session academic advising and support services for incoming women's basketball student-athletes since 2001 and men's basketball student-athletes since 2002. The largest total of incoming student-athletes, however, never exceeded six in any of those four summers. These small numbers made relatively easy the academic advising and other support for these new student-athletes.

Associate Provost Christine Maziar formed a committee to determine how Notre Dame should respond to the NCAA's expansion of this opportunity. Representatives of FYS, ASSA, Student Affairs, Undergraduate Admissions, the Department of Athletics, and the Faculty Board on Athletics met several times and decided that Notre Dame would offer the summer session opportunity to selected, incoming student-athletes from fall sports teams. Ultimately 24 student-athletes, 15 from football, 4 from men's basketball, 2 from women's basketball, 2 from

men'ssoccer, and 1 from women's soccer accepted invitations to participate during summer 2005.

A number of academic and residential-life concerns arose in connection with the arrival of such a large number of first-time students during the summer session. Mr. Kevin Rooney of FYS, Mr. Holmes of ASSA, Mr. Michael Karwoski of the Department of Athletics and Mr. William Kirk of the Office of Student Affairs were asked to address these concerns and develop what came to be called a Summer Bridge Program.

Each of the 24 student-athletes completed two courses during the summer without any failures. Individual grade-point averages for the summer ranged from 2.0 to 3.834, with a 3.125 mean and a 3.333 median. The individual achievement seemed to correlate closely with the high-school records of the students. Only one of the courses, FYC 13090, Introduction to Academic Writing and Research, was designed specifically for the summer-session students, namely those who seemed weaker in writing. All of the others, except ENGL 20215, Introduction to Shakespeare, are usually available as part of the normal course offerings for first-year students.

The students met with their academic advisors in the First Year of Studies several times, and the Office of Academic Services for Student-Athletes provided study sessions and tutoring in specific subjects each week during the summer session. Those two offices joined to present guest speakers to the students each week. The speakers covered a variety of "transition to Notre Dame" topics, including the Academic Code of Honor, University degree requirements and programs, interaction with professors, time management, note-taking and test preparation, assistance with physical and learning disabilities, and the services of the Counseling Center.

Nonetheless, questions for the future remain important. With an expected increase to 35-40 students for summer 2006, will a sufficient number of places be available in appropriate courses—and at times that do not conflict with each other? Does FYC 13090 remain a viable option? Given the high grades in MATH 10250, Elements of Calculus I, and the many low first-test grades achieved by our summer students in the first MATH 10260, Elements of Calculus II–Business, this fall, will closer screening of candidates for MATH 10250 be required next summer? If so, what alternative courses will be available in the afternoon time slot?

All 24 of the students lived on campus during the summer. The male students lived in Keough Hall and the female students in Knott Hall. An intern with the football program lived with the 15 football student-athletes to make certain that they adjusted successfully to residence-hall life. Juniors from each of the other teams (basketball and soccer) took responsibility for the adjustment of their small numbers of summer participants.

Mr. Rooney of FYS, Mr. Holmes of ASSA and Mr. Jeff Shoup of Residence Life met with the football intern and the junior team representatives to discuss the program midway through the summer. All reported that the program was going well. However, none of them seemed ready to take an active role in any sort of presentation to the students on how to be successful at ND. One underage-drinking incident involving one of the summer-program student-athletes did arise during the summer.

Prof. Castellino asked what the Board should do with this information; he found the entireprogram unappealing and would like to discuss it further when appropriate. Father Poorman agreed that the program presented its risks, but observed that it is undergoing continuing review; we do need to be cautious. Prof. Castellino worried about course selection for the program. Expressing real empathy for football players who are expected to be "up to speed" on the first day of class, he nevertheless disliked the idea of core courses being taken over the summer. There is, inevitably, a less rigid academic attitude during the summer; accordingly, students in such core courses do not get the full student experience and interaction. These courses are too central to the educational mission to allow students to take them in the summer without the full complement of university students with whom to interact. Added Prof. Kirkner: The motivation of the NCAA might be to address low graduation rates, but that is not ours. Our graduation rates are superb. Still, Mr. Holmes added, our student-athletes do not do as well as our other students academically. Grades of student-athletes tend to "dip" during sophomore year and then go back up during the junior and senior years. For our basketball student-athletes, both men and women, the Bridge Program has been beneficial. With regard to the 2006 summer program, it is interesting to look at the performance of all 24 students. But Prof. Castellino worried about what "beneficial" means in this context; this should not be just about grades, but about whether student-athletes get the "entire experience." Mr. Holmes: How do we measure that? Prof. Castellino: We could have exit interviews asking what the student-athletes think. Prof. Power asked whether student-athletes could take electives like writing courses that would prepare them for their first year. Mr. Holmes responded that the Office of the First Year of Studies is now examining options. That said, we have never offered a composition course during the summer. Prof. Weber felt that the program's forward motion reflected a natural progression. Such an examination of the curriculum allows us to design a still more appropriate program. Last year we did not focus on the courses taken. Now, with the program in place, we will target concerns regarding courses and the establishment of appropriate boundaries for the program. The program represents a work in progress, like the fifth year of eligibility. These things take time. But we must continue to get feedback and make appropriate changes. Prof. Castellino reiterated that he strongly disagreed with offering core courses during the summer. It would make sense to expand our discussions with the Office of the First Year of Studies. Mr. Holmes: It should be noted that the program got developed very quickly last year; Mr. Rooney in the Office of the First Year of Studies did a great job pulling the courses together. The Chair thanked Mr. Holmes for his report.

6. Report on Bowl possibilities: Representing Dr. White, who was unable to be present, Mr. Wilcox, deputy associate athletics director, reported on Notre Dame's prospects for a football bowl game. He observed that Notre Dame's sixth win made the Irish "bowl-eligible." At this point, Mr. Wilcox reported, we expect to participate in a BCS bowl game. The Rose Bowl, which this year hosts the championship game, will likely pit the University of Texas against the University of Southern California. The Fiesta Bowl, because its normal anchor, the Big Twelve Conference champion, will likely play in the Rose Bowl, has first choice among the at-large teams. Hopefully, it will choose Notre Dame. Nonetheless, other bowls remain significant and very positive possibilities. Mr. Wilcox stressed that despite our expectations to participate in a BCS bowl, nothing can be guaranteed until the end of the season. Prof. Castellino: If the Fiesta Bowl loses Texas, doesn't it get two "at-large" teams? Yes, Mr. Wilcox replied. There is no requirement that the Fiesta Bowl choose the second-place finisher in the Big Twelve Conference.

Ms. Conboy added that the procedures for selection to BCS bowls are much more complicatedthan the media represent them to be. In addition to the order of choice and the like, there are pages and pages of adjustments that could be implemented in certain situations. Mr. Holmes asked whether the institution has a say in whether to accept. Ms. Conboy responded that we will not hesitate to accept a BCS Bowl bid. Prof. Fallon: Could Notre Dame, at least theoretically, be locked out by conference commissioners? Mr. Wilcox responded that one hears such things, but there remains in any event enough conference support for our position. The Chair added that, in light of the many positives that Notre Dame brings to a Bowl, including a multitude of fans and high television ratings, selection of Notre Dame, should it remain eligible, will be a "slam dunk." The Chair thanked Mr. Wilcox for his report.

7. Preview of proposed NCAA legislation: Mr. Karwoski, associate athletics director for compliance, briefed the Board on the NCAA legislative process. Currently approximately 150 legislative proposals wend their way through that process. Mr. Karwoski and his associates have "vetted" all of these proposals through conference calls and otherwise. Moreover, they have met with the Chair of the Faculty Board to discuss them and to propose tentative institutional positions on each. Later this semester the Faculty Board will discuss those proposals having especial relevance to the Board's concerns. Although this year's offerings do not threaten earthshaking changes, a few deserve mention. Again the NCAA has before it a proposal to allow student-athletes a five-year window in which to compete five years. (Currently student-athletes may compete only four years in a five-year window.) A separate proposal would exclude fifth-year student-athletes who have received their bachelor's degrees from the NCAA's Annual Progress Rate (APR) calculation. Several proposals would affect application of the one-time transfer exception, in one case virtually abolishing it. Finally, several proposals would modify the "skills instruction" provisions that apply to out-of-season training. None of these, however, would increase the time commitment of student-athletes. Prof. Weber asked whether or not the Board could get a report on how the proposals it considers actually fare in the legislative process. Yes, the Chair responded; he will get to the Board a report on the fate of last year's legislative proposals. The Chair thanked Mr. Karwoski for his report.

8. Reports from subcommittee chairs: Prof. Bender, on behalf of the subcommittee on academic integrity, brought to the Board concerns about the implications of mid-year enrollment of student-athletes. Such things already occur at other institutions. Especially because Notre Dame did not fill its complement of incoming grant-in-aid football players this year, mid-year enrollments present the positive of not counting against next year's allotment, but rather this year's, should the program so elect. We need to discuss a number of issues, including the appropriateness of beginning mid-year, the impact on orientation, the availability of related resources and the like. The Office of the Provost did consider the implications through a committee chaired by associate provost Chris Maziar and including Father Poorman and assistant provost for admissions, Dan Saracino. Is there a role for the Faculty Board on Athletics, some reason to grapple with these issues outside the context of that committee? This we should discuss at the December meeting of the Faculty Board. The Chair: Two of our subcommittees have interests involved here, the subcommittee on academic integrity and the subcommittee on student welfare. Prof. Power expressed his consternation that members of the Faculty Board learned about such things in the newspaper. First, he continued, we read that Notre Dame does not do it, and then that we plan to do it and then, indeed, that we have already

admitted such a student-athlete (if not more than one). Don't we, as the Faculty Board onAthletics, look bad for not having tracked this issue? For some, to be sure, it is not an issue; but for others the situation resembles the tail wagging the dog. Has a decision already been made? Are we prepared to evaluate this as a "fait accompli"? The Chair stated that he would put this issue on the agenda for the December meeting. Meanwhile, he asked the subcommittees to provide him with the names of those who should be invited to that meeting for that discussion.

9. Adjournment: The Chair adjourned the meeting at 7:05 p.m.

**