

FACULTY BOARD ON ATHLETICS

UNIVERSITY OF NOTRE DAME

Meeting of April 10, 2006
Room 331 Coleman-Morse Centers

Members present: Prof. Fernand Dutile (Chair); Prof. Harvey Bender; Prof. Eileen Botting; Mr. Bobby Brown; Prof. Stephen Fallon; Mr. Patrick Holmes; Prof. David Kirkner; (Rev.) Mark Poorman, C.S.C.; Prof. Donald Pope-Davis; Prof. F. Clark Power; and Prof. John Weber.

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

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

Guests present: Dr. Christine Maziar, vice-president and associate provost; and Dr. Harold Pace, university registrar.

- 1. Call to order and prayer:** The Chair called the group to order at 3:05 p.m.; Father Poorman led the group in prayer.
- 2. Minutes of previous meeting:** Prof. Weber moved that the minutes for the meeting of March 22, 2006, be approved; Father Poorman seconded that motion. As amended by additional text suggested by Prof. Fallon, those minutes were unanimously approved.
- 3. Announcements:** The Chair announced that he had approved, on behalf of the Board, two amendments to the schedule for men's golf. Monday, April 3, has been added to the schedule as an excused-absence day. Moreover, Friday, April 7 (a class day), has been substituted for Friday, April 14 (a non-class day). These changes result in a schedule calling for one more missed-class day in the Monday-Wednesday-Friday sequence than provided for in University guidelines. This extra day became necessary due to a change in the date of an away tournament. The Chair approved that change under the authority granted him by the Board for circumstances not reasonably foreseeable at the time of the approval of the original schedule. At this point, the Board ratified these amendments.
- 4. Registration for Fifth-Year Student-Athletes and "Summer Matriculates":**
[Background note: The NCAA (and the University of Notre Dame) allow student-athletes a five-year window in which to complete no more than four years of actual competition. Notre Dame's policy requires student-athletes intending to compete during a

fifth year to secure approval of their academic plan from the Faculty Board on Athletics. The Board has for several years emphasized its commitment to the concept of “academic engagement” for these student-athletes; athletes here should also be genuine students. To this end, any fifth-year student-athlete, to be entitled to compete for Notre Dame, must enroll for at least nine hours of academic credit.

Fifth-year student-athletes who are either completing their undergraduate degree or enrolled in a graduate/professional-degree program already have adequate priority in garnering the appropriate courses. The remaining fifth-year student-athletes, however, must register as “unclassified graduate students,” a category which wields virtually no priority whatever. Such student-athletes have had considerable difficulty not only in securing the courses set out in the academic plan presented to the Faculty Board, but also in effecting, as a “fallback,” any arrangement of courses that promotes the Board’s objective of coherent academic engagement. Without any dissent, the Faculty Board strongly feels that prior registration--that is, registration before virtually all others on campus--for this small group of student-athletes is both justified and necessary. Accordingly, just after the last meeting of the Board, the Chair wrote to Dr. Christine Maziar, vice-president and associate provost, asking her to pursue implementation of such prior registration. In that letter, the Chair stressed that academic, not athletic, concerns underlay the request. Notre Dame will inevitably continue to have fifth-year student-athletes; the issue is whether it provides them the means to meaningful academic engagement during that fifth year. At the Chair’s invitation, both Dr. Maziar and Dr. Pace, University registrar, came to today’s meeting to address this issue].

Dr. Maziar reported to the Board that she brought “good news.” After receiving the Chair’s letter, she met with Dr. Pace to discuss the possibility of giving non-degree-seeking fifth-year student-athletes preferred registration status. Obviously, she and Dr. Pace faced some real concerns, among them the possibility of students taking advantage of the process. Moreover, both she and Dr. Pace felt a strong need to ensure that rising seniors be able to register for courses they require. That said, the University will undertake a two-year trial of a process that will provide these fifth-year student-athletes not prior registration, but a highly preferred registration status. These student-athletes will have the privilege of registering immediately after rising seniors. Of course, Dr. Maziar added, it will be crucial that student-athletes complete their “paperwork” in order to trigger the preferred-registration process. Dr. Maziar added that the Provost’s Office felt uncomfortable with the idea of providing such preferred registration only for student-athletes; accordingly, the preferred-registration status will extend as well to other non-degree seeking graduate students. After some discussion of “timing” issues, including when decisions by head coaches to invite student-athletes back for a fifth year take place, when course listings become available and the like, the Chair suggested to Prof. Pope-Davis, who will head the Faculty Board next year, that he coordinate meetings of the Board and its subcommittee on academic integrity so as best to support the new registration process. In response to a question concerning the possibility that student-athletes might switch courses during the fall “drop” period, the Chair observed that ideally the Office of Academic Services for Student-Athletes should let the Chair of the Faculty Board know so that he might inform other Board members. Otherwise, the

approval of courses proposed the previous spring by the fifth-year student-athlete would mean virtually nothing. Dr. Maziar thanked Dr. Pace and his staff on their success in quickly effectuating this change, especially during this enormously busy time of the year. In turn, the Chair thanked both Dr. Maziar and Dr. Pace for their prompt and substantive response to the Faculty Board's request with regard to the registration of fifth-year student-athletes.

Dr. Maziar also provided a brief update on the "summer matriculates" program. Several years ago, the NCAA initiated a program under which incoming basketball players could be brought to the University for academic courses during the summer preceding their first academic year. For the summer of 2005 and thereafter, the NCAA extended the program to all incoming student-athletes, so long as non-athletic criteria govern the selection of particular student-athletes invited to participate in the program. For the summer of 2005, Notre Dame invited (in addition to basketball players) incoming student-athletes who a) could most benefit from such a summer program and b) competed in a sport whose championship season took place in the fall. Anticipating the summer of 2006, staff members from the Department of Athletics, from the Office of the First Year of Studies, from the Office of Student Affairs, and from the Office of Academic Services for Student-Athletes met to consider how many student-athletes could reasonably be supported in that program this summer. The group settled on a maximum of forty student-athletes. The University would deploy two separate orientation programs to cover all of these students. After this decision was taken, the Department of Athletics provided a list of all grant-in-aid students for fall sports. A committee comprising Mr. Dan Saracino, assistant provost for admissions, Mr. Kevin Rooney, associate dean for the First Year of Studies, Mr. Holmes and Prof. Bender, representing the Faculty Board on Athletics, received copies of the credentials of all the student-athletes. This information came devoid of identifying characteristics (for example, name, sex, ethnicity or sport). As it turned out, the number of students available fell within the forty-student "cap." Nonetheless, for the sake of transparency it was deemed important that this committee review the file of each student-athlete involved. The Chair thanked Dr. Maziar for her report.

5. Petitions for a Fifth Year of Eligibility: Prof. Bender, for the subcommittee on academic integrity, presented to the Board the subcommittee's recommendation that the petitions for a fifth year of eligibility submitted by thirteen student-athletes be granted by the Faculty Board. Of the thirteen candidates, eleven proposed to undertake graduate study while the remaining two proposed to complete their undergraduate degrees. The quality of the applicants this year, Dr. Bender observed, was "very good." The subcommittee assessed their applications very seriously. The modifications that the Board has put in place regarding fifth years of eligibility worked effectively. Dr. Bender specifically commended Mr. Holmes and the Office of Academic Services for Student-Athletes, which he directs, for their good work in insuring that all the paperwork and advising got done well and on time. Dr. Bender added that, since a different deadline applies to student-athletes in spring sports, the Board may yet receive a few other petitions. Mr. Holmes pointed out the important role played by Prof. Pope-Davis with regard to advising the unclassified graduate students. In response to a question from the

Chair, Prof. Bender noted that the total number of petitions at this point resembles those of past years, although we have a disproportionate ratio of graduate to undergraduate applicants. Father Poorman: Are the courses listed on these petitions taken from the course catalog or from the actual schedule? In other words, are these schedules actually “doable”? Mr. Holmes responded that these schedules were indeed “doable.” At this point, the Faculty Board unanimously approved Prof. Bender’s motion, made as chair of the subcommittee on academic integrity and therefore needing no second, to approve the petitions for a fifth year of eligibility submitted by the following thirteen student-athletes: Craig Cardillo; Daniel Chervanick; Marcus Freeman; Chris Frome; Molly Huddle; Derek Landri; Brian Mattes; Rhema McKnight; Robert Morton; Ryan Postel; Stephen Rellas; Michael Richardson; and Daniel Santucci. All of the applicants are members of the football team except Ms. Huddle (women’s track), Mr. Postel (men’s track) and Stephen Rellas (men’s soccer). Mr. Cardillo and Mr. Postel will complete their undergraduate degrees; all others will study in the Graduate School. All thirteen candidates have been approved by the Office of Student Affairs.

6. Report on Academic Performance of Student-Athletes for Fall 2006: Mr. Holmes, as director of the Office of Academic Services for Student-Athletes, reported on the academic performance of student-athletes during the Fall 2005 semester. For the first time ever, he reported, all twenty-four teams had semester grade-point averages above 3.0. Four teams (women’s cross country, hockey, women’s soccer and women’s tennis) earned team grade-point averages above 3.4. Ten full-time student-athletes had perfect 4.0 grade-point averages. He reported that 15.4% of the student-athletes were on the Dean’s List and 41.6% compiled grade-point averages of 3.4 or better. Also, 72.3% of the student-athletes compiled grade-point averages of 3.0 or better. Four student-athletes earned Academic All-American honors during the fall semester. Erika Bohn and Annie Schefter (both from women’s soccer) were named first-team Academic All-Americans, while John Stevens (men’s soccer) and Lauren Brewster (volleyball) earned second-team honors. Five teams (baseball, men’s basketball, football, hockey and women’s soccer) amassed their highest semester averages ever. With regard to cumulative team grade-point averages, baseball, men’s basketball, football, hockey and women’s soccer currently boast the highest levels ever. For Fall 2005, the mean grade-point average for all student-athletes was 3.226; the mean grade-point average for all students was 3.391. The median grade-point average for student-athletes was 3.267, while that for all students was 3.479. Seven (out of 654) student-athletes finished the Fall 2005 semester on probation. Each of five teams had one member on probation, and only one team had two. Prof. Pope-Davis asked Mr. Holmes to what he attributed the increase in academic achievement among student-athletes during the Fall of 2005 and, in any event, whether these better numbers are statistically significant. Mr. Holmes demurred with regard to whether the numbers could be read as statistically significant. His Office, however, has made some significant changes in the first-year program, and acquiring additional study space in the DeBartolo Hall has made a significant difference. The Chair asked whether a 3.0 grade-point average constitutes an appropriate benchmark for academic success nowadays. Years ago, of course, a 3.0 GPA might have signaled a fairly strong academic performance. In light of the fact that the median grade-point average of our typical student today hovers just below 3.5, might we not be instilling some complacency in

attaching so much significance to the 3.0 number? Mr. Holmes responded that complacency plays no role; the challenge of his Office is to keep pushing with regard to improving grade-point averages. We look to maximize the academic performance of all our student-athletes. Prof. Bender asked whether we have made any progress in “leveling the playing field” with regard to the NCAA’s Academic Progress Rate (APR). Mr. Karwoski responded that the APR numbers will never be “corrected” in that respect. Alas, the NCAA uses each institution’s own standard of eligibility to compute the APR. Accordingly, schools like Notre Dame, which has a higher eligibility standard for student-athletes than most other institutions, will be disadvantaged in any comparison of APRs. We do try to explain this in our own press release, but of course the NCAA will not help us in their own reports. In one sense, therefore, the APR measures you against yourself, not against other institutions. Once people get a better understanding of those numbers, that idea might become clearer. Moreover, as the NCAA’s Graduation Success Rate (GSR) becomes more familiar, APR ratings will move “to the back burner.” Ultimately, the APR will become important only in the context of an NCAA-imposed penalty; Mr. Karwoski does not anticipate that opprobrium for any of the teams at Notre Dame. With regard to comparing student-athletes to the student body at large, Prof. Pope-Davis urged consideration of an “adjusted mean” that would exclude “outliers” from the calculation. The Chair: Aren’t “outliers” relevant? Unless they make up a significant number, Prof. Pope-Davis responded, they yield inflated figures. The Chair: If these outliers have a 3.9 grade-point average, that strikes me as acceptable, but the student-athletes and other students who carry, say, a 2.1 GPA should be taken into consideration so that something might be done. Prof. Fallon worried that there might be an over- or under-representation of student-athletes in particular departments; obviously, some departments present more-difficult academic hurdles than others. Prof. Weber observed that this phenomenon makes it important to compare trends, as we have been doing. Prof. Pope-Davis insisted, nonetheless, that some “standard deviation” needs to be used. Some of these numbers, Prof. Kirkner added, depend on the size of the team, as well. The Chair thanked Mr. Holmes for his thorough report.

7. Report of Subcommittee Chair: Prof. Botting, chair of the subcommittee on student welfare, reported on that subcommittee’s effort to revise the provisions relating to the financial-aid review committee. These provisions provide the process through which student-athletes may challenge non-renewal of their grant-in-aid by the Department of Athletics. The subcommittee agrees that the hearing panel should be diversified. Information from other schools shows that most have someone from the faculty, as well as the vice-president for student affairs and someone representing student-athletes. The subcommittee thought that the student member of the Faculty Board on Athletics could best provide the student perspective. On two points, the subcommittee has some disagreement, Prof. Botting observed. First, what should be the substantive guidelines for the process? Culturally, Notre Dame has had a tradition of protecting student-athletes from non-renewals of grants-in-aid. (This tradition does not prevail at some other schools). So we have a stake in maintaining a higher bar. The second point of disagreement concerns the issue of witnesses. Currently, testimony may be submitted in written form. Some schools in the Big East Conference allow unlimited in-person testimony, coupled with cross-examination. Father Poorman indicated that, at least

hypothetically, the possibility of cross-examination and of an unlimited number of witnesses raises significant concern. Prof. Kirkner noted, however, that we have had perhaps only two or three of these hearings during the last fifteen or twenty years. Perhaps we should honor whatever Mr. Joseph Russo, the director of Student Financial Strategies, prefers. After all, this panel will have significant scheduling issues. The Chair urged that live testimony be permitted; the panel can learn a lot from demeanor, tone, and so forth. Cross-examination, however, should not be allowed. The panel can ask any questions that need be asked. Mr. Karwoski agreed that cross-examination should be barred. The Chair added that the number of witnesses need not be controlled by rule, as long as the panel retains the power to say when testimony becomes redundant, irrelevant or otherwise unneeded. Father Poorman urged that the provision avoid, as much as possible, the use of “legalese.” For example, terms like “witness” make him worry. The Chair agreed; every time legal language gets used in this sort of document, a lot of legal “baggage” and precedent can get implicated. The subcommittee, one Board member suggested, might consider using a hybrid: require anyone who makes an oral presentation also to provide a written statement. Mr. Wilcox argued that the hearing panel should have the power to decide whether a written or live statement should be taken; this could depend on the nature of the case. The Chair stressed that the provisions should reflect the tremendous loss at stake for the student-athlete in these situations. These student-athletes have a huge interest in Notre Dame – including their education, their potential degree, their course sequence, their friends and so forth. That interest should permeate our thinking. Mr. Brown worried about the burden of proof; if the burden of proof falls on the student, then spelling out a substantive standard becomes more important. Prof. Botting noted that the provisions at the University of West Virginia preclude basing the non-renewal of a grant-in-aid on the student-athlete’s athletic performance. Why shouldn’t we have that in writing? Mr. Karwoski: What if the student-athlete isn’t going to practice or is otherwise detrimental to the team? Mr. Brown worried about the wide range of interpretation made possible by a word like “detrimental.” Ms. Conboy expressed her concern that specifying a substantive criterion in writing might be seen as encouraging non-renewals. Father Poorman: Language like “not living up to expectations” and “team morale” makes me nervous. At this point, the Chair suggested that the suggestions made during today’s discussion be incorporated into a draft by the subcommittee and then reviewed with the director of Student Financial Strategies and the Department of Athletics for their observations. The provisions should then be brought back to the Faculty Board for its assessment. The Chair thanked Prof. Botting and her subcommittee for the work involved in this process.

8. Adjournment: The Chair adjourned the meeting at 4:45 p.m.