

# FACULTY BOARD ON ATHLETICS

## UNIVERSITY OF NOTRE DAME

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Meeting of October 5, 2005

Room 331 of the Coleman-Morse Centers

**Members Present:** Prof. Fernand Dutile (Chair); Prof. Patricia Bellia; 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; Dr. Frances Shavers; Prof. John Weber; and Dr. Kevin White.

**Member Excused from Attending:** Prof. Francis Castellino.

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

**Guest:** (Rev.) John Jenkins, C.S.C.

**1. Call to order and prayer:** The Chair called the meeting to order at 3:05 p.m. Father Poorman led the group in prayer.

**2. Minutes of previous meeting:** On a motion by Prof. Bender, seconded by Prof. Weber, the Board unanimously approved the minutes for the meeting of September 7, 2005.

**3. Announcements:** The Chair announced that he had approved, on the Board's behalf, schedules for men's basketball (2005-06); women's basketball (2005-06); and women's lacrosse (fall 2005). The Chair announced amendments to the class-miss schedules of the following teams: volleyball (deleting the afternoon of September 8; and adding the morning of September 15, an addition made necessary by the change in venue for the match against Tulane, a change occasioned by Hurricane Katrina); men's soccer (adding the morning of September 19, due to the cancellation of a flight the previous night); women's soccer (adding the afternoon of October 6, due to cancellation of an outbound flight from South Bend).

The Chair announced approval of the following captaincies for 2005-06: men's basketball (Torin Francis and Chris Quinn); women's cross country (Molly Huddle, Stephanie Madia and Elizabeth Webster); and men's lacrosse (Patrick Walsh, Drew Peters, Matt Karweck and Dan Driscoll). The Chair approved an additional captain for hockey (Chris Trick). All of these captains met University guidelines with regard to approval by the Office of Student Affairs and with regard to required grade-point average. At this point, the Board ratified the decisions of its Chair.

The Chair noted for the record the Board's breakfast that morning with Charlie Weis, head coach of football. At that breakfast, Coach Weis spoke to the Board about his outlook regarding student-athletes, academics and athletics. Following his statement, the Chair invited Board members to ask questions of the Coach and, thereafter, invited Coach Weis to address questions to the Board.

**4. Visit with (Rev.) John Jenkins, C.S.C., president:** At this point, the Chair welcomed to the meeting Father Jenkins, president of the University. The Chair had met with Father Jenkins during the summer; both had agreed on the desirability of his meeting with the Board, with no specific agenda, during the fall. Father Jenkins noted his pleasure at the opportunity to speak to the Board. He deems the role and work of the Board very important. He stressed the Board's role by reading from Article IV, Section III(k) of the *Academic Articles*, the provision setting out, among other things, the Board's responsibilities. He emphasized that athletics at Notre Dame must reflect the deeper values of the institution. It remains crucial that everything done in connection with athletics be done with integrity. Both the recruiting of our student-athletes and the treatment of them once they come here must reflect the highest levels of integrity. Our student-athletes must receive an education of the utmost quality and, in turn, must be held to the highest of standards. Notre Dame's graduation rates for student-athletes are high, and Father Jenkins thinks it important that they remain high. Indeed, he aspires to even greater academic achievement in this context; he would, for example, like to see a student-athlete here become valedictorian or be named a Rhodes Scholar. Of course, he continued, Notre Dame must perform at the highest levels in the athletics context, as well. The Faculty Board's role is to support those ideals by reviewing academic policy and procedures, and by providing advice with regard to them. Father Jenkins said that he was happy to be working with the Chair of the Faculty Board, who has played such a vital role in this context, and looked forward to working with the entire Board. Father Jenkins stated that he had encouraged the current Chair of the Board to continue in that position; to make that possible, the president had indicated his willingness to seek an amendment of the term limits currently precluding the Chair from continuing beyond the 2005-06 academic year. Since the Chair has declined that invitation, Father Jenkins faces the important decision of choosing a suitable successor. He asked the Board for its suggestions in that regard. He has already learned that he cannot be "all places at all times." His executive assistant, Dr. Frances Shavers, will therefore provide an important liaison between him and both the Board and the Department of Athletics. At this point, Father Jenkins invited questions from the Board. Noting the great increase in the responsibilities of the Faculty Board over the past five years, Professor Power asked Father Jenkins for his perspective concerning these evolving duties. Father Jenkins: The changes, as I see them, constituted an attempt to augment the sense of oversight, thereby ensuring that the appropriate educational ideals were being met. Prof. Bender asked for an update on physical space – the Joyce Center, for example – and the related funding efforts. Father Jenkins responded that he felt reassured by the progress made so far. It's "a bit of a dance – very dependent upon each individual." Dr. White added that "we are getting closer, and I think we will reach our goal sooner rather than later." Prof. Botting agreed with Father Jenkins's desire to see a student-athlete as a Rhodes Scholar. We have promoted excellence in both academics and athletics, but we do need to do a better job in helping our student-athletes. Yes, Father Jenkins replied; we need to identify candidates earlier and then help bring them along. Doing such things embodies everything we seek, namely, excellence both in academics and in athletics. Prof. Pope-Davis stated that

the Board has been discussing the “Chair succession” issue and predicted that a recommendation with regard to term limits will issue in the very near future. The term limits in force at Notre Dame hinder the ability of the Board’s Chair, who also serves as the University’s faculty athletics representative, to achieve positions of prominence in national organizations. Dr. White, recognizing the extent to which the current Chair has developed a national reputation, especially in light of those term limits, stressed the importance of Notre Dame, especially as an independent, having its emissaries, including the faculty athletics representative, achieve national prominence. Prof. Fallon noted that changing those term limits would require action by the Academic Council; would Father Jenkins support such a change? Yes, Father Jenkins responded, especially if that recommendation came with a unanimous vote of the Faculty Board on Athletics. After the discussion, the Chair thanked Father Jenkins for taking time from his busy schedule to meet with the Board.

**5. Report on academic performance of student-athletes:** Mr. Holmes, director of the Office of Academic Services for Student-Athletes, provided to the Board a report on the academic performance of student-athletes. Notre Dame’s 641 student-athletes, having posted a grade-point average of 3.173 during the spring 2005 semester, now carry a cumulative grade-point average of 3.134. Among those student-athletes, 93 (14.51%) found their names on the Dean’s List. Of those, 21 (3.28% of all student-athletes) earned a perfect 4.0 grade-point average. Fourteen student-athletes found themselves on probation following the spring 2005 semester. The 397 student-athletes receiving grants-in-aid achieved a semester grade-point average of 3.125, yielding a cumulative grade-point average of 3.090. Of those student-athletes, 44 (11.08%) made the Dean’s List. Ten grant-in-aid student-athletes ended the semester on probation. The mean grade-point average for all 8,002 Notre Dame students for the semester was 3.392. The median grade-point average for student-athletes was 3.25, while that for all students was 3.5. The 64 senior grant-in-aid student-athletes living off-campus during the 2004-05 academic year achieved an annualized grade-point average of 3.459. Of these student-athletes, 53 experienced an increase in their grade-point average; 11 experienced a decrease. The average change: +.202. Finally, fifth-year student-athletes proved to be very successful academically during the 2004-05 academic year. Of the 17 such student-athletes, only one experienced significant academic difficulty. All others surpassed a 2.5 grade-point average, most surpassed a 3.0 grade-point average, and several surpassed a 3.5 grade-point average. Prof. Bender asked whether we could compare our numbers with those of peer institutions. Mr. Holmes: That would be very difficult; after all, were I asked by other institutions for such information, I would be reluctant to share it. We do, however, get some good “feedback” from new coaches who come here from other programs. Dr. White stressed the extent to which we earn the academic envy of our peers. Prof. Fallon asked about the relatively low academic achievement of one team. We are, Mr. Holmes replied, dealing with an “entirely different culture” there. We continue to seek ways to “tweak” the program. We are keeping a close eye on that situation. In response to a question from Prof. Bender, Mr. Holmes stated that eligibility requirements under NCAA rules differ from Notre Dame’s. During the spring semester, student-athletes are eligible under NCAA rules so long as they earned six credit hours during the fall semester. At Notre Dame, however, student-athletes must also achieve a grade-point average of 2.0 (1.7 for first-year student-athletes) in order to compete during the spring semester. Mr. Karwoski added that we have communicated several times with the NCAA concerning this problem. Since we are not “comparing apples to apples,” the annual progress rate (APR)

issued by the NCAA creates a highly inaccurate public perception. The Chair asked whether we could report a second set of numbers reflecting those student-athletes who are “NCAA eligible.” Mr. Karwoski responded that the problem arises from the fact that “eligibility” gets determined by the academic standards set by the educational institution. The Office of Academic Services for Student-Athletes does prepare such a second set for internal purposes, but we cannot report those numbers as our “eligibility rates.” Beyond issuing a press release explaining the situation, therefore, not much can be done about the problem. Mr. Wilcox pointed out that another new NCAA measuring stick, the Graduation Success Rate (GSR), will allow schools like Notre Dame to better reflect their high graduation rates. The older, federal rate, which will continue to be available, counted against a university’s graduation rate those student-athletes who, though in academic good standing, left to pursue their education elsewhere or to seek a professional athletics career. The new GSR, which measures graduation rates over a five-year period, will not deal so negatively with such student-athletes. Associate Provost Chris Maziar will contact other universities to ascertain how they certify the eligibility of student-athletes. Mr. Holmes pointed out that Notre Dame’s system of certification works an especial disadvantage because students on probation only after the spring semester can “get better” during summer school; thus those student-athletes never show up as ineligible. Since Notre Dame certifies following the fall semester as well, however, any student-athletes on probation at that point cannot remedy the situation prior to spring competition.

Prof. Pope-Davis asked whether, in light of a national trend in that direction, Notre Dame too might admit some student-athletes in January. This mid-year enrollment presents a perceived advantage to football prospects seeking to participate in spring practice with an eye to playing during their first fall semester on campus. That issue, Mr. Holmes replied, is an “ongoing” one with “ongoing” discussion. With regard to such admissions, Dr. White distinguished two different issues. First, we currently find ourselves with a relatively low number of football players. Second, such mid-year admissions are occurring more frequently across the country. Any January admission here, he said, would require a student-athlete who is a real “difference maker.” Prof. Pope-Davis: How many institutions will do this? Dr. White: Most of the public universities will; elite private universities will act cautiously, but nonetheless be open to it. Father Poorman remarked that the biggest challenge will be finding a way to incorporate such student-athletes into residence life and into the First Year of Studies. Indeed, the latter will present more difficulties than the former. We will need to determine how such student-athletes “transition” and with what class – the one they actually come into or the next one – they identify. We will have to provide a special orientation to assimilate them into campus life. Moreover, he added, the ability to practice in the spring seems a relatively small payoff. Are there other incentives? Of course, it remains better for such student-athletes to stay in high school until normal graduation. Institutionally, we owe it to them to say just that. Dr. White responded that these concerns require that such student-athletes represent “extraordinary talent.” Father Poorman: I would say “extraordinary” in many ways – maturity, academics, athletics and the like. Prof. Fallon thought this issue to deserve a full discussion by the Board and its advice to the president. Father Poorman agreed that the Board should discuss and advise on this issue. Already one group, including Mr. Daniel J. Saracino, assistant provost for admissions, Dr. Maziar and Mr. Kevin Rooney, associate dean in the First Year of Studies, are targeting this situation. At the suggestion of the Chair of the Faculty Board, Prof. Bender agreed to bring the matter to the subcommittee on academic integrity, which he chairs, for a preliminary discussion.

**6. Appeal procedure for “one-time transfer exception”:** A policy of the Department of Athletics, as mandated by the NCAA, provides an appeal procedure for student-athletes unhappy with the Department’s restrictions concerning possible transfer to other institutions. Under that procedure, three members of the Faculty Board on Athletics hear the appeal. In light of a recent invocation of that provision, the Department of Athletics has asked the Faculty Board on Athletics to discuss this issue in order to determine what changes might be necessary in the procedures. Mr. Karwoski expressed concern that the procedures contain no real “charge” for the appeals panel. The Chair added that no one seems to know whence the current provision for appeal emanated. It does date at least from the mid-nineties. Interestingly, the process uses the Faculty Board on Athletics as a pool for the panel, but the panel really is not a “Board panel,” and the Board therefore has no juridical authority over that panel. In any event, changes seem to be called for. For example, the process alludes to the executive vice-president of the University, presumably because that person chaired the Faculty Board on Athletics at the time the provision was written. Moreover, the process calls for the president to appoint the panel; this seems not to be a good use of the president’s time. Accordingly, the Chair continued, we do need to take a look at both the process and the criteria for reversal. Dr. Shavers added that the Office of General Counsel should be involved. Mr. Karwoski stated that the Department of Athletics is “benchmarking” at other schools to discover whatever procedures they use in this context. Prof. Pope-Davis: Does the NCAA speak to this? Mr. Karwoski: No; beyond requiring some appellate process, that organization is silent on this issue. Mr. Wilcox observed that the NCAA, in mandating such a provision, intended to create a vehicle for students to appeal an adverse transfer decision. But the NCAA provided no direction for that panel once it gets put together. The Chair pointed out that the process does not evolve much since it is so rarely invoked. Mr. Karwoski agreed; Notre Dame has had only three cases in the past fourteen years. The Chair suggested that a few people from the Board’s academic-integrity and student-welfare subcommittees join with a similar number from the Department of Athletics and someone from the Office of General Counsel to pursue this matter. Dr. White agreed with that approach.

**7. Possible amendment of *Academic Articles* and *Statement of Principles for Intercollegiate Athletics*:** Prof. Power, chair of the Board’s subcommittee on communications, introduced a discussion of possible changes to the *Academic Articles* and to the University’s *Statement of Principles for Intercollegiate Athletics*. The subcommittee has addressed three different issues. First, should the current term limits (two three-year terms) applicable to the Chair of the Board, who also serves as faculty athletics representative, be lengthened or even eliminated? Second, should the *Statement of Principles for Intercollegiate Athletics* be amended to specify that members of the University’s Board of Trustees adhere to the *Statement on Board Responsibilities for Intercollegiate Athletics*, a statement adopted in March 2004 by the Board of Directors of the Association of Governing Boards of Universities and Colleges, to which Notre Dame belongs? (This would, of course, require the consent of the Board of Trustees, possibly through adding its Chair as a signatory of the *Statement of Principles for Intercollegiate Athletics*; currently only the president, the director of athletics and the Chair of the Faculty Board on Athletics are signatories.) Third, should the *Statement of Principles on Intercollegiate Athletics* be amended to make clear that the University’s faculty athletics representative must be consulted with regard to contract extensions and terminations of high-ranking athletics administrators and head coaches? (The *Statement* already provides for such consultation

with regard to hiring, and the president's office and the director of athletics have already agreed to so consult regarding extensions.)

Prof. Fallon, a member of the subcommittee on communication, emphasized that the proposal for amending term limits did not come from the current Chair of the Faculty Board. Prof. Fallon asked the Chair to discuss, nonetheless, why it might lie in Notre Dame's best interest to extend those term limits. The Chair, emphasizing that any such amendment would not apply to him but rather be prospective only, agreed that the limits should be extended or eliminated. Those term limits affect two positions, held by one person at Notre Dame – Chair of the Faculty Board and faculty athletics representative. (At most other institutions, those positions are held by two separate individuals.) The Chair voiced his view that Notre Dame must be visible on the national athletics stage and, to do so, its faculty athletics representative must have more than six years to move into positions of prominence. In his six years, he has managed to get elected to the executive committee of the Faculty Athletics Representatives Association (FARA), a national group. He also has served on the executive committee of an organization in whose founding he played a role: the Division I-A Faculty Athletics Representatives. During this past year, he has been approached to become vice president of the former organization, but could not accept due to the expiration of his second term. With regard to the latter organization, he declined the opportunity to seek re-election since the term of office would take him beyond his term limits at Notre Dame. To be sure, one can make an argument in favor of term limits: the concern that faculty athletics representatives might become too comfortable in the position or be perceived as being "too cozy" with athletics on campus. In any event, it is important to point out, the Chair noted, that FARA has enacted a formal position against term limits for faculty athletics representatives. Indeed, even the Coalition on Intercollegiate Athletics, a so-called "watchdog" group, has dropped its initial endorsement of such term limits.

At this point, to allow for a freer discussion of this issue, the Chair left the room at 4:50 p.m. He returned to adjourn the meeting at 5:15 p.m.

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