



FACULTY BOARD ON ATHLETICS UNIVERSITY OF NOTRE DAME

[Note: The Faculty Board on Athletics spent most of its three regularly scheduled meetings of December 9, 2004, January 20, 2005, and February 22, 2005, discussing the issues surrounding the termination of Coach Tyrone Willingham. The Faculty Board spoke with provost Nathan Hatch at the December 9 meeting, and with Father Malloy and Father Jenkins, separately and in that order, at two specially called executive-session meetings held on December 14 and December 15, 2004. Those discussions resulted in the statement, unanimously adopted by the Board's voting members, set out in the Appendix. Since the Faculty Board has unanimously agreed to limit its public pronouncements on the termination issue to that statement, no further account of those discussions occurs here.]

Meeting of December 9, 2004
5th Floor Conference Room, Main Building

Members Present: Prof. Fernand Dutile (Chair); Prof. Harvey Bender; Prof. Eileen Botting; Dr. Matthew Cullinan; Prof. Stephen Fallon; Prof. Umesh Garg; Mr. Patrick Holmes; Prof. David Kirkner; (Rev.) Mark Poorman, C.S.C.; Prof. F. Clark Power; and Prof. John Weber.

Members Absent: Mr. Bobby Brown; Prof. William Kelley; Prof. Donald Pope-Davis; and Dr. Kevin White.

Observers Present: Ms. Missy Conboy and Mr. Bernard Muir of the Department of Athletics; Ms. Kitty Hoye, recorder.

Guest: Dr. Nathan Hatch, provost.

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

2. Minutes of Previous Meeting: At this point a motion to approve the minutes of the meeting of November 18, 2004, was made, seconded, and unanimously approved.

3. Football-Coach Transition: [See note at beginning of this document].

4. Adjournment: The meeting was adjourned at 7:10 p.m.

Meeting of January 20, 2005
5th Floor Conference Room, Main Building

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

Members Absent: Dr. Matthew Cullinan; Dr. Kevin White.

Observers Present: Ms. Missy Conboy and Mr. Bernard Muir, both of the Department of Athletics; Ms. Kitty Hoyer, recorder.

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

2. Minutes of Previous Meeting: Prof. Garg moved that the minutes for the meeting of December 9, 2004, be approved; Prof. Weber seconded. A unanimous vote of approval followed. In connection with this approval, Prof. Kelley asked whether minutes had been prepared for the two special meetings held with Father Malloy and Father Jenkins, respectively, in late December with regard to the football-coach transition. The group agreed that these meetings should be treated as “executive sessions,” thus precluding the need for official minutes.

3. Announcements: The Chair announced that Dr. Cullinan, Father Malloy’s representative to the Faculty Board, would leave his University position on February 1, 2005. Father Poorman moved, and Prof. Garg seconded, a resolution thanking Dr. Cullinan for his years of service as a member of the Faculty Board on Athletics. The resolution passed unanimously.

The Chair announced that he had approved, on the Board’s behalf, the 2004-05 schedule for baseball. That schedule calls for two games during the spring study-day period, an arrangement falling well within an understanding reached earlier between the Board and baseball. The Chair announced that he had approved an amendment to the hockey schedule for the current academic year; that amendment substituted the afternoon of Wednesday, November 24, for Friday, November 12. The Chair has also approved the schedule for women’s lacrosse for spring 2005 and that for men’s and women’s outdoor track and field for spring 2005 (despite the number of meets indicated on the latter schedule, no individual student-athlete will miss more than three class days in either the Monday-Wednesday-Friday sequence or the Tuesday-Thursday sequence). The Chair has also approved an amendment to the women’s-tennis schedule: The team’s match against the University of Wisconsin-Madison has been moved, requiring a substitution of April 21, 2005, for March 29, 2005, as a class-miss day.

The Chair has approved, on the Board's behalf, captains for men's lacrosse (Jim Morrison, Brian Giordano, Stewart Crosland, and Chris Richez); for football (2004) (Derek Curry, Mike Goolsby, Ryan Grant, and Carlyle Holiday); and for softball (Megan Ciolli).

At this point, the Board ratified these decisions.

In connection with the issue of team schedules, Father Poorman alluded to the track team's scheduled meet at Stanford on Good Friday. The Chair pointed out that the University's revised guidelines with regard to the Triduum permit away competition on Good Friday as long as a chaplain or some other access to services of worship is provided. Father Poorman asked how many student-athletes would be involved. Ms. Conboy: We do not know at this point; it all depends on how many student-athletes qualify.

4. Football-Coach Transition: [See note at beginning of this document].

5. Notre Dame's Ranking in the Directors' Cup: At this point the group unanimously passed a resolution congratulating the Department of Athletics and its varsity teams on Notre Dame's number-one ranking, following the fall season, in the Directors' Cup. The Directors' Cup seeks to rank colleges and universities according to the strength of their athletics program across a large number of sports, both high-profile and Olympic.

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

Meeting of February 22, 2005
Fifth-Floor Conference Room, Main Building

Members present: Prof. Fernand Dutile (chair); Prof. Harvey Bender; Prof. Eileen Botting; Prof. Stephen Fallon; Prof. Umesh Garg; Mr. Patrick Holmes; (Rev.) Peter Jarret, C.S.C.; Prof. William Kelley; Prof. David Kirkner; (Rev.) Mark Poorman, C.S.C.; Prof. Clark Power; Prof. John Weber

Members Absent: Mr. Bobby Brown; Prof. Donald Pope-Davis; and Dr. Kevin White

Observers Present: Ms. Missy Conboy and Mr. Bernard Muir (both of the Department of Athletics); and Ms. Kitty Hoye (recorder)

Guest: Mr. Michael Karwoski, associate athletics director for compliance

1. Call to order and prayer: The Chair called the meeting to order at 5:07 p.m. Father Jarret led the group in prayer.

2. Minutes of previous meeting: Prof. Bender moved, and Prof. Fallon seconded, the approval of the minutes of the meeting of January 20, 2005. The motion carried unanimously.

3. Announcements: The Chair introduced to the Board Father Peter Jarret, C.S.C. Father Malloy has appointed Father Jarret to the Board as his representative, replacing Dr. Matthew Cullinan, who has left the University.

The Chair announced that he had approved, on the Board's behalf, the following team schedules: women's soccer (spring 2005) and men's soccer (spring and fall 2005). The Chair noted for the record that the Board had approved an extra class-miss day in the Monday-Wednesday-Friday sequence for the fall 2005 women's-soccer schedule; this necessity arose from complications attending the changing membership of the Big East Conference. The Chair has also approved amendments to the men's-tennis schedule: the match with Michigan State University has moved from Tuesday, February 15, to Tuesday, February 22; the match with Ohio State University has moved from Sunday, February 20, to Wednesday, April 13. That schedule remains within University guidelines. At this point, the Board ratified the Chair's decisions.

The Chair announced that he had sent to each head coach a reminder of the University's guidelines concerning practice, competition and travel during Holy Week. The letter asked each such coach whose team planned to travel during Holy Week to provide the Chair with information regarding how the team would be provided access to worship services.

The Chair informed the Board that he had also sent to each head coach information concerning the Byron V. Kanaley Award, Notre Dame's most prestigious student-athlete honor. Each coach was invited to nominate one senior team member for that award.

4. Application of new NCAA academic rules: At this point the Chair introduced Mr. Michael Karwoski, newly appointed associate athletics director for compliance. Mr. Karwoski reviewed for Board members the application of recently enacted NCAA academic-reform legislation. (Although the NCAA has recently released first-year data for all universities under the new legislation, no actual penalties will be assessed until next year). The system revolves around the academic progress rate (APR) for each institution. Intended to provide an improved real-time assessment of teams' academic achievement, the APR awards to every grant-in-aid student-athlete one point each semester for remaining eligible and another for returning to the institution the following term. (Appropriate adjustments are made for those institutions on a quarter, rather than a semester, system). The total number of points earned by a team is divided by the maximum points possible, and then multiplied by 1,000 to become the APR. The NCAA Board of Directors has set a "cut score" of 925 (which equates to about a 50% graduation rate) for application of contemporaneous penalties. (Although 2003-04 APR data show that 7.4% of all Division I teams fell below the cut score, no Notre Dame team did). Contemporaneous penalties, the most immediate in the reform arrangement, prohibit teams with an APR below the cut score to re-award the grant-in-aid of players who leave the institution and would not have been eligible to play had they returned. (Some exceptions are available for student-athletes who have exhausted their eligibility). Thus, contemporaneous penalties do not automatically befall teams whose APR falls below the cut line; they are triggered by the departure of a student-athlete who would not be eligible to play upon return. Since rehabilitative rather than punitive

objectives pervade the reform structure, contemporaneous penalties are limited to about 10% of a team's financial-aid limit. Example: In football, which allows 85 scholarships, a team could be penalized a maximum of 9 (8.5 rounded up) scholarships.

Historical penalties will eventually undergird contemporaneous penalties. Historical penalties will apply a "more significant punitive hit" to teams that the APR identifies as chronic academic under-performers. Although the NCAA's Committee on Academic Performance has not yet finalized the penalty structure for historical penalties, they will be incremental in nature, progressing from a warning to recruiting restrictions, financial-aid limitations, post-season bans, and restricted membership status.

This spring the NCAA launches its graduation success rate (GSR), a new graduation-rate calculation intended to supplement, but not replace, the current federal calculation. Unlike the federal system, the GSR will credit institutions for both incoming and outgoing transfer student-athletes who are academically eligible.

In answer to a question from Prof. Kirkner, Mr. Karwoski noted that the APR system does not allow telling comparisons between institutions because it relies on the concept of eligibility, an institution-specific determination. Some institutions base eligibility only on the NCAA minima, under which a student-athlete remains eligible for the spring semester merely upon successful completion of six credit hours during the fall semester. Notre Dame, on the other hand, re-certifies all student-athletes according to its grade-point-average calculations. Mr. Holmes noted that our composite APR would be about fifteen points higher if we used the more lenient calculation. Prof. Kirkner: Can't we use the same calculation that everyone else does? Mr. Holmes: Discussions with the NCAA on this point did not go far. Father Poorman bemoaned a system that did not use uniform standards; to the Notre Dame community and to the public, our APRs will look much worse than they should when compared with those of some other schools. He suggested pushing the NCAA vigorously on this issue. Agreeing, Prof. Bender urged the use of two eligibility calculations—the local, Notre Dame one, and the NCAA's; otherwise, we are not "comparing apples to apples." Prof. Botting suggested that Notre Dame discuss the problem with other schools similarly situated; what are they doing about this? Mr. Karwoski predicted that the release of the first year's data will prompt many discussions with the NCAA; adjustments will definitely be needed. Prof. Power asked whether penalties would be applied to conferences, as opposed to individual teams; no, Mr. Karwoski answered. Prof. Fallon felt that the Faculty Board should object collectively to this arrangement. Prof. Weber: We need to know what other schools use as their eligibility measure; is such information on the Web? That would be unlikely, Mr. Karwoski replied; we would need to contact each institution. We could ask the Big East for the criteria used by its schools. Mr. Holmes hoped that a conference call among Big East members on March 2 might clarify some of the issue by revealing how other institutions calculate eligibility. Prof. Botting observed that a quantitative social scientist might analyze the situation and make a persuasive case to the NCAA. We need data in order to best make the point. Father Poorman, agreeing, added that we should do the assessment for each sport to make plain that the current standard is anything but airtight. Prof. Bender called the matter a very serious one; the range of APR scores at issue is considerable. He moved that the Board request both the Department of Athletics and the Office of Academic Services for Student-Athletes to ascertain the standards used by other institutions, to pursue the issue in every way possible

otherwise, and to report back to the Board. Father Poorman seconded the motion, which was adopted by acclamation.

5. Football-Coach Transition: [See note at beginning of this document].

6. Fall 2004 grade summary and analysis: Mr. Holmes, as director of the Office of Academic Services for Student-Athletes, reported on the academic performance of student-athletes for fall 2004. The semester GPA for our 682 student-athletes was 3.18, the cumulative GPA 3.11. Thirteen full-time student-athletes had perfect 4.0 GPAs. Of all student-athletes, 15% made the Dean's List, 39% earned GPAs above 3.4, and 67% garnered GPAs above 3.0 (all percentages have been rounded). Twenty-three of the 24 teams had GPAs above 3.0. Four teams (women's cross country, women's fencing, women's tennis, and volleyball) had GPAs above 3.4. In addition to winning the national championship, the women's soccer team posted its best-ever semester average GPA (3.38) and two of its team members, Erika Bohn (first team) and Annie Schefter (second team) earned Academic All-America honors. Men's lacrosse also posted its highest semester GPA ever. Men's basketball, women's fencing, football, men's lacrosse, men's soccer, women's swimming, and women's tennis currently boast their highest cumulative team GPAs ever. Six student-athletes found themselves on probation following the fall 2004 semester.

Prof. Fallon: To what should we attribute these improvements? Mr. Holmes (jokingly): Grade inflation! Prof. Weber stated that the "300% trend increase" seen here cannot be laid solely at the feet of grade inflation. Prof. Bender suggested that much of the credit should go to Mr. Holmes's office. Mr. Holmes: This improvement is mission driven; our office plays a role, but everyone else does too. Notre Dame is a great place; it produces a University-wide effort. In answer to a question from Prof. Kirkner, Mr. Holmes remarked that it is difficult to get all the numbers that would allow a full comparison with student-athletes of years ago. The average SAT has gone up a bit for student-athletes, but it has gone up more for the student body at large. Father Poorman noted that full funding for all sports, which Notre Dame now provides, makes a huge difference. Prof. Bender emphasized that this story of marked improvement is an important one that needs to be told; something very exciting is going on here. Indeed, the story would benefit recruiting. Prof. Fallon noted that the assistant provost for admissions had recently lamented the growing gap between the SATs of student-athletes and those of other students. Mr. Holmes: That gap does continue to widen with regard to football, but not with regard to the other sports. In response to Prof. Garg's question concerning the reduction in the number of student-athletes on Dean's List, Mr. Holmes stated that the fall semester was the first in which the new criterion for Dean's List took full effect; formerly, one made Dean's List by achieving a GPA of 3.4; now one must place in the top 30% of one's college. Prof. Botting emphasized the need to cultivate our best students too. And this should begin early in the student's career, so that the student knows what is available. The faculty itself should be doing more of this. It is wonderful that we have student-athletes with GPAs above 3.8. They must be encouraged to apply for post-collegiate scholarships like the Fulbright and other prestigious awards. The Byron V. Kanaley Award, given to seniors here, is superb, but it occurs after the fact. Mr. Holmes noted that such mentoring remains the goal of the academic-honors program in his office. We sort out such student-athletes every year by GPA. The list goes to the coaches, and the group comes together. Father Poorman said that he hoped an even closer connection might be established between these

academically gifted student-athletes and the office charged with promoting prestigious fellowships and awards. Prof. Fallon called attention to the relatively low academic achievement of one team. That, responded Mr. Holmes, is a work in progress. We are moving in the right direction, but we need to change the culture there. The Chair thanked Mr. Holmes for his report.

7. Adjournment: The Chair adjourned the meeting at 6:45 p.m.

APPENDIX

STATEMENT OF THE FACULTY BOARD ON ATHLETICS REGARDING THE TERMINATION OF COACH WILLINGHAM

The Faculty Board on Athletics has concluded its discussion of the issues surrounding the termination of Head Football Coach Tyrone Willingham. As reported in the Faculty Board's first statement on this matter, Board members have voiced concerns regarding 1) the lack of faculty involvement in the termination decision, a decision significantly affecting a wide array of academic interests and the welfare of student-athletes; 2) the process attending that decision, including especially the role of two members of the Board of Trustees; and 3) the timing, speed and wisdom of the decision itself. The Faculty Board addressed these concerns in five separate meetings. Dr. Hatch, Father Malloy, and Father Jenkins, separately and in that order, appeared before the Faculty Board to give their accounts of the termination meetings and to respond to questions put by Faculty Board members. Dr. Kevin White declined an invitation from the Faculty Board to discuss these meetings.

Faculty Involvement: Notre Dame's *Statement of Principles for Intercollegiate Athletics* specifies that the University's NCAA Faculty Athletics Representative (FAR), who also chairs the Faculty Board on Athletics, serves on search committees for all head coaches. Since the drafting of that document, both Father Malloy and Dr. Kevin White have agreed to consult the FAR with regard to the extension of all head-coaching contracts, an agreement written into the *FBA Manual*. Moreover, the FAR has been consulted on countless matters--large and small--well beyond those specified by the *Statement* or agreed to by the president and the director of athletics. The decision to terminate Coach Willingham certainly fell within the spirit of the *Statement* and of current practice; termination is obviously the flip side of continuation and thus implicates many of the same concerns that hiring and contract-extension do. Failure to involve the FAR in a decision having such an enormous impact on the University and its student-athletes seems indefensible. Moreover, since the name and initial pursuit of one head-coach prospect emanated from these meetings, it is clear that the search for a new head coach began in the absence of the FAR. This clearly violated the *Statement's* provision for the presence of the FAR on head-coach search committees.

The Faculty Board strongly protests the failure to include the FAR in both the termination and the initial search discussions. (The FAR did participate fully in all search-committee meetings following the two termination meetings). Fr. Jenkins accepts that it would have been optimal to include the FAR earlier in the process, and is open to working with the Faculty Board to formulate some policy of inclusion of the FAR in future such situations. For its part, the Faculty Board will seek to institutionalize such a requirement, either through a revision of the *Statement* or, at the least, through some other written confirmation of Father Jenkins's agreement to so consult.

The process: In his written statement to the Board, Father Jenkins takes full responsibility for calling the meetings. He vigorously replied "no" to the following broad

question put to him by a member of the Faculty Board on Athletics: “Did any member of the Board of Trustees, directly or indirectly, formally or informally, occasion the termination meetings?” He stresses that he “was not pressured into any action [he] took by any member of the Board of Trustees.” He does state that “a number of [non-trustee] high-level administrators at the university” had expressed to him their concern about the football program, but on our limited information we cannot conclude that, with regard to the calling of the meetings, members of the Board of Trustees exerted their influence through those “high-level administrators.”

The Faculty Board remains deeply troubled that members of the Board of Trustees did participate in these meetings (and, over the years, in others dealing with athletics), apparently as equals with University officers. (Father Jenkins notes that Father Malloy had agreed to accede to the recommendation of “the group”; newspaper and other reports suggest that in both the termination of Coach Willingham and the hiring of Coach Weis, two trustees did act as full committee members; and, moreover, four years ago newspapers reported that a trustee had interviewed a candidate for head-coach in men's basketball). Such intimate involvement by members of the Board of Trustees in operational (as opposed to oversight) activities of the University raises serious questions, to say the least. Indeed, in its March 2004 statement addressing the role of such boards with regard to athletics, the Association of Governing Boards of Universities and Colleges, of which Notre Dame is a member, itself stated, “Boards should not be directly involved in the process of hiring and firing coaches or other athletics department personnel.” This clear indication of the inappropriateness of the involvement of trustees in the recent termination and search procedures undergirds the Faculty Board’s protest of that involvement and its commitment to institutionalize protections against similar involvement in the future. Of course, such questions may extend well beyond the jurisdiction and expertise of the Faculty Board on Athletics. Accordingly, the Faculty Board urges the Academic Council or the Faculty Senate to determine whether such involvement has occurred in other areas of University life and, in any event, to assess the extent to which such involvement deviates from the appropriate division of labor at American universities.

The involvement of two members of the Board of Trustees contrasts sharply with the absence not only of the FAR (see above), but also of other University officials who could have brought additional knowledge, perspective, and depth to the discussions.

Timing, speed and wisdom: Much has been said about the timing of the termination. Perhaps the biggest public misconception in this regard concerns the nature of Coach Willingham's contract. It is important to note that his contract, like typical football coaching contracts in Division I-A, included a two-way buy-out clause that allows either party to leave the relationship upon payment of a fairly stiff fee. (After the contract period in such contracts has run, either side may leave without cost). Notre Dame, therefore, did not break its contract with Coach Willingham; it invoked a separation clause, one fully agreed to by Coach Willingham. The Faculty Board would be still more concerned about the termination if Notre Dame had breached its contract. It did not.

Contract issues aside, reasonable people can differ on whether head coaches in general, and Coach Willingham in particular, should be given more than three years to manifest their coaching effectiveness. Many feel that the “five years” traditionally given other head football coaches here not only provides the appropriate window in which to develop a winning program,

but also mitigates much better than shorter periods any pressure to compromise our academic and athletics values. Despite the considerable problems on the field over the last three years, arguments could be made that Coach Willingham needed more time to develop his system, to bring in his own recruits, and the like. Important as well are several other considerations: the positive impact Coach Willingham has had on the personal development, academic performance and welfare of his student-athletes; the potential injury to Notre Dame's academic reputation (reflected in the many public allegations, since the termination, that Notre Dame has now shown that only winning matters); Coach Willingham's towering role as the head football coach at Notre Dame, one of the few black football coaches in Division I-A, the first black head coach in any sport here, and easily the most prominent African-American on our campus; the corresponding potential for a significant negative impact on diversity efforts at Notre Dame; the likelihood, in any event, that some would perceive in the decision racial implications, including a retreat in the University's commitment to diversity, or other lack of integrity; and the predictable controversy when the public learned, as inevitably it would, that Notre Dame's head football coach had been terminated without the personal support of the president. Precisely because the Faculty Board was not represented at the termination discussions, it can make no final conclusion regarding the wisdom of the decision. Moreover, such a decision reflects many factors beyond the immediate concerns of the Faculty Board. The Faculty Board strongly asserts, however, that any decision would have been better, and better received, if informed by the faculty view—and the views of others. Due to recruiting concerns, the difficulty of hiring a suitable replacement, and public confidence once reports of such discussions surfaced, any termination decision had to be made relatively quickly. But the speed of the decision to terminate Coach Willingham undoubtedly exacerbated the concerns raised by the narrowness of the group making it.

Conclusion: The Faculty Board on Athletics firmly believes that the termination decision affected the University and the welfare of its student-athletes in many, deep ways; that the faculty, at least through the FAR, and perhaps others should have been represented in discussions of the termination; that faculty representation should be institutionalized; that beginning the search for a new head coach without the presence of the FAR violated Notre Dame's *Statement of Principles for Intercollegiate Athletics*; and that, despite the lack of any information that members of the Board of Trustees initiated the termination meetings, the direct involvement of trustees in the termination and search process undermined their oversight role. In this regard, the Academic Council or the Faculty Senate should look into the extent and appropriateness of the involvement of the Board of Trustees in this and other operational matters at the University.