

FACULTY BOARD ON ATHLETICS

UNIVERSITY OF NOTRE DAME

Meeting of September 2, 2004

5th Floor Conference Room, Main Building

Members Present: Prof. Fernand Dutile (Chair); Prof. Harvey Bender; Prof. Eileen Botting; Mr. Bobby Brown; Dr. Matthew Cullinan; 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; Dr. Kevin White.

Members Absent: Prof. John Weber.

Observers Present: Mr. Bernard Muir, Ms. Missy Conboy, Mr. John Heisler III, 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. Dr. Cullinan led the group in prayer.
- 2. Minutes of May 13, 2004:** The Chair noted that the Board, through an e-mail vote, had approved these minutes, a hard copy of which accompanied the agenda for today's meeting.
- 3. Announcements:** Since this was the first meeting of the new academic year, the Chair invited self-introductions from all present.

The Chair announced his approval, on behalf of the Board, of the following captaincies: David Binz and Megan Wilson (cheerleaders, Gold Unit); Michael Jenista and Christine Williford (cheerleaders, Blue Unit); Tim Moore and Sean O'Donnell (men's cross-country); Meg Henican (volleyball); Sarah Jane Connelly (women's tennis); Jacqueline Batteast, Teresa Borton, and Megan Duffy (women's basketball); Jordan Cornette, Torin Francis, Chris Quinn, and Chris Thomas (men's basketball); K. C. Wiseman, Steve Colnitis, and Scott Gustafson (men's golf); and Katie Brophy and Suzie Hayes (women's golf).

The Chair announced that he had also approved, on behalf of the Board, the following team schedules: volleyball (fall 2004); men's tennis (2004-05); men's and women's cross-country (fall 2004; although the schedule calls for four missed-class days in the Monday-Wednesday-Friday sequence, no individual student-athlete will miss more than three); hockey (2004-05); cheerleaders (fall 2004); football (fall 2004); and rowing (fall 2004).

The Chair also announced approval of an amendment to the schedule for women's soccer. That amendment added the afternoons of September 16 and October 7 to the list of missed-class days;

these additions do not take the schedule outside University guidelines. Due to unanticipated flight changes, however, on September 30 two student-athletes will be excused from their post-2:00 p.m. classes. These excusals do implicate a fourth “MWF.”

At this point, the Board ratified these decisions by its Chair.

The Chair noted for the record that the Board had approved through e-mail votes: 1) the schedule for women’s soccer (fall 2004); and 2) a fifth year of eligibility for Danielle Davis, a fencer.

The Chair notified the Board that he had sent each of them a copy of the 2004 edition of the *FBA Manual*. He hoped soon to announce the composition of the Board’s three subcommittees (academic integrity; student welfare; and communication). Among the matters the Chair hoped the subcommittees would address during this academic year: 1) the academic problems that arise for student-athletes in their ninth and tenth semesters; 2) possible revision of Notre Dame’s *Statement of Principles for Intercollegiate Athletics*; 3) possible adjustment of the current structure and jurisdiction of the Board; 4) possible need for new guidelines with regard to multi-sport athletes at Notre Dame (the Chair noted, in this connection, that the NCAA had recently limited multi-sport athletes to the same number of hours of sports activity per week as single-sport athletes); 5) the current proposal before the NCAA to allow, for football, five years to play five years--as opposed to the current system allowing five years to play four; and 6) possible amendment of the guidelines relating to the Byron V. Kanaley Award.

The Chair updated the Board on the discussion by the Big East Conference of men’s participation in women’s athletics practices. At a meeting in June, the conference’s faculty athletics representatives showed no significant interest in changing the current approval of such participation. Moreover, the conference Student-Athlete Advisory Council also endorsed the current arrangement.

4. Football Scheduling: Dr. White pointed out that on January 28, 2004, the Ad Hoc Committee on Conference Affiliation, having considered all options, decided to “stay the course” in the Big East and continue to “monitor the landscape.” That committee also considered the need to rework Notre Dame’s football schedule in order to be more competitive and, at the same time, honor budget requirements. Obviously, only cosmetic changes can occur during the near future, for which we are almost totally contracted. We can write on a relatively clean slate from the year 2011 onward. Ultimately, we seek to have seven home games every year, a feat more easily said than done. We would like to move to a seventh home game by the 2009-10 academic year. In some years, depending on the calendar, we have a 12-game schedule rather than an 11-game schedule; in such years we would hold the line at seven games in South Bend so as not to “overload” the campus, but try to be creative with the eighth game. This could, for example, involve a “home” game in a major city.

At this point, Dr. White introduced Mr. John Heisler to elaborate on the scheduling situation. Mr. Heisler stressed that a lot of time has been spent on this issue; the logistics of seven home games changes the dynamics considerably. We do not want to walk away from our established relationships. Moreover, although we are not members of the Big East for football, that

conference has asked that we remain engaged with it through scheduling a certain number of Big East football games. Even if we are independent in football, the conference argues, a strong Big East is in our interest. The Big East remains fairly flexible with regard to whom we play within the conference and where. Mr. Heisler expects to put out next week a memo describing our priorities in these regards.

Dr. White: We have to get one or two “buy” games (i.e., games in which the opponent plays here, but we do not return the visit) to begin the season. As an independent, we are in some senses being held hostage because of scheduling difficulties. We will test the market in this regard. Our game last year with Washington State, for example, came as a one-way deal. There are many ways in which we can continue our relationship with Navy, too. In other words, this is an exciting time in which to reinvent ourselves and be still more successful. Prof. Pope-Davis asked whether this fall’s two weekends without a football game, occasioned by the move of the game against Brigham Young University, will become a pattern. Dr. White responded that predicting scheduling patterns was difficult. We do want to create breaks that make sense. We would like to have an open weekend around mid-term examinations, for example. As an independent, we can strategically plan these types of breaks. In any event, it is important to remember that any change made by Notre Dame couldn’t be done overnight, anyway; our television contract with NBC, for example, got negotiated based on our current conference situation. The Chair thanked Dr. White and Mr. Heisler for the scheduling update. Prof. Bender asked the Board to specially recognize Mr. Heisler for the “incredible job” done in rescheduling the game against Brigham Young University. The Board enthusiastically endorsed that suggestion. Mr. Heisler thanked the Board, but noted the crucially important role played by ESPN in that process.

5. BCS Update: At this point Dr. White reported on Notre Dame’s position with regard to the next contract of the Bowl Championship Series (BCS), now being worked out. We are, he said, excited about the expansion of BCS bowls to five, as opposed to the former four. This change allows ten “access points,” rather than eight. (The Rose Bowl, one of those five bowls, has already renewed its contract with ABC; that Bowl negotiates separately from the other bowls.) Our discussion has now turned to the level at which Notre Dame gets automatic access to a BCS bowl and the level of financial payout. It is likely that Notre Dame will now move to a guaranteed minimum payout each year, with additional funding provided in years in which Notre Dame participates in one of the five bowls. (Previously, Notre Dame received a payout only when selected to play in a BCS bowl – “feast or famine.”) Although there remained some significant differences between Notre Dame and the rest of the BCS authorities with regard to both access point and payout, Dr. White had every confidence that a satisfactory agreement would be reached. Dr. White noted that an important BCS meeting, scheduled for September 8, would provide still more answers.

6. Team Schedules: The Chair, authorized to approve only those team schedules that fall within University guidelines, brought to the Board several schedules that raised questions in that regard. Several of these implicated guidelines with regard to the “last week of class.” The Chair noted the ambiguity of that phrase. Does it mean the entire week from the final Thursday through the final Wednesday, including the intervening weekend? Does it mean the final five class days only? Or does it mean the last calendar week, and therefore only the Monday,

Tuesday, and Wednesday of that week? The Chair stated that to date he had interpreted the phrase to mean the last five class days, excluding the intervening weekend. He sought the guidance of the Board on this question. Mr. Muir noted that head coaches treat the last week as comprising only the Monday, Tuesday, and Wednesday. Prof. Kirkner: That seems intuitively correct. Not to me, said Prof. Fallon; in some cases the last two classes can equal the last week of class. Prof. Garg urged that the calendar determine the last week of class. Prof. Bender worried that considering the full seven days to be the last week of class would dramatically constrict the time available for scheduling competition. Ms. Conboy agreed; that is a key point, especially for spring sports. Defining the last week of classes to include only three days reduces the problem significantly. At this point, the Chair emphasized that even under an expansive interpretation of “last week,” reasonable scheduling would not be impossible since conference games are specifically exempted from the provision. Prof. Power urged the Board to look to the spirit of the law; what do we want to protect? On the last day of class, I discuss the upcoming examination, he added. Ms. Conboy: Take softball, as an example. That team does not practice at all toward the end of the semester. It just plays games. Shouldn’t it matter if a game is at home and, therefore, no classes are missed? Prof. Kelley asked whether the intent underlying the provision reflected concern about staying on campus and studying; isn’t that the point? Father Poorman thought the provision was designed to discourage travel. The Board, voting on a duly made and seconded motion, adopted the view that the “last week of class,” as used in the *FBA Manual*, means the last Monday, Tuesday, and Wednesday of the last calendar week of class. With this clarification, the Board next considered individual schedule proposals. Mr. Muir introduced that for men’s basketball. The proposal called for one class-miss day, for the December 8 game against Indiana, during the last week of class, and a home game against DePaul on December 11, a study day. The schedule also proposed two missed-class Friday afternoons, February 12 and February 19, in anticipation of Saturday games on national television. These Fridays would be in addition to the three class-miss days in the Monday-Wednesday-Friday sequence allowed by University guidelines. In response to a question from Prof. Kirkner, Mr. Muir stated that the team would like to practice on campus at noon on those Fridays, then fly to the site of the game in time to take part in a “walk-through” at the arena. At this point, the Chair noted his concerns. First, the Department of Athletics had provided extensive air chartering for the basketball team precisely with a view to controlling missed classes. Second, added the Chair, how would we square approving such additional class misses with the fact that other Notre Dame teams board busses after class for six-and seven-hour rides to Big East away games? Third, wouldn’t every sport like to have a noon practice before departing campus? Mr. Muir responded that different sports have different needs. On the other hand, the Chair added, the study-day game against DePaul seemed at least impliedly approved by the Board last year in approving the parallel away game during study days. Moreover, the December 8 game against Indiana seems well within the “limited nonconference competition” authorized by the guideline. Prof. Fallon: With regard to the Friday afternoon request, we are weighing the desirability of basketball practice against the desirability of class attendance. Prof. Kirkner: How many players would have class during the afternoon – one or two, or the entire team? Mr. Holmes responded that preferential registration for basketball has traditionally allowed team members to avoid having Friday afternoon classes. Prof. Fallon worried about students being counseled against taking certain courses so as to free up their afternoons. Prof. Garg expressed his concern that allowing two extra Friday afternoons of excused classes would mean, essentially, that students would miss twenty-five percent of the course. Ultimately, the

Board approved the December 8 game at Indiana; approved the December 11 home game against DePaul; and, for lack of a motion, did not approve Friday afternoon class misses on February 12 and February 19.

At this point the Board considered the request of men's golf for one extra class-miss day in the Monday-Wednesday-Friday sequence. This extra excused-absence day would permit the team to play a much more competitive schedule. Upon a motion duly seconded, the Board approved the request. Also before the Board came the travel schedule for the "junior-varsity" men's golf team. Although historically junior-varsity travel schedules have not come before the Board for class-miss days, Mr. Muir noted that the proposal resembles what has traditionally been done in track, namely, having different student-athletes attend different meets during the season. Under the proposal, more student-athletes will have opportunities to qualify for post-season play. Moreover, Mr. Muir said, no student who participates only in junior-varsity competition will miss more than the allotted three days in each sequence, although the team itself is scheduled to compete on four days in the Monday-Wednesday-Friday sequence. Prof. Garg moved that the schedule be approved; Prof. Kelley seconded. The motion passed.

The Board then considered the spring 2004 schedule for softball. That schedule calls for three nonconference games during the last week of class – a doubleheader at home on Tuesday and a single game in Chicago on Wednesday. Prof. Garg noted the large number of games played by softball at the end of the semester. Mr. Muir responded that the nature of the playing season for softball created that situation. Our inclement weather also contributes, since games cannot be scheduled too early in the semester. Dr. White noted that softball teams, like baseball teams, tend not to have practices but rather games. Mr. Holmes pointed out that with regard to the games at issue, those during the last week of class, no student-athlete would miss class. Prof. Kelley: Is such a schedule the norm for softball, then? Ms. Conboy: Yes. Indeed, we may come before you again if the weather is bad and too many games get rained out. Upon a motion duly seconded, the Board approved the schedule for softball.

7. Linking the FBA Website to that of the Department of Athletics: The Chair reminded the Board that during the last academic year it had agreed to link its website to that of the Department of Athletics. The Chair asked Prof. Fallon to address that matter, since some concerns have been raised about the breadth of exposure. Prof. Fallon noted that currently the Board website is linked to that of the Department of Athletics through "nd.edu." That link is quickly accessible and in fact may provide more exposure than the Board originally wanted. We did want to provide full access to our colleagues, but not so much to the outside world. As an alternative, we could put ourselves under the faculty-staff index. There we would be much less likely to be accessed by the outside world. Father Poorman: Do we now require a faculty "log-in"? No, Prof. Fallon responded. Prof. Bender asked whether there had been any abuses to date. No, Prof. Fallon answered, although our minutes have made it to the website of "ND Nation." Prof. Garg suggested making the site accessible only through an AFS identification. Prof. Fallon noted that students may access sites that require an AFS identification. Is student access important? Yes, submitted the Chair. Prof. Pope-Davis noted that the Board primarily intended to make the minutes accessible to our community. He voiced his concern about the direction in which the experiment might be taking us. He preferred to remain in a proactive position by maintaining control of the website. He suggested that we "pull back," and go through some

different route. Prof. Garg asked whether students generally have access to *Notre Dame Report*, in which the Board's minutes have regularly appeared. The Chair responded that students do not receive *Notre Dame Report* directly, but could have access to it in various ways. *Notre Dame Report* does get sent to faculty and administrative staff. At this point a motion was made to keep the Board website free of all links. That motion failed, five-four. Prof. Garg then moved that the website be linked, but that a "log-in" be required for access. That motion, duly seconded, passed.

8. Update on Ninth-Semester and Tenth-Semester Issues: Prof. Bender, for the subcommittee on academic integrity, which he chairs, rehearsed for the Board the detailed process through which student-athletes apply for a fifth year of eligibility. Two years ago, he noted, the Board undertook to refine that process still further. After a full year's attention, the new procedure now obtains. The Board's concern that student-athletes make any such fifth year of eligibility academically meaningful has not gone away. Students who complete an undergraduate degree or pursue a graduate degree during that fifth year tend to be unproblematic. Most of the academic problems have arisen from a third group, "unclassified graduate students." It is difficult to provide this group, mostly football players, with an academic incentive for the entire semester, especially during years in which there happens to be no Bowl game. Although non-student-athletes who return after their fourth year may take as few credits as they wish under University rules, the Board has generally required a nine-credit semester for student-athletes during a fifth year. Under NCAA rules, an undergraduate student finishing up the degree may take as few credits as needed to graduate. Although Notre Dame currently allows student-athletes in their eighth semester to do the same, the Board's nine-credit minimum precludes such an arrangement for student-athletes in their fifth year. Alas, the nine-credit requirement has not worked well; too many "unclassified graduate students" have not paid sufficient attention to their academic work and, at the end of the playing season, have totally withdrawn from the courses for which they had enrolled. Prof. Bender informed the Board that he would put to his subcommittee his recommendation that student-athletes be given the same ability as other students to take as few credits as needed to complete an undergraduate degree during the ninth semester. Such a change would encourage student-athletes expecting to return for a fifth year to defer until their ninth semester some of the credits needed to graduate. The need successfully to complete those requirements would provide a sturdier academic incentive for student-athletes exercising a fifth year of eligibility.

The Chair thanked Prof. Bender for his report. He also noted a parallel problem--that of tenth-semester student-athletes enrolling merely to have access to Notre Dame's training facilities in order to pursue professional athletics careers. The Chair informed the Board that the Department of Athletics, addressing that problem head-on, had decided to offer such athletes an internship during the tenth semester. Under such an arrangement, the athletes would be employees, not students. The Chair thanked the Department for making that change possible.

9. Adjournment: Prof. Garg moved that the meeting be adjourned. Prof. Fallon seconded. The motion carried, and the meeting was adjourned at 7:03 p.m.