



FACULTY BOARD ON ATHLETICS UNIVERSITY OF NOTRE DAME

Meeting of March 30, 2004

5th Floor Conference Room, Main Building

Members Present: Prof. Fernand Dutile (Chair); Prof. Matthew Barrett; Prof. Harvey Bender; Prof. Stephen Fallon; Mr. Patrick Holmes; Prof. David Kirkner; Prof. Layna Mosley; (Rev.) Mark Poorman, C.S.C.; Prof. John Weber; and Dr. Kevin White.

Members Absent: Prof. John Borkowski; Mr. Bobby Brown; Dr. Matthew Cullinan; Prof. Umesh Garg; Prof. Donald Pope-Davis.

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

1. Call to order and prayer: The Chair called the meeting to order at 5:00 p.m. Father Poorman led the group in prayer.

2. Minutes of previous meeting: Prof. Barrett moved the approval of the minutes. That motion, seconded by Father Poorman, passed unanimously.

3. Announcements: The Chair announced that he had approved, on the Board's behalf, team schedules for women's soccer (Spring 2004); volleyball (Spring 2004); and men's soccer (Fall 2004). The Chair also announced an amendment to the schedule for outdoor track (Spring 2004). That amendment, which carries no class-miss implications, substitutes a meet at Purdue for a cancelled one at Western Michigan on March 26 and 27. The Chair announced an amendment to the schedule for softball (Spring 2004). That amendment, which adds one "make-up" game at Western Michigan on April 1, remains within University guidelines.

For the record, the Chair listed the 2004 winners of the Byron V. Kanaley Award: Shannon Byrne (women's golf); Luis Haddock (men's tennis); Kristen Kinder (volleyball); Vanessa Pruzinsky (women's soccer); and Alicia Salas (women's tennis). The Chair noted that selection of Vanessa required a Board waiver of the "senior monogram winner" requirement, since she received her degree last year. The Chair asked the Board to keep these names confidential until their public release.

The Chair noted that the Board's ultimate vote on the Kanaley Award occurred through the first use of the Faculty Board listserv. The Chair thanked Prof. Fallon and the rest of the subcommittee on communications for having made that device a reality.

The Chair then reported on a meeting, held in New York City on March 10, of the faculty athletics representatives of the Big East Conference. At that meeting, the group continued its previous discussion of NCAA legislative proposals. These will be voted on by the NCAA Board of Directors in April. The New York meeting also included discussion of three further issues of interest. First, the group discussed whether any action at the NCAA or conference level seems called for to maximize the opportunity of student-athletes to attend graduation ceremonies; these rituals reflect a very important passage for student-athletes and their families. The Chair added that Prof. Barrett would say more about this issue during his report. Second, the faculty athletics representatives at the New York meeting unanimously agreed to pursue participation in the joint meetings of conference presidents and directors of athletics, as apparently is done in the Big Ten Conference and the PAC Ten, among others. Important decisions are made at these meetings and, consequently, the faculty should be represented to promote meaningful exchange. Moreover, adding the faculty athletics representatives to these meetings would be wise politically due to the widespread concern among faculty members across the country that academic issues do not receive the attention they should in intercollegiate athletics. The discussion also addressed the inclusion of senior women's administrators in such meetings. The faculty-representatives group unanimously directed its Chair to write the commissioner of the Big East, Mr. Michael Tranghese, to request participation and to notify the faculty athletics representatives of institutions scheduled to join the Big East of this development. Third, the New York meeting included a discussion of the use of men for practices and scrimmages in women's sports, like basketball. Is this necessary or even desirable? To be sure, many feel that using men for such practices and scrimmages provides top-flight competition for the top players on the women's teams. Nonetheless, the group agreed that extended participation by men at the expense of those women thus relegated to the sidelines seems not to be in the spirit of Title IX, even if within the letter. The New York group agreed to bring the issue to the Annual Rules Meeting hosted by the conference in June and to the Student-Athlete Advisory Council of the Big East.

4. Update on NCAA Certification: Ms. Barbour reported to the group on the current status of the NCAA certification process with regard to Notre Dame. That review, as stated at the February 10, 2004, meeting of the Board, "went very well." NCAA authorities now have the report filed by the site-visitation team, will consider it at meetings over the next two days, and will render the ultimate decision shortly. As indicated at the earlier Board meeting, the site-visitation team identified three opportunities for improvement: 1) formalization of the University Compliance Committee; 2) annual review of the *Compliance Procedures Manual*; and 3) adjustment of the sports-medicine program. The Department of Athletics has already begun implementing the last two; we took some issue with the first recommendation. Prof. Barrett: Why did we take issue with the first recommendation? There seems to have been legitimate concern about the membership of that committee. Ms. Barbour: We took issue in the sense that the committee needs no formalization; to the extent that the concern involved whether the director of the Office of Academic Services for Student-Athletes serves on that committee, he clearly does. Dr. White stressed that the site-visitation team, despite its mandate to look into countless matters, inevitably came in looking for issues, however serious. Its report, indeed, proved very positive.

5. Ratification of listserv procedures: At its meeting of March 4, 2004, the Board approved in principle a document describing procedures for a listserv for the Faculty Board on Athletics. The Chair asked the Board to ratify the revision of those procedures called for by the discussion at the last meeting. Prof. Barrett recommended two changes to the revision. First, the document should specify that the Chair may send a matter to a conference call “at any time.” Second, the “two or more members” who may request a deferral of a listserv vote must be voting members. Prof. Fallon, chair of the subcommittee on communications, which had produced both the listserv itself and the procedures regarding it, agreed with the two suggestions made by Prof. Barrett. The Chair noted his intention to incorporate the procedures into the *FBA Manual* and to adapt the style of the revision to that of the manual. The Board ratified the procedures [see Appendix A].

6. Recruiting at (and for) Notre Dame: In light of the recruiting controversy that arose at the University of Colorado, the Chair asked Ms. Barbour to report to the Board on the recruiting process at Notre Dame. Ms. Barbour distributed to the Board copies of “Prospective Student-Athlete Official Visit Materials.” These materials, she stressed, constitute a “work in progress” to respond to concerns raised by the situation at Colorado. In light of that situation, the NCAA has appointed a task force to address recruiting and to suggest any needed additional regulations. Our materials ultimately will incorporate any changes that the NCAA adopts. It is important to note that our pre-visit letter to student-athlete prospects emphasizes the fact that underage drinking will not be part of the visit. Moreover, henceforth the letters to the prospect will come not from the Compliance Office, but from both Father Malloy and Dr. White. The materials also include a statement for the Notre Dame student-athlete charged with serving as the official host during the prospect’s visit. Finally, the materials include a “prospect receipt,” which the prospect will sign following the visit to confirm that no inappropriate conduct took place. That “receipt” will include references to our student manual, *Du Lac*. Whether that code actually applies to prospects, we want to create the expectation that its standards do. Although recruiting presents serious concerns, Ms. Barbour continued, we are wary of some suggestions that visits of prospective student-athletes be reduced to twenty-four hours or even that such visits be done away with altogether. That would be “throwing the baby out with the bath water.” Dr. White agreed; we need time to evaluate the student-athlete, just as the student-athlete needs time to evaluate us. If there is not a good fit between the student-athlete and the institution, still greater problems may arise later on. Often, the prospect’s visit results in our concluding that there is not a good fit. Mr. Holmes stressed that any reduction in the amount of time the prospect spends on campus will likely come from the academic part of the visit. Mr. Muir added that the Department of Athletics heavily involves faculty members in these recruiting visits. The Chair noted that the pressure on both student-athletes and institutions to make earlier and earlier commitments exacerbates the time problem. In some sports, in fact, the student-athlete makes the official visit only after having already committed to the institution. Obviously, this reduces the seriousness of the evaluation on the part of each side. Prof. Weber asked what impact on a visit occurs when parents accompany the prospect. Prof. Weber recalled the parents of basketball player Chris Thomas being very involved in his official visit. Ms. Barbour: We love it when the parents come too, because we can “win over” ninety-nine percent of the parents. Unfortunately, many parents cannot afford to make the visits. The NCAA is currently giving some consideration to allowing institutions to finance the visits of parents; this would undoubtedly help to

cut down on recruiting problems. Prof. Weber urged that we encourage parents to visit, even “on their own nickel.” Dr. White responded that we do; indeed, we get a very low yield with regard to recruits whose parents do not come. Prof. Fallon stressed the important role parents play in getting a sense of this place. How stiff, he asked, is NCAA resistance to funding parents’ visits? Ms. Barbour responded that the NCAA recruiting task force is currently looking into that question. The Chair added his belief that the current budgetary crunches at many institutions across the country would likely doom any proposal allowing institutions to fund such visits. Prof. Barrett: Could a coach condition an official visit on the presence of one or both parents? No, Ms. Barbour responded, not under current legislation. Prof. Weber inquired as to when we find out about any violations of visiting guidelines by prospective student-athletes and, when we do, how we react to them. Dr. White responded that the student host reports on Sunday whether the prospect appears to be a good fit; if not, we promptly send a letter terminating our interest. Are we concerned, Prof. Weber asked, about our use of student hosts and hostesses? Mr. Muir: We don’t have the same issue here as arises at some other institutions. We don’t, for example, have a women’s group charged with helping recruit high-profile male student-athletes. Prof. Barrett recognized the value of a “host receipt” before the visit, but wondered whether we might not profitably require some host “receipt” after the visit to document what went on. That’s a good point, Ms. Barbour responded; perhaps we need a pre-visit receipt for money and a post-visit receipt for behavior. Prof. Weber wondered about fairness to the host, who is not really in control of behavior. Dr. White reminded the group that recruiting presents a very daunting challenge. The amount of work done by the staff before the prospect ever gets off the plane is impressive. Recruiting constitutes a huge investment on our part. Accordingly, coaches must use these visits very carefully so as not to waste any of them. For example, we are allowed only fifty-six visits in football. Student hosts, moreover, are not clamoring to perform this duty, but do it because the coach asks. In response to Prof. Weber’s question about football camps, Dr. White responded that such camps are very tightly regulated to preclude their use as recruiting devices. The Chair thanked Ms. Barbour for her report.

7. Applications for a fifth year of eligibility: Before the Board came the applications for a fifth year of eligibility on behalf of Melissa Tancredi, a senior in women’s soccer, and William J. Palmer, a senior in football. [As usual, these public minutes omit Board discussions relating to identifiable student-athletes]. At this point, the Board unanimously endorsed both petitions for a fifth year of eligibility.

Prof. Barrett wished to point out for the record that Ms. Christy Yarnell, senior counselor in the Office of Academic Services for Student-Athletes, wrote a very helpful evaluation in connection with one of the applications; Ms. Yarnell should be commended for this.

8. Draft proposal on practice and competition during Commencement Weekend: Prof. Barrett, as chair of the subcommittee on student welfare, reported to the Board with regard to practice and competition during Commencement Weekend. Despite the importance of graduation to student-athletes and their families, Prof. Barrett expressed concern about moving forward with any proposal to regulate practice and competition during that weekend. He noted that the faculty athletics representatives of the Big East Conference had concluded, at their recent meeting in New York City, that the issue remains a “campus” one, not a national or conference one. Any hope to keep that time free of practice or competition becomes problematic; different schools conduct commencement ceremonies on different

weekends and, in any event, spring sports like baseball and softball find it very difficult to complete a full schedule, especially in light of the often hostile climate at many Big East schools. The Chair added that the Big East discussion somewhat mirrored that of the Board: If there is a choice, choose not to compete that weekend. Prof. Barrett observed that the subcommittee was not unanimous with regard to the desirability of pressing the issue. Moreover, he continued, even a non-mandatory policy might be beneficial. Baseball head coach Paul Mainieri indicated that such a policy might empower him to negotiate a schedule that better protects Commencement Weekend. Indeed, all the coaches who provided insight to the subcommittee reflected very good faith on this issue; none wanted student-athletes to miss Commencement. Mr. Muir: We have always encouraged keeping that weekend free, if possible; but do we want something in writing? The Chair: Wouldn't something in writing carry extra clout? Prof. Mosley worried that adding still another rule might yield a diminishing return. We should trust the coaches. Prof. Kirkner agreed; if there is no serious problem, we should avoid new rules that could produce a variety of troubling interpretations by future members of the Faculty Board. Prof. Fallon asked how strongly Coach Mainieri feels that such a policy would empower him. Mr. Muir responded that Coach Mainieri "is not dying" to have such a policy. Of course, if we have one, he will use it. Father Poorman suggested that the Chair of the Board write a letter to all head coaches stressing the seriousness with which the Board takes this issue, so that the spirit of the Board's stand is clear, but also underlining the fact that no formal policy binds our teams. The Chair, referring to the proposed draft submitted by the Subcommittee on Student Welfare [see Appendix B], suggested retention of the "discouraging" language but excision of the requirement that the Board, through its Chair, approve any practice or competition on that weekend. This would, the Chair felt, make the policy much less bureaucratic and much less inhibiting. Prof. Mosley worried that we might thus address issues that do not exist; it makes sense first to see if there is indeed a problem. The Chair reminded the Board that it was precisely the possible scheduling of a competition for the afternoon of Commencement that brought the problem to the Board. (As it turned out, that competition will take place on the evening of Commencement, thanks to the cooperation of the Department of Athletics, including Coach Mainieri.) Prof. Barrett: Should the subcommittee circulate its proposal to student-athletes and head coaches? Answering this question, the Board indicated its view that the proposal should not go forward. At this point, the Chair thanked Prof. Barrett and the subcommittee on student welfare for their time and attention in connection with this issue.

9. Report on disciplinary statistics relating to student-athletes: Father Poorman reviewed with the Board information provided by the Office of Residence Life and Housing regarding the frequency of student-athlete involvement in disciplinary matters over the last several years. All disciplinary incidents involving students are adjudicated by the Office of Residence Life and Housing; that office records demographic information, including whether or not the student is an athlete. The information revealed that student-athletes are not disproportionately represented in terms of their overall involvement in disciplinary incidents. Father Poorman informed the Board that the office gathers data under forty-five different categories, but the numbers for most of these categories are too small to warrant consideration. Accordingly, only the top eight categories have been included in the information reviewed for the Board. He noted that in the near future, a dramatically improved computer system will yield much better information. Ms. Conboy suggested that any comparison with other institutions would be flawed due to our heavy emphasis on residentiality. Prof. Barrett asked about the incidence of gambling; is it a

problem? Father Poorman responded that the pastime of poker has become more popular among the general student population and that on-line gambling bears watching in the future. Prof. Mosley wondered if most of the incidents involved males. Father Poorman responded that these particular statistics regarding student athletes do not break down the numbers by sex. Again he noted that the new system will provide improved statistics and reports. Prof. Fallon: In connection with a recent raid on a local bar, I heard that high-profile student-athletes receive preferential treatment. Father Poorman stated that to his knowledge, no rumor or story indicating preferential treatment for student-athletes has ever been substantiated. In fact, it could be argued that high-profile student-athletes have a much harder time “getting away” with anything. Dr. White emphatically agreed. The chair thanked Father Poorman for his report.

10. Report on academic performance of student-athletes during Fall 2003: Mr. Holmes, director of the Office of Academic Services for Student-Athletes, reported on the academic performance of student-athletes during the Fall 2003 semester. The combined GPA for undergraduate student-athletes was 3.146, compared with 3.389 for the entire undergraduate student body. Twenty of the twenty-four varsity teams had GPAs over 3.0. Three teams (women’s cross country, women’s fencing, and women’s golf) had GPAs above 3.4. Thirteen full-time student-athletes had GPAs of 4.0. Over twenty-two percent of student-athletes made the Dean’s List. Over thirty-six percent of student-athletes had GPAs of at least 3.4; over sixty-four percent of student-athletes had GPAs of 3.0 or better. Vanessa Pruzinsky was named Women’s-Soccer Academic All-American of the Year. Three other women’s-soccer students were named Academic All-Americans for the 2003-04 academic year. The baseball team marked its highest semester GPA ever. Mr. Holmes did lament the fact that twenty student-athletes found themselves on probation at the end of the semester; that number has usually been about fifteen over the last six semesters. The “usual eight or so” in football grew to twelve this past fall. One possible correlation: We saw more unexcused absences than customary, on the part of both student-athletes and others, during the fall semester. In two cases, we barred student-athletes from athletics participation due to class-attendance problems. Prof. Bender agreed that class-cutting has become more prevalent. But enforcing attendance policies falls squarely within the responsibility of the faculty. We faculty members have to work to make our classes more interesting and make clear to our students that we expect attendance and participation. This issue lies well beyond the power of the Office of Academic Services for Student-Athletes to solve by itself. Part of the problem, Prof. Kirkner offered, is that one can cut class and still get good grades. Yes, Prof. Bender agreed, grade inflation constitutes a significant segment of the problem. The Chair: Do the problem cases correlate with low entering credentials? Mr. Holmes: Certainly a high percentage of the problems represent student-athletes with SATs below 1,000. Prof. Bender noted that we now bring in our basketball players during the summer before their first year in order to provide them with an academic “head start;” could this be done with football? Such proposals in the NCAA were defeated this year, Ms. Barbour responded. There is some hope for a proposal affecting only “at-risk” students, as defined by the local institution. Prof. Fallon noted how much better our female athletes performed academically. Prof. Mosley speculated that females performed better academically across the campus, not just in athletics. Dr. White, citing *The Chronicle of Higher Education*, agreed. The Chair thanked Mr. Holmes for his report.

11. Alumni letter to the Board of Trustees: After two different parties had suggested that the Faculty Board discuss the recent letter addressed to the Board of Trustees, signed by hundreds of alumni and bemoaning Notre Dame's football performance, the Chair distributed copies of the letter to Faculty Board members and asked whether the Faculty Board should take any action regarding it. To his knowledge, he added, no one, including the Board of Trustees, had responded to it. In fact, the Chair had heard unofficially, the lack of response may have prompted the authors' recourse to the public media. At the previous night's meeting of the Student-Athlete Advisory Council, made up of representatives of all varsity sports, the sentiment had been against that body's taking any action lest the issue be given new life. The Chair of the Faculty Board saw two problems in responding: First, the letter was not addressed to the Faculty Board. Second, because of some clearly inaccurate suggestions contained in it, the letter would be very difficult to respond to. Dr. White added that by design the letter was not written to him. There are, he continued, sixteen groups that interact with athletics at Notre Dame, work hard at it, and do real analysis. Responding to the letter, Dr. White felt, was not the Faculty Board's job; the letter presented a "teaching moment" that got away from us. After some discussion, the Board concluded that no action by it was necessary at this time.

12. Report on the BCS: In response to a question from Prof. Barrett, Dr. White reported on developments involving the Bowl Championship Series (BCS). Included in that discussion: A fifth Bowl game will be added to the current four in the new arrangement. This will provide greater participation across Division I-A. Now that the "deal" has been conceptualized, Dr. White said, we can work out the details.

13. Adjournment: The Chair adjourned the meeting at 6:40 p.m.

APPENDIX A

FBA Listserv and Conference-Call Option for Votes between Meetings

Members of the Faculty Board on Athletics occasionally get asked between meetings to vote on pressing matters (e.g., competition-schedule changes, fifth-year eligibility, appeals for additional missed-class days, off-campus residency appeals, and award recommendations). The Subcommittee on Communications, therefore, has put in place the following mechanism for consultation among members between meetings.

- ! The Subcommittee on Communications has set up a listserv with membership limited to voting and non-voting members of the Faculty Board on Athletics and to the regularly observing Associate Athletics Directors. The Chair of the Faculty Board will serve as list administrator. Because of the confidentiality of some of the Board's discussions, the listserv was set up as a non-archived list. To facilitate communication the listserv will operate as an unedited list (*i.e.*, member messages will go directly to the entire list rather than passing through the Chair for approval).

- ! When asking for a vote on any matter, the Chair will set a firm deadline, but no sooner than two full business days later. In the intervening time, members may post to the listserv questions or comments.
- ! At any time before the deadline set by the Chair, members may vote on the matter at hand. They should do so by a message to the listserv clearly marked "vote" in the subject line. Members may change their votes until the deadline, at which time the vote becomes final.
- ! Members may find necessary and appropriate in some cases the real-time discussion possible in a regularly scheduled meeting or a telephone conference call. Voting members may request by message to the list that a vote be deferred to a regularly scheduled meeting or a conference call. (Such messages should be clearly marked "request for discussion" in the subject line). The vote will be deferred to a meeting or conference call if two or more voting members so request. In addition, the Chair retains discretion at any time to defer a vote to a meeting or conference call.
- ! While the Office of Information Technologies will not keep an archive, the Chair of the Faculty Board on Athletics will keep an archive of listserv discussions and votes.

APPENDIX B

GRADUATION ISSUE

March 4, 2004

We currently do not have any rule regarding athletic competition, practice or travel during graduation weekend.

Based upon our information gathering and discussions to date (we have not met with the coaches or the Student-Athlete Advisory Council), we offer the following proposal for the Board's discussion and suggestions:

Graduation Weekend: In recognition of the importance of the graduation weekend to student-athletes, their parents and families, and the academic community, the University affirmatively discourages any competition, practice and travel related to competition that involves graduating student-athletes during the entire graduation weekend. In spring sports, however, the University recognizes that conference schedules or tournaments, post-season qualifying events, and NCAA Championships may require athletic-related activities during this period. When possible, coaches and administrators should work with the conference office, conference opponents, the event host, or the NCAA to adjust the practice and competition schedule to provide the opportunity for graduating student-athletes to participate in select

graduation activities, especially the Commencement Mass on Saturday and the Commencement Exercises on Sunday. Preferably, no competition or practice at home should occur that would prohibit any graduating student-athlete from attending these events. In the event that a coach or administrator cannot obtain accommodation from the conference, an opponent, the host, or the NCAA, the Chair may approve the necessary competition, practice and travel.