



## FACULTY BOARD ON ATHLETICS UNIVERSITY OF NOTRE DAME

---

Meeting of February 10, 2004

Room 217 Coleman/Morse Center

**Members Present:** Prof. Fernand Dutile (Chair); Prof. Matthew Barrett; Prof. Harvey Bender; Prof. John Borkowski; Mr. Bobby Brown; Dr. Matthew Cullinan; Prof. Stephen Fallon; Prof. Umesh Garg; Mr. Patrick Holmes; Prof. David Kirkner; Prof. Layna Mosley; (Rev.) Mark Poorman, C.S.C.; Prof. Donald Pope-Davis; Prof. John Weber.

**Member Absent:** Dr. Kevin White.

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

**Guest present:** Ms. Jill Bodensteiner, associate vice-president and counsel.

- 1. Call to order and prayer:** The Chair called the meeting to order at 4:45 p.m. Father Poorman led the group in prayer.
- 2. Minutes of previous meeting:** A motion to approve the minutes for the meeting of December 1, 2003, was made, seconded, and unanimously approved.
- 3. Announcements:** The Chair announced that he had approved, on the Board's behalf, a change in the schedule for men's tennis; the match against Southern Methodist University at home has been moved from Saturday, April 10, to Sunday, February 22. This amendment carries no class-miss implications. The Chair announced that he had approved the following team schedules: indoor track (men and women) (Spring 2004); outdoor track (men and women) (Spring 2004). Although the latter schedule lists meets on more than three days in the Monday-Wednesday-Friday sequence, no individual student-athlete will miss more than three days in that sequence. The Chair alerted the Board to a possible difficulty in the schedule for women's soccer (Fall 2004). The reduction in the number of members of the Big East Conference has eliminated divisional play. As a result, the team's schedule calls for competition on four days in the Monday-Wednesday-Friday sequence. Head coach Randy Waldrum has asked the Big East to move one away weekend to Fall break.

For the record, the Chair listed the captains for football for the 2003 season: Darrell Campbell, Vontez Duff, Omar Jenkins and Jim Molinaro. These four had been selected from a previously approved slate of captains and were announced at the football banquet on December 12. The Chair announced that he had approved captains for women's lacrosse (Andrea Kinnik and Meredith Simon).

A University regulation requires grant-in-aid student-athletes who wish to live off campus during their senior year to meet one or another grade-point-average threshold. The Board does not hear appeals regarding this regulation unless the Chair finds "extraordinary personal circumstances." The Chair announced to the Board that he had denied an appeal by [a student-athlete], whose grounds for appeal did not meet this criterion.

At this point, the Board ratified the decisions announced by the Chair.

The Chair then asked the subcommittee on academic integrity to consider whether the criteria for the Byron V. Kanaley Award should be expanded to allow applications by fifth-year student-athletes as well as "senior monogram winners," the existing criterion. The current requirement seems intended only to prevent early or multiple awards and, in any event, arose at a time when fifth-year competition rarely occurred.

The Chair next brought up an issue regarding the scheduling of competition during Commencement Weekend. Earlier this semester, the Chair reported, the possibility that our baseball team might need to compete during the Commencement ceremony arose. Happily, that possibility dissolved when the game involved got scheduled for 7:00 p.m. Commencement evening. Nonetheless, the Chair, noting that University regulations did not address competition or practice on Commencement Weekend, wondered whether that situation should continue. Upon the Chair's recommendation, the Board asked the subcommittee on student welfare to look into this question.

**4. NCAA Certification Process:** Ms. Jill Bodensteiner, associate vice-president and counsel, reported on the NCAA certification process at Notre Dame. That process began in October 2002, at which time Ms. Carol Kaesebier, vice-president and general counsel, became Chair of the Certification Steering Committee. She formed four subcommittees mirroring the four areas of review established by the NCAA: fiscal integrity; academic integrity; governance and commitment to rules compliance; and equity, welfare and sportsmanship. The four subcommittees conducted the required self-study from October 2002 through July 2003, at which time they submitted draft reports to the Steering Committee for review. From July 2003 through November 2003, Ms. Jill Bodensteiner and Ms. Sandy Barbour, serving as "primary report writers," worked with the Steering Committee and the subcommittees to review and revise the reports. Beginning in October 2003, the Steering Committee disseminated the draft reports throughout the Notre Dame community for review. The address of the newly created NCAA Certification Web page, which contained the draft reports, was provided to a variety of groups, including the Board of Trustees; all faculty, staff and students; student leaders; the Academic Council; the Faculty Senate; the Student-Athlete Advisory Council; and alumni and several subsets thereof. In addition, the Steering Committee hosted two "Town Hall" meetings—sparsely attended, alas—to discuss

the NCAA certification process and the reports. The Steering Committee submitted the final reports to the NCAA on November 10, 2003. The NCAA's Peer Review Team made its on-site visit on January 18 through 20, 2004. The Peer Review Team comprised: Dr. Gerald Turner, Chair (president, Southern Methodist University) (governance); Dr. Percy Bates (faculty athletics representative, University of Michigan) (academic integrity); Jennifer Heppel (associate commissioner, Big Ten Conference) (compliance); Chris Kennedy (associate athletics director, Duke University) (equity); and Terry Don Phillips (athletics director, Clemson University) (fiscal integrity). During its on-site visit, the Peer Review Team interviewed fifty-five individuals and reviewed more than seventy documents. On January 20, the Peer Review Team summarized its findings during an exit meeting that included Father Malloy, Dr. Kevin White, Prof. Dutile, Ms. Kaesebier and other University representatives. At that meeting, Dr. Turner stated that the Team had found accurate the information provided by the University; that there had been broad-based participation in the process; and that the University operated in conformity with the NCAA's operating principles. Father Malloy thanked the Team for its good work in connection with the certification process for Notre Dame. Father Malloy received the Team's written report on February 6, 2004. In sum, the Peer Review Team was extremely impressed with all aspects of the Notre Dame approach to intercollegiate athletics. The Team particularly applauded the academic services provided to student-athletes; the University's *Statement of Principles for Intercollegiate Athletics*; the University's compliance efforts; the integration of athletics-department fiscal matters into the University central fiscal system; and the athletics department's commitment to equity. The Peer Review Team, which will recommend to the NCAA that the University of Notre Dame be certified, offered three minor "opportunities for enhancement," two related to rules compliance and one related to the medical care provided to student-athletes. The University now has the opportunity to respond to the Peer Review Team's findings, a response due to the NCAA by March 3, 2004. At this point, the Chair singled out for special thanks Ms. Bodensteiner and Ms. Sandy Barbour for the difficult work involved in preparing the Self-Study. He also thanked Ms. Bodensteiner for her report to the Board.

**5. Update on conference affiliation, the BCS, television contracts and related matters:** [At this point the Chair led an extensive Board discussion regarding conference affiliation, the Bowl Championship Series, television contracts and related matters. As widely reported in the press, 1) Notre Dame will "stay the course" with regard to membership in the Big East and with regard to "football independence," but will continue to "monitor the landscape;" and 2) the University has executed a five-year extension of its contract with NBC.]

**6. Proposal for Faculty Board on Athletics Listserv:** Prof. Fallon, who chairs the subcommittee on communication, distributed to the group copies of a revised proposal for a Faculty Board Listserv (see Appendix). Prof. Fallon emphasized that the proposal does not anticipate displacing discussion at regular meetings; the Listserv is designed for those routine matters currently handled through e-mail votes. He added that the revised proposal incorporated some changes suggested by Prof. Barrett with regard to "observing" and "non-observing" members. Finally, Prof. Fallon shared with the Board Prof. Barrett's hesitation concerning the provision that members be required to delete relevant listserv messages from their computers after each vote. Prof. Barrett's main concern involved the number of members required to send an issue to a conference call or to a regular meeting. The current proposal

allows two members to do so; should it be higher? Prof. Barrett urged a larger number as a threshold. A larger number would not present that difficult a hurdle, he argued, since one does not have to agree with the viewpoint at issue in order to support a full discussion. Trumping a Listserv vote should require four or five proponents; a number as low as two could bring the entire Board to a halt. In setting a lower threshold, Prof. Mosley noted, the subcommittee sought to make the point that the Listserv should not replace meetings. The subcommittee intended to preserve the “comfort level.” Prof. Garg deemed a low threshold appropriate; if an e-mail vote troubles even one or two members, that should suffice. We should assume that most Board members do not seek to stymie the Board. The Chair indicated his strong support for a Listserv. Nonetheless, he agreed with Prof. Barrett that the low threshold, at some time in the future not now anticipated, could create a problem. Moreover, at least someone has to preserve the messages for some period of time; we need a record should there be vote challenges or other reasons to ascertain what was “said” on the Listserv. The Chair made two further points: 1) since the Chair has the discretion whether to have recourse to the Listserv to begin with, the Chair should have full discretion to withdraw the issue from the Listserv without the required vote; and 2) the conference-call option should be available not just during the summer but throughout the year. After all, a time-sensitive issue might arise right after a regular Board meeting; in that case, a vote for Board discussion might require waiting a month or more for a decision. Allowing for a conference call at any time during the year, furthermore, made the issue of the number of votes needed to preclude an e-mail vote much less important. Board members conveyed their general agreement on these two proposals. Both Prof. Garg and Prof. Bender emphasized the importance of continuing to hold regular meetings. Meetings, Prof. Bender added, changed the dynamics of things. Something positive emanates from the group coming together. Both Prof. Garg and Prof. Mosley emphasized that the Listserv system could be changed if, after a time, change seemed needed. Father Poorman moved that the Board adopt the proposal of the subcommittee, subject to the amendments generally agreed upon during today’s discussion. Prof. Bender seconded the motion, which passed unanimously.

**7. Report on the Conference on Religion, Ritual and Sport:** Prof. Bender, who chairs the subcommittee on academic integrity, reported that the Conference on Religion, Ritual and Sport was now “a reality.” The conference will take place during a football weekend this fall; every weekend except that of the game against Stanford University, when the Notre Dame Board of Trustees will meet on campus, is available. Invitations have been issued to potential keynote speakers.

**8. Report on the process for approval of petitions for a fifth year of eligibility:** Prof. Bender, for the subcommittee on academic integrity, reported that applications for a fifth year of eligibility could now be filed “online.” The required forms, for both coaches and student-athletes, can be executed and downloaded on the web page maintained by the Office of Academic Services for Student-Athletes. Mr. Holmes, director of that office, gave a “hands-on” demonstration of the web page. In response to the Chair’s inquiry as to whether the site was encrypted, Prof. Bender answered in the affirmative. Significant changes, he added, were made to last year’s process. The current form seeks more evaluative information from the coach and seeks more extensive information from the student-athlete regarding academic objectives. The fifth-year process implicates three categories of student-athletes: 1) undergraduates completing their degrees; 2) students in graduate-degree programs; and 3)

“unclassified” graduate students. The third category, Prof. Bender remembered, has caused the most concern over the years. The subcommittee on academic integrity will, therefore, interview each student-athlete in the third category. Student-athletes in the second semester of their fifth year have also been problematic, especially in football, in which competition ends after the first semester. How do we best ensure academic integrity of that fifth-year, second-semester student? Finally, Prof. Bender noted, we need to “streamline,” and underscore our commitment to, the fifth-year process. Mr. Muir: On the head coaches’ form appear three open-ended questions; what more than “help the team” do you want? Prof. Bender: We would want the coach to comment as well on the academic side of the proposal. Mr. Muir: The student-athlete will spell that out. Prof. Bender: Coaches should, also. Prof. Mosley suggested that a better question might ask whether the student-athlete has discussed the academic plan with the coach. She then asked whether any faculty member is eligible to sign the form or whether someone in the student-athlete’s major is required. Don’t unclassified graduate students raise a problem in this regard? Prof. Bender: That is why this group of student-athletes will be interviewed by the subcommittee. Father Poorman agreed that unclassified graduate students present the biggest problem. For example, a student-athlete who has completed a degree in theology and now wishes to take business courses at the graduate level – does a business professor sign off on that form or a theology professor who in fact knows the student? The unclassified group has no regular advisor. A personal interview by members of the subcommittee on academic integrity will be a big help. Prof. Pope-Davis noted that unclassified graduate students typically are not required to have an advisor. Student-athletes in that category, however, are required to meet with an advisor and in the past he, Prof. Pope-Davis, has served in that capacity. It is easy to institutionalize this in the graduate school. To lighten the load on the subcommittee, the Chair proposed forgoing the personal interview in “clear cut” cases. Prof. Bender agreed with that suggestion. Prof. Weber indicated his concerns with regard to the second semester of the fifth year. Mr. Holmes agreed that sometimes student-athletes focus only on athletic training during that semester. They enroll for one course in order to be a funded student-athlete, and occasionally attend no classes, thus causing havoc. Fortunately, the percentage of such student-athletes is small. Prof. Weber, conceding his mistaken impression that the percentage was much higher, nonetheless emphasized that for the type of student-athlete described, the second semester of the fifth year had no real academic purpose. He urged the Board to recognize that for such student-athletes, the second semester was not academically respectable. The past ten of eleven student-athletes in the spring semester have been football players training for NFL “combines.” Let’s call that situation what it is and then try to make it better. The Chair noted one difference, however, between the second semester and the first: in the second semester the student-athlete does not represent Notre Dame on the field. Prof. Fallon urged that the application process require two letters: one from someone who knows the student-athlete now and the other from someone to whom the student-athlete has talked regarding the future. Prof. Barrett reminded the Board that the department of athletics approves football players only on a semester-by-semester basis; this does provide significant leverage regarding academic performance. Mr. Muir added that any fall sport would present the same situation; enforcement is the key. In answer to the Chair’s question, Board members indicated their assent to use of the new form. Prof. Pope-Davis observed that the NCAA Peer Review Team had high praise for the extent to which we had the first semester of the fifth year under control; we are far and away ahead of our peer institutions.

**9. Adjournment:** At this point Dr. Cullinan moved that the meeting be adjourned; Prof. Barrett seconded. There was no dissenting vote. The meeting adjourned at 6:55 p.m.

## APPENDIX

### Proposal for FBA Listserv and Conference Call Option for Votes between Meetings

February 9, 2004

Given that members of the Faculty Board on Athletics are asked on occasion to vote between meetings 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 Communications Subcommittee recommends that the Board put in place the following mechanism for consultation among members between meetings.

! The Communications Subcommittee will 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 votes, the listserv will **not** be archived.

! When asking for a vote on any matter, the Chair will set a firm deadline for a vote, no sooner than 2 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 up until the deadline, when the vote becomes final.

! After the vote, members will clear from their e-mail boxes messages relating to the vote.

! While the e-mail discussion made possible by the listserv will represent an improvement over our current system, in which, in most cases, each member communicates only with the Chair, members may find necessary and appropriate for some cases the real-time discussion possible in a regularly scheduled meeting or, between the last spring and the first fall meetings, a telephone conference call. Voting members may request by message to the list that a vote be deferred to a regularly scheduled meeting or, during the summer, 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 2 or more members request a deferral.

John Borkowski

Steve Fallon

Layna Mosley

