



FACULTY BOARD ON ATHLETICS UNIVERSITY OF NOTRE DAME

Meeting of September 15, 2003

5th Floor Conference Room, Main Building

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.

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

Guests: Mr. Tyrone Willingham (head coach, football); Mr. Mike Brey (head coach, basketball); and Mr. Mike Karwoski (assistant athletics director for compliance).

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. Introductions: After welcoming everyone to this, the first meeting of the academic year, the Chair introduced Ms. Kitty Hoye, who served as recorder for the meeting. Since the meeting included several new members, the Chair invited all present to introduce themselves to the rest of the group.

3. Minutes of the previous meeting: At this point a motion to approve the minutes of the meeting of May 13, 2003, was made, seconded, and unanimously approved.

4. Announcements: For the record the Chair noted that, according to the NCAA's last report on this subject, Notre Dame ranked number one among Division I-A institutions in the percentage of student-athletes graduating; that ranking results, of course, from a joint effort. On the Board's behalf, the Chair congratulated our student-athletes, the Office of Academic Services for Student-Athletes, the Office of First Year of Studies, our coaches, the administration of the Department of Athletics, and all others having a hand in this outstanding result.

The Chair recognized that Prof. Pope-Davis had been promoted to associate vice-president for graduate studies, effective July 1, 2003, and congratulated him on that honor.

The Chair announced that Peter Ogilvie (baseball), whom the Board had approved for a fifth year of eligibility at a previous meeting, has decided not to return for that fifth year.

The Chair informed the Board that he had received from a member of the faculty a request that the Board pursue effecting a change to gender neutrality in the lyrics of the University's "fight song," *The Victory March*. (Apparently, the copyright owners have no problem with the song being sung to gender-neutral language, but insist that nothing in writing change the traditional lyrics). The Chair voiced some concern with regard to whether the Board had any jurisdiction even to consider this matter. Still, the Chair observed, the Board does have a general charge to address matters of "student-athlete welfare." Prof. Bender suggested that the student body be invited to state its views in this regard. Prof. Poorman worried that the Board really had no jurisdiction to consider the matter, even though it might be considered a student-welfare matter. Another Board member agreed; until the President asks us to consider this, we should abstain from dealing with it. Dr. Cullinan stated that the University's Officers Group had addressed this problem at length, saw it as very difficult indeed, and came up with no resolution. Prof. Borkowski: Has this been communicated to the larger University community? More important than the legal issue is how we react to the issue publicly. Should we go to *The Observer*? Prof. Mosley reminded the group that "writing anything down" would apparently violate the copyright. Nonetheless, Prof. Borkowski insisted, we ought not be silent; we should push for change, for what is right. The Chair pointed out that some Notre Dame constituents resist change on the ground that changing a work of art is inappropriate. Perhaps, he said, the controversy resembles that which surrounded the Columbus murals in the Main Building. Prof. Fallon expressed the hope that if the Faculty Board on Athletics encourages discussion, others in the community might be enfranchised to resolve the issue. Prof. Pope-Davis worried little about jurisdiction: That doesn't matter much when we are called upon to do the right thing. Prof. Borkowski: Even if we have no jurisdiction, we can go on record to ask the President to take action. Prof. Mosley saw the matter as analogous to the debate over the use of "Him" rather than "God" at Mass; go into any parish, she stated, and you can glean from its choice between these alternatives the philosophy of the parish. She was not, she added, as "incensed" by the original words to the *Victory March*. At the end of the discussion, the group decided to send the matter to the subcommittee on student welfare so that it might consider what further action, if any, the Board might take. At the suggestion of Ms. Conboy, that subcommittee will also seek out, through the Student-Athlete Advisory Council, the views of our student-athletes on this issue.

Continuing his announcements, the Chair noted for the record that the director of athletics has briefed the Board regularly, either during its meetings or in conference calls, on the ongoing issue of conference affiliation.

The Chair stated for the record that the Board has approved, though an e-mail vote, a program for [a fifth-year student-athlete] that calls for two directed-readings or independent-study courses, despite the University regulation generally limiting such courses to one per semester for fifth-year student-athletes.

The Chair announced that, on behalf of the Board, he had approved the following team schedules: volleyball (fall 2003-04) (revised); rowing (fall 2003); men's tennis (2003-04); women's golf (2003-04) (through an e-mail the Board approved an extra class-miss day in the Monday-Wednesday-Friday sequence for this schedule); men's & women's cross-country (fall 2003) (on paper, the schedule calls for four class-miss days in the Monday-Wednesday-Friday sequence, but no individual student-athlete

will miss more than three); women's lacrosse (fall 2003); cheerleading (fall 2003); and women's tennis (2003-04). The Chair has also approved a change in the schedule for women's soccer: A class-miss excuse for the afternoon of Thursday, August 28, has been substituted for one previously approved for the afternoon of Tuesday, September 30. The Board has approved, through its e-mail vote, a change in the men's-basketball schedule: The team's previously approved study-day game against DePaul will take place on Sunday, December 15, rather than Saturday, December 14.

The Chair announced approval of captains for the following teams: men's cross-country (David Alber and Todd Mobley); men's track (Selim Nurudeen and Todd Mobley); women's track (Tiffany Gunn and Kerry Meagher); cheerleading-Gold Squad (Michael Riess and Catherine Shiel); cheerleading-Blue Squad (Alwar Velandia and Katy Crone); women's basketball (Le'Tania Severe); men's basketball (Jordan Cornette, Torrian Jones, Chris Thomas and Tom Timmermans); men's golf (Gavin Ferlic); women's golf (Shannon Byrne and Rebecca Rogers); women's fencing (Alicja Kryczato, Kerry Walton and Destanie Milo); and men's fencing (Forest Walton and Brian Dosal).

At the Chair's request, the Board, in conformity with the University's *Statement of Principles on Intercollegiate Athletics*, ratified all those actions relating to schedules and captaincies.

5. Football schedule: The Chair brought to the Board a request from the football team for approval of an extra class-miss Friday. Although the issue had been first put to the Board through an e-mail message from the Chair, the return had been inconclusive. Mr. Tyrone Willingham addressed the Board in connection with this request. Coach Willingham stated to the Board that he was withdrawing the request for the additional missed-class Friday. He nonetheless wished to appear in order to make another point. The football team stays well under the University's limit regarding missed classes—rarely does the team use any of its three available excuses for classes in the Tuesday-Thursday sequence. He emphasized that he would prefer that the team miss no classes whatever— that it be given the best chance to succeed academically; that, however, is not realistic. Often, we cannot control the availability of charter aircraft. Often too, we are given Friday practice times at away sites requiring early departures. He did stress that when a class is missed, an informal arrangement results in the student-athlete securing the missed work from the professor. Although this provides an acceptable arrangement, he would like to see it formalized in order to guarantee that his student-athletes secure from their professors all materials required to make up missed work. Prof. Barrett asked whether the Board or any other unit at Notre Dame could do anything to improve our practice schedule at away sites. Probably not, responded Coach Willingham. Indeed, home teams (including Notre Dame) often make access difficult for visiting teams precisely to secure a competitive advantage. Were we to accommodate other teams in this regard, it would be a unilateral gesture; no one else would do it. Have we sought better practice times, Professor Barrett asked. Such requests are always denied, the coach responded. Mr. Holmes added that it must be borne in mind that no other university operates under as rigid a class-miss policy as does Notre Dame. The Chair thanked Coach Willingham for his meeting with the Board.

6. Men's-basketball schedule: The men's-basketball team had similarly requested a class-miss day beyond the limit provided by University regulations. Like Coach Willingham, Mr. Mike Brey came before the Board to announce that he was withdrawing that request, a withdrawal due both to the

availability of practice time at away sites and due as well to the increased availability of charter flights made available to the team by the director of athletics. The coach stressed his appreciation of the Board's support; indeed, the greater availability of charters for travel by his team resulted in part from statements made by Board members to the effect that the expense of chartering should be undertaken in order to protect our class-miss policy. Coach Brey did note that the team this year has twelve contests scheduled for national television. In addition, the fact that the Big East Tournament this year will take place during Spring Break greatly reduces the need for missing class. Prof. Barrett observed that no games were scheduled for the period between December 28 and January 7, a time during which classes are not in session; is this a quirk? Coach Brey responded that since he does not receive the Big East conference schedule until quite late in the year (many of the arenas involved must first accommodate the needs of professional teams), he must reserve the period from late December through March for the Big East. Therefore, virtually all non-conference games must be scheduled for earlier times and it remains difficult to schedule any such games after the conference schedule is known. In that respect, we find ourselves at the mercy of the Big East. We do have a Christmas-Eve game, and we are sensitive to the fact that many of our student-athletes will not be home for Christmas. We will find good places for them to be on Christmas Day and we will enable them to be home for New Year's Day. There being no further questions, the Chair thanked Coach Brey for meeting with the Board.

7. Men's-golf schedule: Mr. Karwoski, the administrator overseeing men's golf, addressed the team's request for an extra class-miss day in the Monday-Wednesday-Friday sequence. That necessity stemmed from the need to play a demanding tournament schedule. The Board has previously considered the scheduling difficulties faced by golf teams: matches take at least two days, practice rounds are especially desirable because golf courses vary so greatly, and such courses are increasingly unavailable on week-ends, when the paying customer most seeks to play. Father Poorman expressed concern with the fact that the tournament at Southern Methodist University would occur during midterm examinations. In answer to Prof. Mosley's question, Mr. Karwoski confirmed that only five players travel in men's golf, but generally they are the same five. To be sure, the slate might change toward the end of the season. Therefore, Ms. Mosley stated, unlike in other sports, travel for golf puts very few student-athletes in jeopardy. Prof. Fallon asked whether, in assessing how well particular student-athletes do academically, we should look merely at their graduation rate or rather at their entire educational experience. Prof. Barrett moved that a fourth class-miss day in the Monday-Wednesday-Friday sequence be approved for men's golf. Prof. Kirkner seconded. The motion carried.

8. Women's-Basketball Schedule: Mr. Muir presented to the Board the request of the women's-basketball program for approval of a home game against Dayton on December 13, 2003, a study day. Mr. Muir stressed that no other games will be played either during study days or during the last week of class this semester. Without the Dayton game, the team would not compete at all over too long a period of time to maintain its sharpness. Prof. Barrett moved that the game be approved; Prof. Mosley seconded that motion, which carried.

9. Waiver of fifth-year rule regarding independent study: University rules for student-athletes pursuing fifth years of eligibility prohibit counting independent-study or directed readings courses for more than three hours of required credit minima. A second fifth-year student-athlete sought a waiver of this rule in order to take two such courses. [For reasons of privacy, the discussion of that request has

been heavily edited in these public minutes]. Prof. Barrett asked what standard the Board should use in assessing these requests for a waiver; should we just look at the independent-study course now proposed to be substituted for a “regular” course or re-assess as well the independent-study course already approved as part of the package in the original petition for a fifth year of eligibility? The Board just recently approved a similar request by e-mail, a fact which makes establishment of a standard still more necessary. Prof. Poorman stated that consideration of such waiver petitions would force the Board to look at the standards for such courses in the departments involved. He cited the Department of Theology as one unit that has addressed that issue. Prof. Weber agreed that directed-readings courses must be examined closely. Mr. Brown: I was in this student-athlete’s situation just a couple of years ago; I can honestly say that some of my best education occurred in the kind of one-on-one situations these courses allow. I took away from such a situation valuable “life lessons.” Of course, each student-athlete will bring to the course something different. Prof. Kirkner wondered how the Board could judge the validity of the countless such courses across the university. Prof. Borkowski observed that some of these courses are ill-defined and provide opportunity for abuse. Some go well, some do not. Much depends on the integrity of the student. If we are to allow this arrangement for six credits, we must ensure that two distinct courses are involved. We need to get clarification regarding the courses and their outcomes. We can then settle this through an e-mail vote. Agreeing, Prof. Pope-Davis urged deferral of the request pending the receipt of further information. Prof. Fallon concurred. Prof. Garg inquired as to whether the Board was applying to student-athletes standards different from those applied to other students. Given the difficulty of judging disparate courses, do we want to get into the business of weighing petitions for such waivers? Moreover, if we are to do this, we need guidelines for dealing with future cases. The Chair noted that regulations developed by the Board did indeed establish requirements for fifth-year student-athletes that would not apply to other students on campus. Prof. Barrett joined in the concern that only one faculty member would oversee both courses; as now planned, the proposal looks like a single course. Prof. Weber, reiterating his skepticism about some such courses, emphasized that often the rigor of these courses develop over time. Father Poorman insisted that we do have a standard—academic engagement. That standard ordains that just one such course be allowed per semester. Referring to the waiver granted to another student-athlete through an e-mail vote, Mr. Holmes worried that a harsher standard was being applied to this student-athlete. Prof. Mosley urged the Board to set a time limit on the filing of such petitions for a waiver; we need guidelines for “renegotiating” these matters. Father Poorman agreed; it seems we labor all spring on these fifth-year petitions and then someone weighs in with a proposed change. We need to stick to our standards. Mr. Holmes countered that the Board must keep in mind the difficulty fifth-year student-athletes often have in securing access to the courses set out in their fifth-year plan. We should look at what best serves the student-athlete. The Office of Academic Services for Student-Athletes, Mr. Holmes continued, works to ensure that student-athletes receive a quality education; this request conforms with that goal. Noting that the current semester’s fourth week of classes had already begun, Prof. Barrett moved that the request for a waiver of the rule limiting fifth-year student-athletes to one directed-readings or independent-study course be denied. Father Poorman seconded. The motion carried.

10. Report on Notre Dame’s new process for certification of student-athlete eligibility: [This report was deferred due to the absence of Ms. Sandy Barbour, associate athletics director for compliance.]

11. Report on process for petitions for a fifth year of eligibility: Prof. Bender, for the subcommittee on academic integrity, reported on the development of proposed changes in the procedures prescribed for petitions for a fifth year of eligibility. After thanking several individuals for their help in the project, Prof. Bender commented on a draft of such proposals, copies of which he distributed to members of the Board. Among the proposed changes: an in-depth assessment of the petitioner by the appropriate head coach; scrutiny of the proposed program by academic advisors; and in-person interviews of fifth-year petitioners by the subcommittee on academic integrity. Prof. Bender alluded to the hope that such petitions might be processed on-line beginning next academic year. He concluded with the hope that an “action document” might be brought to the Board at its October 9 meeting.

Also for the subcommittee on academic integrity, Prof. Bender reported on the developments in connection with the proposed conference on religion, ritual and sport. The working theme for that conference: “mens sana in corpore sano.” Prof. Bender provided Board members with an outline setting out possible dates, topics and participants for such a conference and invited Board members to set forth their suggestions for that conference.

12. Report on the reorganization of the Department of Athletics: [Due to the absence of Ms. Barbour, this report also was deferred to the next Board meeting.]

13. Adjournment: The Chair adjourned the meeting at 7:04 p.m.
