FACULTY BOARD ON ATHLETICS
UNIVERSITY OF NOTRE DAME

Meeting of January 28, 2003

5th Floor Conference Room, Main Building

Members Present: Prof. Fernand Dutile (chair); Prof. Matthew Barrett; Prof. Harvey Bender; Prof. William Berry; Ms. Emily Bienko; Prof. John Borkowski; Dr. Matthew Cullinan; Mr. Patrick Holmes; Prof. Stephen Fallon; Prof. Umesh Garg; (Rev.) Mark Poorman, C.S.C.; Prof. Donald Pope-Davis; Prof. Katherine Spiess; Prof. John Weber.

Guests Present: Mr. James J. Phillips, associate athletics director.

Observers Present: Ms. Sandy Barbour, Ms. Missy Conboy, and Mr. Bernard Muir, all of the Department of Athletics; Ms. Mary Hendriksen, reporter.

1. Call to order and prayer: The chair called the meeting to order at 5:05 p.m. Prof. Fallon led the group in prayer.

2. Minutes of previous meeting: A motion to approve the minutes of the meeting of December 5, 2003, duly made and seconded, carried unanimously.

3. Announcements: The chair announced that he had approved, on the Board's behalf, the revised spring 2003 schedule for women's basketball, a schedule meeting all University class-miss guidelines.

The chair announced the following amendments to the spring 2003 schedule for men's tennis: The National Collegiate Tennis Classic, scheduled for January 16 and January 17, has been cancelled. The Pacific Coast Doubles, scheduled for February 26 through February 28, has been added to the team's schedule. The team's match at the University of Wisconsin has been moved from February 6 to February 4. Finally, the team's match at the University of Kentucky has been moved from April 11 to April 13. With these amendments, the schedule remains within University guidelines.

The chair announced the following changes in the 2003 schedule for baseball: Home games against IUPU-Fort Wayne, on April 11, and against Central Michigan, on April 14, have been cancelled. Games against Creighton, on April 12 and April 13 in Omaha, Nebraska, have been added to the schedule. These changes carry no class-miss implications.

The chair announced the following amendments to the schedule for men's lacrosse: The home scrimmage against Georgetown on February 16 has been cancelled. Home scrimmages against Mercyhurst on February 1, and against the Titan Lacrosse Club on February 8, have been added to the team's schedule. These changes carry no class-miss implications.

The chair announced that men's golf has substituted a practice-round day (March 7) in connection with the Big Red Classic in Ocala, Florida, for the practice-round day (April 25) previously scheduled in connection with the Bruce Fossum/Taylor Made Invitational at Michigan State University. This change has no impact on class-miss limits.

For the record, the chair noted the selection of captains for the recently completed football season: Gerome Sapp, Arnaz Battle, Sean Mahan, and Shane Walton. These four met all University requirements for team captaincies.

The chair then reported on the NCAA Annual Convention, held in early January in Anaheim, California. Beginning this year, there will be one, not two, legislative cycles within Division I. This change, vigorously recommended by many directors of athletics and faculty athletics representatives, will reduce the confusion with regard to the progress of legislation through the Association and, it is hoped, enhance the participation, real and perceived, of these constituencies. Although the Board of Directors - made up entirely of institutional CEOs - will continue to exercise ultimate authority in the Division, some effort will be made to allow each Division I institution to indicate, at the annual convention or otherwise, its approval or disapproval of legislative proposals. From this year on, then, the annual legislative cycle will begin on July 15 and end on August 1 of the following calendar year.

At the convention, Mr. Miles Brand, formerly president of Indiana University and newly appointed president of the NCAA, gave the "State of the Association" address. He stressed twin missions: reform and advocacy, objectives he found not inconsistent, but rather essential. We must, he emphasized, dramatically improve several aspects of intercollegiate athletics even as we stress the tremendous benefits growing out of intercollegiate athletics. The NCAA, having recently approved substantial reforms in the area of initial and continuing eligibility, now must turn its attention to incentives and disincentives. These might relate to the number of athletics scholarships an institution may offer, an institution's eligibility for post-season play, or institutional sharing of NCAA revenue. Before such a program becomes a reality, however, we need a more timely and more accurate assessment of institutional academic accomplishment. The graduation rate currently used in connection with federal reporting requirements carries a six-year lag time. Moreover, since it counts as failures those students who leave an institution while in good academic standing and perhaps for very salutary reasons, that measure misrepresents an institution's academic situation. The NCAA has therefore commissioned the development of a new standard. Mr. Brand seeks other reforms as well. The burgeoning athletics budgets at Division I universities, largely a result of the ongoing "arms race," must somehow be tamed. Antitrust laws, of course, make that objective a difficult one. Also, disruptions by both student-athletes and their fans must be stopped. (In this connection, the chair noted that Mr. Grant Teaff, executive director of the American Football Coaches Association, has urged its members and conference

commissioners to "crack down" on fighting.) Mr. Brand promised to produce, within a year, a strategic plan to implement the reform and advocacy he champions. That plan will honor five basic principles. First, intercollegiate athletics must be integrated into the mission of the university; student-athletes must have time for their social and academic development. Athletics must accommodate academics, and not vice versa. Second, institutional presidents must control intercollegiate athletics. Third, the positive values of athletics must be articulated and stressed. Fourth, since the integrity of intercollegiate athletics depends on amateurism, student-athletes must play the sport for its own values. Also, over-commercialism threatens to overwhelm the integrity of intercollegiate sports. Fifth, fair and just behavior must characterize all levels and all relationships within intercollegiate athletics, including those between coaches and their student-athletes, student-athletes and other student-athletes, and the NCAA and its members. In connection with this call for fair and just behavior, Mr. Brand emphasized his strong support for Title IX, the federal gender-equity statute, and for the appointment of more blacks as offensive and defensive coordinators and as head coaches in football.

At the NCAA Convention, Ms. Debbie Brown, current volleyball coach at Notre Dame, and Mr. Ken MacAfee, former consensus All-American on the Notre Dame football team and now an oral and maxillofacial surgeon, received the very prestigious Silver Anniversary Award. That Award recognizes former student-athletes who have distinguished themselves since completing their college athletics careers twenty-five years ago.

At this point, the chair congratulated Dr. White on the two-year extension of his contract, which now runs through the year 2012. The chair thanked Dr. White for all of his good work in connection with athletics at the University. Prof. Barrett, stressing his agreement with the merits of the extension, questioned the process. Having confirmed that the chair had not been consulted concerning either of the extensions of Dr. White's contract, Prof. Barrett thought it better that the Board or its representative be consulted with regard to the contract extensions of the director of athletics and, as well, head coaches. Indeed, a broader-based involvement enhances the credibility of any such extension. The chair noted his agreement with Prof. Barrett's point. The University's *Statement of Principles for Intercollegiate Athletics* provides that the faculty athletics representative, who at Notre Dame also chairs the Faculty Board on Athletics, "serves on search committees for senior athletics administrators and head coaches." Since the extension of a contract constitutes in effect an appointment for the term of the extension, the *Statement* implies that the faculty athletics representative should indeed be consulted about such extensions. Mr. Cullinan expressed his concern at assimilating a contract extension to the hiring process. In this case, the contract extension went to both the Executive Committee and to the Compensation Committee of the University's Board of Trustees. Thus the trustees themselves *were* consulted. At this point, Prof. Borkowski moved to incorporate Prof. Barrett's position in a letter to Father Malloy; Prof. Fallon seconded that motion. Prof. Barrett stressed that his concerns left room for some exchange; for example, a contract specifying an automatic rollover might not call for consultation. Perhaps, therefore, we need more information. Father Poorman urged that the issue be broached through a "sense of the Board" resolution rather than through a formal motion. Moreover, he added, the word "consultation" should be emphasized; no one seeks for the Board or its representative the right of approval. The chair agreed on this approach, noting that he had in fact been called on to participate in the hiring process of several head coaches since his appointment as faculty athletics representative in

the year 2000. With the understanding that the Board's "sense" on this issue will be presented to Father Malloy by the chair at their next meeting, Prof. Borkowski agreed to withdraw his motion.

4. Request from men's basketball for study-day game: Mr. James Phillips, associate athletics director and administrator for men's basketball, presented to the Board a proposal for a men's-basketball game against DePaul University in Chicago on Saturday, December 13, 2003, a fall-semester study day. Under the proposal, the team would travel to Chicago on Friday afternoon, December 12, and return to South Bend immediately following the game. Mr. Phillips expressed the hope that the televised game would take place during the afternoon. To a question from Prof. Berry, Mr. Phillips answered that the team would not compete, under the proposed schedule, between its game against Indiana University on December 8 and the DePaul game. Prof. Berry stated that the proposal therefore does not seem to implicate the Board's concern with "overloading" a schedule before the examination period. Father Poorman observed that the trip to Chicago would really mean the loss of two study days out of four. Mr. Phillips responded that the team would practice at home on that Friday even without scheduled competition that weekend. Prof. Pope-Davis: Could we eliminate the practice here and have the team practice upon its arrival in Chicago? Ms. Barbour: Perhaps an event already scheduled for that Friday night at the arena precludes our practicing there. Prof. Borkowski urged Mr. Phillips to press for an early game time on Saturday; the earlier, the better. Prof. Berry moved to approve the proposal; Dr. Cullinan seconded. Accepting Prof. Pope-Davis's recommendation that a late departure, followed by practice in Chicago, be pursued, the Board unanimously approved the motion.

At this point, in connection with team travel, Prof. Bender expressed his concern with regard to a report in the *South Bend Tribune* that the charter flight returning our men's-basketball team from its game against Providence had erroneously landed in Elkhart, rather than in South Bend. As a pilot, Prof. Bender found that an unforgivable mistake. Safety, he stressed, must be paramount when we choose and use charter flights. Mr. Phillips agreed, noting that the charter company had suspended the two pilots involved in the incident. At the time, given the hour, the control tower at South Bend was closed, as was the tower at Elkhart. The pilots had received clearance out of Chicago. In any event, everyone associated with the matter remains bewildered and deeply concerned. The charter company has committed to cooperate fully with the University in connection with the latter's concerns about the incident.

5. Update on drug-testing procedure at Notre Dame: Dr. Cullinan, as representative of the president's office, reported on the drug-testing policy for student-athletes. At its meeting of November 11, 2002, the Board had recommended to Father Malloy the approval of the procedures produced by the University Ad Hoc Drug-Testing Committee, a committee on which Board member Prof. Barrett served. Dr. Cullinan told the Board that Father Malloy had indeed approved that procedure, with one modification relating to the reporting process with regard to a student-athlete's first positive result. That minor change had been recommended by the Counseling Center. A first round of testing under the new policy took place in December, and a second in January. Overall, the process is working well, although amendments will be pursued as needed. Prof. Pope-Davis then turned to the method of testing; in light of the concern, raised at an earlier meeting of the Board, that the use of hair for testing purposes might

discriminate on a racial basis, have there been any significant developments with regard to the use of that methodology at Notre Dame? Dr. Cullinan responded that he would ask Dr. James Moriarity, chief of medicine at the Student Health Center, about this. Of course, the only practical choices involve hair or urine. We must do the best we can to deter and detect. Currently, the process for testing student-athletes, as well as the one for testing employees, uses hair analysis. Prof. Borkowski stressed the difficulty of staying on top of this issue. Prof. Barrett assured the group that Dr. Moriarity did indeed remain abreast of the latest developments and, moreover, that the University's general counsel monitors the issue closely, especially since it involves both student-athletes and employees.

Prof. Bender then turned to the recent police raid at a nearby bar, a raid that netted scores of underage Notre Dame students. Were there any student-athletes involved?, he asked. If so, were their cases handled by the University in the same way as those of other students? Father Poorman: No "high-profile" student-athletes were involved; these are the ones, of course, in whom the press shows the most interest. Any student-athletes implicated in the matter will be treated by the Office of Student Affairs just like any other student. To a question posed by Ms. Conboy, Father Poorman observed that student-athletes might, in connection with alleged miscreance, face ramifications from three different sources: the civil courts, the office of residence life, and the Department of Athletics, including the head coach. What any one of these three might do depends not at all on what the other two do. Prof. Weber: Should there be a uniform policy among teams concerning the treatment of misconduct? How important is the autonomy of individual coaches? Mr. Muir stated that the Department of Athletics maintains a uniform alcohol policy for all sports; coaches may impose *additional* sanctions, but may not ignore the policy.

6. Report on student-athlete surveys and implementation of stated concerns: Having distributed to each member of the Board a document entitled *2001-2002 Varsity Student-Athlete Interviews: Selected Questionnaire Results*, Mr. Muir stated that the survey distributed this year by the Department of Athletics involved student-athletes in all four years, not only seniors as had been the case. This change resulted from a suggestion made by the Board. As a result, 508 completed surveys underlay the report. Mr. Muir underscored three results, in particular. First, 89% of student-athletes reported that their athletic experience met or exceeded their expectations. Eighty-seven percent said that the concern of their head coach for academics was either good or very good. Finally, 82% rated their academic experience here as good or very good. Predictably, student-athletes did voice significant concerns, including some relating to medical services, Notre Dame's restrictive class-miss policy, the regulation of off-campus residence for grant-in-aid student-athletes, and the restrictions imposed, for reasons of safety, on stunts performed by cheerleaders. With regard to medical services, head athletic trainer Jim Russ met with our Student-Athlete Advisory Council, which devoted an entire meeting to this topic. Also, Ms. Barbour, who oversees medical treatment for student-athletes, met with our physicians. Accordingly, communication continues. Ms. Barbour finds it difficult to assess the accuracy of the concerns, since she is not a medical expert. Nonetheless, she has witnessed such complaints at all four universities at which she has worked. Oftentimes, one finds it easy to blame the doctor when treatment doesn't work as quickly as one would like. Prof. Bender: Could the Department of Athletics form a small, blue-ribbon committee charged with assessing all this? Ms. Barbour: Dr. White and I have talked about using an outside committee. Prof. Fallon: Both football and hockey have problematic

numbers with regard to rating the academic experience; both sports come in under 3.0. Is this a cultural thing? Is this on the radar screen? Yes, Mr. Muir responded, we are communicating with the Office of Academic Services for Student-Athletes regarding this. Ms. Conboy added that a significant number of hockey players come to the university after having been in junior programs for three or four years. Accordingly, they bring with them a lifestyle unlike that of other students and perhaps don't acculturate as easily as other students. Prof. Fallon and Prof. Pope-Davis urged the securing of data from the general student body so as to have a reference point. Mr. Muir informed the Board that he is working with Mark Gunty, assistant director in the Office of Institutional Research, to produce a control group. Prof. Weber noted that every senior fills out an exit survey; we could separate out those of student-athletes and then compare. Prof. Borkowski urged the use of the Laboratory for Social Research in revising the questionnaire. That entity could help provide more precision, a better rating scale and thus a better analysis. Father Poorman, recognizing that the survey used by the Department of Athletics remains a "work in progress," commended the department for the tremendous progress made in the instrument over the past few years. Prof. Pope-Davis, concurring with his colleagues' observations, added that, as it improves, the instrument should address the notion of culture and diversity; after all, the Department of Athletics constitutes the most diverse unit on campus. We should gather data on how the racial, ethnic and gender mix is working. Do disparate groups respond differently to different things? Are there ways of improving our diversity situation? Perhaps a wholesale analysis of the successes and the flaws in the Department of Athletics will provide a way of improving the University as a whole.

7. Report on fall 2002 academic achievement of student-athletes, including fifth-year players and off-campus grant-in-aid recipients: Mr. Holmes, acting director of the Office of Academic Services for Student-Athletes, reported on academic performance by student-athletes during the past semester. Referring to tables distributed to members of the Board, Mr. Holmes pointed out various aspects of interest. First, the percentage of student-athletes appearing on the Dean's List has dropped (this fall found 22% of our student-athletes on the Dean's List, compared to last year's 34%). But this drop relates largely to a change in the criterion for that honor (the University is currently "phasing in" a standard by which only the top 30% of students in each College will qualify for the Dean's List). Accordingly, a number of student-athletes with GPAs over 3.4 did not make the list. Sixty-three percent of our student-athletes achieved GPAs over 3.0, as opposed to 70% last year. The probation number (fifteen) remains consistent. Fourteen of our student-athletes earned a perfect 4.0 in the fall, the very same number as achieved that level last spring. Prof. Pope-Davis, looking over the charts, questioned any correlation between SATs and academic performance. SATs do not predict success, he contended; in fact, the University of California at Berkeley has done away with their use. Prof. Barrett asked whether SATs differ according to whether a student-athlete has a grant-in-aid. Mr. Holmes: Grant-in-aid student-athletes have SATs about sixty points below other student-athletes. Prof. Barrett noted a growing and alarming practice of high-school seniors, especially in football, leaving school mid-year in order to begin college during the spring semester. For football players, this allows participation in spring practice and, therefore, an increased chance of playing during their first full year on campus. What is Notre Dame's policy regarding this? Ms. Barbour: We have received inquiries and have said "no."

8. Reports from chairs of subcommittees: Prof. Barrett, chair of the subcommittee on student welfare, informed the group that a luncheon, hosted by Eileen Kolman, dean of the First Year of Studies, would take place on February 3 at the Coleman-Morse Center. That meeting will include representatives from Dean Kolman's office, from the Office of Student Affairs, from the Department of Athletics, and from the Faculty Board on Athletics. The topic: possible amendments to the University's current rules regarding competitions and other athletic activities during Orientation Weekend.

9. Adjournment: The chair adjourned the meeting at 7:00 p.m.