



## FACULTY BOARD ON ATHLETICS UNIVERSITY OF NOTRE DAME

Meeting of September 26, 2002

5<sup>th</sup> Floor Conference Room, Main Building

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

**Observers Present:** Ms. Sandy Barbour; Ms. Missy Conboy; and Mr. Bernard Muir (all of the department of athletics); and Ms. Mary Hendriksen (recorder).

**Guests:** Ms. Lora Spaulding (associate registrar)

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

**2. Minutes of previous meeting:** The chair noted that the minutes of the May 9, 2002, meeting of the Board had previously been approved through an e-mail vote.

**3. Announcements:** The chair announced that he had approved the following team schedules for the 2002-03 academic year, all of which fell within University guidelines: men's lacrosse; women's lacrosse (fall only); men's and women's cross-country (fall only); men's basketball (the chair noted that this schedule included a study-day game specifically approved by the Board on December 10, 2001); women's basketball (this schedule too included a study-day game specifically approved by the Board on December 10, 2001); rowing (fall only); women's swimming; men's and women's golf; football (the chair noted that the team had traveled to its game against Michigan State University in two separate groups in order to avoid class absences); men's golf (fall only); men's swimming; softball; men's and women's tennis (specific Board approval would be required for attendance at the National Team Indoor Invitationals in February).

The chair noted that he had approved amendments to the women's soccer schedule: August 29 and September 12 were added as class-miss days. As amended, the schedule remains within University guidelines. The chair noted for the record that through an e-mail vote the Board had approved a site

change for hockey: on Saturday, January 18, Notre Dame will play Yale in Chicago rather than play at Notre Dame. This change carries no class-miss implications. For the record as well, the chair noted the Board's e-mail approval of a study-day hockey game against Wayne State University at Joe Louis Arena in Detroit, on December 14, 2002.

The chair announced that, pursuant to University guidelines, he had approved the following team captains (all carried the requisite cumulative grade-point average, had garnered the approval of the appropriate head coach and sport administrator, and had been cleared by the office of student affairs): Katie Cavadini, Amy Deger and Heidi Hendrick (women's swimming); Brian Farrell, Matt Scott and Luis Haddock (men's tennis); Keara Coughlin, Janie Alderete and Kristin Kinder (volleyball); Jeneka Joyce, Alicia Ratay and Le'Tania Severe (women's basketball); Matt Carroll, Jere Macura and Dan Miller (men's basketball); Terri Taibl (women's golf); Luke Watson and Tom Gilbert (men's track); Jennifer Handley, Melissa Schmidt and Emily Showman (women's cross country); Jaime Volkmar, Tameisha King and Jennifer Handley (women's track); Ozren Debic and Jan Viviani (men's fencing); and Liza Boutsikaris, Anna Carnick and Destanie Milo (women's fencing). The chair announced that Ashley Dryer, Vanessa Pruzinsky, and Amy Warner have been selected as captains for women's soccer; these names appeared among a slate previously approved by the Board.

The chair noted for the record that through an e-mail vote the Board had approved Mark Striowski (cross country, track) for a fifth year of eligibility.

Also for the record, the chair noted that the Board, through an e-mail vote, had voted a Byron V. Kanaley Award for Jarrah Myers (softball).

The chair asked that his e-mail message of July 5, 2002, to Mr. Bernard Muir be appended to the minutes. That message sets out the Board's current understanding of which student-athletes come within the University's provisions regulating fifth years of eligibility (see Appendix).

The chair asked that the July 29, 2002, letter from (Rev.) Richard V. Warner, C.S.C., director of campus ministry, to Prof. Barrett be appended to the official minutes. That letter [not included here] cited the Board's recent amendments of provisions regarding Holy Week and set out Father Warner's willingness to help provide chaplains for athletics teams traveling during the Triduum.

The chair announced that he had received from the department of athletics the results of the 2002 student-athlete surveys. At the suggestion of the Board, the department of athletics surveyed all student-athletes, not only those graduating from the University. Over 500 student-athletes (approximately 70%) responded. The chair added that the subcommittee on student welfare would assess this material.

The chair then listed the membership of the Board's three subcommittees for the 2002-03 academic year: academic integrity (Harvey Bender, chair, Donald Pope-Davis, John Weber and, *ex-officio*, Patrick Holmes); communications (William Berry, chair, John Borkowski and Katherine Spiess); student welfare (Matthew Barrett, chair, Stephen Fallon, Umesh Garg and Emily Bienko). The chair noted his hope to

meet soon with the chairs to discuss the Board's work for the coming academic year. In addition to routine work, like clearing team schedules, screening team captains and processing petitions for a fifth year of eligibility, the Board must continue its progress on longer-term projects. The Board's re-working of the University's *Statement of Principles for Intercollegiate Athletics*, its development of a comprehensive set of provisions regarding petitions for a fifth year of eligibility, and its wholesale revision of University regulations concerning practice, competition and travel during Holy Week, all completed during the last two years, reflect the kind of long-term responsibilities and opportunities the Board must continually pursue. This year, the chair continued, the Board might address practice, travel and competition during the Orientation weekend; the class-miss policy, which the reduction in flights and security constraints following the terrorist attacks on September 11, 2001, have rendered still more controversial; a long-term definition of "fifth-year student-athlete" for purposes of our provisions regarding the additional year of eligibility; the development of a greater liaison with faculty concerning the work of the Faculty Board on Athletics; and other issues central to the Board's responsibilities under the *Academic Articles*.

Finally, the chair noted for the record that the 2002 edition of the *FBA Manual* has now been printed and a copy sent to each member of the Board.

**4. Report on the role of the registrar's office in conjunction with student-athletes:** Ms. Lora Spaulding, associate registrar, reported on the role of the registrar's office with regard to student-athletes. As part of the "check points" that constitute the athletics certification process, she receives from the department of athletics a "Verification of Eligibility" list that contains, by sport, each participating student-athlete. She checks each student-athlete's file with regard to several items. First, student-athletes must be in academic good standing, which requires that their previous semester's GPA be at least 2.000 for undergraduates (except for first-year students, who must achieve a GPA of at least 1.700 in their first semester and at least 1.850 in their second). For those student-athletes who fail to maintain good standing in the spring semester, she then combines their Spring and Summer GPAs; this result may restore them to good standing. Second, the student-athletes must be actually enrolled at the University. Finally, student-athletes must be full-time students. The only exception to this rule: seniors in their last semester, who need to take only that number of credit hours required to qualify for graduation. Student-athletes who fail to achieve these standards are removed from the list. Three other University administrators, besides herself, must sign the list: the director of athletics, the assistant vice-president for residence life, and the NCAA faculty athletics representative. The chair asked Ms. Spaulding to comment on the issue of security with regard to transcripts and other student-athlete records. She responded that all grades are kept in the office of the registrar. Deans and departmental chairs receive copies of all grades. Although certain people have access to the computerized records, only a very few can change grades. Prof. Pope-Davis, noting that the University was investigating the use of grading through the Internet, asked whether there were sufficient fire walls for the purpose of security. Ms. Spaulding responded that all software contenders were deeply aware that security remains a critical factor. Security features with regard to proxies, for example teaching assistants, will also be important. As a back-up device, audits showing grades entered will be sent to professors. With regard to petitions for a fifth year of eligibility, student-athletes apparently had not been able to enroll in the needed classes. The registrar worked with the chair of the Faculty Board in order to solve this problem. As it turned out, student-athletes had in many cases not registered early enough to

secure the needed classes. Ms. Spaulding referred to one more problem: Under our current certification system, she must run manual checks periodically to ensure that all student-athletes remain full-time students. She hopes that within a few years automatic auditing will make the manual checks unnecessary. Ms. Spaulding offered to the Board any further cooperation her office might provide with regard to student-athletes. The chair thanked Ms. Spaulding for her appearance before the Board.

**5. Proposed amendment to men's basketball class-miss schedule:** Mr. Muir brought to the Board a proposed amendment to the previously approved 2002-03 class-miss schedule for men's basketball. With regard to two games, that against Rutgers on March 1 and that against Georgetown on March 8, both nationally televised Saturday games, the team sought permission to leave campus early on Friday in order to have a "shoot-around" practice that day. Prof. Barrett, noting that the class-miss policy represents a core value at Notre Dame, inquired with regard to the relative expense of chartering aircraft in order to avoid missing class on those Fridays. Dr. White noted that a charter could run about \$16,000 each way, for a total of \$32,000. The use of regularly scheduled flights, which cost \$300-\$400 per person, produces a total cost of about \$10,000 per round trip. Dr. White noted that other schools, for example those in the Big Ten, charter every flight for their teams. Being fiscally conservative, Notre Dame does not ~~S~~ much to its detriment in recruiting. Part of the big picture, he added, involves access to facilities. For many of the teams we play in basketball, for example, municipal facilities are used; the home university in such cases does not control the times available for games or for practices. Mr. Muir pointed out that, due to a reduction in the number of flights leaving South Bend, many teams must leave from Chicago. Prof. Bender asked about the safety of charter flying. Ms. Barbour pointed out that Notre Dame charters only planes run by regular airlines. Prof. Weber: How important is the "shoot-around"? Mr. Muir: Coach Brey would assert that it's very important and, indeed, the standard in that sport. To Prof. Garg's inquiry concerning whether those student-athletes with afternoon classes could leave later than the others, Dr. White stressed that the department tries not to have team members travel separately from the rest of the team. Prof. Borkowski noted that not many student-athletes will actually have Friday afternoon classes; the team could therefore leave after noon, using a charter sponsored from the extra revenue produced by the televised games. Ms. Conboy pointed out that the extra revenue in this case goes to the Big East Conference, to be split thirteen ways. Still, Prof. Borkowski continued, a charter is justified. If the team leaves at 12:30 p.m., we can have it both ways, that is, we can protect our academic values and provide for the "shoot-around." Prof. Barrett reiterated the need to pay for adherence to our class-miss policy: If we value that policy, we must pay to preserve it; that's a cost of doing business. Prof. Pope-Davis seconded Prof. Barrett's view. Prof. Fallon noted the incongruity in our policy, which equates a class miss in the Monday-Wednesday-Friday sequence with one in the Tuesday-Thursday sequence, despite the difference in the length of these class periods. Prof. Berry noted that Notre Dame has adopted a new Wednesday-Friday class policy, which will result in fewer classes on Monday and more on Friday. Ms. Spaulding concurred; when this policy takes effect next year, all Monday-Wednesday sequences will be transformed into Wednesday-Friday sequences. The chair pointed out that the Academic Council has reportedly agreed to revisit this decision. Apparently, there is much unhappiness "in the ranks." Dr. White emphasized that even charters present scheduling problems; one cannot always get a guaranteed time of departure and, in fact, might not know until a few days before the flight whether the charter company will adhere to the scheduled departure time. The problem becomes exacerbated by the fact that Notre Dame does not

regularly use charters; for that reason, charter companies have little cause to accommodate us. Of course, Dr. White added, coaches would prefer to charter the whole season, as our peer institutions do. Moreover, whatever we do for men's basketball, we must obviously do for women's basketball. Our decision therefore has significant financial repercussions. One plus of chartering: less wear and tear on our student-athletes. Mr. Holmes pointed out that priority registration for student-athletes, were it enacted, would allow them to select classes that do not meet Friday afternoon. This would greatly alleviate the problem. The chair asked if this could apply to all sports; indeed, spring sports have a tougher time than men's basketball in meeting our class-miss policy. Ms. Spaulding pointed out that student-athletes already have priority in registration; they are "weighted" more heavily in the DART process because of afternoon practices. Indeed, other students resent this situation. Ms. Conboy pointed out that basketball truly is different; the "shoot around" represents the norm. In other sports, teams are accustomed to arriving at the competition "cold." Mr. Muir pointed out that schools like Duke, Stanford, Rice and Boston College have no class-miss policy. At Northwestern, the policy permits five class misses per quarter, or fifteen per year. Prof. Barrett pointed out, though, that student-athletes at Boston College need to work out their class misses with each individual professor. The chair pointed out that this aspect of Notre Dame's approach often gets overlooked; at Notre Dame, the University policy, while restrictive in one sense, does pre-empt individual professors with regard to excused misses for athletics purposes. Prof. Borkowski at this point moved that the men's basketball team be permitted to leave after the end of the last morning class, using a charter if necessary. Prof. Garg seconded. Noting that commercial-flight times can change as well as charter times, Prof. Bender proposed a friendly amendment, namely, that the Board not specify the time but require charter use in order to produce the least disruption of classes. Prof. Borkowski responded that he specified a time in order to enable attendance at as many classes as possible. Prof. Weber observed that regular charter use for basketball would create a demand by other teams for the same convenience. Dr. White agreed; he always hears student-athletes (and their parents) in other sports complain that those teams don't get the charter service that, for example, the football team gets. Mr. Muir noted that the Board will receive requests for class-miss waivers from the golf and tennis teams, as well. The relief they seek, however, has nothing to do with charters but with their ability to schedule at the highest possible levels. Father Poorman: Is the basketball schedule already firm? Yes, responded Dr. White. Following the publication of the schedules of the National Basketball Association, college schedules get solidified. Father Poorman: What if the Board declines to grant these waivers? Then, Ms. Barbour stated, the team will have to take an 8:30 p.m. flight, land in Newark at 11:00 p.m., arrive at the hotel after 1:00 a.m., and then play a 4:00 p.m. game the next day on national television. Prof. Borkowski asked if coaches would be happy with a 1:55 p.m. flight on Friday, a schedule that would protect most of the morning classes. Under that arrangement, Dr. White pointed out, most of the team could leave for the airport early, with only those who have a late-morning class leaving campus after 12:35 p.m. If a commercial flight doesn't work, we could charter a flight. At this point, Prof. Borkowski reformulated his motion to allow student-athletes on the men's basketball team to miss any class after their 11:45 a.m. class on the two days at issue and to require that data be gathered with regard to how many students missed how many classes. Ms. Bienko urged that student-athletes be given advance notice of the team's spring travel arrangements so that they might schedule courses with game days and travel departures in mind. Prof. Weber worried that granting the requested waivers might establish precedent for other teams. Dr. White responded that any request for such a waiver would have to come to the Board. Father Poorman informed the group that he would vote

against the motion; he prefers to address the general policy rather than grant exceptions. Let's gather the data and then take a pro-active stance, he urged. If necessary, we could "fast track" the consideration of our class-miss policy. Father Poorman found persuasive Dr. White's point that our lack of chartering presents a negative in the recruiting process. What the Board needs from Dr. White is a comprehensive and coherent presentation of all the factors affecting this issue, including when schedules get set, the problem of televised games, the advantages and disadvantages of charter flights and the like. Professor Fallon suggested a compromise pursuant to which the Board might provide a class-miss waiver for only one of the two days at issue; the director of athletics might then have to "bite the bullet" of a late departure for one of the two games. Prof. Weber: Perhaps it is time for Notre Dame to establish a relationship with these charter companies. The vote on Prof. Borkowski's motion: seven in favor; four opposed.

**6. The Big East Golf Tournament scheduled for Holy Week at Notre Dame:** The Board next discussed the fact that the Big East Golf tournament, both men's and women's, has been scheduled to take place at Notre Dame during the Triduum. The schedule calls for practice rounds on Good Friday, with actual competition to follow on Holy Saturday and Easter Sunday. On Sunday, competition would end by about 2:00 p.m. Ms. Barbour pointed out that worship opportunities would be provided during the weekend. Notre Dame bid on this tournament early in the year 2000, without advertizing to the fact that occasionally that week in April will be Holy Week. Prof. Barrett pointed out that not only would holding that tournament at Notre Dame violate our new provisions with regard to the Triduum, but also that it would have violated the rules in effect when Notre Dame put in its bid. Now we can compete at *away* sites on Good Friday, although the morning of Easter Sunday would remain a problem. Prof. Pope-Davis: If we say "no," then what? Ms. Barbour: We host the tournament, but our athletes don't participate. Whatever problems might be presented by Notre Dame's hosting a tournament on campus during that holy period, the chair noted, the Board's jurisdiction presumably extends only to our own student-athletes. In any event, Prof. Barrett added, our rules permit no competition at home on Good Friday or on Easter Sunday. That has been our policy at least since 1995. Prof. Pope-Davis insisted that as a Catholic institution we must draw the line. Our student-athletes come here for our tradition. Our players should not participate, even if Notre Dame hosts the tournament. Ms. Barbour noted that we need to host the tournament; other schools have relied on us. Prof. Barrett: Does the Big East follow the NCAA-tournament rule that no competition takes place before noon on Sundays? Ms. Conboy responded in the negative; the Big East likes to play in the morning so that teams can fly out during the afternoon. Dr. White suggested the possibility of holding the tournament off-campus. Father Poorman reminded the Board that five other Catholic schools belong to the Big East; presumably, their Catholic character is not negligible. At a minimum, the tournament should be moved off-campus. Prof. Garg noted that the Easter Sunday problem would survive such a move. Prof. Weber hoped that in the future Notre Dame could prevail on the Big East to move the tournament when it falls during Holy Week. Is that possible this year, since the tournament is still six months away? Prof. Fallon suggested that the Sunday morning rounds be moved to the afternoon. Even if the tournament moves off campus, Prof. Garg pointed out, Notre Dame would still be hosting it; that, for him, presents a significant problem. In such a case, however, people driving to religious services at Notre Dame won't see golfers competing on *our* course, Prof. Barrett added. The chair noted that moving the tournament to an earlier time during that week would not implicate our class-miss policy since competition in tournaments does not count in our class-miss calculations. Prof. Pope-Davis moved that the

department of athletics make every effort to move the Big East Tournament so as to avoid practice or competition on Good Friday and Easter Sunday. Should that not be possible, the tournament should be moved off campus. Finally, should that prove impossible, Notre Dame should not participate in the tournament. Prof. Weber seconded the motion, adding that the University should explore with the Conference the possibility of moving the tournament whenever it would otherwise take place during the Triduum. The vote: nine in favor, one against.

**7. The “BCS situation”:** The chair invited the director of athletics to address the current controversy over whether Notre Dame’s football win against Maryland on August 31, 2002, would count for purposes of the Bowl Championship Series (BCS) selections. Reviewing the history of the issue, Dr. White noted that Notre Dame’s agreement to participate in the “Kickoff Classic” took place during the 1998-99 academic year. At that time, of course, football seasons comprised eleven regular-season games. Under NCAA rules, however, universities may play a twelfth game this year because the calendar provides a fourteen-week “window.” As it turned out, the Kickoff Classic was scheduled for Notre Dame’s Orientation weekend. Accordingly, the University declined to play on that particular weekend. When discussion turned to moving that game to later in the season, Notre Dame chose to keep its commitment to the University of Maryland rather than schedule a seventh home game, which, of course, would have been appealing for a number of reasons. Subsequently, the opportunity to play a thirteenth game arose. Nonetheless, Dr. White feels that such a game would exploit our student-athletes and he accordingly will recommend to Father Malloy that Notre Dame not play a thirteenth game. Since the Kickoff Classic, had it been played as originally scheduled, would have been an “exempt” game under NCAA rules, it would not have counted for purposes of BCS calculations. But the NCAA’s definition of “exempt” relates to the time at which a game is played; games played on August 31 constituted part of the regular season and, therefore, Notre Dame’s game against Maryland was not an “exempt” game and should count for BCS purposes. [Subsequent to this meeting of the Faculty Board on Athletics, the University’s interpretation of “exempt” prevailed.]

**8. Adjournment:** The chair adjourned the meeting at 7:07 p.m.

## APPENDIX

### [E-Mail Message of July 5, 2002, to Mr. Bernard Muir from Prof. Fernand N. Dutile]

Dear Bernard:

In late June you asked me for the view of the Faculty Board on Athletics with regard to two student-athletes who have involuntarily spent some time away from the University. These two, you indicated, might return to Notre Dame--one next spring and the other for the fall 2003 semester. Before deciding whether to return, however, these student-athletes sought to know whether they would be able to compete athletically at Notre Dame should they return. The threshold question in these cases: is Board approval for a fifth year required?

The FBA Manual sets out the University's provisions for fifth years of eligibility. It states that the Board "exercises the responsibility for determining, on a case-by-case basis, whether a student-athlete may participate in athletics during *a fifth year at Notre Dame.*" (Emphasis added). Alas, the text does not elaborate on what is meant by "a fifth year at Notre Dame."

At a Board meeting on October 29, 2001, we confronted this issue with regard to a men's-lacrosse player. With one dissenting vote, we decided that "the provisions for fifth-year student-athletes apply only beyond the eighth semester of the student-athlete's undergraduate education." The minutes of that meeting also set out the following: "The chair stressed that this motion should be seen as one necessary to decide the case before the Board. Since the subcommittee [on academic integrity] will later consider a definition appropriate to all falling within the provisions for a fifth year of eligibility, today's action . . . should not bind later deliberations."

Since neither the subcommittee nor the Board itself has yet come up with a comprehensive statement of who is a fifth-year student-athlete, and since we needed some decision with regard to the two student-athletes considering whether to return to Notre Dame, I put to the Board for its consideration two fairly crisp options, options that reflect at least the essence of the two positions discussed by the Board on October 29, 2001.

Of those two the Board chose, through its e-mail vote, the following definition: "For purposes of our fifth-year-of-eligibility provisions, a student becomes a fifth-year student-athlete after eight semesters at Notre Dame. A semester is one during which the student undertook at least one hour of credit at Notre Dame."

Accordingly, if either of the two student-athletes you mention plans to compete in a semester beyond the eighth as defined in the previous paragraph, that student-athlete will need to petition the Board for a fifth year of eligibility.

Should you need any further information, Bernard, please let me know.

Regards,

Tex