

Notre Dame Law School Faculty Focus



Tex Dutile, Chair, University of Notre Dame Faculty Board on Athletics

by Mary Hendriksen

“But for my lack of speed, quickness, jumping ability, and agility, I could have been a superb athlete.”

It’s a classic Fernand (“Tex”) Dutile line. Superb athlete or not, Dutile is a key person in athletics at Notre Dame. For the past three years, he has assumed the demanding and high-profile role of chair of the University’s Faculty Board on Athletics (FBA), the 15-person mix of elected, appointed, and *ex-officio* members—drawn from the faculty, the Office of Student Affairs, the Office of the President, the Department of Athletics, Academic Services for Student-Athletes, and the student body—who serve as the principal advisory group to University President Rev. Edward Malloy, C.S.C. on educational issues related to intercollegiate athletics. Simultaneously, Dutile is the University’s faculty athletics representative to the National Collegiate Athletic Association (NCAA).

Appointed chair of the FBA by Father Malloy in the summer of 2000, Dutile is the first layperson at the University to hold the position. Serving as chair is an enormous, multifaceted task and one that requires great sensitivity to the twin responsibilities of nurturing excellence in academics and athletics for the 725 student-athletes in 26 varsity sports at the University. It is a task Dutile has performed so well, Father Malloy reappointed him to a second term that begins this fall.

Dutile earned his undergraduate degree at Assumption College in 1962 and, in 1965, his J.D. from Notre Dame, where he was articles editor for the law review. Admitted to the Maine Bar in 1965, he began his legal career in the Honors Program of the U.S. Department of Justice. There, he worked with the litigation section of the Civil Rights Division. After teaching law at the Catholic University of America, Dutile joined the NDLS faculty in 1971, becoming a full professor in 1976.

Dutile has long taught courses in criminal law and education law, but because of his widely admired administrative skills, he has been tapped at various times to serve as assistant dean, associate dean, and acting dean of the NDLS. Described by Dean Patricia O’Hara as “the consummate University good citizen,” Dutile has served as well on countless University and Law School committees—most notably, for a full 25 years on the University’s Academic Council and for seven years as the Law School’s representative to the FBA.

Dutile began his tenure as chair of the FBA at a difficult time in Notre Dame athletics. For the first time in its history, Notre Dame had found itself on NCAA probation. One result was a comprehensive analysis of the structure of athletics administration at Notre Dame. The athletics program was put directly under the control of the President’s Office. It was decided as well that the chair of the FBA, a committee that had existed at the University since 1898, should be a member of the tenured faculty and Notre Dame’s NCAA “faculty rep.”

As chair, Dutile’s task is to guide the Board in fulfilling the responsibilities set forth in the University’s Academic Articles and the *Statement of Principles for Intercollegiate Athletics (2001)*, a document specifically endorsed by Father Malloy, Director of Athletics Kevin White, and Dutile: The Board “nurtures Notre Dame’s commitment to academic integrity within the athletics program, strives to ensure that the University’s athletics program operates in consonance with Notre Dame’s educational mission, and actively promotes the welfare and educational success of the University’s student-athletes.”

How, precisely, does the Board carry out those lofty aspirations?

“It’s all a balancing act,” Dutile explains. The Board must maintain that “delicate but critical balance between the academic and the

Tex Dutile speaks with President George W. Bush during the White House visit of Notre Dame’s 2001 national championship women’s basketball team.



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athletic at an institution that aspires to excellence in both.” As he points out, “the University would be a stunningly different place if one or the other of these aspirations were to reign supreme. Nurturing both simultaneously presents the truly daunting challenge.”

It is obvious why excellence in academics should be the hallmark of Notre Dame, for the University has dedicated itself to providing all of its students with an outstanding education. Dutile explains why excellence in athletics is critical to the University as well. “It would be anomalous for Notre Dame to settle for the mediocre in anything it does. Athletics plays a huge part in the history and culture of the University. Its spillover effects are important as well. Not only do sports teach discipline, perseverance, civility, and humility to the members of Notre Dame’s teams, they have an enormous impact on the student body as a whole, on the connection of alumni to the University, on the larger South Bend community, and on the public’s perception of Notre Dame. Athletics also contribute mightily to the community building that lies at the heart of Notre Dame’s mission.”

As a practical matter, maintaining the critical balance between academics and athletics is done by reviewing data on admission of student-athletes, academic performance, and graduation rates and assessing the effectiveness of the work of the University’s Academic Services for Student-Athletes, which offers tutoring and other academic support to the members of all Notre Dame’s varsity teams. In addition, the Board sets guidelines for a fifth year of athletic eligibility and decides whether to approve students’ petitions for a fifth year; reviews all team schedules to assess their adherence to University regulations regarding Orientation Weekend, class attendance, study and examination periods, and religious holidays; screens, on academic and disciplinary criteria, all nominees for captains; and sets procedures for resolving conflicts between final examinations and post-season play. Finally, as liaison to the broader faculty, the FBA disseminates information at various times to the faculty on matters related to athletics and higher education.

For Dutile, in addition to setting the agenda for FBA meetings and overseeing the work of its three committees, the position of chair involves a dizzying round of meetings, speeches, consensus

building, and attendance at athletic events—both home and away. He attends meetings of the Student-Athlete Advisory Council, composed of a representative of each varsity team; meetings of Notre Dame head coaches; meetings of the Athletic Affairs Committee of the Board of Trustees; and meetings of the University Compliance Committee, consisting of representatives of many offices on campus and chaired by the General Counsel. Dutile has also been on several search committees in connection with the hiring of head coaches—with regard to football, two within the space of one month!

Dutile is thriving on the challenges the position of chair presents. “While the job is more complex than I expected, it is more exhilarating as well. Serving as chair has been a wonderful change in career focus—and it happened without my changing home or office.” Moreover, he says, “I’ve found the Athletic Department to be a very cooperative community. Kevin White and his administrators and coaches have been tremendously open. They truly have the welfare of our student-athletes at heart. That tone is set from the top down and set well. Inevitably, some disagreements arise, but that’s to be expected.”

Representatives of both the academic and athletic sides of the Board are enthusiastic about Dutile’s accomplishments and leadership. NDLS **Professor Matthew J. Barrett**, now in his second term on the board as the Law School’s elected faculty representative, says, “Tex brings so much to the Board: objectivity and independence, keen insight into the opportunities and challenges arising from the simultaneous pursuit of excellence in academics and athletics, and a strong commitment to academic integrity and student welfare—all surrounded by his warm collegiality, outstanding communication skills, a delightful sense of humor, and a devotion to Notre Dame and its values.”

Kevin White gives high praise as well: “Tex provides a unique perspective in his role as Faculty Board chair. He brings an in-depth understanding of the campus culture at Notre Dame, and he also provides great historical context relative to athletics. Our coaches and athletes realize that he has a real feel for their achievements and challenges and the day-to-day workings of their lives and seasons. You don’t have to spend much time around Tex to appreciate the



passion he has for achieving the appropriate balance between athletics and the academic and student-life sides.”

The many challenges of the job will continue into Dutille’s second term. As he points out, it is difficult at times to determine the proper reference point when trying to strike the critical balance between academics and athletics: “Is it other NCAA Division I-A institutions? the recommendations of the various Knight Commission reports? the Notre Dame of yesteryear?” Then, as anyone who pays attention to intercollegiate athletics knows, there is an ongoing “arms race” in terms of competing institutions’ athletics budgets, as well as widespread concern about graduation rates, academic achievement, and the influence of big-money bowl games or conference championships on college sports.

Throughout it all, Dutille says, Notre Dame is standing firm on its commitment to maintaining high expectations for its student-athletes. “The University’s athletics program has one of the highest graduation rates and one of the most demanding class-attendance policies in the nation. It is important for both our own student-athletes and for intercollegiate athletics as a whole that we stay that course. Our academic requirements provide the kind of markers that let our student-athletes, the student body, and other institutions know where Notre Dame stands on the purpose of higher education, intercollegiate athletics, and the intersection of the two. They align Notre Dame with Duke, Stanford, Vanderbilt, and Northwestern as schools with top-notch athletics *and* academics.”

While Dutille is somewhat hesitant to pin down the Board’s most significant contribution during his tenure as FBA chair, he

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does name the redrafting of the University’s *Statement of Principles for Intercollegiate Athletics*, the continued honing of the requirements for a fifth year of eligibility, and amendment of the University’s guidelines for athletic activities during Easter week and during the First-Year Orientation weekend as solid accomplishments. He is perhaps most proud, he says, of the greater outreach by the Board to the campus community—the student-athletes themselves, other faculty, the student body, and academic advisors—that occurred during that time as well. One important aspect of that outreach is communicating the Board’s decisions to the campus community. To accomplish that, Dutille has emphasized the publication in *Notre Dame Report* of in-depth minutes of the Board’s monthly meetings.

The job as FBA chair has not been without its fun, even exhilarating, moments. Dutille and his wife of 39 years, Brigid, attend countless athletics contests. “Thankfully, Brigid likes cheering on the teams as much as I do.” Both Dutilles have explored new sports, like lacrosse and fencing, since he assumed the position of chair.

What has been the most fun? That one is easy. “It’s hard to top a national championship. Notre Dame’s NCAA women’s basketball championship in 2001 and its NCAA fencing championship in 2003 provided high points on the athletic side.” And, ever the FBA chair, Dutille points out that those championships honored both excellent athletes and excellent students.

Members of Notre Dame’s fencing team celebrate their 2003 NCAA national championship.

