

Minutes of the Meeting of the Faculty Board on Athletics
February 28, 2024
200 Main Building, 3:30-5:00 pm

Members Present: Patricia Bellia (Chair), Colin Barr, Jaimie Bleck, Annie Coleman, Darrin Davis, Ann Firth, Rev. Gerry Olinger, C.S.C., Patrick Holmes, Randy Kozel, Mark McCready, Cara Ocobock, Jack Swarbrick, Jamal Wilson, Katie Wowak

Members Excused: Umesh Garg

Athletics Liaisons: Heidi Uebelhor (Athletics Compliance), Jen Vining-Smith (GLD Center)

Guests: Pete Bevacqua (Special Assistant to the President for Athletics)

1. Opening Prayer

Professor Bellia called the meeting to order and offered the opening prayer.

2. Minutes of Meeting December 1, 2023

The Board approved the minutes of the meeting of December 1, 2023.

3. Chair's Announcements

Professor Bellia announced the following schedule approvals since the previous meeting:

- **Full Schedule Approvals**
 - **Spring–Championship Segment**
 - Initial Approvals:
 - Outdoor Track and Field Schedule
 - Men's Tennis Spring Schedule
 - Rowing Spring Schedule
 - Revisions:
 - Baseball Revised Spring Schedule
 - Women's Tennis Revised Spring Schedule
 - Men's Lacrosse Revised Spring Schedule
 - **Spring–Non-Championship Segment**
 - Men's Soccer Spring Schedule
 - Volleyball Spring Schedule
 - Women's Soccer Spring Schedule
- **Schedule Changes**
 - **Travel/Weather:**
 - Softball flight cancellation and necessary accommodations
 - **Corrections/Schedule Changes:**
 - Baseball early travel to first competition

- Men's Basketball corrected day/date error which moved class miss to a Tuesday
- Men's Basketball requested an additional Friday miss prior to 12 pm Syracuse game
- Men's Lacrosse requested early dismissal for home opener for pre-game meal based on opponent request for earlier start due to travel
- Women's Golf added a tournament-Possibly increased TTh class misses to 2 for one golfer
- **Individual Students:**
 - Men's Cross Country added a U20 competition for one student
 - Class miss for Jadin O'Brien taking part in Development panel
- **Post-Season**
 - Cheer travel for women's ACC (including Leprechaun)
 - Swimming submitted ACC Championship schedule
 - Women's Basketball submitted ACC Tournament Schedule -
 - Fencing requested Friday class miss prior to hosting ACC Tournament

4. **Future of College Sports/National Landscape Updates**

Regarding name, image, and likeness (NIL) developments, Mr. Bevacqua shared an update on The FUND Collective and how it is seeking to operate aggressively, but in a uniquely Notre Dame way. A small internal committee is working on NIL, in anticipation that this activity could move in house at some point. Mr. Bevacqua was asked how raising money for the fund affects Development. He shared that while there may be some cannibalization, donors are deciding how they want to contribute to support the University and its activities.

Regarding legal developments, Mr. Bevacqua discussed the ongoing class action lawsuits against the NCAA (including the *House* case and the West Virginia case challenging the NCAA's restrictions on successive transfers) and the Dartmouth NLRB case. He also discussed the ongoing efforts in Congress to identify legislative solutions to the current challenges. He noted the general consensus that the NCAA and the conferences should move toward settlement in the class action lawsuits. A major question continues to be whether student-athletes will be reclassified as employees, either through ongoing NLRB cases or through challenges arising under the Fair Labor Standards Act. There is a hope that Congress will step forward to regulate, given all of the uncertainty.

Mr. Swarbrick weighed in on the work that Notre Dame and the conferences are currently doing in Congress. First, he stressed the importance of protecting the existing Olympic model. Second, he hopes for a legislative declaration that students are not employees, but can be given the right to negotiate. And finally, we need some recognition that the NCAA can make some rules related to competitive equity without being subject to lawsuits.

Professor Bellia provided additional context regarding the recent Tennessee and Virginia lawsuit concerning NCAA restrictions on NIL recruiting inducements and for the West Virginia lawsuit on NCAA rules limiting successive transfer. The injunction in the Tennessee/Virginia

case has the potential for a nationwide effect, because it enjoins the NCAA from enforcing certain of its NIL rules. The injunction in the West Virginia case permits immediate eligibility even for those who transfer at mid-year. Regarding the Dartmouth NLRB case, there is a similar case involving USC. Dartmouth does not provide athletics grant-in-aid, but there was an argument that student-athletes received gear and other benefits, and that Dartmouth exercised control over student-athlete schedules. We expect to see a similar result in the USC case. If so, in both cases, the student-athletes will have the opportunity to vote on whether to unionize.

Mr. Bevacqua also provided context for ongoing CFP discussions on the extension of the current television deal and the move to a 12-team format. He also addressed the potential effect of the Big Ten-SEC collaboration, the threat of private equity involvement in intercollegiate athletics, and the announcement about ESPN/Fox/WB streaming.

5. Update on ACC Scheduling/Conference Expansion- Missy Conboy

Ms. Conboy gave an update on ACC conference expansion and the impact it will have on both scheduling and championships moving forward.

6. Academic Reports—Pat Holmes

Mr. Holmes shared the GPA report for the spring and fall of 2023. He noted that the numbers are consistent and solid. Without mandatory test scores, it is difficult to connect students' performances to what their admissions data might predict. Nevertheless, it appears that student-athletes as a group overperform in relation to what one might expect. He noted that the addition of staff in Academic Services for Student-Athletes has helped in particular with students who might be in the bottom 5-10 percent of the population.

Mr. Holmes also shared a graduation rate report, including the Federal Graduation Rate (Fed Rate), and the Graduation Success Rate (GSR), both of which the NCAA released in December. Notre Dame's numbers for both rates continue to be solid. A major difference between the two rates is that the GSR, unlike the Fed Rate, accounts for transfers in and out. That is, the Fed Rate penalizes an institution for a student transferring out, even if that student was in good standing, and it does not incorporate incoming transfers into the cohort. By contrast, the GSR removes from the denominator students who transfer out in good standing, and the GSR incorporates incoming transfers into the cohort.

Notre Dame's overall GSR (98%) is high, and will stay that way. Notre Dame is tied with Boston College, Duke, and Northwestern for the highest overall GSR. Seventy-seven percent of our teams had GSRs of 100 percent, second only to Duke with 78 percent.

7. Announcement

Professor Bellia shared that this may officially be Mr. Swarbrick's last meeting given the March 25 transition date, but we will bring him back for a gift presentation. She thanked him for his tireless work on behalf of the University and his engagement and partnership with the Board over the last 16 years.

8. Adjournment

The meeting was adjourned at 5:01pm.