

Minutes of the Meeting of the Faculty Board on Athletics
October 27, 2023
500 Main Building, 2:00-3:30 pm

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

Members Excused: Umesh Garg

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

Guests: Pete Bevacqua (Special Assistant to the President for Athletics), Gabby Whitton (Athletics Compliance)

1. Opening Prayer

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

2. Minutes of Meeting of October 2, 2023

Professor Ocobock moved to approve the minutes of October 2, 2023. Professor Wowak seconded the motion. All present and voting members voted to approve.

3. Chair's Announcements

Professor Bellia shared the following actions taken pursuant to her authority as Chair:

- Approved the following schedules:
 - Fall: Men's Tennis, Rowing, Baseball
 - Winter: Fencing, Hockey, Men's Basketball, revised Women's Basketball
 - Spring: Men's Golf, Women's Golf, Women's Lacrosse, Women's Tennis
- Approved requests for individual men's and women's basketball student-athletes to attend ACC Tip Off media events and for a softball student-athlete to attend the Women Leaders in Sports convention in New Orleans.
- Approved a request to revise men's basketball travel to allow an additional class miss to enable the team to participate in tournament-related events.
- Approved a competition date change for the women's basketball scrimmage vs. Toledo due to student-athlete illnesses.
- Approved a request from softball for an additional class miss associated with the team's foreign tour due to airline complications. That approval was contingent upon receipt of an NCAA waiver.

4. Review of Hockey Scheduling Request (Fall 2024)

Mr. Nick Siergiej, Assistant Athletic Director and Hockey Sport Administrator, presented to the Board on the topic of the Hockey team traveling to Ireland in the fall of 2024 to participate in a tournament. The trip would take place during the championship season, and the contests would count as competitions per NCAA rules. Mr. Siergiej said the team would miss Monday and Tuesday of Thanksgiving week. Professor Bellia explained that, because the fall 2024 conference schedule is unknown at this time, it is possible that the number of class misses would exceed what she has the authority to approve. If Notre Dame is to participate in the event, however, it would need to make a commitment very soon.

Professor Ocobock asked how expenses would be budgeted, and Mr. Siergiej responded that the team would account for the budget during the normal process, but the team would also work with Riley Koval (Athletics Advancement) to raise funds to help cover expenses.

Mr. Holmes reviewed the feedback from ASSA counselor Chad Grotegut, and shared that Coach Jackson is very committed to scheduling dedicated study time on the road. Mr. Swarbrick and Professor Barr expressed that it would be a great opportunity for the program. Professor Barr moved to approve the team's participation in the event. Professor Ocobock seconded the motion, and the Board vote was unanimous.

5. Review of Fencing Scheduling Request (Individual International Competition)

Head Fencing Coach Gia Kvaratskhelia (Coach K) addressed the Board concerning Eszter Muhari, a fencing student-athlete from Hungary. Coach K asked the Board to consider excusing Ms. Muhari from class so she can participate in a World Cup event as a member of the Hungarian National Team. The Hungarian National Team is competing for one of eight team spots in women's epee at the Paris Olympics. The team will be less likely to qualify without Ms. Muhari, and Ms. Muhari is unlikely to qualify as an individual if the team does not qualify. Ms. Muhari has discussed her absence with her professors, and one professor has indicated that Ms. Muhari's final grade will suffer a 15% penalty without an excused absence. Professor Bellia noted that the Board had approved an absence for a fencing student in a similar situation in the past. The feedback from ASSA counselor Lorrin Ostojic indicated that Ms. Muhari has not missed a single class this fall and is an excellent student with a 3.5 GPA, despite a difficult travel schedule over the past two years.

Professor Bellia explained that although the Academic Code generally gives discretion over attendance to the faculty member, it carves out situations in which an instructor must accept an absence as excused. The exceptions include University authorized activities approved by the Faculty Board on Athletics. Ms. Muhari's request is in a grey area because it does not involve intercollegiate competition; it does, however, involve competition that contributes to the student-athlete's overall development, and which may affect the student's performance as part of the team in the futures. The Academic Integrity Subcommittee has discussed similar issues in the past with an eye toward developing a policy, but the timing of this request cannot await the subcommittee's recommendations.

Board members discussed the situation, including the past precedents and analogies to other activities the Academic Code covers (such as professional interviews). A number of Board members felt that the Board could draw on these precedents and analogies to draft a suitable policy, and that approval of the request would not create broader issues or be unfair to other students. Professor Kozel moved that the Board provide an excused absence for this competition, Professor Barr seconded, and the Board unanimously approved the request.

6. Annual Compliance Report

Ms. Uebelhor presented the annual compliance report. She shared FAFSA/Pell student demographics, noting that Pell dollars had grown, that the NCAA awards Student Assistance Fund (SAF) dollars based on Pell qualifiers, and that there is a federal proposal that would limit Pell eligibility for those students on a full grant-in-aid (GIA). She also shared how GIA dollars are awarded and how many student-athletes are receiving athletics scholarships, and indicated that the dollar amounts are relatively steady. Summer aid was also included in this year's report, and Ms. Uebelhor noted that Notre Dame is trying to expand opportunities for student-athletes to have a summer experience. Ms. Uebelhor shared the Alston policy and an accounting of the dollars distributed pursuant to it. This year, Notre Dame added a retention/graduation requirement to the policy and a GLD Center component as well. While the University can provide up to \$5,995 to each student-athlete who qualifies, the University awarded the full amount only to full scholarship recipients, and awarded \$2,000 to all others who qualified. Other information in the report focused on transfers, termination of aid, SAF fund expenditures, recruiting, waivers (ACC and NCAA), reported violations, and global makeup of Notre Dame's student-athlete population.

7. Reports of *Ex Officio* Members

Professor Bellia asked Mr. Swarbrick to share insights related to his recent congressional testimony. Mr. Swarbrick indicated that he, Jill Bodensteiner, Charlie Baker, and several others had recently been invited to present to the Senate Judiciary Committee in Washington, D.C. He reported that institutions are spending time on Capitol Hill in an effort to address the various challenges facing intercollegiate athletics, and to emphasize the role federal legislation could play in helping to solve these challenges. Mr. Swarbrick shared that we need to prepare for the possibility of student-athletes being declared employees. He emphasized that we need to consider ways to ensure competitive equity despite this.

On the topic of collective bargaining, Mr. Swarbrick stated that he received public attention for proposing a solution where Congress declares student-athletes are students and not employees, while empowering them to reach an agreement with their schools/conferences to ensure competitive equity (e.g., implement a Student-Athlete Relations Act). Mr. Swarbrick has received encouraging feedback from some senators and their staff regarding this proposal.

8. Adjournment

The meeting was adjourned at 3:30 pm.