

Minutes of the Meeting of the Faculty Board on Athletics
May 9, 2024
200 Main Building, 11:30-1:00 pm

Members Present: Patricia Bellia (Chair), Colin Barr, Pete Bevacqua, Jaimie Bleck, Annie Coleman, Darrin Davis, Ann Firth, Randy Kozel, Mark McCready, Rev. Gerry Olinger C.S.C., Katie Wowak

Members Excused: Umesh Garg, Pat Holmes, Cara Ocobock, Jamal Wilson

Athletics Liaisons: Heidi Uebelhor (Athletics Compliance)

Guests: Brandon Roach, Lauren Hanna (Office of General Counsel)

1. Opening Prayer

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

2. Minutes of Meeting of April 17, 2024

Professor Kozel moved to accept the minutes, and Professor McCready seconded. The Board unanimously approved the minutes.

3. Legal Update

Mr. Roach provided a broad picture of the current legal challenges for college athletics. In short, the traditional model of college athletics is under assault from litigation, federal agencies, and state legislation. Mr. Roach first described the pressures from antitrust litigation, including the *Alston* decision (and the pending *Hubbard* seeking to address the fact that former student-athletes have not received *Alston* payments) and the *House* case. He noted ongoing settlement discussions in *House* and the open questions those discussions raise. Mr. Roach then described litigation under the Fair Labor Standards Act seeking to have student-athletes declared employees. The *Johnson* case in the Third Circuit has been under submission for more than a year, and a decision is expected soon.

Turning to federal agencies, Mr. Roach described the cases pending under the National Labor Relations Act alleging unfair labor practices, including at Dartmouth and USC. He noted that such a case was recently brought against Notre Dame, but it is being held in abeyance pending resolution of the USC case.

Finally, concerning issues at the state level, Mr. Roach described several state laws that permit institutions to pay student-athletes, as well as state challenges to the enforcement of NCAA transfer rules.

Mr. Roach shared that the environment has never been so dynamic. Mr. Bevacqua added that for Notre Dame, the big decision is to determine where we want to land, and how we can stay true to our mission.

4. Chair's Announcements

Prof. Bellia announced the following schedule changes approved since the previous Faculty Board Meeting:

- **Schedule Changes/Postseason**
 - **Travel/Weather:**
 - Track and Field requested a schedule adjustment when Grand Valley State changed meet from Saturday to Thursday due to weather
 - Softball canceled their game on 4/23/24 due to weather and it was not rescheduled
 - Softball and baseball requested time changes for 4/26/2024 games against BC and Wake Forest respectively due to inclement weather
 - **Individual Students:**
 - Request for Calie Brady and Daniel Knapp to travel to compete in the Last Chance USA Diving Olympic trial qualifier in Indianapolis
 - Request for Leprechaun Colin Mahoney to travel to NYC to appear on the Today Show in connection with College Decision Day
 - **Post-Season (ACC and NCAA)**
 - **Prior to finals**
 - Women's Lacrosse traveled to ACC Championship (included class miss)
 - Men's Lacrosse traveled to ACC Championship (no class miss)
 - Women's tennis traveled to first and second rounds of NCAA tournament (no class miss)
 - **During finals (involves separate procedure with deans of colleges)**
 - Track and Field to travel to ACC Outdoor Track and Field meet
 - Women's Golf student-athlete Lauren Beaudreau traveled to compete in NCAA Regional
 - Softball to travel to ACC Softball Championship
 - Some men's/women's lacrosse exams were rescheduled in anticipation of competition; ND ended up hosting both.
 - **After finals**
 - Women's Rowing to travel to compete in the ACC Women's Rowing Championship
 - Men's Golf to travel to the NCAA Men's Golf Regional

5. Student-Athlete Integration Committee Update

Professor Bellia shared that Father John formed a Working Group on Student-Athlete Integration to ensure that Notre Dame is making good on its promise to provide student-athletes the opportunity to take full advantage of the academic, social, and spiritual opportunities Notre Dame has to offer. The goal is to ensure that student-athletes remain integrated with their non-student-athlete peers, while also supporting student-athlete specific needs. Professor Bellia and Ms. Firth are co-chairing the committee, which comprises University and athletics administrators and one coach.

This committee is looking at a number of concerns, including ghost residencies, whether student-athlete nutritional needs call for training table, and whether early (January) enrollees face any special challenges of integrating into the community. To date, the committee is reviewing institutional data, student-athlete surveys, and observations tied to the Summer Bridge/January enrollee experiences. The Statement of Principles of Intercollegiate Athletics, which speaks to the holistic education of our student-athletes, is the committee's starting point. Professor Bellia indicated that Notre Dame needs to continue to commit to that principle, while acknowledging that some portions of the student experience have changed. The committee is working on its report and fleshing out recommendations, which may include (1) some defined access to training table, (2) intentional and supportive dorm assignments, (3) greater support (by coaches and sport administrators) of the distinguishing features of the Notre Dame experience, and (4) better education on intelligent use of NIL money. In addition, it will be important to be able to measure the impact of the recommendations, and to review them on an annual basis. Professor Bellia wanted to share this overview before the report is final to make sure there was an opportunity for Faculty Board input.

6. Departing Faculty Board members:

Prof. Bellia thanked Professor Bleck and Mr. Wilson (not present because of a final exam) for their dedicated service as members of the Board.

7. Delegation of Authority

Prof. Bellia asked the Board whether it wished to consider delegating to her the authority to handle time-sensitive functions during the summer break, on the understanding that she will refer any non-routine matters to the full committee and will provide a summary of actions taken. Professor Barr moved this proposal and Professor Kozel provided a second. The motion carried unanimously.

8. Adjournment

With thanks for the Board's work during the academic year, Professor Bellia adjourned the meeting at 12:55 p.m.