

Minutes of the Meeting of the Faculty Board on Athletics
September 10, 2024
3108 Eck Hall of Law
3-4:30 PM

Members Present: Patricia Bellia (Chair), Colin Barr, Pete Bevacqua, Annie Coleman, Ann-Marie Conrado, Darrin Davis, Umesh Garg, Pat Holmes, Randy Kozel, Mike Niemier, Brian Coughlin on behalf of Rev. Gerry Olinger, C.S.C., Annie Wiese, Katie Wowak

Members Excused: Ann Firth, Cara Ocobock

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

1. Opening Prayer

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

2. Minutes

The Board unanimously approved the minutes of May 9, 2024.

3. Chair's Announcements

[Professor Bellia deferred the Chair's Announcements. She later summarized the captaincy and schedule approvals by email dated September 12, 2024. Those approvals are attached to these minutes as Appendix A.]

4. Athletics Updates

Professor Bellia invited Director of Athletics Pete Bevacqua to provide an update on several items, including the *House* litigation and proposed settlement, the men's swimming program, and the Department of Athletics' priorities for 2024-2025.

House Settlement: Mr. Bevacqua addressed the many changes currently tied to the proposed *House* Settlement. The proposal, to which the NCAA, the Power 4 and Notre Dame have agreed, includes a number of elements: (a) a backwards penalty of \$2.8 billion, for which the NCAA would front the money, and then "claw back" the money by lowering future payments to member institutions; (b) a prospective remedy, which would allow universities to directly compensate their student-athletes up to a cap of \$22 million per academic year (with a 4 percent annual increase and a "look in" in year 3); and (c) authorization for student-athletes to receive, including from collectives and boosters, legitimate third-party payments (i.e., payments consistent with fair market value), which do not count against the cap.

The proposed settlement recently came before Judge Claudia Wilken, a federal district judge in northern California. At the settlement hearing, Judge Wilken questioned the limitations

the settlement would impose on collectives. The NCAA emphasized that if there were no limits on collectives, there would be no settlement. Judge Wilken invited the parties to revisit the issue and submit supplemental materials in three weeks.

Notre Dame's discussions thus far have contemplated tying a high percentage of the direct payments under the cap to football, given the role of that sport in producing revenue. To date, however, there has been no guidance (including from the Department of Education's Office of Civil Rights) on the Title IX/equity implications of the settlement. The lack of information about compliance with Title IX affects institutions' ability to formulate a plan in response to the settlement.

Board members asked follow-up questions on various issues, including antitrust concerns, academic impact, equity considerations, roster and scholarship limits, and safety issues.

Swimming Update: Mr. Bevacqua shared some information on the status of the review involving the men's swimming program. At the end of the last academic year, the Department of Athletics became aware of cultural issues within the men's swimming program. The University engaged the law firm of Ropes and Gray, which conducted interviews with members of the men's (and women's) teams, reached out to recent alumni, reviewed many documents, and concluded that the information confirmed the Department's concerns. The findings pointed to evidence of betting on sports in violation of NCAA rules and revealed deep-seated harmful and hurtful cultural issues. The combination of culture and betting led the University to conclude that the best course of action was to suspend the program for a minimum of one year. The review revealed no evidence that any of the coaches were aware of either issue. The information about betting was turned over to the NCAA, and the information about the cultural concerns was turned over to the Office of Community Standards to be processed according to University guidelines. No final decisions will be made until that process is complete.

Members of the Board inquired as to why the divers got to compete when the incoming male swimmers (as well as team veterans not implicated in the investigation) did not; whether there was any involvement by the women's program; and whether the University wanted those who were heavily involved to remain in school. Mr. Bevacqua shared that his hope is to be able to bring the program back, and that the Department of Athletics is taking steps to make sure that the cultural expectations are being addressed broadly and across every sport. He noted that he is currently meeting with all team captains and/or leaders to educate them on these expectations and other responsibilities. He is also making changes to the sport administrator program and has been addressing broad cultural issues with head coaches.

Departmental Priorities: Mr. Bevacqua stated that the Department is focused on preserving the student-athlete experience at Notre Dame, on building the right culture, and on generating sufficient revenue to continue moving in the right direction. One Board member expressed concern about how student-athletes might be treated in the classroom and on campus given the new landscape emerging, and there was discussion about how to ensure student-athletes being treated appropriately regardless of their on-field performance.

5. Introduction of Kris Ganeff, Head Softball Coach; Spring 2025 Softball Schedule

Prof. Bellia introduced Kris Ganeff to the members of the Board. Coach Ganeff was recently hired as the new head softball coach following Deanna Gumpf's retirement. She is a Notre Dame graduate and a former student-athlete and associate head coach at Notre Dame. She thanked the Board members for all their hard work and support, and told them she understands the Notre Dame mission and the Board's role in preserving the University's high standards. She stated that her staff is now complete, and gave some examples of how the sport of softball is currently being affected by collectives.

After giving the Board some personal and professional background, Coach Ganeff reviewed her proposed spring 2025 schedule and requested consideration to allow her team to miss classes in excess of the stated policy. Specifically, she shared that NCAA softball allows teams to compete in 56 contests. The ACC schedules only 24 of those in the league, so in order to approach a competitive schedule, it is necessary for the team to travel to warm weather climates early in the year to play 4 games each weekend. In addition, Coach Ganeff looks to schedule regional games midweek during the conference season, ideally at home. Sometimes, however, the team has an obligation to "return" a game, as has occurred with Michigan State this year.

Despite asking the conference to schedule the team away during spring break and Easter, using strategic charters, and maximizing home competition, given the number of contests and the weather limitations, the team is not able to build a competitive schedule without some additional consideration for class misses above the 3M/W/F and 3 Tu/Th limit. Coach Ganeff indicated that she was still working with Michigan State to minimize to try move the away game in East Lansing to a later time, which would bring the request down below the current request of 6 excused absence in the M/W/F sequence and 3 in the T/Th sequence.

After Coach Ganeff departed, Professor Bellia called for a vote on the proposed schedule. After a motion and a second, the Board voted unanimously to approve the scheduling request.

6. Adjournment

Professor Bellia adjourned the meeting at 4:35 pm, promising to follow upon several matters by email.