

Minutes of the Meeting of the Faculty Board on Athletics
October 9, 2024
200 Main Building, 2:30 pm

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

Members Excused: Cara Ocobock, Colin Barr

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

Guests: Jacob Simonis (Compliance), Brian Pracht (Policy/Legal)

1. Opening Prayer

Professor Bellia called the meeting to order and invited Professor Kozel to offer the opening prayer.

2. Minutes

The Board approved unanimously the minutes of September 10, 2024.

3. Chair's Announcements

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

2024-25 New schedule approvals:

- Men's & Women's Indoor Track and Field schedule approved 10/8
- Men's Basketball conference schedule approved 9/24
- Softball spring schedule approved 9/24
- Women's Basketball conference schedule approved 9/24
- Women's Swimming and Diving schedule approved 9/24
- Rowing fall schedule approved 9/13
- Hockey schedule approved 9/13
- Women's Golf spring schedule approved 9/12

2024-25 Schedule changes:

- Fencing - Elite Invitational dates changed from 11/23 to 11/16-11/17; students will miss one less class day as a result; approved 9/15
- Fencing - Event on December 6-8 location moved from Georgia World Congress Center to Georgia International Convention Center; approved 9/15
- Men's Golf - Golfweek Invitational dates changed from 9/16 and 9/17 to 9/15 and 9/16, will miss one less class day as a result; approved 9/13

- Women's Soccer - team will now charter to both Virginia (9/21) and Syracuse (10/5) and will no longer miss class on 9/20 and 10/4; approved 9/17
- Hockey - Exhibition game vs. USNTDP date changed from 10/6 to 10/4; approved 10/1

2024-25 Individual student requests:

- Softball requested one student-athlete to attend Women's Leaders National Convention; approved 10/3/24
- Women's Lacrosse requested one student-athlete to attend Women's Leaders National Convention; approved 10/3/24
- Men's basketball requested two student-athletes to attend ACC Media Day; approved 10/1
- Women's basketball requested two student-athletes to attend ACC Media Day; approved 10/3/24
- Women's basketball requested one additional student-athlete to attend ACC Media Day; approved 10/7/24
- Volleyball requested one student-athlete to miss one class for a media interview promoting upcoming cancer awareness "Pink" match (student-athlete's mom is a cancer survivor); approved 10/7/24

Professor Bellia also announced that she had approved captains for cheerleading, women's soccer, baseball, volleyball, softball, men's golf, and hockey.

4. Academic Progress Rate (APR) Report

Mr. Holmes reported on Notre Dame's NCAA 2022-23 Academic Progress Rate (APR), which the NCAA released in June 2024. The APR is one of two metrics the NCAA uses in its Academic Performance Program (APP) to track the academic performance of student-athletes from member institutions. The rate is a "real-time" measure calculated by giving each grant-in-aid student-athlete the possibility of earning an eligibility point (by maintaining academic eligibility) and a retention point (by staying enrolled in the institution) for each term that the student is receiving athletics aid.

In short, the University's numbers once again placed the University as a national leader among peer institutions. Sixteen of Notre Dame's teams had perfect scores, which ranks first among Power 4+ Conference institutions, and Notre Dame was one of only nine schools with an APR of 975 or higher for every team. In addition, the high number of perfect scores has allowed Notre Dame to rank 1st or 2nd (in that category) in each of the last 18 years.

Mr. Holmes also reported that Notre Dame lost only one eligibility point during the 2022-23 academic year, which is incredibly low. At Professor Bellia's request, Mr. Holmes explained the eligibility and retention points scores in greater detail. (If a student-athlete is not eligible, the individual's Notre Dame team loses an eligibility point; if an ineligible student-athlete transfers, the individual's Notre Dame team loses a retention point.) Professor Bellia explained that Notre Dame was unique for a long time because a minimum semester GPA determined a student's good standing and thus the student's eligibility to compete. Most schools instead use the NCAA

minimum eligibility standard (six credit hours passed). Notre Dame's approach placed it at a disadvantage when calculating APR scores, because students eligible under the NCAA minimum would nevertheless be ineligible under Notre Dame's standards. Under a recent revision to the Academic Code, the University introduced an "academic warning" category for students who fail to meet the minimum semester GPA threshold for the first time. Students in the academic warning category remain in good standing and thus are eligible to compete. In short, given the change to Notre Dame's Academic Code, Notre Dame APR scores will improve.

Noting that an institution can appeal the loss of APR points, Professor Bellia inquired whether Notre Dame had any recent appeals. Mr. Holmes shared that the appeals the University has pursued typically involves providing medical information from a physician's office. In addition, appeals usually require an accompanying academic plan.

5. Report of the Academic Integrity Subcommittee

Professor Kozel (subcommittee chair) reported on the Academic Integrity Subcommittee's recent meeting, which addressed the types of excused absences the Board typically provides. There are clear rules for regular season and post-season class and exam misses for teams, as well as exam misses for individuals involved in national team competition. There are fewer rules when it comes to individual requests during the semester. The Academic Integrity Subcommittee reviewed the past requests and precedents and is moving toward crystalizing the existing practices into a policy, with the goal of providing more guidelines for teams in this space. The subcommittee plans to bring a draft policy back to the whole Board after some vetting with others on campus.

6. Athletics Updates

Professor Bellia invited Mr. Bevacqua to provide updates on the *House* settlement and on the men's swimming and diving program.

House Settlement: Mr. Bevacqua indicated that when he last addressed the Board, Judge Wilken had pushed back on the proposed *House* settlement's treatment of collectives, suggesting that tighter regulation of collectives would give rise to the perception of taking something away from student-athletes. The plaintiffs' attorneys and the NCAA were asked to submit a response to the identified concern. The response indicated agreement that there cannot be a settlement with the chance of institutions working around the settlement via collectives. On Monday, October 7, Judge Wilken approved the preliminary settlement, with final approval slated for April 7, 2025.

Operationally, the plaintiffs will notify a class of student-athletes of the settlement, and they will be directed to work through a third party. All of our eligible student-athletes will receive this notice, will need to answer a series of questions, and then will get a sense of what their portion of the settlement will be. Mr. Bevacqua also addressed the following *House*-related issues:

- **Roster limits:** There are new squad size limits, but the settlement removes any limits on scholarships. Notre Dame will need to cut the football roster from 119 to 105. Notre Dame has advocated for a grace period to arrive at the new roster limits, but across all sports, 50 to 60 student-athletes will lose their roster spots.
- **Scholarships:** Notre Dame will likely add about 8 to 10 football scholarships, but will also be aggressive in its approach of adding scholarships for women's sports. Some major universities are beginning to "tier" their programs, providing different levels of support at each tier.

Professor Kozel asked about any severability provisions, and whether the settlement can fall apart if specific portions are invalidated. For example, if a student successfully sues if he or she loses a roster spot because of the settlement, is there a chance that the judgment will undo the settlement, or are the components of the settlement severable? Mr. Bevacqua noted the uncertainty surrounding such questions, as well as the influence of unions as principal objectors to the settlement. He also discussed the possibility of institutions only signing student-athletes who opt in to the settlement.

Mr. Bevacqua described how a name, image, and likeness (NIL) contract might work, potential new positions needed in the Athletics Department, and how individual deals might be structured. Mr. Bevacqua further explained Rally, a for-profit collective created by third parties, which will create fair market value opportunities for student-athletes in the future.

Professor Garg asked if NIL money disparities have caused any team rifts. Mr. Bevacqua shared that this is a huge concern, but also noted that this dynamic is understood within the team. In football, it has quickly become part of the norm. That said, when a student-athlete doesn't perform as anticipated, it can and will be very difficult. Ms. Vining-Smith mentioned that the University does have sport psychologists available to work with our students, but this is a new level of pressure, and vocal fans have more access than ever before. Professor Conrado asked about whether we are doing any financial education. Ms. Vining-Smith shared that the former GLD center, now known as Student-Athlete Services, is focused on providing critical education on various fronts, including tax issues.

Men's Swimming Update: Mr. Bevacqua summarized the status of the swimming program. While the men's program has been suspended, the women's team is "business as usual." A point of emphasis has been to enhance the involvement of the sport administrators in the program. The administration has spent significant time with suspended but eligible swimmers and has allowed them in the pool with coaching staff, but not at the same times as the women's team. The administration is also working with the ineligible group of male swimmers to review each situation and to determine next steps. Notre Dame's Office of Community Standards process has, for the most part, been finalized, with different outcomes to address conduct. Mr. Bevacqua indicated that he is meeting with the captains or senior leaders of every sport to encourage transparency and appropriate conduct moving forward. While the swimming program seems to be headed in the right direction, there are many steps left to take. He shared that he will be meeting with the first-year members of the men's team later this evening. He has been keeping Father Bob up to speed along the way.

Father Olinger shared that student-athletes were found responsible of conduct that violated community standards. Six cases were appealed, with five appeals completed and one pending.

7. Adjournment

Professor Bellia adjourned the meeting at 4 PM.