

SUMMARY PLAN DESCRIPTION

for the

**UNIVERSITY OF NOTRE DAME  
403(b) RETIREMENT PLAN**

Mandatory for  
**FACULTY AND EXEMPT STAFF**

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**UNIVERSITY OF NOTRE DAME  
403(b) RETIREMENT PLAN  
SUMMARY PLAN DESCRIPTION**

**I. INTRODUCTION**

The University of Notre Dame du Lac (the “University”) established a retirement program known as the University of Notre Dame Defined Contribution Retirement Plan for Faculty and Administrators (the “NDFAs”) on January 1, 1947. The University also established a supplementary retirement savings program known as the University of Notre Dame Supplemental Retirement Account Plan (the “SRA”) originally effective on January 1, 1974. Effective January 1, 2012, the NDFAs and SRA were merged into a single plan known as the University of Notre Dame 403(b) Retirement Plan (the “Plan”). The merged Plan operates under Section 403(b) of the Internal Revenue Code (“Code”). Eligible faculty and staff have the opportunity to accumulate additional retirement income by contributing on a voluntary basis a portion of their compensation into the Plan. The Plan also provides eligible faculty and exempt staff with retirement benefits which are funded by University contributions and mandatory employee contributions. Contributions are invested, at the election of Plan participants, in one or more investment options offered through the Plan. As of January 1, 2015, Fidelity Investments Tax Exempt Services Co. (“Fidelity” or the “Provider”) is the sole provider of Plan recordkeeping services.

**This Summary Plan Description sets forth the provisions of the Plan, as amended and restated effective February 1, 2015; however, it applies only to “Contribution Eligible Faculty or Staff” (as defined below). If you do not meet the requirements to be a “Contribution Eligible Faculty or Staff,” there is a different version of the Summary Plan Description that applies to you, and you can obtain a copy of that Summary Plan Description by contacting the University’s Office of Human Resources.**

**II. ELIGIBILITY UNDER THE PLAN**

There are two sets of eligibility rules for the Plan. “Contribution Eligible Faculty or Staff” are those faculty or staff who meet the eligibility requirements that obligate them to make Mandatory Employee Contributions (as defined below) and entitle them to University Contributions (as defined below). This part of the Plan is a continuation of the NDFAs. “Deferral Eligible Faculty or Staff” are those faculty or staff who meet the eligibility requirements to be able to make Voluntary Employee Contributions (as defined below) to the Plan. An individual can be both a Deferral Eligible Faculty or Staff and a Contribution Eligible Faculty or Staff. Generally, if you are a Contribution Eligible Faculty or Staff, you are also a Deferral Eligible Faculty or Staff.

You are a Contribution Eligible Faculty or Staff if you are a regular faculty or a regular non-faculty employee classified as exempt who is employed by the University. You may also be a Contribution Eligible Faculty or Staff under the following circumstances:

- (1) If you are otherwise eligible, you are a member of a religious order (other than a member of the United States Province of Priests and Brothers of the Congregation of Holy Cross), and either you or your order elects for you to participate in the Plan.
- (2) If you are otherwise eligible, you are a member of the United States Province of Priests and Brothers of the Congregation of Holy Cross and the United States Province of Priests and Brothers of the Congregation of Holy Cross elects for you to participate in the Plan.
- (3) If you are a non-faculty employee (i) who was first employed by the University prior to March 1, 1997, (ii) who was eligible to participate in the Plan prior to March 1, 1997, (iii) whose position was classified as non-exempt pursuant to the University's 1996/1997 Classification Review Project, and (iv) who made an irrevocable election effective May 1, 1997 to continue participating in the Plan.
- (4) If you were an exempt employee who was reclassified as a non-exempt employee effective as of July 1, 2005, you had a one time option to elect to become a participant in The University of Notre Dame Employees' Pension Plan ("Pension Plan") effective as of July 1, 2005 or instead remain a participant in this Plan. If you made such a one time election to remain in this Plan, you will continue to be a participant in this Plan for all purposes, including Mandatory Employee Contributions and University Contributions (and you were not an active participant in the Pension Plan on July 1, 2005).

The following persons are not Contribution Eligible Faculty or Staff:

- (1) Exempt staff classified in level 5 or 6 who were first employed by the University prior to February 1, 1989 and who made an irrevocable election to participate in the University of Notre Dame Employees' Pension Plan;
- (2) members of a religious order who have taken the vow of poverty and do not receive a Form W-2 from the University;
- (3) non-faculty employees (i) who were first employed by the University prior to March 1, 1997, (ii) who were eligible to participate in the University of Notre Dame Employees' Pension Plan prior to March 1, 1997, and (iii) whose positions were classified as exempt pursuant to the University's 1996/1997 Classification Review Project, if such employees made an irrevocable election effective May 1, 1997 to remain a participant in the University of Notre Dame Employees' Pension Plan;
- (4) any leased employees regardless of whether they are deemed to be employees of the University under IRS rules; and
- (5) employees whose employment is incidental to their educational program, post-doctoral research associates, visiting scholars, any person designated in good

faith as an independent contractor regardless of whether such person is later determined to be a common law employee for tax purposes, or any persons performing services for the University under an agreement that provides that they are not eligible to participate in the retirement or other benefit plans of the University.

Generally, you are a Deferral Eligible Faculty or Staff if you are a common-law employee of the University. However, you are not a Deferral Eligible Faculty or Staff if your employment is incidental to your educational program or you are a leased employee. A member of a religious order (other than a member of the United States Province of Priests and Brothers of the Congregation of Holy Cross) is a Deferral Eligible Faculty or Staff if he or his order elects for him to participate in the Plan, unless he has taken a vow of poverty and, therefore, does not receive a Form W-2 from the University. A member of the United States Province of Priests and Brothers of the Congregation of Holy Cross is a Deferral Eligible Faculty or Staff if his order elects for him to participate in the Plan unless he has taken a vow of poverty, and, therefore, does not receive a Form W-2 from the University.

Certain individuals who receive compensation from the University are not common law employees and they are neither Deferral Eligible Faculty or Staff nor Contribution Eligible Faculty or Staff. They include individuals working under the AmeriCorp program, individuals covered under public service initiative programs or individuals covered under other similar types of programs.

### **III. PARTICIPATION IN THE PLAN**

The following provisions apply to an individual who is both a Contribution Eligible Employee and a Deferral Eligible Faculty or Staff.

***Mandatory Employee Contributions.*** As a condition of your employment, you must contribute five percent of your “Regular Salary” (defined in Section IV) to the Plan. You must begin making these Mandatory Employee Contributions on the first day of the month following your completion of a “one-year period of service” as defined below (if you are a Contribution Eligible Faculty or Staff at that time). However, if you have a year of service at another post-secondary educational institution (i.e., a college or university) or a governmental or not-for-profit research laboratory, you must begin making Mandatory Participant Contributions immediately upon your employment by the University.

- **One-Year Period of Service:** Generally, a “one-year period of service” is 12 months of employment with the University. If, after you are hired by the University, you are absent from work for reasons other than quitting, discharge, retirement, or death (such as vacation, sickness, leave of absence or disability), those months of absence (up to 12 months of absence) will count towards fulfillment of the one-year period of service requirement. If you complete a one-year period of service during such an absence, your Plan participation will begin on the date you return to active employment with the University. On the other hand, if you quit, are discharged, or retire before you complete a one-year period of service, the time after your termination will generally not count

towards fulfillment of the one-year period of service requirement if you are reemployed, unless you were reemployed within 12 months of the date you quit, were discharged or retired.

***University Contributions.*** The University also makes contributions to the Plan on your behalf. The University will begin making University Contributions for you when you start making Mandatory Participant Contributions to the Plan (see the preceding paragraph).

***Voluntary Employee Contributions.*** In addition to your Mandatory Employer Contributions, you are able to choose to contribute additional amounts to the Plan. If you wish to contribute to the Plan, you may begin making Voluntary Employee Contributions at any time following your employment with the University. You must agree to contribute at least \$10 per month to participate. The amount of your Voluntary Employee Contributions can be either a percentage of your Regular Salary (up to 90% of your Regular Salary) or a specific dollar amount.

You can make Voluntary Employee Contributions either on a pre-tax basis or as “Roth” contributions on an after-tax basis. Pre-tax Voluntary Employee Contributions will reduce your current taxable income, but those pre-tax Voluntary Employee Contributions and any earnings will be taxed to you when distributed from this Plan or another IRA or plan into which they are rolled over. Roth Voluntary Employee Contributions do not reduce your current taxable income, but assuming they are not distributed for at least five years, both your Roth Voluntary Employee Contributions and any earnings will not be taxed to you when distributed. The tax consequences of Roth distributions (and the application of the five year rule) can be complicated. A more specific discussion of the taxation of Roth distributions is beyond the scope of this Summary Plan Description. If you have questions about the taxation of Roth contributions or distributions, you should contact your attorney, accountant or other tax adviser.

***Reemployment after Participation.*** If your employment ends after becoming a Participant and you are later reemployed, you will become a Participant again immediately.

***Enrollment in the Plan.*** The University will notify you when you are eligible and, therefore, required to begin participating in the Plan. At that time, you will need to access the 403(b) Retirement Plan website at [www.netbenefits.com/nd](http://www.netbenefits.com/nd) to enroll online, choose your investment elections and designate your beneficiaries. If you do not choose your investments elections by the applicable deadline, you will be deemed to have elected to have your Mandatory Employee Contributions and the University Contributions made on your behalf invested in the Qualified Default Investment Fund selected by the 403(b) Investment Committee.

If you also wish to make Voluntary Employee Contributions, you will also need to complete your elections online.

Instructions how to enroll, choose your investment elections, and designate beneficiaries can either be done by calling Fidelity at (877) 963-0242 or by accessing the “How To” guides on [www.netbenefits.com/nd](http://www.netbenefits.com/nd). This needs to be completed prior to the start of the pay period you wish to begin making Voluntary Employee Contributions to the Plan.

***Paid Leaves Of Absence.*** During a paid leave of absence, the University Contributions made on your behalf and your Mandatory Employee Contributions will continue based on your salary then being paid by the University. If you are eligible to do so, you may also continue making Voluntary Employee Contributions to the Plan.

***Termination of Participation.*** You will no longer be a Participant upon the distribution of your entire interest in the Plan. In addition, you will not be eligible to make or receive contributions under the Plan if you transfer to a position within the University such that you are no longer a Contribution Eligible Faculty or Staff or Deferral Eligible Faculty or Staff.

#### **IV. CONTRIBUTIONS TO THE PLAN**

***Mandatory Employee Contributions.*** As a condition of employment, you are required to contribute five percent of your “Regular Salary” to the Plan once you become a Participant. These contributions will be automatically deducted from your salary each pay period and contributed to the Plan. Mandatory Employee Contributions are made on a before-tax (salary reduction) basis.

“Regular Salary” means the contractual or base salary paid to you by the University while you are a Participant in the Plan that is included as wages on your Form W-2, plus amounts subject to a salary reduction agreement under Internal Revenue Code Section 125, 403(b), or 132(f). However, the Internal Revenue Service does not permit the Plan to recognize salary in excess of \$265,000 for 2015 (this amount is adjusted annually by the Internal Revenue Service). “Regular Salary” also includes summer wages paid to a participant with a nine or ten month academic appointment who also has a University appointment for academic teaching or research during the summer period outside the academic year if those summer wages are based on the participant’s academic year salary. Other summer payments, stipends, extra payments, supplemental amounts, retroactive adjustments made as a result of the University’s 1996/97 Classification Review Project or other adjustments are not treated as Regular Salary, even though such payments may be reported as wages on your Form W-2. Also, any differential wage payments made to a participant while on military leave are not counted as Regular Salary.

***University Contributions.*** Once you begin making Mandatory Employee Contributions, the University will make contributions each pay period to the Plan on your behalf, in an amount equal to ten percent of your Regular Salary. University Contributions shall also be made on behalf of a Contribution Eligible Faculty or Staff who is receiving long term disability benefits under the University of Notre Dame Group Long-Term Disability Plan in accordance with the terms of such plan; provided, however, any such University Contributions shall be limited as required by Code Section 415(c)(3)(C).

***Voluntary Employee Contributions.*** You may contribute an additional dollar amount or percentage of your Regular Salary to the Plan in excess of your five percent Mandatory Employee Contribution. Voluntary Employee Contributions are withheld from your salary each pay period and contributed to the Plan. Voluntary Employee Contributions can be made pre-tax (salary reduction) basis, as “Roth” elective deferrals, or as a combination of both.

***Rollover Contributions.*** You may make a Rollover Contribution to the Plan of a distribution from another Code Section 403(b) plan, a qualified plan described in Code Section 401(a) or 403(a), a 457(b) plan sponsored by a State or a political subdivision of a State, or an IRA. After-tax employee contributions may not be rolled into the Plan; however, Roth contributions may be rolled into the Plan. No Rollover Contribution to the Plan can be made unless the contribution satisfies all requirements under the Internal Revenue Code.

## V. CONTRIBUTION LIMITS

Contributions to the Plan are limited by the Internal Revenue Code as follows:

***Elective Deferrals.*** Generally, your “Elective Deferrals” cannot exceed the Code Section 402(g) limit. For 2015, the general limit is \$18,000. In future years, the Section 402(g) limit will be adjusted for cost of living.

Additionally, if you will be at least age 50 before the end of the calendar year, Code Section 414(v) permits you to make additional catch-up Elective Deferrals to the Plan above the general limit. You may contribute to the Plan an additional \$6,000 in 2015 in Elective Deferrals. In future years, this limit will be adjusted for cost of living.

“Elective Deferrals” include your Voluntary Employee Contributions (whether pre-tax or Roth) to the Plan and any contributions you make on a pre-tax basis (or as Roth elective deferrals) to other retirement plans in which you participate, including plans maintained by other employers. If you contribute to a 401(k) plan, a simplified employee pension, or another employer’s 403(b) plan, it is important that you inform the University of such participation.

***Total Contributions.*** The total of your University Contributions, Mandatory Employee Contributions, and Voluntary Employee Contributions to this Plan cannot exceed the Code Section 415 limit. For 2015, this limit is the lesser of \$53,000 (increased in future years by cost of living) or 100% of your “includible compensation” (as defined in the Internal Revenue Code) received by you from the University during the calendar year.

***Exceeding the Contribution Limits.*** You may experience adverse tax consequences if Plan contributions exceed the applicable contribution limits. If your Elective Deferrals to the Plan (and to any other retirement plan, if applicable) exceed the limit in any calendar year, the excess will be taxable to you both in the year the contribution was made and in the year of distribution unless you timely request to have the excess returned to you. To have the excess returned to you, you must notify the University and Fidelity of the excess before March 1 of the year following the year in which the excess Elective Deferral was made.

## VI. VESTING

You are fully and immediately vested in all contributions including any earnings thereon made by you or on your behalf to the Plan.



## VII. YOUR INVESTMENT OPTIONS

***Directing the Investment of Plan Contributions.*** When you enroll in the Plan, you will be asked to choose what percentage of your Plan contributions you want to be invested in each of the available investment options offered.

The University has appointed a 403(b) Investment Committee which has the fiduciary responsibility to review the investment vehicles available and selects which investment vehicles will be made available to you. You may allocate your Plan contributions among the available investment options in any whole number percentage, including full allocation to any single investment option. The Plan also offers a self-directed brokerage window that allows you to invest in any mutual fund, but this brokerage option is not monitored by the 403(b) Investment Committee.

**Please note: If you fail to designate one or more investment options, you will be deemed to have elected to have all Plan contributions invested in the University's Qualified Default Investment Alternative as selected by the 403(b) Investment Committee.**

You may select from the investment options offered under the Plan to meet your individual needs. You may change your allocation of future contributions and exchange existing balances among the funds at any time by contacting Fidelity toll-free at (877) 963-0242 or by changing them online at [www.netbenefits/nd.com](http://www.netbenefits/nd.com).

In general, these funds will fluctuate in value and their yields will vary. For information on any of the investment funds available through the Plan, including share price and performance information, or for your account balance, you may call (877) 963-0242 toll-free or visit [netbenefits.com/nd](http://netbenefits.com/nd). Information on the investment funds is also available in each fund's prospectus.

Prior to December 12, 2014, you were permitted to direct the investment of your Plan account into annuity contracts issued by Teachers Insurance and Annuity Association – College Retirement Equity Fund (“TIAA-CREF”). Beginning December 12, 2014, no new contributions may be invested in TIAA-CREF annuity contracts; however, amounts you have in TIAA-CREF annuity contracts as of December 12, 2014 may remain in those contracts.

***Transfer of Current Account Balances.*** Transfers among the investment options available in the Plan may be subject to restrictions and conditions imposed by those individual investment options. In addition, amounts invested in any of the TIAA-CREF annuity products may be transferred to any of the of the Plan's investment options.

You may transfer amounts invested in any of the investment options offered through the Plan on any business day. There is no minimum dollar requirement for transfers, and there is generally no fee associated with transfers between investment options; however, a redemption fee may be charged for exchanges of certain investment options for shares held for short periods of time, typically less than 90 days. Call Fidelity toll-free at (877) 963-0242 for further details. TIAA-CREF annuities may have different restrictions.

You may initiate a transfer by calling Fidelity toll-free at (877) 963-0242 or visiting [www.netbenefits.com/nd](http://www.netbenefits.com/nd). Transfers initiated before the close of the New York Stock Exchange (normally 4:00 p.m. Eastern time) will be processed at that day's closing price. Transfers initiated after that time will be processed at the next business day's closing price. Confirmations of the transaction will be sent within 3 business days.

***ERISA Section 404(c) Plan.*** A federal statute, Section 404(c) of the Employee Retirement Income Security Act of 1974 ("ERISA"), establishes voluntary guidelines for offering investment options and for providing investment information to employees participating in certain kinds of employer-sponsored retirement savings plans. The Plan is intended to comply with ERISA Section 404(c). To the extent that Plan contributions are invested as you have directed, Plan fiduciaries are not responsible for losses that may result from following your investment instructions.

***Additional Information Regarding Your Investment Options.*** You may request the following additional information by calling Fidelity toll-free at (877) 963-0242 or visiting [www.netbenefits.com/nd](http://www.netbenefits.com/nd):

- **Fees**: A description of the annual operating expenses of each designated investment alternative (e.g., investment management fees, administration fees, transaction costs) which reduce your rate of return, and the aggregate expenses expressed as a percentage of average net assets.
- **Prospectuses**. Copies of any prospectuses, financial statements and reports, and any other materials relating to the investment alternatives available under the Plan.
- **Assets**. A list of each asset held by each investment alternative. Also, with respect to a fixed rate contract issued by a bank, savings and loan association, or insurance company, the name of the issuer, the term of the contract, and the rate of return on the contract.
- **Value of Shares or Units**. Information concerning the value of shares or units in each investment alternative as well as the past and current investment performance of such alternative, determined, net of expenses, on a reasonable and consistent basis.
- **Account Value**. The value of shares or units of the investment alternatives held in your account.

## **VIII. DISTRIBUTIONS FROM THE PLAN**

***Distribution Events.*** Distributions from the Plan are only permitted under the following circumstances:

- severance from employment;
- death;

- disability within the meaning of Code Section 72(m)(7); or
- attainment of age 59½, if you are working less than full-time and you have entered into a phased-in retirement agreement.

In addition, the portion of your Plan account attributable to your Voluntary Employee Contributions may be distributed to you in the event of a financial hardship or when you reach age 59½ without regard to whether you work less than full-time or enter into a phased retirement agreement.

A participant who is on military leave will be treated as having a severance from employment even if he or she is receiving compensation from the University while on leave. In addition, reservists called to active duty have the right to withdraw the portion of their Plan account attributable to Voluntary Employee Contributions. More information about these reservist withdrawals can be obtained by contacting the University's Office of Human Resources.

Rollover Contributions made to the Plan from an eligible retirement plan or IRA may be distributed at any time.

In order to receive a distribution from the Plan, you will need to complete the necessary distribution form, which is available by calling Fidelity at (877) 963-0242. If you are invested in TIAA-CREF annuities, you will need to contact TIAA-CREF. The terms of your investment vehicle may further restrict your ability to receive a distribution from the Plan.

A 10% early withdrawal penalty could apply if a distribution is taken prior to age 59½.

***Financial Hardship Distributions.*** If you experience a “financial hardship” (as defined below), you may request a distribution from the portion of your Plan account representing Voluntary Employee Contributions sufficient to meet your financial need (including amounts needed to pay taxes on the distribution). Earnings accruing after December 31, 1988 attributable to the Voluntary Employee Contributions are not available for this purpose. A “financial hardship” means amounts needed to:

- pay medical care expenses incurred by you, your spouse or dependents, or to obtain medical care,
- buy a principal residence (not including mortgage payments),
- pay for tuition and related educational fees for the next 12 months of post-secondary education for you, your spouse or dependents,
- prevent eviction from or foreclosure on your principal residence,
- pay funeral or burial expenses for you, your spouse or dependents,
- repair damage to your principal residence, or

- satisfy other financial burdens which the Internal Revenue Service finds to be financial hardships.

In order to receive a hardship distribution, you will need to disclose the nature of your financial need, provide documentation supporting your hardship, specify the amount you wish to withdraw, and certify that the need cannot be met by other sources. In addition, in order to receive a hardship distribution, you must:

- have received all distributions and non-taxable loans available to you from the University's retirement plans, and
- stop making Voluntary Employee Contributions to the Plan for at least 6 months.

A request for a hardship distribution should be made to Fidelity by calling (877) 963-0242. Fidelity will review and approve any request application that they determine satisfies the requirements for a hardship distribution under the Plan. Financial hardship distributions are taxable as ordinary income and may also be subject to a 10 percent premature withdrawal penalty tax. Hardship distributions are no longer permitted to be made from TIAA-CREF annuities.

***Timing of Distributions:*** Except as provided below, you are not required to receive a distribution from the Plan when your employment ends. Your investments will remain in force, including all benefits purchased by the University's contributions. You will not forfeit any of the benefits that have already been set aside for you. Additionally, you may be able to rollover your accounts to another employer's eligible retirement plan or to an IRA.

If you relocate to another institution with a 403(b) retirement plan, you may be able to participate in that institution's plan immediately. Even if you do not participate in another institution's 403(b) retirement plan, or you cease contributions to your retirement account for another reason, your plan account will continue to be available for investment in the investment options offered through the Plan. When you terminate employment, you will continue to have the ability to make investment changes any time before you elect to begin receiving payments from the Plan.

**Certain rules and restrictions may apply to distributions from any TIAA-CREF annuity contract you may have.**

***Required Distributions.*** The Internal Revenue Service mandates that payments from the Plan begin no later than certain required dates. Generally, payments must begin no later than April 1 of the calendar year following the calendar year you reach age 70½ or you retire from the University, whichever is later. However, different distribution rules may apply to amounts contributed to the Plan before 1987. You will receive a notice from Fidelity or TIAA-CREF, as applicable, explaining your rights and obligations when these distribution rules first apply to you.

**Please Note: The payment of benefits according to the above rules is extremely important. Federal tax law imposes a 50 percent excise tax on the difference between the amount of benefits**

**required by law to be distributed and the amount actually distributed if it is less than the required minimum amount. You will be notified of the need to begin taking distributions shortly before your required beginning date. However, you are responsible for making sure you receive the required distribution. Please call Fidelity or TIAA-CREF, as applicable, if you have any questions.**

#### **IX. FORMS OF PAYMENT**

The form of your distributions from the Plan (e.g., lump sum, installments, or annuities) may vary according to your investment options and is in part controlled by federal law. At the time you want to take a distribution from the Plan, please contact Fidelity for up-to-date information. If you are invested in any of the TIAA-CREF annuity products, you will need to contact TIAA-CREF.

#### **X. LOAN PROVISIONS**

Loans are available from the portion of your account with Fidelity attributable to Voluntary Employee Contributions, Mandatory Employee Contributions and Rollover Contributions. Loans from these account balances will be administered by Fidelity. Loans are no longer available from any TIAA-CREF annuity contracts, but loans you previously received from TIAA-CREF can continue to be repaid to TIAA-CREF.

***How to apply for a loan.*** To apply for a loan (or if you have any questions about loans), contact Fidelity at (877) 963-0242.

***How much you can borrow.*** The minimum loan amount is \$1,000, and the absolute maximum loan amount is \$50,000 (although your maximum amount may be less because of the limits in the next paragraph). The maximum amount you can borrow depends on two factors: (i) the balance in your Fidelity account attributable to Voluntary Employee Contributions, Mandatory Employee Contributions, and Rollover Contributions, and (ii) whether you have (or had within the 12 months prior to the date of the loan) any other loans from any of the University's retirement plans still outstanding.

You will be limited to two outstanding loans at any time (including outstanding loans previously obtained through TIAA-CREF). A previously defaulted loan counts against this two loan maximum.

#### **XI. DEATH BENEFITS**

***Death Prior To Benefit Commencement.*** If you die before your benefit payments begin, the full current value of your Plan benefits will be paid to your designated beneficiary or beneficiaries. You will need to designate your beneficiaries online through Fidelity either by calling (877) 963-0242 or visiting [www.netbenefits.com/nd](http://www.netbenefits.com/nd). If you have annuities with TIAA-CREF, you will also need to designate beneficiaries at TIAA-CREF. If you are married and die before your benefit payments begin, your spouse will be entitled to receive 50% of the

full value of your plan benefits, unless you elect otherwise, and your spouse consents. The remaining 50% will be payable to whomever you designate as your beneficiary (who can be your spouse if you so choose). If you would like to leave more than 50% of your plan benefits to a beneficiary other than your spouse, your spouse must waive his or her rights to your plan benefits. A waiver made before the first day of the Plan year in which you attain age 35 will become invalid on that date, and must be made again to remain in effect. If you terminate employment before age 35, any previous waiver is no longer valid, and another waiver needs to be made at that time.

You may choose among several payment options, or you may leave the choice to your spouse or other beneficiary.

Federal tax law puts limitations on when and how beneficiaries receive their death benefits. Fidelity will notify your beneficiary of the applicable requirements at the time he or she applies for benefits. If you are invested in TIAA-CREF annuities, TIAA-CREF will notify your beneficiary of the applicable requirements for the amount held in those annuities.

You should review your beneficiary designations periodically to make sure that the person you want to receive the benefits is properly designated. You may change your beneficiary online at [www.netbenefits.com/nd](http://www.netbenefits.com/nd). This will not apply to any TIAA-CREF annuities you have. For TIAA-CREF annuities, you will need to designate your beneficiary by contacting TIAA-CREF. If you die without having named a beneficiary, your surviving spouse (if any) will automatically receive the full value of your Plan benefit. If there is no spouse, your estate receives the entire accumulation.

***Death Following Benefit Commencement.*** In the event you die after your benefit payments have commenced, then depending on the form of payment elected before death, your beneficiary will receive either nothing (if a single life annuity or a lump sum payment was elected) or the balance of your benefits (if your beneficiary is also your co-annuitant) in the form of a survivor annuity for the duration of the payment period you elected.

## **XII. INFORMATION REGARDING YOUR ACCOUNTS**

You will receive an account statement each quarter detailing your balance in each investment option you have selected (including any TIAA-CREF annuity contract). In addition, you will receive confirmation statements after each transaction that you make in your plan account, either by mail, or, if you choose to receive electronic correspondence, by e-mail.

For each fund in which you are invested, Fidelity will send you updated prospectuses as they become available, usually at least once per year. In addition, you will receive your funds' annual and semi-annual reports detailing each fund's performance, activities and financial position throughout such periods. These prospectuses are also available on [www.netbenefits.com/nd](http://www.netbenefits.com/nd). Fidelity does not provide this information as it relates to TIAA-CREF annuity contracts.

Certain fees and expenses associated with the operation and administration of the Plan may be charged to your account and the accounts of other participants and beneficiaries. You will be provided periodic notices describing both the nature and amount of these fees and expenses.

### **XIII. ROLLOVERS OF PLAN DISTRIBUTIONS AND WITHHOLDING REQUIREMENTS**

If you are entitled to receive a distribution which is an “eligible rollover distribution,” you may roll over all or a portion of it either directly or within 60 days after receipt into an eligible retirement plan (a Code Section 403(b) plan, a qualified 401(a) or 403(a) plan, or a 457(b) plan sponsored by a State or a political subdivision of a State), into an IRA, or into a Roth IRA. An eligible rollover distribution, in general, is any distribution other than an annuity payment, a required minimum distribution or a payment which is part of a fixed period payment over ten or more years.

Eligible rollover distributions are subject to mandatory 20 percent federal income tax withholding unless they are rolled over directly into an eligible retirement plan or into an IRA--this process is called a “direct” rollover. If you have the distribution paid to you, then the Plan must withhold 20 percent even if you intend to roll over the money into another eligible retirement plan or into an IRA within 60 days. To avoid withholding, instruct Fidelity to directly roll over the money for you. If you are invested in any of the TIAA-CREF annuities, you will need to instruct TIAA-CREF to directly roll over the money for you.

The 20 percent mandatory withholding rules do not apply to payments that are not eligible rollover distributions. Payments which are not eligible rollover distributions will be taxed in the year received, and will be subject to federal income tax withholding unless you (or your beneficiary) elect not to have withholding apply. You must complete an Internal Revenue Service form to elect out of withholding.

Special tax rules apply to distributions of Roth Voluntary Employee Contributions. Roth Voluntary Employee Contributions do not reduce your current taxable income when you make them, but assuming they are not distributed for at least five years, both your Roth Voluntary Employee Contributions and any earnings will not be taxed to you when distributed. The tax consequences of Roth distributions (and the application of the five year rule) can be complicated. A more specific discussion of the taxation of Roth distributions is beyond the scope of this Summary Plan Description. If you have questions about the taxation of Roth contributions or distributions, you should contact your attorney, accountant or other tax adviser.

The rules summarized above apply to faculty and staff. In general, these rules also apply to payments to surviving spouses of faculty and staff, and to spouses or former spouses who are “alternate payees” under a “qualified domestic relations order.” These rules also allow non-spouse beneficiaries to make a direct rollover to an IRA. However, there are some exceptions for payments to surviving spouses, alternate payees, and other beneficiaries that will be explained in a notice provided by Fidelity before distributions are made. If you are invested in any of the TIAA-CREF annuities, the notice will be provided by TIAA-CREF, before distributions are made.

This Summary Plan Description includes only a brief overview of the federal (not state or local) tax rules that might apply to your payments from the Plan. The general rules described in this Section are complex and contain many conditions and exceptions that are not included in this Summary. Although Fidelity will provide you with additional tax information before you receive a distribution, you should consult a professional tax advisor before you apply for the payment of your benefits from the Plan. If you are invested in any of the TIAA-CREF annuities, even though TIAA-CREF will provide you with the additional tax information before you receive a distribution, you should consult a professional tax advisor before you apply for the payment of your benefits from the Plan.

#### **XIV. REQUESTS FOR INFORMATION AND OTHER CLAIMS PROCEDURES**

***For More Information.*** Requests for information concerning eligibility, participation, contributions, or other aspects of Plan operation should be in writing and directed to the Plan Administrator at the address listed at Section XVIII of this Summary.

***Claims Procedure.*** The following rules describe the claims procedure under the Plan:

- ***Filing a claim for benefits*** – If you do not receive a benefit to which you believe you are entitled, you should file a written claim with the Plan Administrator.
- ***Processing the claim*** – You will be notified whether your claim was granted or denied within 90 days after your claim is filed. If an extension of time for processing is required, written notice must be given to you before the end of the initial 90-day period. In no event can the extension period exceed a period of 90 days from the end of the initial 90-day period.
- ***Denial of claim*** -- If your claim is wholly or partially denied, the notice will be in writing and will state the specific reasons for the denial, the provisions of the Plan on which the denial is based, and how to apply for a review of the denied claim. Where appropriate, it will also include a description of any material needed to complete a claim and why such material is necessary. If notice of the denial of your claim is not furnished within the 90/180-day period, the claim is considered denied and you will be permitted to proceed to the review stage.
- ***Review procedure*** -- You or your duly authorized representative have 60 days after receipt of a claim denial to appeal the denied claim in writing to the Plan Administrator. As part of the review, you may review pertinent documents and submit written issues and comments.
- ***Decision on review*** -- The Plan Administrator must conduct the review and decide the appeal within 60 days after your request for review is made. If special circumstances require an extension of time for processing, you will be furnished with written notice of the extension, which can be no later than 120 days after receipt of your request for review. The written notice on appeal will include reasons for the decision and references to the Plan provisions on which the decision is based. If the decision on review is not made within the time limits



specified above, the appeal will be considered denied. If the appeal is denied, in whole or in part, you have a right to file suit in a state or federal court.

#### **XV. AMENDMENT AND TERMINATION**

While it is expected that the Plan will continue indefinitely, the University reserves the right to modify or discontinue the Plan at any time. The University, by action of its Board, also may delegate any of its powers and duties with respect to the Plan or its amendments to one or more officers or other employees of the University.

#### **XVI. SPECIAL PROVISIONS REGARDING VETERANS**

You may be entitled to reemployment and other rights, including University Contributions under the Plan, after a period of military service protected by the Uniform Services Employment and Reemployment Rights Act of 1994 (“USERRA”). To be eligible for these USERRA benefits, you are generally required to give the University advance notice that you are leaving the job for military service. When you return from military service, you must submit a timely application for reemployment with the University and request information regarding your reemployment rights. The time limits for returning to work will depend on the length of your military service. You should contact the Plan Administrator to receive additional information regarding your rights under the Plan and USERRA.

In the event you die while performing military service, your beneficiary will be entitled to whatever rights and benefits would have been available had you died while actively employed. If you die or become disabled while performing military service, contributions may be made to the Plan with respect to your period of military service. If you have questions about these contributions, feel free to contact the University’s Office of Human Resources.

#### **XVII. STATEMENT OF ERISA RIGHTS**

ERISA guarantees certain rights and protections to participants of benefit plans such as the plan described in this Summary. The Plan Administrator fully intends to administer the Plan fairly and in compliance with the law. Nevertheless, federal law requires that a statement of ERISA rights be included in this description of the Plan. As a participant in the Plan, you have the rights described in this Section.

You may examine, without charge, at the Plan Administrator’s office, all documents governing the plan, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefit Security Administration.

You may obtain, upon written request to the Plan Administrator your own copy of any of the documents referred to in the preceding paragraph. If you want a personal copy, you should send a written request to the Plan Administrator. You will be charged a reasonable charge for reproducing these copies. Each year, the Plan Administrator will provide Plan participants with a summary of the Plan’s annual financial report as required by ERISA.

You may obtain a statement telling you whether you have a right to receive a retirement benefit at normal retirement age and if so, what your benefits would be at normal retirement age if you were to stop working under the Plan at the time of the statement. The Plan Administrator must provide the statement free of charge.

Under ERISA, the people responsible for operating the plan are called “fiduciaries.” These individuals have an obligation to administer the Plan prudently and to act in the interest of the Plan participants and beneficiaries. No one, including your employer or any other person, may fire you or discriminate against you in any way to prevent you from receiving benefits or exercising your rights under ERISA.

If your claim for a benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of plan documents or the latest annual report from the Plan and do not receive them within 30 days, you may file suit in a Federal court. In such a case, the court may require the Plan Administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Plan Administrator. If you have a claim for benefits which is denied or ignored, in whole or in part, you may file suit in a state or Federal court. In addition, if you disagree with the Plan’s decision or lack thereof concerning the qualified status of a domestic relations order, you may file suit in Federal court. If it should happen that Plan fiduciaries misuse the Plan’s money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

If you have any questions about your Plan, you should contact the Plan Administrator. For questions regarding this explanation or your rights under ERISA, contact the nearest Area Office of the Employee Benefit Security Administration, U.S. Department of Labor or the Division of Technical Assistance and inquiries, Employee Benefit Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. You may also obtain certain publications regarding your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefit Security Administration.

## **XVIII. GENERAL INFORMATION**

- A. Plan Name: The University of Notre Dame 403(b) Retirement Plan
- B. Plan Sponsor/Employer: University of Notre Dame du Lac  
Notre Dame, IN 46556
- C. Employer's Identification Number: 35-0868188
- D. Plan Number: 002
- E. Plan Year: January 1 to December 31
- F. Type of Plan: Defined contribution plan
- G. Plan Administrator: The Plan is administered by:  
Vice President for Human Resources  
University of Notre Dame du Lac  
Notre Dame, IN 46556
- H. Agent for service of legal process: Office of Human Resources  
University of Notre Dame du Lac  
Notre Dame, Indiana 46556
- I. Current Provider: Fidelity Investments  
P.O. Box 1823  
Boston, MA 02105-9916  
(877) 963-0242  
[www.netbenefits.com/nd](http://www.netbenefits.com/nd)

***Pension Benefit Guaranty Corporation (PBGC) Insurance.*** Since the Plan is a defined contribution plan, it is not insured by the PBGC. The PBGC is the government agency that guarantees certain types of benefits under covered plans.

## **XIX. CAUTION**

This document was prepared for the faculty and staff of the University of Notre Dame. If there is any ambiguity or inconsistency between the terms of the Plan document, the investment vehicles, and this Summary Plan Description, the terms of the Plan document and the investment vehicles are final and controlling.

You should not rely on this Summary Plan Description as creating any legal rights. Any rights which you may have under the Plan are created solely by the written Plan document and the investment vehicles issued by the Fund Sponsor(s). This description does not create any rights to employment.

Copies of a current prospectus may be obtained by calling Fidelity toll-free at (877) 963-0242.