

MINUTES OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
EXECUTIVE COMMITTEE

Gaylord Opryland Resort and Convention Center
Nashville, Tennessee

January 14, 2008

Participants:

Michael Adams, University of Georgia, chair
Charles Ambrose, Pfeiffer University
James Barker, Clemson University
Jacqueline Campbell, Atlantic 10 Conference
Debbie Chin, University of New Haven
Anthony DiGiorgio, Winthrop University
John Fry, Franklin & Marshall College
Gregory Geoffroy, Iowa State University
Bruce Grube, Georgia Southern University
Stephen Jordan, Metropolitan State College of Denver
Del Malloy, Salve Regina University
Michael McFarland, College of the Holy Cross
Eddie Moore, Virginia State University
Roberta Page, Shippensburg University
Shirley Raines, University of Memphis
Edward Ray, Oregon State University
Sidney Ribeau, Bowling Green State University
Paul Tribble, Christopher Newport University
Steve Weber, San Diego State University
Nancy Zimpher, University of Cincinnati
Myles Brand, NCAA
Bernard Franklin, NCAA
Delise O'Meally, NCAA, recording secretary

Also in attendance were: Gary Brown, director of The NCAA News; Elsa Cole, NCAA general counsel; Joni Comstock, senior vice president for championships/senior woman administrator; Dennis Cryder, senior vice president for branding and communications; Greg Shaheen, senior vice president for basketball and business strategies; Jim Isch, senior vice president for administration/chief financial officer (CFO); Kevin Lennon, vice president for membership services; Keith Martin, managing director of finance and operations; Wallace Renfro, senior advisor to the NCAA president; Charlotte Westerhaus, vice president for diversity and inclusion; Bob Williams, managing director of public and media relations; Wendy Walters, director of membership services; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Beth DeBauche, Leah Nilsson, and Terri Steeb, NCAA governance directors.

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

The meeting was called to order at 5:05 by the chair, President Adams. All members were present as noted above.

1. Welcome and announcements. Adams welcomed all attendees and thanked departing Division II Presidents Council chair, Charles Ambrose, and departing Divisions II and III Management Council chairs Roberta Page and Valerie Cushman. Adams also welcomed Stephen Jordan, incoming chair of the Division II Presidents Council, and incoming Divisions II and III Management Council chairs Debbie Chin and Del Malloy.

Adams presented an award to departing Division II Presidents Council chair Charles Ambrose for his service to the Executive Committee.

2. Approval of November 1, 2008, meeting minutes.

It was VOTED

"To approve the Executive Committee minutes of the November 1, 2007, meeting as distributed."

3. NCAA President's report. President Brand provided an update on the formation of a limited liability company (LLC) in partnership with the National Basketball Association (NBA) that is being formed to address some of the challenges in youth basketball. The Executive Committee was informed of the proposed corporate structure and the financial commitment required to launch the LLC.
4. NCAA Executive Committee Finance Committee report.
 - a. Fiscal year 2006-07 audited statements. The Finance Committee met in December with the audit firm of KPMG to review the fiscal year 2006-07 financial statements. KPMG issued an unqualified opinion on the statements.

The Executive Committee received a report from Ray on the financial statements and the notes that accompany the statements, including the Association reserves policies and net assets.

It was VOTED

“To approve the fiscal year 2006-07 audited financial statements as prepared by the NCAA and audited by KPMG.”

- b. Recommended uses of unallocated net assets. The Executive Committee reviewed the recommended uses of net unallocated assets.

It was VOTED

“To approve the following uses as recommended:

- “(1) \$1 million be dispersed in the form of a supplemental distribution to Division I members based on the current distribution model.
- “(2) \$2.5 million be allocated to youth basketball initiatives. The NCAA and the NBA will form a for-profit entity to address some of the challenges associated with youth basketball.
- “(3) \$950,000 be allocated to purchase a share of ESO (Excel Sports Officiating). ESO will provide officiating certification, scheduling, education, testing and payment services. The NCAA is planning to use the ESO software instead of building its own technology platform.
- “(4) \$900,000 be allocated to the Hall of Champions to help update current exhibits as well as repair or replace exhibits damaged during the November fire.
- “(5) \$750,000 be allocated for student-athlete injury surveillance to provide start-up moneys for a Center for Sport Injury Research and Prevention to create a more research-based approach to collecting and analyzing student-athlete injury data.”

- c. First quarter fiscal year 2007-08 budget to actual. The Committee received the financial schedules for the first quarter 2007-08 budget-to-actual. Actual expenditures are consistent with the budget projections.

- d. Investment Subcommittee report. Ray informed the Executive Committee of the activities of the NCAA Investment Subcommittee of the Finance Committee.
- (1) Last year, the operating reserve and quasi-endowment had returns of 11.8 percent and 13.4 percent, respectively.
 - (2) Current investment policy has equity to fixed income allocations for the operating reserve of 40-60 percent and 60-40 percent for the quasi-endowment.
 - (3) The subcommittee modified the investment policies to change the equity portfolio allocation to United States versus non United States equity to 50-50 percent.
5. Litigation update. The Committee received a report from the NCAA general counsel regarding litigation and settlement actions.

- Executive Committee policies.

It was VOTED

“That the following Resolution shall be adopted, which provides:

“Whereas, the NCAA Constitution charges the Executive Committee with overseeing Association-wide issues under Constitution Article 4.01.1; and

“Whereas, that authority includes the ability to act on behalf of the Association to resolve core issues and Association-wide matters; and

“Whereas, the Association has been advised by legal counsel to more clearly and explicitly state this authority within the language of the Constitution; and

“Whereas, at the 2008 NCAA Convention, the NCAA membership adopted a proposal clarifying the Executive Committee’s existing authority to adopt and implement policy; and

“Whereas, the amendment does not change the duties of the Executive Committee, nor expand the Executive Committee’s authority or power;

“Now, Therefore Be It Resolved, that the Executive Committee shall ratify existing policies previously adopted by the Committee; consistent with its authority to

act on behalf of the Association, and adopt and implement policy to resolve core issues and Association-wide matters.”

6. Executive Committee Working Group on Life and Work Balance update. Weber provided an update on the work of the Executive Committee Working Group on Life and Work Balance. The working group was created subsequent to the January 2007 Executive Committee meeting to oversee the review and possible implementation of the NCAA Life and Work Balance Task Force recommendations and engage the divisional governance bodies in various activities related to the recommendations.

During 2007, the working group discussed the competitive nature of intercollegiate athletics and the impact this culture may have on an individual’s attempts to appropriately balance personal and professional interests. The group believes that any new initiative should be multifaceted, and that it should acknowledge the realities that cause people to choose a career in athletics.

With these thoughts in mind, the working group developed and approved a philosophy statement and directive for the membership.

- a. Philosophy. The NCAA is committed to supporting an inclusive culture that fosters opportunities for growth, development and well-being. In this spirit, creating institutional environments that value the attraction and retention of a competent and diverse athletics staff will require a cultural shift from what has become a 24/7, 365-day athletics commitment. The Association supports the concept of institutional autonomy and recognizes the responsibility of each institution to address these issues at the campus level. The Association also acknowledges that there are a variety of reasons that cause people to choose or leave a career in athletics. Policies that allow individuals the flexibility and support to make choices about their life’s priorities while meeting their work obligations will help ensure that athletics staff are productive, satisfied, successful and healthy members of the NCAA community.
- b. Directive. Guided by this philosophy, and with the oversight of the Executive Committee’s Life and Work Balance Working Group, the Association charges its membership to examine legislative options that are division-specific as well as Association-wide. The membership and the national office also are charged to engage in dialogue and education about opportunities that allow athletics staff to make choices about their life priorities; and institutions to develop best practices and policies that support their most valuable asset – their people.

The Divisions I, II and III Management Councils received an update on this life and work balance initiative. Each Management Council appointed four committee members to an Association-wide panel that will provide perspectives on common threads for all divisions; serve as thought leaders for the Association-wide projects; and monitor the success of divisional legislative concepts.

Division II hosted a life and work balance legislative summit on November 5, 2007. Representatives from all Division II coaches associations provided feedback on the topic. The summit was directly tied to the Division II Strategic Platform. Over 65 concepts were developed mainly focused on competitive drive and time demands in athletics. The next steps will be to develop themes that the Division II legislative committee could use to formally create legislative concepts. The division is targeting the 2010 Convention so that members have ample time to discuss each concept and provide feedback.

The working group has reviewed and approved moving forward with an expert consultant to deliver a work-life integration project that would reach across Association divisions. National office staff will be working with appointed management council representatives on this project to discuss each concept and provide feedback.

The working group suggested Divisions I and III also establish a target date for the consideration of legislation concepts, preferably mirroring Division II.

A Web page designed to promote the initiative and engage the membership will be available through ncaa.org beginning January 2008.

7. NCAA Division I Board of Directors and Divisions II and III Presidents Councils reports.

a. Division I Board of Directors. The Committee received an update on the actions of the Division I Board of Directors that included the following:

- (1) 2008 NCAA Convention. Considered three override requests during the Division I business session. The membership failed to override the request on Division I Proposal No. 2006-40, which limited electronically transmitted correspondence that may be sent to prospective student-athletes to electronic mail and facsimiles. The vote was yes-65, no-240 and abstain-1.

The membership voted to override the adoption of Proposal No. 2006-87, which, in golf, permitted an institution to participate in a total of nine, three-day tournaments or 24 dates of competition. The vote was yes-190, no-95 and abstain-19.

The membership failed to override the request on Proposal No. 2007-9, as amended. This comes as good news for this proposal was part of a larger package tied to academic reform. It established a new financial aid model in the sport of baseball designed to result in more institutional commitment to student-athletes and to prompt more responsible recurring decisions, which, in turn, would result in fewer student-athletes transferring. The vote was (paragraph A) yes-87, no-200, abstain-21, and (paragraph B) yes-69, no-213, abstain-23.

- (2) Division I Football Bowl Subdivision. Adopted the following statement after a discussion of the postseason bowl format that applies to members of the Division I Football Bowl Subdivision:

“The NCAA Division I Board of Directors held a candid, open and constructive discussion on the issues outlined in a previous communication from the University of Georgia, President Michael Adams, to NCAA President Myles Brand. Although all Board members participated in the discussion, no votes were taken.

“The sense of the Board’s deliberation was that the discussion should continue and be expanded to include presidents at the conference level. Board members will also confer with others, including the BCS Presidential Oversight Committee already engaged in an examination of postseason football.

“However, the NCAA Board agreed the issues of presidential leadership and commercialism, identified in President Adams’ communication, especially deserve further discussion. In fact, a presidential task force has been formed (although specific members have not been identified) to look into issues of commercialism and student-athlete welfare associated with inter-collegiate athletics, including all postseason football.”

- (3) Amateurism. Charged the soon-to-be-appointed Leadership Council to examine the division’s principles of amateurism, especially the impact of the rules on international student-athletes. This issue should be a key agenda item for this new leadership group.

- (4) Membership moratorium. Reviewed five requests from institutions for exceptions to the Division I membership moratorium; voted to appoint the Division I Football Championship Subdivision presidents on the Board of Directors to further examine these requests to determine if standards for exceptions are in order.
- (5) Committee on Academic Performance (CAP). Received a report from CAP and approved an adjustment to the calculation of the academic progress rate to discount the lost retention point in those instances when a student-athlete transferred, provided the student-athlete satisfied the following criteria:
 - (a) The student-athlete transfers immediately to another four-year institution, which must be supported by documentation of the student-athlete's enrollment at the subsequent institution;
 - (b) The student-athlete attended the original institution for a minimum of one academic year;
 - (c) The student-athlete earned the eligibility point in the last term of enrollment prior to transfer; and
 - (d) The student-athlete presented a cumulative grade-point average of 2.600 or higher at the time of departure.
- (6) Legislative proposals. Received 47 legislative proposals from the Management Council and approved 45, including Proposal No. 2007-110, which specified that institutional financial aid based in any degree on athletics ability may not be reduced or canceled during the period of its award because of an injury, illness or physical or medical condition. The other two proposals (2007-73 and 2007-109) were tabled until April.
- (7) Oversight and Monitoring Group. Received an update from the Oversight and Monitoring Group, which is the group charged with providing oversight and offering strategies for the consideration of the recommendations of the Presidential Task Force on the Future of Division I Intercollegiate Athletics. This work is helping to shape the Division I agenda.
- (8) Dashboards. Received a presentation on efforts to develop a series of financial dashboard indicators (institution and peer comparators) intended to assist presidents by providing them with consistent, accurate and understandable data. The Board offered feedback and comments.

- (9) Appointments. Made three appointments to the Division I Board of Directors effective after the April Board of Directors meeting. The new members are:
 - (a) President Ann Millner, Weber State University.
 - (b) President David Schmidly, University of New Mexico.
 - (c) President William Beauchamp, University of Portland.
- b. Division II Presidents Council. The Committee received an update on the actions of the Division II Presidents Council that included the following:
 - (1) 2008 NCAA Convention. Completed another successful Convention. The membership voted on 20 proposals during the Division II business session – 17 were passed, and three were defeated. These proposals included:
 - (a) Proposal No. 3, which will establish a pilot program to permit Canadian institutions to become Division II members.
 - (b) Proposal No. 4, which specifies that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles. After the calendar day on which the prospective student-athlete signs a National Letter of Intent or a written offer of admission and/or financial aid, the institution is permitted to send other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging).
 - (c) Proposal No. 7, which will increase the total number of required core-course units for initial eligibility from 14 to 16.
 - (d) Proposal No. 8, which permits more than one group of student-athletes from the same team to participate in skill instruction with a coach outside the institution's declared playing season in the same facility or in different facilities at the same time, provided there is no co-mingling between the groups.
 - (2) Continuation of the Division II Strategic Positioning Platform. Used the Convention as a platform to further the development of the Strategic Positioning initiative – in banners, videos, PowerPoints, public service announcements and various other avenues. The initiative and the creative

look continue to be well received by the membership. Additionally, Nathan Mueller, Hardwick-Day, presented a study to the membership that helps assess the value of the Division II partial financial model.

- (3) Division II Make-A-Wish Project. Presented David Williams and the Make-A-Wish Foundation with a check in the amount of \$208,000 at the Division II business session. The Make-A-Wish Foundation grants the wishes of children with life-threatening medical conditions to enrich the human experience with hope, strength and joy. It is the largest wish-granting charity in the world, with 76 chapters in the United States and its territories and 27 international affiliates on five continents. The Make-A-Wish Foundation has been the major fundraising project of the Division II Student-Athlete Advisory Committee (SAAC) since 2003-04, with more than \$450,000 in support over the last four years. SAAC has committed to continuing its commitment for another two years.

- c. Division III Presidents Council. The Committee received an update on the actions of the Division III Presidents Council. These included:

- (1) 2008 NCAA Convention.
 - (a) Adoption of a ban on text messaging and electronically transmitted correspondence.
 - (b) On reconsideration, a proposal to permit separate academic services for student-athletes was adopted. The close vote could illustrate different perspectives in Division III.
 - (c) Adoption of restrictions on the use of male practice players (once per week, no more than one half of the starting squad, in the non-traditional segment only).
- (2) Review of membership growth and structure. Discussed the report of the Division III and Executive Committee Membership Working Groups and, in preparation for the February membership survey, identified education and discussion as the primary goals for the Convention discussion session.

- (3) Status report of the drug-education and drug-testing pilot. Received an update of the first half year of the drug-education and drug-testing pilot. Early testing has produced higher percentages of positive tests for street drugs than other substances, but the pilot has not yet measured any effects of educational efforts being conducted at all participating Division III institutions
 - (4) Preliminary report of financial aid reporting process penalty structure. Received a report on options for moving beyond the educationally oriented penalties that have been imposed for violations discovered during the first three years of the reporting process. The committee suggested a multilayered framework that could trigger a comprehensive compliance assessment of an athletics program following a first violation, a public reprimand after the second violation and the loss of championship access after a third violation. The committee also advised that any action provided for in the progression of penalties could be taken at any time in response to an egregious violation. The Council endorsed the concept and agreed to formally consider the committee's recommendations at its spring meeting.
8. Future meetings. The Committee reviewed its future meetings schedule.
9. Adjournment. Adams adjourned the meeting at 6:15 p.m.

#