MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

NCAA National Office
Indianapolis, Indiana

April 29, 2010

Participants:

Charles Bantz, Indiana Univ.-Purdue Univ. at Indianapolis
James Barker, Clemson University
Drew Bogner, Molloy College
Kathleen Brasfield, Angelo State University
Robert Bruininks, University of Minnesota
Mark Emmert, NCAA president-elect
Damon Evans, University of Georgia
Judy Genshaft, University of South Florida
James Harris, Widener University
Robert Kustra, Boise State University
Ann Millner, Weber State University
Kevin Mullen, Siena College
Lynn Oberbillig, Smith College
Harvey Perlman, University of Nebraska, Lincoln
Beverley Pitts, University of Indianapolis
Shirley Raines, University of Memphis
Edward Ray, Oregon State University, chair
Jim Isch, NCAA
Delise O'Meally, NCAA, recording secretary

James Bultman, Hope College; William Harvey, Hampton University; and John Peters, Northern Illinois University, were not able to participate.

Also in attendance were: Gary Brown, director of NCAA News; Elsa Cole, vice president of legal affairs/general counsel; Joni Comstock, senior vice president of championships/senior woman administrator; Dennis Cryder, senior vice president of branding and communications; Tom Jernstedt, executive vice president; David Klossner, director of health and safety; Kevin Lennon, vice president of academic and membership affairs; Keith Martin, interim vice president of administration/chief financial officer; Wallace Renfro, vice president and senior advisor to the NCAA president; Greg Shaheen, senior vice president of basketball and business strategies; Charlotte Westerhaus, vice president of diversity and inclusion; Bob Williams, managing director of public and media relations; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Jackie Campbell, Leah Kareti 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 1:20 p.m. by the chair, President Ray. All members were present as noted above.

1. Welcome and announcements. Ray welcomed Drew Bogner, president of Molloy College and incoming president of the Division II Presidents Council. He also thanked James Barker, Shirley Raines and Damon Evans, who were attending their last Executive Committee meeting.

2. Approval of January 16, 2010, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the January 16, 2010, meeting as distributed."

3. NCAA Executive Committee Finance Committee report.

   a. Second quarter FY 2009-10 budget-to-actual. The Finance Committee reviewed the second quarter budget-to-actual statement and is satisfied that the Association is on target with its revenues and expenses. The Association has limited financial activity in the second quarter with the majority of revenues and expenditures occurring in the second half of the year related to championship activity and revenue distributions. Revenues received are 32 percent of the budget and are in line with the prior year. The Association's expenses are 16 percent of the total budget for the first quarter and are in line with the prior year.

   b. FY 2010-11 and FY 2011-12 Executive Committee Finance Committee recommendations. The Finance Committee met in March and reviewed the budget allocations for the next two years. In January, the committee reaffirmed an allocation of $1.0 million for Division I new initiatives and $1.0 million for the NCAA president's and Executive Committee new initiatives over the next two years.

(1) President's recommended criteria and FY 2010-11 budget allocations. In fiscal year 2010-11, there will be approximately a six percent increase in revenue with an eight percent increase in Division I revenue distributions, with an allocation increase to Divisions II and III of almost six percent. This aligns with the projected revenue increases. Most of the recommended increases are to maintain current championships, programs and services with less than two percent increase, and 0.36 percent allocated to new initiatives.

(2) FY 2010-11 and FY 2011-12 Division I and Executive Committee and presidential new initiatives.

(a) FY 2010-11 Distribution to Membership. An increase is recommended for the distribution to the Division I membership of $33.8 million. This was a component of the long-term distribution plan approved by the Division I Board of Directors and Executive Committee several years ago. Once final negotiations are complete on the media contract, 2011-12 revenue distribution amounts will be determined.

(b) NCAA Football Championship (FCS) series bracket expansion. An allocation of $250,000 is recommended to expand the FCS bracket beginning with the 2010 football championship. This expansion was approved by the Division I Board of Directors during the last budget cycle.

(c) Expanded softball bat testing and other championships initiatives. An allocation of $83,000 is recommended to expand the number of bats tested across all divisions, as well as to enhance the testing process. An allocation of $90,000 is planned for host expenses at specific championship events.

(d) Men's basketball recruiting. A recommended investment of $410,000 is recommended to assist with monitoring, investigation, education, outreach and compliance.

(e) Presidential Reserve. An allocation of $1 million is recommended to permit budget flexibility to implement new initiatives, as appropriate.

(3) FY 2010-11 and FY 2011-12 Divisions II and III budget recommendations. The Finance Committee did not have any exceptions to the respective initiatives within Divisions II and III.

(4) FY 2010-11 maintenance budget recommendations. The Finance Committee recommended the following fiscal year 2010-11 budget initiatives to maintain current program levels:

(a) Modest increases to maintain the current championships, programs and services;

(b) Additional dollars for contractual commitments and travel-related services;

(c) Adjustments related to the president's salary and a 2.25 percent adjustment to be allocated between market equity and performance adjustments for the staff; and

(d) Five hundred thousand dollars to maintain insurance and risk management programs, and a small incremental increase in officiating fees.

It was VOTED

"To approve the budget recommendations as proposed by the Finance Committee."

c. Building financing bond resolution. The Finance Committee recommended the approval of the bond resolution for the $20 million financing for the new building. Construction is scheduled to begin May 4, and total construction costs are approximately $35 million, and the remaining funding has been earmarked by previous Executive Committee actions. Construction bids came in at 15 percent below estimates, and the staff is continuing to work through some value engineering savings. The financing structure is a 10-year fixed rate structure with an anticipated interest rate of approximately three percent. The annual debt service will be approximately $2.3 million that will be funded from the NCAA Eligibility Center resources and annual committee cost savings.

It was VOTED [For 14, abstain 1.]

"To approve the bond resolution that would provide the authority for the borrowing."

d. Enterprise risk assessment executive summary. In preparation for the incoming NCAA president, the Finance Committee requested a refresh of the Enterprise Risk Assessment that was completed in 2004. Although there has been some change since 2004, the four fundamental risks have stayed the same:

(1) Reputational risks;

(2) Lack of revenue diversification;

(3) Adverse legal rulings/interpretation; and

(4) Regulatory intervention.

Two additional risks have been added to the assessment, and they are:

- Security and privacy of transactions, and data that the NCAA collects on behalf of its members; and

- Physical security around major events particularly around the NCAA Final Four.

This information will be included in the briefing document materials that have been prepared for the incoming President.

4. Executive Committee Accreditation Agency Working Group report.

The Committee received a report from the Accreditation Agency Working Group. The working group was established to review a request from an institution for a waiver of the constitutional membership requirements that mandate accreditation by one of the six regional accrediting agencies. Specifically, the institution wanted to substitute accreditation by a national accrediting agency. The working group recommended that the Committee deny the request for a waiver. Additionally, the group recommended that the issue be forwarded to each division for consideration of a modification to the NCAA Constitution by common provision to remove the requirement for accreditation by one of the six regional accrediting agencies and replace that language with a more general requirement of institutional accreditation by an accrediting agency that has been recognized by the U.S. Department of Education in compliance with Title IV of the Higher Education Act of 1965. The working group noted that NCAA legislative history indicates that at one time accreditation by a national accrediting agency was permitted; however, that language was changed after that agency ceased accrediting universities.

It was VOTED

"To approve the recommendations of the Accreditation Agency Working Group to deny the waiver request and forward the issue of a constitutional amendment to each of the divisional presidential bodies."

5. Litigation update. The Committee received a report from the NCAA general counsel regarding litigation and settlement actions. Also, the Committee reviewed an NCAA policy that would guide disclosure of records to be distributed publicly.

It was VOTED

"To adopt the following guiding principle regarding disclosure of NCAA records:

"It is the policy of the NCAA to disclose information as a matter of course to its member schools and conferences, or as requested by them and to others to the extent it supports the NCAA mission, except where disclosure would violate the law or prejudice the interests or well-being of the Association."

The Committee also approved a process for implementation of the policy by NCAA staff.

6. NCAA drug-testing results for 2008-09. The Committee received a report from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS). The report included final results of the 2008-09 NCAA drug testing in championship events for all divisions, as well as year-round testing in Divisions I and II. The Committee noted an increase in positive tests for marijuana and a slight uptick in positive tests for anabolic steroids. CSMAS requested permission to publish the 2008-09 drug testing results and also requested permission to release contemporaneous aggregate drug-testing results data as a drug-education prevention tool, whereby the data could be used to underscore to the membership the risks faced by student-athletes.

It was VOTED

"To approve the publication of the 2008-09 drug testing results and to permit the release of contemporaneous aggregate drug testing results data in a manner that avoids the Association of any individual or institutional identity."

7. Concussion Policy.

The Committee also received a CSMAS report on recent discussions surrounding concussion management and a recommendation that the Executive Committee adopt a policy requiring institutions across all three divisions to have a concussion management plan on file that mandates removal of a student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion from practice or competition.

It was VOTED

"To adopt the concussion management policy as follows:

"Institutions shall have a concussion management plan on file such that a student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from practice or competition and evaluated by an athletics healthcare provider with experience in the evaluation and management of concussions. Student-athletes diagnosed with a concussion shall not return to activity for the remainder of that day. Medical clearance shall be determined by the team physician or their designee according to the concussion management plan.

"In addition, student-athletes must sign a statement in which they accept the responsibility for reporting their injuries and illnesses to the institutional medical staff, including signs and symptoms of concussions. During the review and signing process, student-athletes should be presented with educational material on concussions."

The policy is to be effective by the start of the 2010-11 academic year. The Committee also asked that consequences for not following the policy be deliberated and that recommended sanctions for noncompliance be presented to the committee by its August meeting. The Executive Committee also recommended each division consider this policy for legislative action.

8. 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) Division I Men's Basketball Championship Expansion. Unanimously approved expansion of the Division I Men's Basketball Championship to 68 teams.

(2) Football Academic Working Group. Received a report from the Football Academic Working Group and expressed strong support for the concepts recommended. The Board will review the recommendations in legislative format in August, with a plan to enter proposals into the 2010-11 legislative cycle.

(3) Executive Committee appointments. Approved the following appointments to the Executive Committee: Jim Cofer, University of Louisiana at Monroe, and David Schmidly, University of New Mexico.

(4) Board of Director appointments. Approved the following appointments to the Board of Directors: Lee Todd, University of Kentucky; Steadman Upham, University of Tulsa; and Nathan Hatch, Wake Forest University.

(5) Division I membership standards. Reviewed and approved the final recommendations from the Division I Leadership Council regarding division's membership standards. The Board plans to review the recommendations in legislative form in August prior to inserting them into the 2010-11 legislative cycle.

b. Division II Presidents Council. The Committee received an update on the actions of the Division II Presidents Council that included the following:

(1) Life in the Balance Phase II. As an ongoing commitment to providing student-athletes with a college experience that balances academics, athletics and social pursuits, Division II chancellors and presidents are engaging in Phase II of the "Life in the Balance" initiative that ensures alignment of athletics competition policies with the division's attribute-based strategic positioning platform. The Presidents Council reviewed the legislative concepts put forth by the Management Council on Phase II of the "Life in the Balance" initiative. The concepts deal with (a) annual or discretionary exemptions, (b) the nonchampionship segment, and (c) the 20/8 hour rule; skill instruction outside the playing season; and start dates for winter sports. The concepts will be further reviewed by the Division II Championships and Legislation Committees at their joint meeting in June. The Presidents Council will determine which concepts to sponsor for the 2011 NCAA Convention at its meetings this summer.

(2) 2010 Division II Chancellors and Presidents Summit. Received an update on the 2010 Chancellors and Presidents Summit, which will be conducted July 19. To date, approximately 140 presidents and chancellors have registered for the meeting, which will focus on Division II Life in the Balance

Phase II; Division II as a membership destination; academics and life skills; and athletics department enhancement tools.

(3) Diversity programming and Association-wide diversity initiatives. Met with NCAA staff members involved with diversity and inclusion. The discussion focused primarily on background information and the current diversity data and statistics for Division II. This is a discussion that the Presidents Council will continue to have throughout this year; the topic also has been placed on the agenda for the 2010 Division II Chancellors and Presidents Summit in June.

(4) Development of chancellors and presidents athletics oversight summary. The division is developing a chancellors and presidents athletics oversight summary, the intent of which is to enhance and support presidential commitment, oversight and involvement in the intercollegiate athletics program. The tool will assist Division II chancellors and presidents in evaluating their position in conjunction with the strategic position and philosophy of Division II intercollegiate athletics. The Presidents Council reviewed and endorsed the document. The document will be shared at the Division II Chancellors and Presidents Summit in June.

(5) Presidents Council vice chair. Elected Pat O'Brien, West Texas A&M University, as the new vice chair of the Council. Dr. O'Brien will assume his duties September 1, when Dr. Pitts' term ends.

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

(1) 2010-12 budget. Approved the division's proposed 2010-12 budget, noting that some minimal adjustments may be necessary in 2011-12 due to recent changes in the division's revenue projection. The division's reserve may be used to cover all approved 2011-12 commitments.

(2) Presidential leadership. Endorsed a series of concepts designed to better engage presidents in the strategic oversight and leadership of the division, consistent with the 2008 white papers. The following concepts will be reviewed in draft form during the August meeting for membership consideration at the 2011 Convention in San Antonio:

(a) Eliminate the need for the Presidents Council to serve as the sponsor for all of the governance-sponsored proposals for Convention vote. This would allow the Management Council to develop and sponsor operational and administrative legislation and will provide

a clear delineation of operational and strategic responsibilities within the governance structure.

(b) Establish a subcommittee of the Presidents and Management Councils to determine which concepts warrant review by the Presidents Council and formalize the guidelines for such determinations. The subcommittee will establish objective review guidelines that focus on clear, fundamental tenets of the Division III Philosophy Statement and set the proper framework for identifying issues that warrant the Presidents Council's attention.

(c) Expand the membership of the Management Council by adding the category of individuals to whom athletics reports. The addition of two individuals (non-Presidents who directly oversee an athletics director) could broaden the perspective of the Council by including a voice that, while responsible for managing athletics on most campuses, has not historically been directly included in governance discussions. The "direct report" model exists at approximately 805 of Division III member schools.

(d) Establish an expectation for conferences to demonstrate presidential leadership. Despite the current legislative requirement for conference presidential oversight, it appears that presidents may not actively lead some Division III conferences. The division will benefit from more clearly establishing the expectation of strategic leadership at the conference level, and will establish a clear goal in the division's strategic plan, as well as offer incentives to support active presidential leadership.

(3) Collegiate sports wagering. Received a presentation on the results of the 2008 study on collegiate sports wagering, as well as the educational resources offered by the NCAA agents, gambling and amateurism staff. As a result of this presentation, the Council referred to the division's Strategic Planning and Finance Committee the formal inclusion of sports wagering resources in the student-athlete well-being section of the conference grant program. The Council also suggested that Division III consider offering a sports wagering presentation for the 2011 NCAA Convention and consider other ways to enhance the division's use of existing educational resources.

(4) Accreditation requirements for membership. Expressed caution on the concept of changing the accreditation bylaws as they currently stand, noting that the regional accrediting bodies may be less subject to political pressures than the U.S. Department of Education and the current standards seem to be appropriately rigorous for institutions of higher education.

9. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The Committee received a report from the Executive Committee Subcommittee on Gender and Diversity Initiatives. The subcommittee requested that the Executive Committee review and approve an Association-wide vision statement/framework for NCAA diversity and gender programs and initiatives.

It was VOTED

"To approve the diversity, inclusion and gender framework as follows:

"As a core value, the NCAA believes in and is committed to diversity, inclusion and gender equity among its student-athletes, coaches and administrators. We seek to establish and maintain an inclusive culture that fosters equitable participation for student-athletes and career opportunities for coaches and administrators from diverse backgrounds. Diversity and inclusion improve the learning environment for all student-athletes and enhance excellence within the Association.

"The NCAA will provide or enable programming and education, which sustains foundations of a diverse and inclusive culture across dimensions of diversity including, but not limited to age, race, sex, class, creed, educational background, disability, gender expression, geographical location, income, marital status, parental status, sexual orientation and work experiences. Programming and education also will strive to support equitable laws and practices, increase opportunities for individuals from historically underrepresented groups to participate in intercollegiate athletics at all levels, and enhance hiring practices for all athletics personnel to facilitate more inclusive leadership in intercollegiate athletics."

10. Association-wide committee frequency requests. The Association's bylaws require the Executive Committee to authorize exceptions for Association-wide committees to meet more than two meetings per year. Two of the nine Association-wide committees have requested waivers: (1) the Minority Opportunities and Interests Committee (MOIC) and (2) the Postgraduate Scholarship Committee.

It was VOTED

"To approve meeting exception waivers for the MOIC and the Postgraduate Scholarship Committee. Further the Committee delegated this authority to the NCAA president in the future."

11. Future meetings. The Committee reviewed its future meetings schedule.

12. Adjournment. Ray adjourned the meeting at 3:05 p.m.

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