MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

Westin Indianapolis
Indianapolis, Indiana

August 12, 2010

Participants:

Charles Bantz, Indiana Univ.-Purdue Univ. at Indianapolis
Drew Bogner, Molloy College
Kathleen Brasfield, Angelo State University
James Bultman, Hope College
Mark Emmert, NCAA president-elect
James Harris, Widener University
Nathan Hatch, Wake Forest University
Sidney McPhee, Middle Tennessee State University
Ann Millner, Weber State University
Lynn Oberbillig, Smith College
John Peters, Northern Illinois University
Beverley Pitts, University of Indianapolis
Edward Ray, Oregon State University, chair
David Schmidly, University of New Mexico
Lou Anna Simon, Michigan State University
Lee Todd, University of Kentucky
Bernard Franklin, NCAA
Jim Isch, NCAA
Delise O'Meally, NCAA, recording secretary

Judy Genshaft, University of South Florida; William Harvey, Hampton University; and Kevin Mullen, Siena College, 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; 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; Robert Vowels, vice president of educational affairs; Wendy Walters, director of academic and membership affairs; 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 2 p.m. by the chair, President Ray. All members were present as noted above.

1. Welcome and announcements. Ray welcomed Sidney McPhee, president of Middle Tennessee State University; Nathan Hatch, president of Wake Forest University; David Schmidly, president of the University of New Mexico; Lou Anna Simon, president of Michigan State University; and Lee Todd, president of the University of Kentucky. He also thanked Beverley Pitts, who was attending her last Executive Committee meeting.

2. Approval of April 29, 2010, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the April 29, 2010, meeting as distributed."

3. NCAA President-elect report. President Ray convened an executive session during which President-elect Mark Emmert discussed personnel matters, organizational structure and other national office business.

4. NCAA Interim President report. Interim President Jim Isch updated the Committee on a climate survey recently conducted at the NCAA national office by Oliver Wyman, a management consulting firm. The Committee received an overview of various elements and key takeaways of the report. It asked to be kept informed of any actions taken to address areas of concern.

5. NCAA Executive Committee Finance Committee report.

   a. Third quarter FY 2009-10 budget to actual. The Finance Committee reviewed the third quarter budget-to-actual report and noted that the Association is on track to meet its budget projections. The Association has received 100 percent of its rights fees payment from CBS Sports in the third quarter.

(1) Revenue. Revenues received year-to-date represent 99 percent of the budget, and it is expected that revenues will exceed the budget in the fourth quarter.

(2) Expenses. Part of the Division I revenue distribution occurred in the third quarter, and the remaining amounts will be distributed in the fourth quarter. Total Association's expenses are 51 percent of the total budget for the third quarter and are in line with the prior year.

(3) Quasi-endowment. The Finance Committee noted that quasi-endowment policies would be reviewed at its end-of-the-year meeting. It will review the purpose and targeted amounts of the quasi endowment and offer a recommendation at the January 2011 Executive Committee meeting.

6. Report from Executive Committee working group on membership issues.

The Committee received a report from the working group on membership issues. The working group was charged with reviewing membership growth from an Association-wide perspective. It discussed a variety of membership topics including reclassification trends, as well as the overall higher education landscape and trends among two-year colleges and for profit institutions.

The working group also discussed current membership categories and recommends that the NCAA Executive Committee direct the divisional governance structure to consider legislative action to:

a. Eliminate the "corresponding membership" category;

b. Redefine the requirements for the "affiliated membership" category to restrict it to coaches and sports associations for sports sponsored by the NCAA and to associations comprised of college/university administrators;

c. Increase the annual fee (currently $225) for the "affiliated membership" category to an amount that more appropriately reflects the benefits and privileges of membership (e.g., use of the Association's registered marks); and

d. Create a formal approval process, including a tiered-fee structure, based on the use of the Association's registered marks.

The working group noted that affiliated membership is available to duly elected nonprofit groups or associations whose function and purpose are directly related to one or more sports in which the Association conducts championships or identifies as an emerging sport. Affiliated members have several benefits and privileges, including the opportunity to be represented by one nonvoting delegate at the NCAA Convention and use of registered NCAA marks in accordance with specific guidelines. Corresponding membership is available to duly elected institutions, conferences and nonprofit organizations that are not eligible for active, provisional, conference or affiliated membership. Corresponding members receive all publications and mailings available to the general membership of the Association but do not have the opportunity to use the Association's marks.

This recommendation will streamline the membership categories and more clearly outline appropriate parameters for use of the Association's marks. Further, publications and general mailings are publicly available through the NCAA website, so the elimination of the corresponding membership category has no impact on the ability to remain informed of the Association's activities. Current affiliated and corresponding members will be notified of their options prior to the implementation of these changes.

It was VOTED

"To approve the recommendations of the Executive Committee working group on membership with regard to affiliated and corresponding NCAA membership."

7. Litigation update. The Committee received a report from the NCAA general counsel regarding litigation and settlement actions.

8. NCAA drug-testing plan. The Committee received a report from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS) regarding drug-testing protocol. In April 2009, the Committee charged CSMAS with reviewing the NCAA drug-testing program to recommend any changes in the plan that could result in increasing drug-use deterrence without increasing drug-testing costs. CSMAS advanced a recommendation for a drug-testing plan that allows for flexibility in testing both in championships and in year-round testing. That flexibility will involve more weighted/targeted testing both by sports and substances and will include a progression toward no-notice notification.

It was VOTED

"To approve the recommended drug-testing plan with an effective date of September 1, 2010.

9. Report from NCAA Committee on Sportsmanship and Ethical Conduct. The Committee received a report from the NCAA Committee on Sportsmanship and Ethical Conduct (CSEC) regarding issues surrounding the impact of violence on student-athletes. The Committee supported further examination of this issue by CSEC in conjunction with the CSMAS, the Committee on Women's Athletics (CWA) and the three divisional student-athlete advisory committees. This joint task force will be charged with:

   a. Conducting research to determine the extent/scope of violent behavior involving student-athletes;

   b. Determining the NCAA's role in addressing this issue; and

   c. Reviewing best practices in related areas and explore educational opportunities around the issue.

10. 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) Concussion management plan. Adopted emergency legislation that requires Division I institutions to have a concussion management plan on file, as specified in the proposal.

      (2) Football Academic Working Group. Agreed to sponsor legislation to implement a fall term academic requirement for future competition in the sport of football.

      (3) Knight Commission. Received a report from Gerald Turner and Brit Kirwan, cochairs of the Knight Commission. The Board and the cochairs engaged in considerable discussion about the commission's recommendations and the process to continue communication and follow-up within the NCAA governance structure.

      (4) Men's Basketball Academic Enhancement Group. Agreed to sponsor legislation to establish a summer retention-focused program to support academic, athletics and learning skills development for men's basketball student-athletes.

      (5) Division I membership standards. Agreed to sponsor legislation recommended by the Division I Leadership Council that would implement new Division I membership standards.

(6) Chair appointment. Selected Judy Genshaft, president at the University of South Florida, as its new chair.

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

(1) NCAA Constitution 3.2.4 (NCAA membership—active membership—conditions and obligations of membership—concussion management plan). Voted to exercise its presidential authority to enact emergency legislation that will require, as a condition and obligation of NCAA Division II membership, an institution to have a concussion management plan on file, as specified. This legislation is effective August 16, 2010.

(2) Life in the Balance—Phase II. Voted to sponsor three pieces of legislation, which focus on managing time demands of student-athletes, for the 2011 NCAA Convention. These three recommendations include:

(a) Moving the start date for practice and competition in the nonchampionship segment for spring sports to September 7 or the fourth day of classes, whichever is earlier.

(b) Moving the start date for conditioning activities and preseason practice in winter sports to September 7 or the fourth day of classes, whichever is earlier.

(c) Permitting student-athletes in winter and spring sports to participate in a maximum of two hours of full team activities per week from the beginning of the institution's academic year in the fall term through the day before the first permissible practice date. In fall championship sports, it would permit a student-athlete's participation in a maximum of two hours of full-team activities per week from the first day of classes in the winter or spring term through February 15. Finally, in sports other than football, it would specify that outside of the playing season after the Division II championship to one week before the start of the institution's exam period, a student-athlete could participate in no more than two hours per week of skill instruction as part of the permissible eight hours of countable athletically related activities.

(3) Enhancement fund revisions. Endorsed the decision of the Division II Planning and Finance Committee, which voted to approve a change in the enhancement fund allocation, effective May 2012. The new allocation

will provide 75 percent to conference offices based on sports sponsorship and 25 percent via an equal distribution to Division II active member institutions. The new distribution model eliminates the performance in the men's and women's basketball championship as a part of the distribution. The Division II Planning and Finance Committee will implement a transition fund to offset any losses to the conferences in the first year. It agreed that the Division II strategic positioning platform must influence all future program and budget decisions for the division. The committee believed a distribution formula based in part on success in only two national championships (men's and women's basketball) was inconsistent with the division's comprehensive platform.

(4) Division II Chancellors and Presidents Summit. The third Division II Chancellors and Presidents Summit was conducted in Indianapolis June 18-19. The Division II chancellors and presidents in attendance for the business session Saturday discussed various Division II initiatives and topics, which included sessions on Life in the Balance—Phase II; Division II strategic membership growth; academics and life skills; and athletics department enhancement tools. The two-day summit began with a Presidents Council meeting Friday morning, followed by conference meetings and an evening reception. The business session portion of the summit was held during the day Saturday and was followed by a social function in the NCAA Hall of Champions, which had been redesigned to highlight the Division II academics and athletics experience.

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

(1) Identity initiative. Received an update on new resources to be made available to the Division III membership to assist in local activation of the Division III strategic positioning platform. This presidentially led initiative serves to reinforce the values of Division III beyond its position on not awarding athletics aid. The upcoming release of activation tool kits and promotional materials for institutions and conferences, as well as the new website to explain Division III to the general public, marks a significant milestone for the division.

(2) Transgendered student-athletes. Referred to CSMAS and CWA a charge to raise awareness of the issues associated with, and resources available to protect, transgendered student-athlete well-being, and to establish a timeline for the NCAA to develop a formal policy on transgendered student-athlete eligibility. The Council determined that the number of transgender students interested in athletics participation is likely to continue to rise,

and the Association should offer its members more assistance and direction regarding how to best manage any associated eligibility and well-being issues.

(3) Presidential leadership. The Presidential Advisory group discussed and the Presidents Council sponsored a series of proposals designed to further empower Division III presidents at the strategic level, while further empowering the Management Council at the operational level. The Council is sponsoring a proposal to allow the Management Council to serve as a sponsor for operational legislation, subject to ratification by the Presidents Council. This will allow the Presidents Council to focus more on strategic considerations as it shifts away from detailed operational issues.

The Presidents Council also is supporting the addition of vice presidents or other senior administrators to whom athletics reports to the Management Council, thus formally bringing to the table a perspective that manages athletics on 80 percent of Division III campuses.

The Presidents Council will engage immediately in a significant communication effort to clarify expectations of presidential leadership at the conference level and offer best practices for models of such leadership.

(4) Drug education and testing. In response to its 2007-09 pilot study, the advisory group and Presidents Council considered the options available to the division for drug education and testing. Division III currently does not engage in year-round drug testing. The division is considering the most appropriate drug-education and -testing program based on the pilot results and other studies. It noted the issue relates to student-athlete well-being, institutional autonomy, competitive equity and available financial resources. The advisory group and Council considered four options. While the presidential groups favor a model to provide funding for optional, localized drug testing in conjunction with an enhanced educational model, several broader options will be presented at the 2011 Convention for full membership discussion. These options include:

(a) Retention in its current form of championships testing for performance enhancing drugs and illegal street drugs. This option was supported by the presidential bodies.

(b) Enhanced educational programming. This option emerged as the most favored of the four. It should be inclusive of performance-enhancing substances, street drugs and, perhaps most importantly, alcohol. The division should seek to partner with student affairs professionals in the development of educational content and best practices.

(c) Academic year-round drug testing (performance enhancing and/or street). This option was not favored by the Council based on a lack of compelling evidence that there is a student-athlete specific substance problem. The findings related to performance-enhancing substances were not compelling to move beyond the existing championships testing program, and the street drug issues seem to be consistent with patterns found in the general student body. The Council will continue to monitor student-athlete drug use to assess future need for a year round testing program.

(d) Optional funding for campus based education and/or testing. This option was supported as a way to assist institutions in tailoring the deterrence program most appropriate for the institution.

11. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The Committee received a written report of the work of the Executive Committee Subcommittee on Gender and Diversity Issues.

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

13. Adjournment. Ray adjourned the meeting at 4:30 p.m.

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