MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

Westin Indianapolis
Indianapolis, Indiana

April 28, 2011

Participants:

Michael Alden, University of Missouri, Columbia
Charles Bantz, Indiana Univ.-Purdue Univ. at Indianapolis
Drew Bogner, Molloy College
James Bultman, Hope College
Rick Cole, Dowling College
Judy Genshaft, University of South Florida
Nathan Hatch, Wake Forest University
Chris Martin, College Conference of Illinois & Wisconsin
Sidney McPhee, Middle Tennessee State University
Ann Millner, Weber State University
Kevin Mullen, Siena College
J. Patrick O'Brian, West Texas A&M University
Harris Pastides, University of South Carolina, Columbia
John Peters, Northern Illinois University
Edward Ray, Oregon State University, chair
David Schmidly, University of New Mexico
James Schmotter, Western Connecticut State University
Lou Anna Simon, Michigan State University
Mark Emmert, NCAA
Bernard Franklin, NCAA
Delise O'Meally, NCAA, recording secretary

William Harvey, president of Hampton University, was unable to attend.

Also in attendance were: Gary Brown, associate director of digital communications; Joni Comstock, senior vice president of championships; Jim Isch, chief operating officer; Kevin Lennon, vice president of academic and membership affairs; Todd Leyden, president of the NCAA Eligibility Center, LLC; Karen Morrison, director of gender inclusion; Donald Remy, vice president of legal affairs/general counsel; Wallace Renfro, vice president and senior advisor to the NCAA president; Greg Shaheen, interim executive vice president of championships and alliances; Robert Vowels, vice president of student-athlete affairs and leadership development programs; Wendy Walters, director of membership and student-athlete affairs/infractions appeals; Bob Williams, vice president of communications; 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 2:36 p.m. by the chair, President Ray. All members were present as noted above.

1. Welcome and announcements. Ray thanked Charles Bantz and Kevin Mullen, who were attending their last Executive Committee meeting. Ray presented awards to Bantz and Mullen in recognition of their commitment, service and leadership in advancing the ideals, values and goals of the NCAA. Ray also welcomed Harris Pastides, president of the University of South Carolina, Columbia, and James Schmotter, president of Western Connecticut State University, who will be joining the Executive Committee from the Division I Board of Directors and the Division III Presidents Council, respectively.

2. Approval of January 15, 2011, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the January 15, 2011, meeting as distributed."

3. NCAA President's report.

   a. Conversation with student-athletes. Emmert introduced a new agenda item for the Committee, a conversation with student-athletes. Representatives from each of the divisional national student-athlete advisory committees (SAACs) spent some time sharing key issues with the presidents. Scott Krapf, the Division I national SAAC chair, discussed ways in which the Association could continue to enhance the student-athlete voice (e.g., nationally and at the conference/institutional levels). Krapf also raised the issue of student-athlete likeness in promotional activities, as well as the men's basketball recruiting environment, as topics currently on the Division I SAAC agenda. Sarah Hebberd, Division II national SAAC vice chair, raised the issues of student-athlete mental health and drug education, specifically marijuana and K2 use. She also informed the committee of the development of a national Make-A-Wish day for Division II. Lastly, Jessica Maier shared the following priorities from Division III, noting that many of these issues have an Association-wide impact: opportunities for transgender student-athletes and

perceived cutbacks in training room services. She also shared an update on the Division III Special Olympics partnership.

b. Governance efficiency and effectiveness recommendations. Emmert called for action on the governance efficiency and effectiveness recommendations that had been shared with all three divisional groups during the joint breakfast.

It was VOTED

"To approve the recommendations as noted."

c. NCAA Eligibility Center update. Leyden shared an update on operations. He noted that a recent membership survey identified improvement in overall service and levels of satisfaction with the NCAA Eligibility Center. Leyden also noted that the NCAA Eligibility Center repaid its start-up loan in January of this year. The NCAA Eligibility Center will focus on driving value to the membership, sharing responsibility with the membership for initial-eligibility decisions.

4. NCAA Executive Committee Finance Committee report.

a. Budget recommendations for FY 2011-12. The Finance Committee met in March and discussed the 2011-12 budget. This is the second year of the biennial budget process, so the Association's focus has been on budget needs to maintain its current programs and services.

(1) Revenue increases are the result of the two percent increase in Turner/CBS rights fees; the increase in the radio rights contract; the increase in revenues from the College World Series; and the net revenues from the NCAA Eligibility Center. Based on previous actions from the Finance Committee and the Executive Committee, the NCAA Eligibility Center resources and the travel costs savings from moving the committee meetings to Indianapolis have been allocated to fund the new building debt service and operating costs.

(2) The expense increase of $14.87 million in Division I revenue distribution represents a two percent increase in the basketball, broad-based and conference grant funds. The total increase for the student assistance and academic enhancement fund is nine percent, in accordance with the White case settlement that is in place until the 2012-13 fiscal year. A new allocation of $5 million is recommended toward an academic performance fund and may be used with a reallocation from the existing revenue distribution fund that is earmarked toward academic performance. The Division I

Revenue Distribution Task Force will be making a recommendation by the August meeting.

(3) The $750,000 allocation for championships is to offset the increases in travel costs as a result of fuel prices.

(4) Divisions II and III are receiving their respective allocations of 4.37 percent and 3.18 percent of the revenue increases.

(5) In the membership support services line item under Association-wide expenses, the Finance Committee recommends an additional $500,000 investment in resources toward major infractions investigations and amateurism matters in the sport of football and basketball. This is in addition to the investment that was committed in the prior year.

(6) In the general and administrative line item, $2 million is allocated to fund the additional interest on the tax-exempt bonds and the operating costs for the new building expansion project. The debt will be paid off over 10 years.

(7) The Finance Committee supported a 2.25 percent salary merit adjustment pool and $290,000 for equity adjustments, if needed to align selected positions to the market place.

It was VOTED [For 13, abstain 1.]

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

b. Second quarter FY 2010-11 budget-to-actual. The Association has received approximately a third of the budgeted revenues in the first half of the year, which is in line with the prior year. The Association's expenses are 19 percent of the total budget for the first half of the year. The majority of the expenses occur primarily in the second half as a result of the Division I revenue distribution and championship expenses. The Finance Committee noted that it would be interviewing three independent audit and tax firms (KPMG, Deloitte, and Crowe Horwath) and will decide what firm will perform the audit and tax services over the next five years.

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

The Committee received a report from the Executive Committee Working Group on Membership Issues. The group was formed in January 2010 and charged with exploring membership growth from an Association-wide perspective and developing strategic

solutions to enhance opportunities for student-athletes and position the NCAA for the next decade. The working group noted that the membership processes within each division were effective and should be continued; however, there was an identified need for greater educational resources to more adequately inform institutions seeking membership within the NCAA or current members seeking to reclassify their athletics programs. The working group also emphasized the need for scenario planning to manage membership growth in the event of significant changes to the current landscape of athletics associations. It reviewed projected growth at the Divisions II and III levels and noted the need for greater financial flexibility to manage increased staffing and support needs as well as and a possible restructuring of the membership fee to more appropriately represent the value of the NCAA brand. Finally, the working group noted that, in a federated structure, while the decision of divisional membership rests appropriately with each division, the Association-wide impact of membership processes and decisions must be considered.

The working group discussed membership categories and previously forwarded a recommendation to eliminate corresponding membership and 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. As a part of this report, the working group recommended a change in affiliated membership fee structure.

a. Educational initiative. The working group recommends that the Executive Committee charge a joint group of the Divisions II and III membership committees, with representation from the Division I Administration Cabinet, to create and establish a robust educational initiative around membership standards and the differences among the divisions. This initiative should take the form of a mandatory, broad-based preliminary educational model for institutions interested in entering the provisional or reclassifying membership process in any division. This model should include detailed and "user-friendly" comparisons of each division made available through the NCAA website. The working group noted that, while each division has a clearly defined membership process that allows institutions to explore and understand the philosophy of that division, it would be beneficial to provide a comparison model that highlights differences among divisions prior to an institution entering the provisional membership process. This initiative will give new or reclassifying members a broader perspective of NCAA membership as a whole and should result in more informed decision-making.

It was VOTED

"To approve the development of an educational initiative as noted and charge the abovementioned committees with developing this model."

b. Financial flexibility. The working group recommends that the Executive Committee endorse a recommendation for increased financial flexibility for dollars already allocated to Divisions II and III to manage potential support and staffing needs as membership increases over the next several years. The group also recommends that the national office staff conduct an assessment of the Divisions II and III membership fee structure, similar to the assessment done to establish the new Division I membership fee, that would include not only actual costs of services provided during the provisional membership process but also consider the estimated value of affiliation with the NCAA brand.

It was VOTED

"To approve the recommendation for increased financial flexibility within Divisions II and III to manage support and staffing needs for membership growth and to charge the national office staff with conducting an assessment of the Divisions II and III membership fee structure."

c. Scenario planning and research. The working group recommends that the Executive Committee charge the NCAA research staff, in conjunction with the Divisions II and III membership groups, to conduct specific scenario analyses and develop a flexible long-range membership plan in the event of significant changes either to the higher education landscape or athletics associations. In addition, the working group recommends ongoing research to assess sports sponsorship and participation trends, as well as changes in higher education, including issues impacting four-year colleges, two-year colleges and the growing community of for-profit institutions. The working group noted that these trends highlight areas where membership growth could occur for the Association in the future.

It was VOTED

"To charge the research staff in conjunction with the Divisions II and III membership committees to conduct scenario analyses, develop a flexible long-range membership plan and through research monitor ongoing trends in higher education and athletics."

d. Affiliated membership fee. The working group recommended that the Executive Committee direct the divisional governance structure to consider legislative action to increase the affiliated membership fee from $225 to $500. The working group noted that the fee had not been increased in more than 10 years, and an increase for inflation purposes is appropriate. Additionally, the working group noted that the recommended fee ($500) is an appropriate amount when comparing it to the annual fee for other professional organizations to which the NCAA belongs. The working group also noted that institutions that satisfy the new requirements and

desire to be affiliated members will be able to continue to use the NCAA marks on websites solely for the purpose of promoting, marketing or publicizing their relationship with the NCAA. Any use of the NCAA marks beyond this will need approval by the NCAA.

It was VOTED

"To direct the divisional governance structure to adopt legislation to increase the affiliated membership fee to $500."

6. NCAA Executive Committee Subcommittee on Gender and Diversity Issues.

The Committee received a report from the Executive Committee Subcommittee on Gender and Diversity Issues. The subcommittee offered three recommendations.

a. Committee restructuring. The subcommittee recommended that the NCAA Executive Committee dissolve the Executive Committee Subcommittee on Gender and Diversity Issues and direct the divisional governing bodies to sponsor legislation that would specify presidential involvement on the NCAA Committee on Women's Athletics (CWA) and the NCAA Minority Opportunities and Interests Committee (MOIC). Additionally, it would specify that representation on each of these committees be increased from 15 members to 18 members to account for the addition of one president from each division and to specify equal distribution of members among each division. Further, it would specify the creation of a joint inclusion body comprised of representatives from the CWA and the MOIC, including presidential representation that would provide oversight on broad inclusion initiatives. Finally, it would establish joint subcommittees of MOIC and CWA focusing on key dimensions of diversity beyond gender and race.

The subcommittee noted that in 2010 the Executive Committee adopted an expanded framework around diversity, inclusion and gender equity, and the NCAA reorganized its inclusion office to support this mission. The framework provides for greater focus across dimensions of diversity including, but not limited to, age, race, sex, class, creed, national origin, educational background, disability and gender expression. An examination of the charge and duties of the three primary advocacy committees within the governance structure indicated some overlap of mission but also areas where the structure was not adequately positioned to handle specific issues beyond race and gender. Additionally, there was an identified need for increased presidential involvement within the substructure to provide greater guidance and insight at the policy development level. The recommended model maintains the brand and name recognition, as well as the autonomy of CWA and MOIC but creates a joint body that would provide broad oversight on inclusion

matters and manage specific agendas beyond those related to race and gender. This model includes involvement of presidents at the committee level but also in a strategic planning and advisory capacity on the joint body. CWA and MOIC will continue to report through the divisional governance structure with a dotted reporting relationship to the Executive Committee.

It was VOTED

"To approve this recommendation as noted."

b. Confederate battle flag policy. The subcommittee recommended that the Executive Committee approve the request for an institution in the state of South Carolina to host an NCAA championship event outside the state. However, the subcommittee requests that the Executive Committee consider modifying the language of the Confederate flag policy to preclude such hosting in the future. The subcommittee noted that the policy, as written, does not preclude an institution from hosting a championship event outside the state and, as such, the institution should be permitted to host. However, the group noted that a primary purpose of the policy, beyond ensuring a quality experience for all student-athletes, athletics department staff, and fans, was to have an economic impact on those states that continue to fly the Confederate flag. In this case, while a state may not receive direct economic benefits when an event is held outside the state, the involvement of a state institution in the administration of that event results in indirect financial benefits accruing to the state.

It was VOTED

"To approve the request to permit the institution to host outside of the state of South Carolina, and to modify the policy as follows:

"The NCAA will not award future predetermined championship sites in states where the Confederate battle flag continues to have a prominent presence. **Further, an institution within such states may not host a predetermined NCAA championship event outside the state."**

For future predetermined championship sites in general, the Executive Committee adopted the following standards:

(1) Among the other criteria considered when selecting current and future championships sites, the NCAA will continue to consider the ability of a site to provide a quality experience for the participants and fans and to conduct those events safely.

(2) In determining whether a proposed site can provide a quality experience, the NCAA will consider the site's ability to assure that the benefits inherent in championship competition will flow fairly to all participants and its ability to promote an atmosphere of respect for and sensitivity to the dignity of every person.

(3) The NCAA's focus will be on education and a quality championships experience.

(4) Note: None of the Association's championship sites that might be awarded based on competitive record or seeding will be affected by the Committee's action.

In April 2004, the Executive Committee directed the Football Certification Subcommittee of the Division I Championships/Competition Cabinet, which oversees the certification of all exempted football contests, to deny any requests for certification of bowl games in any state where a moratorium exists as a result of the state's Confederate flag stance.

7. NCAA drug-testing results for 2009-10. 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 2009-10 NCAA drug testing in championship events for all divisions, as well as year-round testing in Divisions I and II. CSMAS requested permission to publish the 2009-10 drug testing results

It was VOTED

"To approve the publication of the 2009-10 drug testing results. Further the Committee delegated this authority to the NCAA president in the future."

8. Report from NCAA Committee on Sportsmanship and Ethical Conduct.

The Executive Committee received an update from the NCAA Committee on Sportsmanship and Ethical Conduct. The NCAA recently hosted a summit on the impact of violence on student-athletes. The summit was well-attended, with 100 participants on site and an additional 107 participating by webcast. The next component will occur during the NCAA Leadership Conference in October and will engage more than 450 student-athletes. Additional sessions are being planned to reach out to coaches and administrators and other relevant stakeholders.

9. 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) Used its authority to adopt emergency legislation to establish a three-year football bowl licensing moratorium in order to provide time to appoint a task force to address a set of issues associated with the NCAA's role in the process.

(2) Reviewed and approved a recommendation to assign a senior-level NCAA staff member with the responsibility for establishing closer collaboration with the U.S. Olympic Committee with regard to prioritizing and sustaining Olympic sports within the collegiate structure.

(3) Reviewed recommendations regarding the Division I athletics certification program and approved the following:

(a) Adopted emergency legislation that that would specify that no additional active member institutions would enter the Division I athletics certification process through August 1, 2013.

(b) That all 45 "class 3" institutions must complete the process and submit their self-study reports based on the timeline determined by the NCAA Division I Committee on Athletics Certification. The committee will determine which institutions should be subject to an evaluation visit based on the institution's submitted self-study report. Institutions determined not to need an evaluation visit shall have the option of completing the process with or without that visit. Further, the Board noted that those institutions currently completing the process should be placed at the back of the queue should there continue to be classes of institutions in the newly developed certification process.

(4) The Board appointed the following members to serve on the Executive Committee:

(a) William Beauchamp, president, University of Portland, West Coast Conference.

(b) William Meehan, Jacksonville State University, Ohio Valley Conference.

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

(1) Conducted a meeting Wednesday evening, April 27, with conference commissioners and the chair (or other designated president/chancellor) of each conference's presidential body. In total, 27 presidents and chancellors attended the meeting, as well as 20 of the 22 Division II conference commissioners. The meeting consisted of three topics of importance to the division:

(a) Gender equity in Division II—a presentation was given by a Division II institution that has recently gone through a Title IX investigation following an U.S. Office of Civil Rights random audit.

(b) Division II student-athlete experience—the GOALS 2010 study provided Division II presidents/chancellors and commissioners with detailed information on the athletics, academic and social experiences of current student-athletes across all sports in all three NCAA divisions.

(c) Division II strategic membership growth—since fall 2010, different groups within the Division II governance structure have had the opportunity to discuss the possible effects of membership growth based on a membership modeling project. It is anticipated that some policy changes will occur in 2011 and legislation will be considered at the 2012 NCAA Convention

(2) Approved a long-range budget framework, which was recommended by the Division II Long-Range Projections Task Force, through 2023-24. This framework accounts for membership growth, while maintaining current active member benefits, particularly for the Division II enhancement fund and conference grant program. With the purchase of an insurance policy and the targeted reserve, the division will be well positioned for the next several years. The framework is also consistent with the feedback that was received from the Division II membership and constituent groups this past year.

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

(1) Presidential legislative package for the 2012 Convention. Endorsed the development of several possible amendments to the division's philosophy statement for the 2012 Convention:

(a) Emphasize that Division III athletics are primarily focused on the undergraduate educational experience in a four-year time frame.

(b) Clarify that initial- and continuing-eligibility standards are best left to institutional and conference autonomy.

(c) Expressing a commitment to supporting a student-athlete's right to meaningful participation in nonathletic pursuits as a method of enriching the overall educational experience.

These concepts were initially generated as part of the division's 2008 white papers on membership growth and reflect themes that are core to the Division III Identity. While the Council also considered use of the division-dominant voting standard for related legislative proposals (that would have subjected the provisions to a super-majority voting requirement), it was determined that such an action is premature and could undermine the division's efforts to cohesively align under its philosophy statement and strategic positioning platform. The Council will formally consider sponsorship after discussing these items with the Division III President's Advisory Group in August.

(2) Division III reserve policy. Approved establishment of a reserve policy that mandates the division maintain in reserve an amount equal to 80 percent of the division's projected revenue for that budget year. The division will credit its annual $10 million financial recovery insurance towards the mandated minimum.

(3) 2011-12 identity activation. In addition to managing ongoing efforts, the Council discussed development of the Special Olympics partnership and endorsed the establishment of a national Division III week to be conducted in winter 2012.

(4) Drug education and testing. Approved establishment of a Division III drug education and testing strategy that retains the status quo championships testing program and makes funds available for campuses to conduct enhanced education and/or testing at the institution's discretion. The division will not pursue the addition of academic year-round drug testing at this time.

(5) Transgender student-athlete participation. Generally endorsed the transgender student-athlete participation policy as presented by the CSMAS. The Council also expressed interest in guidance for institutions in dealing with transgender student-athletes who have not received medical treatment related to their transition.

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

11. Adjournment. Ray adjourned the meeting at 4:15 p.m.

# # # # #