

A G E N D A

National Collegiate Athletic Association Division I Board of Directors

NCAA National Office
Indianapolis, Indiana

April 26, 2012
9 a.m. – 3 p.m.

1. Opening remarks.
2. Report of the January 14, 2012, Board of Directors meeting. (Supplement No. 1) **[Anticipated Action Item]**
3. Report of the Division I Presidential Advisory Group April 25, 2012, meeting. (Supplement No. 2 will be distributed at the meeting.) [No action anticipated.]
4. Report from NCAA President Mark Emmert.
5. Discussion of reports from the Transforming Intercollegiate Athletics Working Groups. (Supplement No. 3)
 - a. Student-Athlete Well Being. (Supplement No. 4)
 - b. Resource Allocation.
 - c. Rules. (Supplement No. 5)
 - d. Enforcement. (Supplement No. 6.)
6. Report from the Division I Bowl Licensing Task Force. (Supplement No. 7) **[Anticipated Action Item]**
7. Report from the NCAA Division I Committee on Academic Performance. (Supplement No. 8 will be distributed at the meeting.) [Walter Harrison, chair] **[Anticipated Action Item]**

8. Conference/institutional television networks. [No Action Anticipated]
9. NCAA Division I Committee on Infractions. (Supplement Nos. 9A and 9B) [**Anticipated Action Item**]
 - Bylaw 19 revisions.
 - Committee appointment and reappointments.
10. NCAA Division I Infractions Appeals Committee (Supplement No. 10) [**Anticipated Action Item**]
 - Committee reappointments.
11. Division I Governance Structure Update.
 - a. Report from the April 12, 2012, Division I Leadership Council meeting. (Supplement No. 11)
 - b. Report of the April 16-17, 2012, Division I Legislative Council meeting. (Supplement No. 12)
 - c. Report on Results of the Override Vote on Proposal No. 2011-97.
12. Report on Division I Athletics Certification Program. (Supplement No. 13) [**Anticipated Action Item**]
13. Shifting of Interpretative Authority for Basketball Issues to Academic and Membership Affairs. (Supplement No. 14) [**Anticipated Action Item**]
14. Governance transitional issues. [**Anticipated Action Items.**]
 - a. Appointment of new members to the Division I Board of Directors. (Supplement No. 15)

- b. Appointment of Division I and Football Championship Subdivision (FCS) members to councils and cabinets. (Supplement No. 16)
 - c. Appointments to the NCAA Executive Committee.
- 15. Governmental relations report. (Supplement No. 17) [No action anticipated – for information only.]
- 16. Other business.
- 17. Future meeting dates.
 - a. August 2, 2012, NCAA National Office, Indianapolis, Indiana.
 - b. Tuesday, October 30, 2012, NCAA National Office, Indianapolis, Indiana.
 - c. Saturday, January 19, 2013, Grapevine, Texas (In conjunction with the 2013 NCAA Convention.)
 - d. Thursday, May 2, 2013, Indianapolis, Indiana.
 - e. Thursday, August 8, 2013, Indianapolis, Indiana.
 - f. Wednesday, October 30, 2013, Indianapolis, Indiana.
 - g. Saturday, January 18, 2014, San Diego, California (In conjunction with the 2014 NCAA Convention.)
- 18. Adjournment

**REPORT OF THE JANUARY 14, 2012, MEETING OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I BOARD OF DIRECTORS**

1. **Report of the October 27, 2011, Board of Directors Meeting.** The Board approved the report of its October 27, 2011, meeting. (Unanimous voice vote)

2. **President's Report.** NCAA President Mark Emmert reported the following:
 - a. **Men's College Basketball Officiating, LLC (MCBO) Sportsmanship Initiative.** The Board was informed that the Competition Committee of the MCBO has developed a plan to address on-court sportsmanship and behavior of coaches, players and officials in an effort to elevate the image of the sport and positively impact the game environment.

 - b. **Institutional Integrity and Shared Responsibility.** President Emmert noted the need to address institutional integrity and shared responsibility, particularly in determining the appropriate role for decentralizing rules and the nature of the rules for which institutions should be held accountable. William Powers, president of the University of Texas, joined the meeting and suggested that in order to address institutional integrity issues, risk management programs should be applied across university campuses and include the athletics department. He noted that a modern risk enterprise and sentencing guidelines approach could assist institutions in addressing many of the compliance and enforcement issues facing athletics departments today. President Emmert noted that at the request of the Transforming Intercollegiate Athletics Collegiate Model – Rules and Enforcement Working Groups, he plans to create a new working group to address institutional integrity and shared responsibility.

3. **Representation on the Division I Board Directors.** Greg Dell'Omo, vice-chair of the Northeast Conference President's Council and member of the NCAA Division I Presidential Advisory Group, raised with the Division I Board of Directors the issue of full representation on the Board. Several of the nonFootball Bowl Subdivision (FBS) members of the Board expressed concern that without full representation, there are a significant number of conferences that do not feel they have a voice in the current governance structure. President Emmert noted that he will bring back to the Board in August a proposal that will suggest how presidents can engage in a conversation about governance models.

4. Presidential Retreat Initiatives.

- a. NCAA Division I Committee on Academic Performance.** Walt Harrison, chair of the Committee on Academic Performance, presented the following recommendations:

- (1) That the Board of Directors reinstate Proposal No. 2011-65 – Eligibility – Two-Year College Transfers – Year of Academic Readiness at Two-Year College to the 2011-12 legislative cycle and table it.

BOARD ACTION: The Board agreed to reinstate the proposal and then moved to tabled it. (Unanimous Voice Vote)

- (2) That the Board approve the NCAA Division I Academic Performance Program (APP) Penalty Waiver Directive. [See Attachment A for details of the APP Penalty Waiver Directive.]

BOARD ACTION: The Board approved the APP Penalty Waiver Directive. (Unanimous Voice Vote)

- (3) That the Board approve an amendment to the APP policies and procedures providing an additional waiver appeal opportunity for teams that do not meet the postseason competition academic requirements.

BOARD ACTION: The Board approved the amendment to the APP policies and procedures as recommended. (Unanimous Voice Vote)

- b. Transforming Intercollegiate Athletics Student-Athlete Well-Being Working Group.** Sidney McPhee, chair of the Student-Athlete Well-Being Group, presented the following recommendations based upon reconsideration of the legislation by the working group and comments and discussion by membership groups during the 2012 NCAA Convention:

- (1) That in its reconsideration of Proposal No. 2011-97 – “Multi-Year Grants in Aid,” the Board of Directors should reaffirm its original action to adopt the proposal.

BOARD ACTION: The Board voted to reaffirm its original action to adopt Proposal No. 2011-97. [For 13 (Adams, Albrecht, Beauchamp, Genshaft, Hatch, Hopkins, McPhee, Millner, Peters, Ray, Schmidly, Simon, White), Against 2 (Bailey, Meehan).] As a result of this action, the proposal will proceed to an on-line one vote per active member institution and multi-

sport conference override vote. It is anticipated that the vote will take place in February.

(2) That in its reconsideration of Proposal No. 2011-96 “ Miscellaneous Expense Allowance,” the Board should take the following actions:

- (a) Rescind the portion of the proposal that provided that all nonathletics financial aid will no longer count toward team limits.
- (b) Charge the Student-Athlete Well-Being Working Group with developing an alternative proposal that includes the \$2,000 miscellaneous expense allowance and considers the options below, as well as a need-based component, for review by the Board at its April meeting. It was noted that the proposal would apply to grants-in-aid, effective for the 2013-14 academic year.
 - i. Increase the “denominator” of a full and equivalency (value) “grants-in-aid” in effect by \$2,000 (not to exceed the institution’s cost of attendance).
 - ii. Maintain a value of a full grant-in-aid at its current level, and establish an “exempt” category of miscellaneous expense funds that are designated on team squad lists for use at the institution’s discretion to award up to \$2,000 (not to exceed cost of attendance) for full grant recipients, as well as to provide up to the proportionate amount of applicable funds to any or all equivalency grant recipients.

BOARD ACTION: The Board reaffirmed its support for the \$2,000 miscellaneous expense allowance, but directed the Student-Athlete Well-Being Working Group to come back to the Board in April with an alternative proposal that considers the issues above as well as recommendations for implementation. [For 11 (Bailey, Beauchamp, Genshaft, Hatch, Hopkins, McPhee, Meehan, Ray, Schmidly, Simon, White), Against 4 (Adams, Albrecht, Millner, Peters).] This action renders Proposal No. 2011-96 moot and a new legislative proposal as described above will be considered by the Board during its April meeting, which then will subject such new legislation to a 60-day request for override vote period

- c. **Transforming Intercollegiate Athletics Resource Allocation Working Group.** Mike Adams, chair of the Resource Allocation Working Group, presented the following recommendations:

- (1) That the Board adopt legislation, effective August 1, 2014, for the elimination of institutional foreign tours that occur at any time. Signed contracts dated previous to January 14, 2012, for scheduled institutional foreign tours will be honored.

BOARD ACTION: The Board voted to defeat the legislation as recommended. [For 2 (Adams, Millner), Against 13 (Albrecht, Bailey, Beauchamp, Genshaft, Hatch, Hopkins, McPhee, Meehan, Peters, Ray, Schmidly, Simon, White).]

- (2) That the Board adopt legislation, effective August 1, 2012, to reduce the maximum number of Football Bowl Subdivision (FBS) scholarships (counters) from 85 to 80, with a proportional decrease in the maximum number of scholarships (equivalencies) in Football Championship Subdivision (FCS) from 63 to 60, with 80 overall counters.

BOARD ACTION: The Board voted to defeat legislation to reduce scholarships in FBS football. [For 4 (Adams, Albrecht, Peters, Schmidly), Against 6 (Bailey, Genshaft, Hatch, McPhee, Ray, Simon).]

[Note: The recommendation for a reduction in FCS scholarships will be reviewed by the FCS presidents of the Division I Presidential Advisory Group in April, inasmuch as that group has final authority to act on legislation specific to FCS football.]

- (3) That the Board adopt legislation, effective August 1, 2014, to reduce women's basketball scholarships from 15 to 13.

BOARD ACTION: The Board voted to defeat legislation to reduce scholarships in women's basketball. [For 7 (Adams, Albrecht, Beauchamp, Millner, Peters, Schmidly, White), Against 8 (Bailey, Genshaft, Hatch, Hopkins, McPhee, Meehan, Ray, Simon).]

- (4) That the Board adopt a resolution, which specifies:

- That an immediate moratorium be instituted to cap the number of contests/dates of competition at the levels that currently exist in all sports;
- That the NCAA Division I Board of Directors commission a study to determine the maximum number of contests/dates of competition of the playing season (championship and nonchampionship segments) that is essential to the success of each NCAA sport. In addition, the Working

Group recommends that the scope of this study specifically examine how basketball contests are counted, and

- That once the study is completed and the appropriate contest/dates of competition limits are in place for each sport, that those limits remain in place for 10 years.

BOARD ACTION: The Board adopted the resolution. (Unanimous voice vote)

- (5) That the Board adopt legislation, effective August 1, 2013, that limits the number of noncoaching staff members in the sports of football and men's basketball as follows:
 - (a) In football, a limit of 12 noncoaching staff members, whose duties include support of the football program in any capacity, including third-party contractors that may be employed by an institution. The 12 noncoaching staff members shall not include athletics trainers, academic support and compliance staff members.
 - (b) In men's basketball, a limit of six noncoaching staff members, whose duties include support of the men's basketball program in any capacity, including third-party contractors that may be employed by the institution. The six noncoaching staff members shall not include athletics trainers, academic support and compliance staff members.

BOARD ACTION: The Board expressed interest in taking action to address this matter, but voted to table these recommendations for reconsideration at its April meeting, and asked that additional information and feedback be gathered from the membership regarding appropriate number limitations. [For 13 (Adams, Bailey, Beauchamp, Genshaft, Hatch, Hopkins, McPhee, Meehan, Peters, Ray, Schmidly, Simon, White), Against 2 (Albrecht, Millner).]

- d. **Transforming Intercollegiate Athletics Collegiate Model -- Rules Working Group.** Kevin Lennon, NCAA vice president of academic and membership affairs, presented the following Rules Working Group recommendations:

- (1) That the Board support the general approach outlined for a new regulatory structure, which includes developing principle-based outcomes to ensure that NCAA rules are value-based, meaningful, enforceable and supportive of the

collegiate model of sport. The Board noted its support for the new regulatory structure.

- (2) That the Board endorse a moratorium on new legislation for the 2012-13 legislative cycle (unless part of presidential reform agenda).

BOARD ACTION: The Board voted to apply a moratorium on new legislation for the 2012-13 legislative cycle, unless it is part of the presidential agenda. (Unanimous voice vote)

- e. **Transforming Intercollegiate Athletics Collegiate Model -- Enforcement Working Group.** Ed Ray, chair of the Enforcement Working Group, and Julie Roe Lach, NCAA vice president of enforcement, updated the Board on the working group's progress with creating a multi-level NCAA rules violation structure, an enhanced penalty structure for NCAA rules infractions and re-establishing a sense of shared responsibility among the interested individuals and entities in intercollegiate athletics.

5. Division I Governance Structure Update.

- a. **Report of the January 12, 2012, Meeting of the Leadership Council.** Mike Alden, chair of the Division I Leadership Council, reported on the January 12 meeting of the Council and presented the following recommendations:

- (1) Summer Access to Men's Basketball Student-Athletes. That the Board take action to adopt a summer access model that permits institutional staff members to conduct or supervise summer athletics activities in accordance with specified requirements (i.e., enrollment in summer school, meeting opt-out academic benchmarks). [Note: See Attachment B for details of the summer access model.]

BOARD ACTION: The Board voted to adopt the summer access model as recommended, effective immediately. (Unanimous voice vote.)

- (2) Men's Basketball Recruiting Model – On Campus Evaluations. That the Board of Directors take final action to adopt provisions for on-campus evaluations (OCE) of prospective student-athletes. [Note: See Attachment C for provisions of OCEs.]

BOARD ACTION: The Board voted to adopt the provisions for on-campus evaluations as recommended, effective immediately. (Unanimous voice vote.)

- b. Report of the January 11-12, 2012, Meeting of the Division I Legislative Council.** Carolyn Campbell-McGovern, chair of the Division I Legislative Council, noted that at the request of the Transforming Intercollegiate Athletics Collegiate Model -- Rules Working Group, the Legislative Council tabled 49 proposals. In addition, the Council took the following actions:

- (1) Voted to adopt Proposal No. 2011-23 -- Amateurism -- Definitions And Applications -- Agent, which specifies that an agent is any individual who, directly or indirectly, represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain, or seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.
- (2) Voted to adopt Proposal No. 2011-45 -- Recruiting -- Tryouts -- Nonscholastic Practice Or Competition And Noninstitutional Camps And Clinics -- Women's Basketball, which specifies that in women's basketball, an institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic basketball practice or competition in which women's basketball prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs, and to establish limited exceptions, as specified; further, specifies that the use of an institution's facilities for noninstitutional camps is limited to the months of June, July and August; finally, to prohibit evaluations at noninstitutional events, camps or clinics that occur on a Division I campus during evaluation periods.
- (3) Voted to adopt Proposal No. 2011-46 -- Recruiting -- Tryouts -- Nonscholastic Practice Or Competition And Noninstitutional Camps Or Clinics -- Football, which specifies that in the sport of football, an institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic football practice or competition (e.g., seven-on-seven events) in which football prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs; further, to limit the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants to June and July in bowl subdivision football and to June, July and August in championship subdivision football.

- (4) Voted to defeat Proposal No. 2011-64 -- Eligibility -- Seasons Of Competition: Five-Year Rule -- Five Seasons Of Eligibility – Football, which specifies that a student-athlete in the sport of football shall not engage in more than five seasons of intercollegiate competition and may only engage in a fifth season at an institution at which the student-athlete previously used a season of competition.

6. **Supplemental Distribution.** Ed Ray, chair of the Executive Committee, informed the Board that the Finance Committee recommended that the Executive Committee approve a supplemental distribution of approximately \$36,000,000 to be dispensed to the Division I membership.

BOARD ACTION: The Board voted to approve the recommendation of the Finance Committee and authorized distribution of a Division I supplemental distribution of \$36,000,000 to mutli-sport conferences. (Unanimous voice vote) [Note: Ann Millner was not present.]

7. **Status Report on Review of NCAA Division I Athletics Certification Program.** Troy Arthur, NCAA director of academic and membership affairs, updated the Board on the work of the NCAA Division I Athletics Certification Committee in its review of the Division I Athletics Certification program. The Board received information regarding proposed name changes to the certification program and the committee, system development, organizational changes and the accountability spectrum.

8. **NCAA Membership – Accreditation Policy.** The Board reviewed a proposed Association-wide membership accreditation policy that shall be used to assist in determining whether an active or provisional NCAA member institution meets the applicable membership requirements regarding accreditation as further set forth in Article 3 of the NCAA Constitution.

BOARD ACTION: The Board voted to endorse the policy. (Unanimous voice vote) [Note: Ann Millner was not present.]

9. **Future Meeting Dates.**

a. April 25-26, 2012, Indianapolis, Indiana.

[Note: There will be a joint meeting of the Division I Presidential Advisory Group and the Board of Directors on Wednesday, April, 25, 2012, from 1-5 p.m. to review and discuss reports of several of the Transforming Intercollegiate Athletics Working Groups. The Board of Directors will convene its regular meeting on Thursday, April 26, 2012.]

- b. August, 2, 2012, Indianapolis, Indiana.
- c. Tuesday, October 30, 2012, Indianapolis, Indiana.
- d. January 19, 2013, Grapevine, Texas.

Board of Directors chair: Judy Genshaft, University of South Florida
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance

Division I Board of Directors January 14, 2012, Meeting	
ATTENDEES	ABSENTEES
Michael Adams, University of Georgia, Southeastern Conference (alternate)	William R. Harvey, Hampton University, Mid-Eastern Athletic Conference
Stanley Albrecht, Utah State University, Western Athletic Conference	Harris Pastides, University of South Carolina, Southeastern Conference
Guy Bailey, Texas Tech University, Big 12 Conference	David Skorton, Cornell University, Ivy League
William Beauchamp, University of Portland, West Coast Conference	Steadman Upham, University of Tulsa, Conference USA
Judy Genshaft, University of South Florida, Big East Conference, chair	
Nathan Hatch, Wake Forest University, Atlantic Coast Conference	
David Hopkins, Wright State University, Horizon League	
Sidney McPhee, Middle Tennessee State University, Sun Belt Conference	

William Meehan, Jacksonville State University, Ohio Valley Conference	
Ann Millner, Weber State University, Big Sky Conference	
John Peters, Northern Illinois University, Mid-American University	
Edward Ray, Oregon State University, Pacific-12 Conference	
David Schmidly, University of New Mexico, Mountain West Conference	
Lou Anna Simon, Michigan State University, Big Ten Conference	
Timothy White, University of California, Riverside, Big West Conference	
NCAA staff liaisons in attendance: David Berst, Jacqueline Campbell	
Other Guests: William Powers, University of Texas	
Other NCAA staff members in attendance for portions of the meeting: Troy Arthur, Erik Christianson, Joni Comstock, Diane Dickman, Amy Dunham, Mark Emmert, Bernard Franklin, Lynn Holzman, Michelle Hosick, Jim Isch, Kevin Lennon, Steve Mallonee, Kathleen McNeely, Jarrett Newby, Delise O'Meally, Stacey Osburn, Tom Paskus, Todd Petr, Denny Poppe, Donald Remy, Wallace Renfro, Julie Roe Lach, Ronnie Ramos, Crissy Schluep, Dave Schnase, Greg Shaheen, Jennifer Strawley, Robert Vowels, Wendy Walters, Bob Williams and Niu Xiaomu.	

NCAA Division I Committee on Academic Performance
Academic Performance Program Access to Postseason and
Penalty Waiver Directive

Background.

The central purpose of the NCAA Division I Academic Performance Program (APP) is to ensure that the NCAA Division I membership is dedicated to providing student-athletes with an exemplary education and intercollegiate athletics experience in an environment that recognizes and supports the primacy of the academic mission of its member institutions while enhancing the ability of student-athletes to earn a degree.

When a team's academic performance, measured by the multiyear NCAA Division I Academic Progress Rate (APR), falls below 930, that team becomes ineligible for postseason competition and is subject to penalties. The NCAA Division I Committee on Academic Performance has established a transition period in which the APP penalty benchmark will be 900 in 2011-12 and 2012-13. In addition, filters are applied to teams' data to account for improvement and resources in the penalty calculation. NCAA Division I Bylaws 18.4.2.3.1, 23.2.2.3 and 23.3 provide for waivers of APP penalties or access to postseason competition. The committee has approved this directive to provide guidance to the NCAA staff and the NCAA Division I Committee on Academic Performance Subcommittee on Appeals in reviewing APP penalty waiver requests.

Guiding Principles.

1. Requests to waive ineligibility for postseason and APP Level One, Two and Three penalties will be considered independently. The requests are filed simultaneously, but the access to postseason competition and APP penalties have different standards for relief.
2. APP penalty and postseason waiver requests involve a review of the entire athletics team's overall academic performance. The APR is a team rate and not based on the academic performance of a single student-athlete. Therefore, the review of waiver requests shall consider all student-athletes included in the team's multiyear APR. This approach considers the loss of all APR points, not just those of select students. This approach could be referred to as the "top-down approach" (e.g., start at an APR of 1000 and explain the loss of all points).
3. APR Improvement Plans are reviewed with the waiver request. Plans should be designed to assist teams in achieving APRs above the penalty benchmarks in a reasonable time by identifying and addressing issues impacting a team's APR with measurable goals, steps to achieve the stated goals and a timetable for implementation.

4. The identification of academically under-performing teams that are subject to an APP penalty includes consideration of resource level and squad size. Therefore, the staff/subcommittee/committee will generally not consider these elements in its review of APP penalty waiver or loss of access to postseason waiver requests.

Waivers of Ineligibility for Postseason Competition.

1. First Occasion Team is Ineligible for Postseason Competition. Institutions are permitted to submit a waiver request the first occasion a team is subject to postseason competition ineligibility. The committee has established a high threshold for relief in these cases and generally relief will not be provided.
 - Factors to be Considered. The staff/subcommittee will consider the following factors in reviewing such a request:
 - (1) Extraordinary Mitigating Circumstances. The institution's cited mitigation must be clearly out of the control of the institution, the athletics department and the team's student-athletes. It must pertain to matters not previously addressed in the APP (e.g., small squad size, institutional mission). Finally it must have impacted the team over the multiple years that make up the four-year APR. An example of mitigation that would be considered extraordinary is a natural disaster that impact a team's APR over multiple years. An example of mitigation that would not be considered extraordinary would be head coaching change, significant leadership change at the institution, or institutional reclassification.
 - (2) APR Improvement Plan. An institution's commitment to improving the penalized team's academic performance as outlined in the APR Improvement Plan must be considered in reviewing a waiver requesting relief from postseason competition ineligibility. Plans will be reviewed for focus on critical areas impacting academic success as well as other components demonstrating the institution's accountability toward meeting the stated goals of the APP (e.g., graduating student-athletes).

- (3) Academic Factors. A waiver request must include a comprehensive review of the team's historical academic trends to determine if the team's placement in the APP penalty structure is the result of habitual underperformance or the result of some anomaly event (see the list on Page No. 4). Trending will also be evaluated to determine if the team is making progress with respect to the penalty benchmark.
 - (4) Alternative Penalty Options. An institution may request that an alternative penalty be imposed in lieu of postseason ineligibility. The institution must include an explanation of how the alternate penalty equates to a loss of postseason access.
2. Second Occasion Team is subject to Loss of Postseason Competition. Institutions are permitted to request a waiver of a team's loss of access to postseason competition.
 - Factors to be Considered. The second or subsequent time a team loses access to postseason competition, the staff/subcommittee/committee will review the request using the same factors used in considering an APP penalty waiver (see Page Nos. 4 – 7 for more information). If a team has demonstrated meaningful improvement and some of the factors in item 3-b below are present, the level of mitigation required to receive relief may be less stringent than what is required the first occasion a team was ineligible for postseason competition.
3. Notes on Outcomes. A loss of access to postseason competition waiver request will be approved, conditionally approved or denied.
 - a. First occasion loss of access to postseason waiver requests should be denied if the institution cannot demonstrate extraordinary mitigating circumstances as described on Page No. 2. Other factors listed in item number one above will be examined, but absent extraordinary mitigation are not likely to result in an approval.
 - b. Second and subsequent waivers of loss of access to postseason competition should be denied if the institution cannot demonstrate:
 - (1) Significant academic improvement that is sustainable;

- (2) Mitigating circumstances as defined on Page No. 7;
- (3) An APR Improvement Plan that demonstrates the institution's commitment to improving the team's academic performance by identifying critical issues that have impacted the team's APR and addressing those issues with clear steps and measurable goals; and
- (4) An expectation that the team will achieve an APR of 930 or higher in a reasonable period of time.

APP Penalty Waivers.

Institutions are permitted to request a waiver of a team's APP penalties. The staff/subcommittee/committee will consider the following factors in reviewing such a request:

1. Academic Factors. Evaluating a team's academic performance is an important part of the APP penalty waiver process. The staff/subcommittee/committee's review of a team's academic performance may include consideration of the following elements:
 - a. A comprehensive review of the team's historical APP performance, including any penalty history and academic trends to determine if the team's placement in the APP penalty structure is the result of habitual underperformance or the result of some anomaly event. Trending will also be evaluated to determine if the team is making sustainable progress toward the penalty benchmark.
 - b. The team's Graduation Success Rate and Federal Graduation Rate, if available.
 - c. Eligibility and Retention. The team's eligibility and retention will be compared against the following:
 - (1) All other Division I teams in the same sport.
 - (2) The institution's teams.
 - d. The team's academic profile including hours earned, grade-point average, eligibility and retention points.

- e. The academic profile of the team when admitted to the member institution, including admissions status as compared to the general student-body and/or other student-athletes at the institution.
 - f. The number of graduates the team has generated over the four years that make up the multiyear rate.
 - g. The number of student-athletes who were not academically eligible and not retained included in the multiyear APR.
 - h. Other academic data elements that may be relevant to the case.
2. Other Factors. The staff/subcommittee/committee's review of a team's academic performance may also include consideration of the following elements:
- a. Size of variance between the team's APR and the applicable APP penalty benchmark (930).
 - b. The team's single-year APRs that comprise the multiyear rate. Specifically, the number of single-year APRs above or below the penalty benchmarks (930).
 - c. The institution's history of implementation of its APR Improvement Plan as well as the current plan's ability to address critical issues.
 - d. Mitigating circumstances that have affected the team's APR (see below).
 - e. An institution may request that an alternative penalty be imposed in lieu of the assigned APP penalty or a penalty option from the menu offered at Level Three. Should an institution offer an alternative penalty, the staff/committee/subcommittee would consider the various factors as well as the alternate penalty in the decision. The institution must demonstrate how the alternate penalty equates to the penalty it would replace.
 - f. Teams asserting that they have advanced in the penalty structure due to corrections to APP data identified in an APP data review must demonstrate that the current penalty is due to a lost opportunity for the institution to identify academic issues impacting the teams academic performance; to develop an appropriate APR Improvement Plan and to have an opportunity to rectify academic issues. If the institution can demonstrate this lost opportunity to identify and correct academic issues

affecting the team's academic performance the staff and/or subcommittee/committee may consider this a mitigating circumstance warranting relief from a penalty, however all such requests will be reviewed on a case-by-case basis to allow for other factors to be reviewed as well.

3. Mitigating Circumstances. Circumstances will be considered as compelling mitigating factors if the institution can demonstrate that it had a direct correlation to the team's ability to earn eligibility/graduation and/or retention points supported by objective documentation. The institution may reference mitigation that was considered in a previous waiver request if the impact of the mitigation is evidenced in the current APR. Waiver decisions will analyze those circumstances that may be unique events resulting in academically low performing year(s) versus habitually underperforming teams. A team's APR that is negatively affected by a unique one-time circumstance, but otherwise is not historically an underperforming team, should be treated differently than a team that has a history and pattern of academic underachievement.

Circumstances not considered compelling mitigation may include, but are not limited to, the following:

- a. Unreasonable reliance by a student-athlete on misinformation from an institutional staff member (e.g., misadvisement);
- b. Institutional lack of understanding regarding the APP;
- c. Failure to develop and implement an APR Improvement Plan;
- d. Conferences and/or institutions with more stringent academic standards than NCAA Division I progress-toward-degree requirements; or
- e. Circumstances submitted in a request to receive an adjustment of an individual student-athlete's APR retention and/or eligibility or graduation point if the institution received relief for those circumstances by way of an APR adjustment.

Institutions are limited to submitting information concerning mitigating circumstances only for the academic years used to calculate that team's current multiyear APR. However, the staff, subcommittee and committee reserve the right to consider any relevant information that would explain the team's historical performance.

4. Level Three Penalty Options. An institution with a team subject to Level Three penalties must self-impose penalties from a list of menu options. These penalties are in addition to the prescribed penalties. The institution may also elect to request an alternative penalty be imposed. The staff/committee will consider the institution's self-imposed penalty elements in the waiver decision. The staff/committee can also prescribe additional penalties for the team.
5. Notes on Outcomes. An APP penalty waiver request will be partially or fully approved or conditionally approved, or denied. Requests will likely be denied if the institution cannot demonstrate:
 - a. Significant academic improvement that is sustainable; OR
 - b. The team is performing well academically but for one or more years of APP data impacted by compelling, documented mitigating circumstances;
 - c. An APR Improvement Plan that demonstrates the institution's commitment to improving the team's academic performance by identifying critical issues that have impacted the team's APR and addressing those issues with clear steps and measurable goals;
 - d. An expectation that the team will achieve an APR of 930 or higher in a reasonable period of time; and
 - e. Appropriate self-imposed penalties at Level Three.

Use of Conditional Approvals.

Waivers of APP penalties and ineligibility for postseason competition may receive conditional approval. A waiver that is conditionally approved does not waive the team's penalty unless the team satisfies the stated condition(s). These conditions may include, but are not limited to:

1. Acceptable implementation of the institution's written APR Improvement Plan;
2. Attendance at mandatory educational sessions;
3. Meeting or maintaining single-year eligibility and retention goals and/or, meeting or maintaining a specified single-year APR without the inclusion of delayed-graduation points;

4. Requiring the institution to implement certain elements of its APR Improvement Plan determined to be “critical” to improved academic performance;
5. Requiring the institution to demonstrate it has satisfied its commitment of resources to enhance academic support initiatives that are part of the institution’s APR Improvement Plan or cited in its APP penalty waiver/hearing rationale;
6. Requiring the institution to impose limits, restrictions or penalties that are part of its APR Improvement Plan or cited in its waiver/hearing rationale (e.g., withhold a head coach from contests);
7. Requiring an institution to use the NCAA Facilitating Learning and Achieving Graduation/Graduation Risk Overview program; and
8. Requiring an institution comply with identified minimal academic profiles for entering student-athletes that are part of its APR Improvement Plan or its waiver/hearing rationale. (*Revised: 10/2008;10/2010*)

An institution/team that fails to meet the stated condition(s) by the given timeframe shall have the waiver decision converted to a denial and the APP penalty must be applied to the team. The institution must impose the applicable penalty within the prescribed period of time.

Review of Conditionally Approved Penalty Waivers.

At some point established by the committee, such as the start of the academic year following the year in which the waiver was conditionally approved, the staff verifies that all established conditions were met (e.g., single-year APR, acceptable implementation of APR Improvement Plan). If the staff concludes that the team has not satisfied the condition(s) of the penalty waiver, the subcommittee and staff may consider mitigating circumstances presented by the institution. Such reviews shall occur on a case-by-case basis, and shall include consideration of any mitigation for the team’s failure to reach the target APR, as well as the totality of the team’s circumstances with regard to the imposed conditions. In such cases, the staff will review factors including improvement in the single-year and multiyear APR, how close the team came to meeting the target and mitigating circumstances. This action does not change an institution’s opportunity to explain why it failed to meet the condition(s) or to appeal a decision by the staff to the subcommittee. The subcommittee will hear such appeals via teleconference. The subcommittee’s decision is final.

Finally, if it is determined that a conditional waiver is not satisfied and the waiver is denied, the institution must impose the resulting penalties in the time period prescribed by the committee, but generally the academic year following denial of the appeal or, if there was no appeal, following determination that the conditions were not met (e.g., determined condition was not met in 2011-12 results in the imposition of the penalties in 2012-13).

If the team is subject to a penalty in the next academic year, the team is potentially subject to the penalty level that was conditionally waived and the next penalty level if it fails to meet the conditions of the waived penalty.

APR Improvement Plans.

APR Improvement Plans are meant to encourage institutions that have a team with an APR below 930 to implement strategies to improve the academic performance, retention and graduation of the student-athletes on the team. Institutions seeking relief from an APP penalty are expected to demonstrate that the team's academic performance will improve and will achieve an APR of 930 in a reasonable period of time. Therefore, APR Improvement Plans submitted with a waiver will be reviewed as follows:

1. Institutions/teams will be accountable for identifying issues impacting the penalized team's ability to move its APR above the established penalty benchmark. The following shall be addressed:
 - a. Identify any issues impacting the academic performance, retention and graduation of the team's student-athletes and develop specific and measurable goals to address the issues, steps to meet the goals, timetable for implementation and persons responsible for each step outlined in the plan.
 - b. Identify specific target APR goals for the team(s) for the current academic year that will assist the team in meeting the 930 benchmark in a reasonable period of time.
 - c. Identify all steps the institution has taken toward implementation of any previous APR Improvement Plan and progress toward the measurable goals.

2. If an institution fails to create and submit an acceptable APR Improvement Plan, as defined by the committee, there is a presumption that any penalty waiver request will be denied.

Summer Access to Men's Basketball Student-Athletes

	Incoming Freshman, and Two-Year and Four-Year College Transfers	Student-Athletes Following Completion of the First Year of Collegiate Enrollment	Student-Athletes Following Completion of the Second Year of Collegiate Enrollment	Student-Athletes Following Completion of the Third Year of Collegiate Enrollment
Requirements for Summer Access to Student-Athletes	<p>Must be enrolled in summer school.</p> <p>*For incoming freshmen at national service academies participating in basic training programs, enrollment in summer school would not be necessary.</p>	<p>Must be enrolled in summer school</p> <p style="text-align: center;">OR</p> <p>If not enrolled in summer school, must present a 2.2 grade point average (GPA) and have successfully completed 30 semester/45 quarter credit hours.</p>	<p>Must be enrolled in summer school</p> <p style="text-align: center;">OR</p> <p>If not enrolled in summer school, must present a 2.2 GPA and shall have completed successfully at least 50 percent of the course requirements in the student's specific degree program</p>	<p>Must be enrolled in summer school</p> <p style="text-align: center;">OR</p> <p>If not enrolled in summer school, must present a 2.2 GPA and shall have completed successfully at least 75 percent of the course requirements in the student's specific degree program</p>
<p>Summer Access = Eight hours per week of weight training, conditioning and skill instruction (two-hour limit on skill instruction) for a maximum of eight weeks. Summer access may occur only when student-athlete is enrolled in summer school (e.g., six-week summer school session would permit participation in athletics activities for only six weeks), unless student-athlete meets the specified opt-out academic benchmarks.</p>				
<p>Effective Date: Immediate.</p>				

On-Campus Evaluations (OCE) -- Men's Basketball Prospective Student-Athletes
Effective Date: Immediate

Who may Participate	The OCE shall involve only high-school seniors and two-year college prospects who have exhausted eligibility or four-year transfer student-athletes.
When	<ul style="list-style-type: none">• The OCE shall not be conducted prior to the conclusion of the prospect's season and may be conducted no later than the opening day of the institution's fall term.• The OCE shall be conducted during a prospect's official or unofficial visit.
Details of OCE	<ul style="list-style-type: none">• The OCE may be no longer than two hours in duration and may involve the institution's enrolled student-athletes. The OCE must be included in the institution's 20-hours of countable athletically related activities if it occurs during the institution's playing season or during the institution's two hour of skill instruction (as part of the eight hours per week) if conducted outside the playing season.• Current prohibitions regarding activities for enrolled student-athletes one week prior to final exams would remain applicable.
How Many	<ul style="list-style-type: none">• An institution may provide only one OCE per prospect.• The rules governing OCEs apply separately to the time period in which a prospect completes high school eligibility and to the time period after the prospect enrolls in a collegiate institution.
Health and Safety Issues	Additional regulations related to the health and safety of the OCE participants (e.g., medical examinations) that currently exist in the Division II tryout model also will apply.

**REPORT OF THE APRIL 25, 2012, MEETING OF THE
DIVISION I PRESIDENTIAL ADVISORY GROUP**

- 1. Report of October 26, 2011, Meeting.** The Presidential Advisory Group (PAG) approved the report of its January 9, 2012, teleconference.
- 2. Selected Items from the Transforming Intercollegiate Athletics Working Groups.**

- a. Student-Athlete Well-Being. PAG was informed that the working group has distributed various models for a possible miscellaneous expense allowance (MEA) toward total cost of attendance for review and comment by Division I conferences and constituent groups. It also was noted that the working group plans to conduct a focus group meeting of selected financial aid officers, directors of athletics, faculty athletics representatives, compliance officers, student-athlete advisory committee members, senior woman administrators and commissioners in an effort to evaluate the practical and administrative burdens in the implementation of the models, as well as to ensure that gender equity interests are fully addressed. It was suggested that the working group consider applying the models to data collected from several institutions to determine the impact of each model.
- b. Resource Allocation. PAG considered a remaining recommendation from the Resource Allocation Working Group that legislation be adopted effective August 1, 2014, to reduce Football Championship Subdivision (FCS) football scholarships from 63 to 60 equivalencies, with 80 overall counters.

PAG ACTION: PAG defeated the recommendation to reduce FCS football scholarships. [For 8, Against 0, Abstain 1 (Skorton)] [Note: The form of the actual motion and vote was to “not support a reduction in grants,” but is reported here in a manner to respond directly to the original recommendation.]

- 3. NCAA Division I Football Championship Expansion.** PAG was informed that the FCS Working Group has been meeting over the course of the past couple of months to discuss options for expanding access to the NCAA Division I Football Championship from 20 to 24 teams. After much discussion and feedback from various stakeholders, the FCS Working Group has agreed to recommend that effective for the 2013 football season, the championship expand to 24 teams using a traditional balanced bracket format, with the top eight teams being seeded and receiving a first-round bye. The recommendation will be processed through the Association’s triennial budget process with an expected final approval by the NCAA Executive Committee in August 2012.

- 4. Report from NCAA Division I Committee on Academic Performance (CAP).** PAG received a preliminary report regarding Academic Progress Rate (APR) data that will be released in June. A summary was provided regarding national and sport-group averages, trends and penalties. PAG also was informed of the following action items that will be recommended to the Board of Directors:
- a. That the Board amend the effective date of Proposal No. 2011-94 – Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Core Course Requirements and Initial Eligibility Index to August 1, 2016. The sense of the group was to support a one-year delay in the effective date.
 - b. That the Board seek membership input on a possible one-year delay in the effective date of Proposal No. 2011-69 – Eligibility -- Transfer Regulations – 2-4 and 4-2-4 College Transfers. There were comments from several PAG members suggesting that the concerns expressed may not warrant a delay in the effective date.
 - c. That the Board approve amendments to the NCAA Division I Academic Performance Program (APP) for Limited-Resource Institutions that would amend the transition to the new 930 APR benchmark for APP penalties and access to postseason competition for limited-resource institutions. This appeared to be a consensus item.
 - d. That the Board approve CAP policies and procedures for the 2012-13 academic year. This appeared to be a consensus item.
- 5. Update on Review of Division I Athletics Certification Program.** PAG was updated on the status of the review of the athletics certification program and the timeline for review moving forward. PAG also was informed that the NCAA Division I Committee on Athletics Certification is recommending that the Board of Directors support a one-year delay in the implementation of a new certification program, which would include the requirement that all Division I institutions be required to implement the school's athletics certification cycle two and three plans for improvement. Comments were generally supportive of the proposed process, but continue to be mixed regarding appropriate elements and enforcement.
- 6. Future Meeting Dates and Times.**
- (a) Monday, July 30, 2102, 3 p.m. (Eastern Time), conference call.
 - (b) Monday, October 29, 2012, Indianapolis, Indiana.

- (c) Monday, January 14, 2013, 3 p.m. (Eastern Time), conference call.
- (d) Wednesday, May 1, 2013, Indianapolis, Indiana
- (e) Monday, August 5, 2013, 3 p.m. (Eastern Time), conference call.
- (f) Tuesday, October 29, 2013, Indianapolis, Indiana.
- (g) Monday, January 13, 2014, 3 p.m. (Eastern Time), conference call

Subcommittee chair: William Meehan, Jacksonville State University, Ohio Valley Conference
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance

Division I Presidential Advisory Group April 25, 2012, Meeting	
PAG ATTENDEES	PAG ABSENTEES
William Beauchamp, University of Portland, West Coast Conference	James Ammons, Florida A&M University, Mid-Eastern Athletic Conference
John Broderick, Old Dominion University, Colonial Athletic Association	John Bravman, Bucknell University, Patriot League
David Chicoine, South Dakota State University, Summit League	Joanne Glasser, Bradley University, Missouri Valley Conference
Greg Dell'Omo, Robert Morris University, Northeast Conference	Penelope Kyle, Radford University, Big South Conference
Philip Dubois, University of North Carolina, Charlotte, Atlantic 10 Conference	David Hopkins, Wright State University, Horizon League
Walter Harrison, University of Hartford, America East Conference	Kerry Romesburg, Jacksonville University, Atlantic Sun University
John Hurley, Canisius College, Metro Atlantic Athletic Conference	Randall Webb, Northwestern State University, Southland Conference
William Meehan, Jacksonville State University, Ohio Valley Conference	Timothy White, University of California, Riverside, Big West Conference
Ann Millner, Weber State University, Big Sky Conference	
Kenneth Peacock, Appalachian State University, Southern Conference	

David Skorton, Cornell University, Ivy league	
George C. Wright, Prairie View A&M University, Southwestern Athletic Conference.	
Commissioners in Attendance	Commissioners Not In Attendance
Tom Burnett, Southland Conference	Bernadette McGlade, Atlantic 10 Conference
Beth DeBauche, Ohio Valley Conference	
Tom Douple, Summit League	
Rich Ensor, Metro Atlantic Athletic Conference	
Dennis Ferrell, Big West Conference	
Doug Fullerton, Big Sky Conference	
Carolyn Schlie Femovich, Patriot League	
Ted Gumbart, Atlantic Sun Conference	
Robin Harris, Ivy League	
Amy Huchthausen, America East Conference	
John Imarino, Southern Conference	
Kyle Kallander, Big South Conference	
Jon LeCrone, Horizon League	
Noreen Morris, Northeast Conference	
Duer Sharp, Southwestern Athletic Conference	
Dennis Thomas, Mid-Eastern Athletic Conference	
Patty Viverito, Missouri Valley Conference	
Tom Yeager, Colonial Athletic Association	
Jamie Zaninovich, West Coast Conference	
Future PAG members attending as observers:	
Rita Cheng, Southern Illinois, Carbondale, Missouri Valley Conference	
Kay Norton, University of Northern Colorado, Big Sky Conference	
NCAA staff liaisons in attendance: David Berst, Jacqueline Campbell	
Other NCAA staff members who were in attendance for all or portions of the meeting: Troy Arthur, Diane Dickman, Mark Emmert, Bernard Franklin, Michelle Hosick, Jim Isch, Kevin Lennon, Mark Lewis, Steve Mallonee, Kathleen McNeely, Tom Paskus, Todd Petr, Bill Regan, Donald Remy, Wallace Renfro, Jennifer Strawley and Bob Williams.	

Reform Efforts: Key Issues

1. NCAA Presidential Retreat Initiatives and what has been learned from the process to date.

- Coming out of an August 2011 retreat, Division I presidents created and charged working groups to affect change in the areas of student-athlete well-being, academics, NCAA bylaws, enforcement/penalties and fiscal sustainability.
- The reform effort is intended to move both quickly and thoughtfully. The membership expects opportunities to comment on ideas and concepts discussed by the working groups. The best source for information is NCAA.org/workinggroups.
- The working groups are presidentially led, and also include coaches, athletics directors, faculty, conference representatives, compliance administrators, representatives of affiliate organizations and student-athletes.
- Multiyear scholarships were adopted by the Board in October. This legislation was part of the override process, but did not receive the requisite override votes (i.e., 62.5 % of votes cast) to be defeated and remains effective for the 2012-13 year.
- The National Letter of Intent signing periods in 2011-12 have included offers of multi-year grants for 2012-13 and renewals in the summer of 2012 for returning student-athletes may include them as well.
- The conditions for nonrenewal or cancellation of a scholarship are unchanged and thus an institution may cancel a scholarship for poor academic performance, disciplinary matters, etc. As before, schools may also include specific non-athletic conditions in the scholarship agreement.
- Although we do not plan to devote a full year to traverse the future legislative process, care will be taken to ensure time for debate/discussions by conferences and stakeholder groups.

2. Committee on Academic Performance and implementation of new eligibility standards.

The DI Board of Directors adopted in October a package of proposals that emphasize the primacy of academics, including a minimum academic expectation for postseason competition, increased initial eligibility standards and increased two-year college transfer requirements.

APR.

- A phased approach begins during the 2012-13 academic year for a requirement that teams must graduate 50% of their student-athletes for participation in postseason competition.
- A 50% graduation success rate approximates to a 930 APR, which will be the postseason competition benchmark. For the 2012-13 and 2013-14 postseasons: either a 900 four-year average or a 930 average over the most recent two years. For 2014-15: either a 930 four-year average or a 940 average over the most recent two years. In 2015-16 and beyond, teams must earn a 930 four-year average.
- The current data collection and penalty announcement process remains in place.

Initial Eligibility.

- New initial eligibility standards establish a higher standard for competition in a student-athlete's first year of enrollment based on demonstrated academic success in high school.
- Student-athletes who achieve the current minimum eligibility standard will be eligible for financial aid during the first year of enrollment and practice during the first term.
- To compete as a freshman, incoming student-athletes must achieve a higher GPA and test score combination. Student-athletes who do not meet the competition standard will serve an academic redshirt year.
- Prospects must earn 10 of the 16 total required core courses before their senior year.
- In order to educate prospective student-athletes on the change, the legislation was intended to take effect no earlier than August 2015, but we expect the Board of Directors to act in April to delay implementation until 2016 in order to provide additional notice and education to high schools and prospects concerning the new requirements.

Two-four transfer rules.

- Data show that two-year college transfer student-athletes have difficulties meeting Division I academic expectations. In aggregate, these student-athletes graduate at lower rates and exhibit significantly lower APRs.
- Under new rules that go into effect in August 2012, two-year college transfers must achieve a 2.5 transferrable GPA and transfer only two PE activity courses.
- Student-athletes who don't qualify academically out of high school also will be required to complete a core curriculum of English, math and science courses.
- The "academic year in readiness" concept, which would allow student-athletes to receive aid and practice at the two-year institution (but not compete), while delaying the start of their five-year clock, has been tabled.

3. Update on Collegiate Model – Enforcement Working Group and timeline.

- Purpose: Make the enforcement process more efficient (process cases faster) and more effective (institute strong penalties that are predictable).
- Current recommendations: a four-level (instead of two) violation structure; more Committee on Infractions (COI) members serving on panels vs. the entire COI hearing every case; a penalty structure with guidelines for imposing core penalties. Membership is requested to visit NCAA.org/working groups to review/comment on the recommendations.
- Early April: review membership comments on recommendations to refine concepts for the DI Board of Directors' initial review. May-June: working group and its liaisons will meet with conferences, affiliated groups and member institutions seeking additional feedback on refined proposals for the August 2012 Board meeting, with an effective date of August 2013.

4. Update on Collegiate Model – Rules Working Group and timeline.

- Purpose: To review and amend the Division I Manual to reduce the volume of unenforceable and inconsequential rules that fail to support our enduring values, and instead place emphasis on the most strategically important.
- Rewritten bylaws will be meaningful, enforceable and supportive of student-athlete success. In addition, the governance system will be strengthened so that future changes to the rules are limited to those that meet this standard as well.
- On March 15, the working group posted a series of materials (including concepts on Bylaws 11 (Athletics Personnel), 13 (Recruiting) and 16 (Awards and Benefits)) at NCAA.org/working groups for membership comment. Comments are due April 20 to inform the next round of materials (Bylaws 12 & 14) to be posted for membership feedback in May.

5. Update on \$2,000 Miscellaneous Expense Allowance for student-athletes and timeline for consideration of alternative proposal.

- Purpose: To assist student-athletes in meeting the full cost-of-attendance not covered by the current NCAA financial aid model, which covers tuition, room, board, and required books and fees but not the additional miscellaneous expenses (non-required books, travel, etc.) to attend college. No school is required to offer the benefit.
- The DI Board of Directors is committed to allowing schools to voluntarily enhance the grant-in-aid to cover additional educationally related expenses above the full grant.
- The working group is seeking feedback on several possible options including exempt grants, a need-based option or an institutional supplement to its Student-Athlete Opportunity Fund. The eventual implementation solution will consider Title IX and applying the legislation in equivalency sports.



VIA ELECTRONIC MAIL

MEMORANDUM

February 24, 2012

P.O. Box 6222

Indianapolis, Indiana 46206

Telephone: 317/917-6222

Shipping/Overnight Address:

1802 Alonzo Watford Sr. Drive

Indianapolis, Indiana 46202

www.ncaa.org

TO: Division I Conference Commissioners.

FROM Sidney McPhee, Middle Tennessee State University president
NCAA Student-Athlete Well-Being Working Group, chair.

SUBJECT: Possible modifications of former Miscellaneous Expense Allowance legislation.

The purpose of this memorandum is to facilitate evaluation of potential alternatives to former Proposal No. 2011-96 that could be used to supplement financial aid for student-athletes. The Student-Athlete Well-Being Working Group hopes the attached information will assist conferences, constituent groups and governance structure groups in continuing discussion of this initiative.

Following receipt of 160 override requests regarding Proposal No. 2011-96 last fall, and based upon comments received from delegates and student-athletes during the 2012 NCAA Convention, the Division I Board of Directors rescinded the original proposal, but charged the Student-Athlete Well-Being Working Group to continue its consideration of methods to enhance the value of a grant-in-aid. The working group has attempted to address many of the membership concerns in the attached models and this memorandum is addressed to commissioners for possible use in upcoming meetings in conjunction with conference basketball tournaments.

In addition, the working group invites comments or new alternatives from all constituent groups for the eventual consideration of the Board of Directors. The working group plans to report to the Board on April 26, but no vote on this initiative is anticipated until at least the Boards' August 2 meeting. This timeline anticipates opportunities for the working group to obtain information from a variety of spring and summer meetings. The working group also plans to conduct a focus group meeting of selected financial aid officers, directors of athletics, faculty athletics representatives, compliance officers, student-athlete advisory committee members, senior women administrators and commissioners in an effort to evaluate the practical and administrative burdens that would be expected

in the implementation of the models, as well as to ensure that gender equity interests are fully addressed.

Please note that neither the working group nor the Board intends to adopt any option that would be effective earlier than the 2013-14 academic year, and the working group's staff liaison, David Berst (dberst@ncaa.org), has been asked to coordinate staff resources to assist membership groups as needed in their consideration of this topic over the next several months. In that regard, three possible models and power point slides are included with this memorandum to help facilitate membership discussions.

Please note that the working group remains committed to the view that the value of a grant-in-aid should be increased, and it is hoped that a method that is reasonably acceptable to the Division I membership can be identified for Board consideration in August 2012.

Your assistance in the consideration of this important topic is appreciated.

SM:vlm

cc: Mr. Dutch Baughman, Division I-A ADs
Mr. Floyd Keith, BCA
Mr. Alan Hauser, FARA
Ms. Kate Hickey, NAAC
Mr. Ken Kavenough, Division I-AAA ADs
Ms. Marilyn McNeil, Division I-AA ADs
Ms. Kathryn Olson, WSF
Ms. Patti Phillips, NACWAA
Ms. Jo Potuto, Division I-A FARs
Mr. Bob Vecchione, NACDA
Coaches Association CEO's
NCAA Division I Board of Directors
NCAA Division I Council chairs
NCAA Division I Cabinet chairs
NCAA Division I Presidential Advisory Group
Student-Athlete Well-Being Working Group
Selected NCAA Staff Members

Model No. 1

Miscellaneous Expense Allowance (MEA)

Outline:

- Maintain current definition of a full grant-in-aid (i.e. tuition and fees, room and board, and required course related books).
- Maintain current regulations and exemptions concerning individual financial aid limits regarding cost of attendance.
- Permit up to \$2,000 of “exempt aid” not to exceed cost of attendance when all sources of aid countable toward individual limits are included for any student-athlete who receives a full or equivalency grant-in-aid.
- It is unnecessary to demonstrate financial need in order to qualify for receipt of a “miscellaneous expense allowance” and a full \$2,000 not to exceed cost of attendance may be provided to both full and equivalency grant recipients. [An alternate plan would be to limit MEA for an equivalency grant based on proportionality. For example, schedule might be: Grant-in-aid = .33 or less = \$500; .34 - .66 = \$1,000; .67 - .99 = \$1,500; 1.0 = \$2,000. Another possible option would be to fully exempt Pell Grant from counting toward the individual cost of attendance limits, which would permit most Pell recipients to receive the full \$2,000.

Examples for 3 student-athletes: COA=\$25,000:

1. Full Grant = 19,000; Pell Grant = \$5,500; Other Grants = \$0. An exempt Miscellaneous Expense Allowance of \$500 could be provided to reach COA.

[Note: If Pell were exempt from counting toward individual cost of attendance limits, \$2,000 could be provided.]

2. Equivalency Grant = \$2,000; Pell Grant = \$0; Other Grants = \$3,000. An exempt Miscellaneous Expense Allowance of \$2,000 could be provided toward COA.

[Note: If the allowance were limited to a proportionate schedule as described above, the amount would be determined by the amount of the equivalency grant, \$2,000, divided by Full Grant \$19,000 = \$500 miscellaneous expense allowance].

3. Full Grant = \$19,000; Pell Grant = \$0; other Grants = \$0. A Miscellaneous Expense Allowance of \$2,000 could be provided toward COA.

Model 2

Unmet Need Grant (UNG)

Outline:

- Maintain the existing definition of a full grant-in-aid (i.e. tuition and fees, room and board, and required course related books).
- Maintain current regulations and exemptions concerning individual financial aid limits regarding cost of attendance.
- In addition, permit receipt of up to \$2,000 based upon “need”, not to exceed cost of attendance when all sources of grant and gift aid are included, for any student-athlete who receives a full or equivalency grant-in-aid.

The amount of unmet need shall be calculated as follows: The student-athlete shall file a Free Application for Student Financial Assistance (FAFSA), or if ineligible to do so, shall follow the institution’s uniform or institutional methodology to establish the student-athlete’s Estimated Family Contribution (EFC).

$\text{COA} - \text{EFC} - \text{GIA} = \text{Unmet Need}$

[Note: Outside gift aid and exempt institutional aid that is not counted toward an individual’s cost of attendance, nevertheless, is included when determining a student-athlete’s unmet need]

An “Unmet Need Grant” of up to \$2,000 not to exceed cost of attendance may be provided when the Grant-in Aid plus Estimated Family Contribution plus Pell and other exempted financial aid does not exceed cost of attendance. Unmet Need Grants would not be countable toward team financial aid limits.

[Note: Student Athlete Opportunity Funds are not considered financial aid under NCAA rules.]

Examples for 3 student-athletes: COA =\$25,000:

1. EFC = \$0; Full Grant = \$19,000; Pell Grant = \$5,500; Other Grants = \$0. Unmet Need is \$500 and therefore an Unmet Need Grant of up to \$500 may be provided.
2. EFC = \$10,000; Equivalency Grant = \$2,000; Pell Grant = \$0; Other Grants = \$3,000. Unmet Need is \$10,000 and therefore an Unmet Need Grant of up to \$2,000 may be provided.
3. EFC = \$20,000; Full Grant =\$19,000; Pell Grant =\$0; Other Grants = \$0. Unmet Need is \$0 and therefore the student-athlete is not eligible to receive an Unmet Need Grant.

Model 3

Institutional Supplement to Student Athlete Opportunity Fund (SAOF)

Outline:

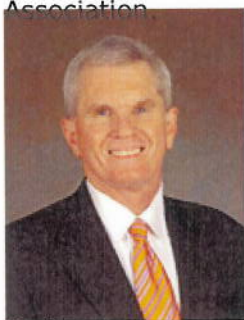
- Permit institutions to supplement institutional SAOF funds by up to the total of \$2,000, multiplied by the total number of grants-in-aid awarded by the institution (i.e. number of full grants and number of full equivalencies in effect).
- Continue to prohibit use of SAOF toward any portion of “countable” athletics aid, except for summer school, but permit use for up to a \$2,000 “Miscellaneous Expense Allowance,” not to exceed cost of attendance, when combined with other sources of financial assistance that count toward individual limits.
- Permit institutions to continue to use SAOF funds for direct benefits to student-athletes, and in addition, permit up to \$2,000 for miscellaneous expense allowances, at the discretion of the institution and its conference.

Examples:

1. An Expense Allowance of up to \$2,000, not to exceed cost of attendance, may be provided any student-athlete.
2. The new allocation of funds is not restricted to use for MEA’s and may also be used for other direct benefits to student-athletes as currently permitted.

James Barker knows what success will look like.

If his team achieves its goals, the chair of the Collegiate Model: Rules working group said that Division I members will no longer be forced to follow insignificant, unenforceable rules designed to create an unattainable level playing field. Every rule will be attached to a tenet of Division I or a principle of the overall Association.



Barker

Everyone in college sports – from the president down to the prospect – will know what behavior is expected,

what behavior is unacceptable and what the consequences will be for stepping outside those lines.

"The goal is not to create a Wild West with no rules," said the Clemson president, "nor is it to build a regulatory structure that will allow the Division I Manual to expand so much that five years from now, you won't be able to recognize that we've done any work at all.

"The group is creating a structure that will allow the members to connect every single rule back to a core Division I belief and, ultimately, the values of the NCAA as a whole."

Frequently asked questions about the work of the Collegiate Model: Rules working group

How will I know if I broke a rule?

Division I members will still have rules to follow, and the rules will still be clear enough to know whether or not you've broken one. The difference is the number of rules will significantly decrease and the ones that remain will be about the things that matter most to the Association and the division.

How will we achieve competitive equity if there are no limits on things like paying for recommended books and how many times you can call a recruit?

The new regulatory structure will promote the opportunity for student-athletes and institutions to engage in fair competition and to derive the benefits from participation in intercollegiate athletics. However, Division I rules will not be designed to prevent the inherent advantages that may arise from an institution's decisions regarding allocation of available financial resources.

To what extent are rules-compliance experts involved in the process?

Both the rules and enforcement working groups are representative of several NCAA constituencies, including presidents, administrators, coaches, faculty and compliance professionals. The work has also been presented to the National Association for Athletics Compliance and the Collegiate Commissioners Association Compliance Administrators group. NCAA staff will present the work at the Regional Rules Seminars in the spring and invite dialogue with the attendees about the concepts discussed in both the rules and enforcement groups. Rules compliance experts are invited to review the work already in concept at www.ncaa.org/workinggroups and provide feedback to the groups.

When will we see this work in the form of legislative proposals?

By the April 26, 2012, Board of Directors meeting, the group will finalize the recommended framework of the rules structure and agree on parameters and criteria for future legislation. By the August Board meeting, the group would like to present the presidents with revised Bylaws 11 (Conduct and Employment of Athletics Personnel), 13 (Recruiting) and 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes). Members can

Barker knows the task is herculean. Creating a Manual that emphasizes broader themes, acknowledges the vast diversity within the division and eliminates nonessential areas of regulation is difficult. It is completely different from anything that has been tried before, and the Division I membership is waiting to see what emerges. While the group initially hoped to be finished this spring, the timeline has been extended in a nod to the complexity of the assignment and the need to fully vet proposed changes with the membership.

If a new rules structure like the one under consideration is adopted, Division I regulations will be less prescriptive and will encourage an environment of shared responsibility. In some cases, it will be quite different from the current rule book, which dictates things such as appropriate recruiting modes and what kind of academic and career counseling support can be given to student-athletes. In the new version, the responsibility would be shared among the individual, the institution, the conference office and the NCAA national office. In many cases, institutions would have discretion to do what they believe is necessary for the educational and personal well-being of student-athletes.

Barker said the working group is building a new administrative culture that would allow compliance administrators to get out of the weeds of daily tasks, such as policing communication with recruits. Instead, they would have more time to pay attention to the most important rules that really impact the values of Division I.

"People will do things at a higher level because our new rules

comment on proposed changes in those bylaws now. The group will also begin seeking membership feedback on Bylaws 12 (Amateurism), 14 (Eligibility: Academic and General Requirements), 15 (Financial Aid) and 17 (Playing and Practice Seasons), with the goal of having those bylaws presented to the Board in April 2013.

If the presidents adopt this, when will the changes be official?

The goal is to have the changes effective August 1, 2013. Some changes may be effective in August 2012, but only with the strong agreement of the membership that those changes can be immediate. The working group will be sensitive to implementation and operational issues on campus, and the group will be as transparent as possible to allow for a thorough vetting of its work before any final changes are adopted.

What will the new process for modifying rules look like?

While the final process for Division I legislative process has yet to be adopted, the group supports the creation of an overlapping two-year rules structure as proposed by the Legislative Council. The group also supports limits on the number of proposals that can be submitted annually, as well as the creation of guidelines to assist conferences and cabinets in determining whether proposed legislation is enforceable, consequential, national in significance and supportive of student-athlete success and well-being.

If a more principle-based approach is approved, the governance structure might be inclined to reintroduce more specificity. What can be done to guard against a slow return to the current version of the Manual?

The working group will propose a new legislative process aimed at slowing the addition of new rules and requiring each new proposal to tie back to one of the Association's core values or the Division I commitments.

What will happen to existing proposals that the Legislative Council has tabled?

In January, the Legislative Council tabled more than 50 proposals associated with the 2011-12 legislative cycle. That action was taken in deference to the working group's charge. The proposals were tabled with the understanding that the proposals could be acted on in April, or at a later date if appropriate, once the working group had developed its recommendations. Since the Legislative Council's January meeting, in response to membership request and feedback, the working group's timeline has been slowed, and the August 2012 Board meeting is now being targeted as the time when the Board will likely take action on the first series of legislative recommendations. This new timeframe will provide the membership the opportunity to review, provide feedback and comment on concepts as the working group develops them over the course of the next several months. However, that delay necessitates that several proposals remain on the table. Those that do remain on the table could compromise the final outcome of the rules working group or may not address the full scope of a particular concept.

structure freed them up to do it," Barker said. "For example, compliance people might be able to say, 'Now I'm getting to know the young men my basketball coach is recruiting, finding out if they are a good fit for our institution, instead of spending hours counting how many times he calls them.' We don't need to decide what books a student-athlete needs or tell people how many coaches can be off-campus recruiting at one time."

Barker believes the new structure also will allow institutions to decide independently how to use their resources.

"We will help define what the division cares about as a whole," he said. "Then it will be up to you to decide who you recruit, how you spend your time and how you spend your money to help your school and your student-athletes."

"We've built an entire structure on our campuses around the rule book. We're really going to shake that up and shift the focus to campuses."

That kind of freedom will be unfamiliar for administrators and compliance professionals who have relied on the Manual and NCAA staff to be the definitive answer. Barker acknowledges a new regulatory culture will present challenges, but he said the benefits will far outweigh the uncertainty. Keeping the rules simple and focused on the values is vital to ultimate success, he said.

To keep the membership at large involved in the discussion, the working group has created a [website](#) to present its work – both high level (defining the Division I commitments) and more technical (actual versions of bylaws, old and with proposed changes). Eventually, the site will present ideas for a new approach for considering legislative changes in Division I, which could include a two-year overlapping rules cycle and more rigorous review of potential legislation's tie to the Association's values and division's commitments.

The group will be transparent. In addition to the website, the NCAA staff has already done presentations to various outside groups and will continue gathering feedback for the rules group during open dialogue sessions at the spring Regional Rules Seminars. The goal is to thoroughly vet each concept with the membership before presenting it to the presidents for adoption.

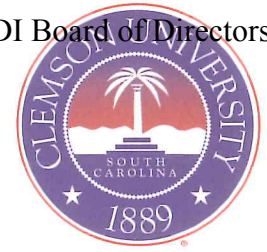
Barker said that while a consensus among Division I members may not be possible on all points, he believes the membership can recognize that the work is necessary, valuable and significant.

The group is seeking feedback from any members who care to comment and is willing to make changes in early proposals if the membership has clear, significant objections. That feedback will be carefully considered as the group moves closer to presenting the Board of Directors with its proposals for a new regulatory structure.

"Progress is being made, but everything is still under discussion," Barker said. "This is a work that is still under construction, and we won't present it to the Board for approval until it's complete. Part of that construction is feedback from the membership, and we intend to pay close attention to what they are saying."

The Committee on Infractions and enforcement staffs will have to enforce the new approach. Will they be involved in the process?

The Collegiate Model: Enforcement group is receiving regular updates on the rules group's progress, and members of the two groups will collaborate closely while they are developing both the rules framework and the enforcement structure that will support it. The enforcement group is using some of the same methods to gather feedback, and it also developed a survey instrument to ask the membership about its proposed changes. The rules group frequently taps NCAA Vice President for Enforcement Julie Roe Lach for advice and guidance on how to approach specific rules from an enforcement perspective. The two groups are working together to create a seamless regulatory structure: a smarter set of rules with stronger means of enforcement.



March 29, 2012

OFFICE OF
THE PRESIDENT

President Jeffrey D. Armstrong
California Polytechnic State University
President's Office
1 Grand Avenue
San Luis Obispo CA 93407-1000

Dear President Armstrong:

James F. Barker, FAIA
201 Sikes Hall
Clemson, SC
29634-5002

P 864-656-3413
F 864-656-4676

I am writing to give you an update on an important matter that will impact your athletics program. I currently chair an NCAA working group charged with developing a new rules model, based largely on the results of the presidential retreat held last August. The clear message from that retreat was a desire to eliminate the unenforceable and trivial rules from the NCAA Division I Manual and focus on the core values of the Association and our institutions.

We heard you. Some of the key elements of our work to date are as follows:

- Defining the common principles and values that should govern intercollegiate athletics;
- Identifying rules that are important to sustaining these values and those that do not rise to the level of national policy;
- Eliminating burdensome rules that micro-direct the behavior of athletics programs and personnel, such as the number of telephone calls to recruits, what kind of spread a recruit can have with a bagel or what size envelope can be used to mail recruiting materials; and
- Having institutions and conferences assume greater responsibility and accountability for athletics programs and personnel – a significant shift from our history as an Association, and **one that will require substantial discussion and input from presidents.**

The NCAA staff is circulating documents detailing these proposed changes to athletics directors, conference commissioners, compliance administrators and faculty athletics representatives to ask for their input. Your athletics director, compliance administrator and faculty athletics representative have access to these documents if you wish to have more detailed information at this time.

If you have any concerns about the concepts I have outlined, please do not hesitate to contact me.

Sincerely,

James F. Barker, FAIA
President

NCAA WORKING GROUP ON THE COLLEGIATE MODEL – RULES
PROPOSED CHANGES TO NCAA CONSTITUTION (ART. 2)

As part of this Working Group's charge, it is necessary to review certain provisions of the NCAA Constitution. Specifically, Article 2 of the Constitution is entitled "Principles for Conduct of Intercollegiate Athletics" and describes 16 different Principles "to which the members are committed." Constitution 2.01.¹ Some of those Principles address matters not strictly within the purview of this Working Group. These include Principles 2.3 (Gender Equity), 2.4 (Sportsmanship and Ethical Conduct), 2.6 (Nondiscrimination) and 2.7 (Diversity within Governance Structures). While those provisions are addressed below (see new Commitments 2.4 and 2.9), the focus of this Group is on provisions most directly related to Articles 11-17.

Provisions in Article 2 outline broad commitments of the Association. They are designed to articulate the priorities and set the overall direction for the Association, as expressed by member institutions. They are intentionally broad, as implementing detail is provided in supporting and specific bylaws. All bylaws in the Manual, and all future legislation, should advance one or more of these provisions. Thus, there is a thread that runs from the broad commitments in Article 2, through the general provisions of each Article and into every bylaw ultimately adopted by the membership.

The proposed revisions that follow generally use current language from Article 2 as a starting point. Recommended changes are designed to (1) more accurately capture the fundamental principles of the Collegiate Model, (2) update arguably obsolete language, and (3) streamline and simplify provisions in Article 2. The revisions are also designed to reduce confusing overlap of common terms presently used in the Manual. For example and for purposes of discussion, "principles" in Article 2 could be called "commitments" and references to "rules," "regulations," or "rules and regulations" could be replaced with a simple reference to "bylaws."

In addition to language changes, this recommendation removes several stand-alone sections of Article 2 for purposes of discussion. These include Constitution 2.12 (Eligibility), 2.13 (Financial Aid), 2.14 (Playing and Practice Seasons) and 2.15 (Postseason Competition). While these items clearly support the Collegiate Model, they do not necessarily require individual constitutional provisions because each is addressed by other commitments. Notes about how these provisions fit within Article 2 follow related commitments.

Specific questions regarding individual commitments are embedded in the recommendations below. In addition, general questions to consider include the following:

1. Are there additional commitments that should be included in the NCAA Constitution?

¹ Citations are to numbers and titles appearing in the 2011-12 Division I Manual.

2. Should these commitments be reworded to be more specific or less specific?
3. Are these commitments understandable and consistent with the Collegiate Model?
4. Are any of these commitments unique to Division I, or are they all Association-wide?

In conclusion, reasonable minds can and do differ about the NCAA's enduring values and how they should be articulated. These draft proposals are designed to encourage productive feedback about furthering the Collegiate Model of athletics. Accordingly, further debate and analysis will be important.

CONSTITUTION, ARTICLE 2

Elements of the Collegiate Model

2.1 ENACTMENT OF BYLAWS

Bylaws enacted by the Association's members governing the conduct of intercollegiate athletics shall be designed to advance the Collegiate Model, foster competition in amateur athletics and promote the Association's enduring values set forth in this Constitution. In some instances, a careful balancing of these values may be necessary to help achieve the purposes of the Association.

[Note: This provision is derived from current Constitution 2.01 (General Principle).]

- *Does this make sufficiently clear that subsequent bylaw proposals need to support the NCAA's most basic principles and commitments?*

2.2 THE COMMITMENT TO AMATEURISM

Member institutions shall conduct their athletics programs for students who participate as a part of their educational experience, thus maintaining a line of demarcation between student-athletes who choose to participate in the Collegiate Model from athletes competing in the professional model.

[Note: This provision updates and clarifies Constitution 2.9 (Amateurism). It is designed to clearly state the membership's dedication to amateur competition, while allowing flexibility for implementing definitions and bylaws. It is also broad enough to capture portions of Constitution 2.13 (Financial Aid) and, when combined with other commitments, would allow that provision to be removed as a stand-alone section in Article 2.]

- *Are there specific subjects that should be added here in support of amateurism?*

2.3 THE COMMITMENT TO FAIR COMPETITION

Alternative 1:

Bylaws of the Association shall be designed to promote the opportunity for institutions and eligible student-athletes to engage in fair competition. Member institutions shall abide by uniform bylaws in areas impacting athletics competition including but not limited to personnel, eligibility and amateurism, recruiting, financial aid, the length of playing and practice seasons and the number of institutional competitions per sport. However, bylaws shall not be designed to foreclose advantages that may arise from an institution's decisions regarding allocation of resources or from advantages or disadvantages that may arise from geographical location.

Alternative 2:

The member institutions are committed to the principle of competitive fairness. Competitive fairness requires that student-athletes compete against their peers. This requires that all member institutions compete within the framework of the collegiate model of athletics where athletic competition is an integral part of the student-athlete's effort to acquire a degree in higher education. Competitive fairness suggests that the framework for the student's experience should be one in which academic pursuit is expected and reinforced, where the student-athletes are competing against amateurs like themselves rather than against professionals, and where the rules of the game as well as rules relating to recruitment, eligibility, financial aid and benefits, and conduct do not impose burdens on any team or individual that are not imposed on all teams or individuals. Competitive fairness does not support rules or regulations that prevent or reduce the advantages that arise from a student-athlete's level of talent or an institution's financial or other natural advantages.

[Note: These alternatives are designed to update and clarify Constitution 2.10 (Competitive Equity). They are also designed to capture portions of Constitution 2.12 (Eligibility),

2.13 (Financial Aid), 2.14 (Playing and Practice Seasons) and perhaps 2.15 (Postseason Competitions) and 2.9 (Amateurism).]

1. *Feedback on the scope of “fair competition” and the level of specificity to include in this provision would be helpful.*
2. *Please also provide feedback on whether this provision should include the proposed language clarifying that “fair competition” does not mean removing all advantages that may inure to a member institution based on its resources or other factors.*

2.4 THE COMMITMENT TO INTEGRITY AND SPORTSMANSHIP

It is the responsibility of each member institution to conduct its athletics programs and manage its representatives and student-athletes in a manner that promotes the ideals of higher education and the integrity of intercollegiate athletics. Member institutions are committed to encouraging behavior that advances the interests of the Association, its membership and the Collegiate Model. All individuals associated with intercollegiate athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics programs.

[Note: This would represent a new addition to Article 2, derived in part from Constitution 2.4 (Sportsmanship and Ethical Conduct).]

- *Please provide feedback on whether this language captures the overall concepts of integrity and sportsmanship and, if not, what should be added.*

2.5 THE COMMITMENT TO INSTITUTIONAL CONTROL AND COMPLIANCE

It is the responsibility of each member institution to monitor and control its athletics programs, its representatives and its student-athletes to assure compliance with the Constitution and bylaws of the Association. It is also the responsibility of each member institution to report all instances of noncompliance to the Association and cooperate with the Association’s enforcement efforts. Upon a finding of one or more violations, an institution shall be subject to such disciplinary and corrective actions as may be recommended by the Association on behalf of the entire membership.

[Note: This contains elements of Constitution 2.1 (Institutional Control and Responsibility) and 2.8 (Rules Compliance).]

- *Please provide feedback on whether this provision makes clear the general responsibility of member institutions to comply with applicable bylaws, and to cooperate in related investigations.*

2.6 THE COMMITMENT TO STUDENT-ATHLETE WELL-BEING

Intercollegiate athletics programs shall be conducted in a manner designed to enhance the well-being of student-athletes who choose to participate and to prevent undue commercial or other influences that may interfere with their scholastic, athletics or related interests. It is the responsibility of each member institution to establish and maintain an environment in which student-athletes' activities, in all sports, are conducted as an integral part of the educational experience. Each member institution should also provide an environment that fosters fairness, sportsmanship, honesty and positive relationships between student-athletes and representatives of the institution.

[Note: Portions of this language are borrowed from current Constitution 2.2 (Student-Athlete Well-Being) and 2.11 (Recruiting). The provision is also designed to capture portions of Constitution 2.14 (Playing and Practice Seasons) and 2.15 (Postseason Competition) and, when combined with other commitments, would allow those to be removed as stand-alone provisions in Article 2.]

- *Please provide feedback about whether the first sentence fits better in this section or in the Commitment to Amateurism.*

2.7 THE COMMITMENT TO SOUND ACADEMIC STANDARDS

Standards of the Association governing participation in intercollegiate athletics, including postseason competition, shall be designed to assure proper emphasis on educational objectives and the academic success of student-athletes who choose to participate at a member institution. Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. Each member

institution's admission and academic standards for student-athletes shall be consistent with the standards adopted by the institution for the student body in general.

[Note: This language contains elements found in Constitution 2.5 (Sound Academic Standards) and 2.12 (Eligibility). It is broad enough to cover initial and continuing eligibility standards that are tied directly to academic readiness and performance. Other eligibility standards (such as rules about seasons of competition, transfers, outside competition and certain promotional activities) can fall within the Commitment to Fair Competition.]

- *Please provide feedback on whether additional educational goals should be included in this provision.*

2.8 THE COMMITMENT TO RESPONSIBLE RECRUITING STANDARDS

Recruiting bylaws shall be designed to promote informed decisions and balance the interests of prospective student-athletes, their educational institutions and the Association's member institutions.

[Note: This provision is largely subsumed by the Commitments to Fair Competition and Student-Athlete Well-Being. However, it is included as a stand-alone section here given its importance to the membership and the importance of balancing different interests.]

- *Please provide feedback on whether this should remain a stand-alone provision or, alternatively, whether additional detail is warranted.*

2.9 THE COMMITMENT TO DIVERSITY AND INCLUSION

The Association shall promote an atmosphere of respect for and sensitivity to the dignity of every person. The Association should not adopt bylaws that would prevent member institutions from promoting diversity or from complying with applicable laws, ordinances or policies regarding civil rights.

2.9.1 Nondiscrimination. It is the policy of the Association to refrain from discrimination with respect to its educational programs, activities and employment policies, including on the basis of age, color, disability, gender, national origin, race, religion, creed, sexual orientation, genetic information or any other classification protected by federal law. It is the responsibility of each

member institution to comply with applicable laws regarding nondiscrimination and to determine independently its own nondiscrimination policies.

2.9.2 Governance Diversity. The Association shall promote diversity of representation within its governance structure. This includes assuring diverse membership in Association-wide bodies, each divisional governing body and their supporting committees, cabinets, councils and other groups.

[Note: This language combines provisions currently located in Constitution 2.3 (Gender Equity), 2.6 (Nondiscrimination) and 2.7 (Diversity Within Governance Structures). This provision is not specifically within the purview of this Working Group. These provisions are included to demonstrate how Article 2 might look upon completion.]

- *Please provide feedback on whether these provisions adequately address the NCAA's commitment to diversity and inclusion.*

NCAA Division I Operating Bylaws

Bylaw 11 (Conduct and Employment of Athletics Personnel).

The operating bylaws in this Article are designed to further the NCAA Division I Collegiate Model and the NCAA's commitments identified in Article 2. These bylaws are important to the Association because they set forth the responsibilities of member institutions to adopt policies and to conduct their athletics programs in a manner consistent with the Division I Collegiate Model and the enduring values of this Association. (New Preamble)

General Provisions.

- 1. Institutional Policies.** Each member institution shall establish, publish and adhere to policies, including accountability measures, to ensure appropriate institutional control of athletics department staff members, to promote an environment of integrity and to prohibit relationships with outside individuals/entities that are in conflict with Association and or institutional values. (New Bylaw)
- 2. Recruiting.** Only countable coaches shall engage in off-campus recruiting activities. Each member institution shall establish, publish and adhere to policies and procedures, consistent with NCAA bylaws, related to the recruitment of prospective student-athletes, including the roles and responsibilities of all athletics department staff members. (New Bylaw)
- 3. Coaching.** Coaching staff members employed by an institution, rather than ancillary institutional athletics personnel or outside individuals not associated with the institution, shall engage in coaching student-athletes in the intercollegiate athletics setting. (New Bylaw)
- 4. Employment.** Member institutions, as opposed to any outside persons or entities, shall be responsible for determining who they employ and the amount of salary each employee receives, consistent with Association bylaws and subject to institutional policies and procedures. [Currently NCAA Bylaw 11.3.1]
- 5. Honesty and Sportsmanship.** Individuals employed by or associated with a member institution in connection with intercollegiate athletics shall act with honesty and sportsmanship at all times so that intercollegiate athletics and member institutions represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports. [Currently Bylaw 11.1.1]

6. **Responsibility for Violations of NCAA Regulations.** Institutional staff members found in violation of NCAA regulations may be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution. Member institutions, which maintain authority over personnel decisions, but which decide not to comply with such recommendations, may be subject to appropriate sanctions. (New Bylaw)
7. **Responsibility of Head Coach.** It shall be the responsibility of an institution's head coach to promote an atmosphere of compliance within the program supervised by the coach and to monitor the activities regarding compliance of personnel involved with the program who report directly or indirectly to the coach. [Currently Bylaw 11.1.2.1]
8. **Representing Individuals in Marketing Athletics Ability/Reputation.** Staff members of the athletics department of a member institution shall not represent, directly or indirectly, any individual in the marketing of athletics ability or reputation to an agent, a professional sports team or a professional sports organization, including receiving compensation for arranging commercial endorsements or personal appearances for former student-athletes, and shall not receive compensation or gratuities of any kind, directly or indirectly, for such services. [Currently Bylaw 11.1.4]

Select Concepts for Discussion. [Note: The Rules Working Group has identified many other concepts for elimination or increased emphasis.]

Concept No. 1: Eliminate the regulations defining recruiting coordination functions that must be performed by head or assistant coaches.

Rationale: The regulations defining recruiting coordination functions that must be performed only by a head or assistant coach are not of national significance and, in many instances, present enforcement challenges. Each institution should be responsible for establishing its own policies and procedures related to the recruitment of prospective student-athletes, including the roles and responsibilities of all athletics department staff members. The current rules requiring off-campus recruitment to be performed only by countable coaches would remain applicable.

Concept No. 2: Eliminate the regulations governing scouting of opponents and permit live, in-person scouting or prohibit all live in-person scouting in all sports, while retaining the current exceptions in Bylaw 11.6.1 (basketball, football and women's volleyball prohibition) through Bylaw 11.6.4 (cost of exchanging video).

Rationale: The regulations governing scouting of opponents are not of national significance. Widespread availability of video would suggest minimal competitive advantage would be gained from in-person scouting and would be offset by the coach's diversion from other coaching responsibilities.

Concept No. 3: Eliminate the restrictions governing the number of off-campus recruiters at any one time (the baton rule).

Rationale: The rule was initially adopted as a cost containment measure, but there is no data, anecdotally or otherwise, that would suggest the rule has furthered its objective. Each institution should be responsible for establishing its own policies and procedures related to the off-campus recruitment of prospective student-athletes by authorized countable coaching staff members.

Bylaw 13 (Recruiting).

The operating bylaws in this Article are designed to further the Division I Collegiate Model and the NCAA's commitments identified in Article 2. These bylaws are important to the Association because they set forth uniform parameters regarding communications with and concerning prospective student-athletes and permit all parties the opportunity to make informed decisions while preserving the integrity of intercollegiate athletics and the recruitment process. (New Preamble)

General Provisions.

1. **Objective Decisions.** The recruiting process shall be designed to prevent prospective student-athletes from experiencing undue pressure and influence that may interfere with their academic and athletics pursuits. A prospective student-athlete shall have the opportunity make his or her college choice free from unwanted interactions with institutional staff members and free from impermissible offers and inducements.
2. **Third Parties.** An institution shall not involve a third party or representative of athletics interest in recruiting a prospective student-athlete. An institution shall not benefit (e.g., through the enrollment of a prospective student-athlete) from undue influences exerted by any third party in the recruiting process.
3. **Access to Information.** The recruiting process shall include adequate opportunities that provide for an informed decision by institutional admissions officials, college coaches and prospective student-athletes.

Select Concepts for Discussion. [Note: The Rules Working Group has identified many other concepts for elimination or increased emphasis.]

Concept No. 1: Establish an earlier date by which prospective student-athletes who have demonstrated a commitment to attend an institution are no longer considered prospective student-athletes for purposes of applying recruiting rules.

Rationale: The proposed change is designed to further student-athlete success and well-being by allowing an individual who has demonstrated a commitment to attend a particular institution to be treated similarly to the enrolled student-athlete attending that institution.

Concept No. 2: Eliminate restrictions governing modes and restrictions (numerical limitations) on recruiting communication.

Rationale: The current regulations governing modes and restrictions on recruiting communication are cumbersome and present numerous enforcement challenges. Institutions and/or conferences, at its discretion, should be responsible for establishing policies and procedures governing the recruitment of prospective student-athletes by athletics department staff members.

Concept No. 3: Deregulate printed recruiting materials either by eliminating the rule entirely or, in the alternative, prohibit sending or providing prospective student-athletes any recruiting materials other than general correspondence. In the latter instance, institutions could post materials on its website to be accessed by a prospective student-athlete.

Rationale: The current legislation presents enforcement challenges and does not further the principle of fair competition.

Concept No. 4: Eliminate all recruiting publicity regulations entirely or, in the alternative, after a prospective student-athlete commits to an institution.

Rationale: Many of the regulations prohibiting institutions from publicizing interest in a particular prospective student-athlete appear to be motivated by a desire to minimize a “keep up with the Jones” mentality, as well as to address the perception that comments made by an institutional staff member about a prospective student-athlete have provided the institution with a recruiting advantage. Given the advances in technology and the increased use of social networks, such comments are often difficult to

monitor as well as to enforce, and it is arguable that such publicity is of significant consequence to the prospective student-athlete when making his or her recruiting decision. At a minimum, the publicity regulations have no consequence once a prospective student-athlete has committed to an institution.

Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes).

The bylaws in this Article are designed to further the Division I Collegiate Model and the NCAA's commitments identified in Article 2. This Article allows student-athletes to realize certain benefits incidental to participation in intercollegiate athletics without compromising fair competition and permits institutions to exercise reasonable discretion in providing such benefits. These bylaws are also important to the Association because they promote student-athlete welfare and reinforce that student-athletes are an integral part of the student body. (New Preamble)

General Provisions.

- 1. Receipt of Benefits, Expenses and Awards.** A student-athlete may receive benefits, expenses, awards and other support reasonably designed to promote student-athlete well being as determined by his or her institution and consistent with NCAA legislation.
- 2. Expenses Incidental to Practice and Competition.** A student-athlete may receive reasonable expenses and benefits directly associated with his or her participation in practice and competition as set forth in this Article.

Select Concepts for Discussion. [Note: The Rules Working Group has identified many other concepts for elimination or increased emphasis.]

Concept No. 1: Modify the academic counseling/support services legislation to permit the NCAA, institution or conference to provide any academic support, career counseling or personal development services that are determined to be reasonable and appropriate for the success of the student-athlete.

Rationale: This concept eliminates the current prescriptive academic counseling/support services legislation and allows an institution to use its discretion in providing academic support, career counseling or personal development services to its student-athletes while protecting and enhancing the educational and personal well-being of the student-athlete. For example, an institution should establish policies on the use of institutionally owned computers or electronic devices. Further, an

institution is in the best position to determine whether expenses for course supplies, non-required course-related books and field trips are appropriate regardless of whether the supplies or trip are required for the course and specified in the institution's catalog. The NCAA, institutions and conferences should be able to provide any academic support, career counseling or personal development services that are determined to be reasonable and appropriate for the success of the student-athlete.

Concept No. 2: Modify the legislation to permit an institution to provide, at its discretion, former student-athletes the same benefits available to current student-athletes (e.g., medical expenses, tickets to athletic events, academic support services, professional development opportunities).

Rationale: The current parameters are designed to deter an institution from using post-athletics eligibility benefits as an incentive in the recruiting process. However, regulations exist that preclude an institution from providing former student-athletes benefits available to current student-athletes. Recently, the financial aid legislation was amended to permit former student-athletes to receive institutional financial aid in any term in which they are enrolled (full or part time), even beyond six years of enrollment. Expanding the benefit legislation in a similar manner by permitting greater institutional discretion in this area, yet still being guided by what are permissible benefits for current student-athletes is an appropriate approach.

Interim Report

NCAA Working Group on Collegiate Model - Enforcement
April 2012

INFORMATIONAL ITEM.

This is the most recent report of the Working Group on Collegiate Model – Enforcement. Since this group's preliminary report to the NCAA Board of Directors in January 2012, extensive outreach efforts have been and continue to be made to solicit feedback from the membership. This feedback has led to some changes in the interim recommendations of the working group from the January preliminary report, and more changes are anticipated for the final report in August as the outreach and feedback continue. At this point, the working group is seeking the Board's endorsement of the concepts being put forth regarding (1) a new violation structure, (2) a new violation processing structure, (3) a new penalty structure, (4) accountability and (5) the concept of shared responsibility.

The working group will use the feedback gathered to refine its proposals for final adoption by the Board in August 2012, with an expected effective date of August 2013. The working group is considering various implementation scenarios to determine the precise implementation date that allows for adequate notice for all members and affected individuals and also ensures that the new structure and processes are fully operational as soon as possible. The working group will consider violation date, discovery date and implementation of the new structure for different scenarios and propose an implementation schedule accordingly. The working group will develop a final effective date schedule and implementation plan for the new violation, process and penalty recommendations for the Board to consider during the August 2, 2012, meeting. The working group will seek Board action at the August 2, 2012, Board meeting with an immediate effective date for the following accountability recommendations (beginning on page 23 of this report): (1) an amendment to the rationale of NCAA Bylaw 11.1.2.1; (2) endorsement of the suspension of the head coach for designated list of secondary (Level III) violations that occur after August 2, 2012, in the sports of football and men's basketball and possibly, other sports; and (3) presidents', directors of athletics' and/ or head coaches' names included with Division I Committee on Infractions public infractions decision reports concerning findings of institutional major (Level I) and institutional control violations, and major (Levels I and II) failure to monitor violations.

A. Background.

History may well observe that 2011 was the year that intercollegiate athletics faced its most difficult challenges. However, 2011 may also be the year remembered as that in which higher education's presidents and chancellors committed to broad structural and environmental changes designed to re-center college sports on a set of enduring values.

Public trust in intercollegiate athletics has eroded and needs to be restored. The loss of trust creates urgency, but this loss of trust is not driving the urgency to make changes. Rather, the driving force is recognition by presidential leadership that the values of

intercollegiate athletics have become muddled and need to be brought to the forefront of the work we do. Significant change is not optional. Through a series of revelations that began with the 2011 New Year and extended through the fall, there has been mounting evidence that the historical management and control structure for intercollegiate athletics, from the development and implementation of national policy to the self-policing of violations, must be re-evaluated and subject to change. Among the most pressing issues are:

- A risk-reward analysis of the intentional violation of national policy that fails to deter violations and that often is based on financial pressure.
- An emphasis on winning that takes prominence over integrity.
- An ever-growing expectation for national policy to codify all behavior and avoid institutional or individual judgment and responsibility.
- An increase in third-party interference with, and influence on, prospective student-athletes, student-athletes and coaches, which is usually based upon money-making potential. Regulation of third-party conduct is difficult because these persons are not NCAA members and not subject to NCAA enforcement actions.
- The public relations impact of celebrity compensation packages for coaches, as well as the rising number of non-coaching personnel within a model that holds the athlete as an amateur.
- The loss of faith in the good intentions of intercollegiate athletics to serve as a co-curricular component of higher education.
- The perception that powerhouse coaches/athletics departments have greater authority than college or university presidents and governing bodies.
- Public distrust of the NCAA's ability to police itself. Membership distrust of the processes used to investigate violations and make decisions with serious consequences for institutions and individuals (coaches and student-athletes).
- The commercialization of intercollegiate athletics that pushes the perception of intercollegiate athletics toward the professional model.

As a result of the threats described above, NCAA President Mark Emmert and more than 50 presidents and chancellors gathered in August 2011 to examine in broad terms how to sustain the collegiate model and restore public trust in college sports and the NCAA. It was clear that presidents were "mad as hell" and resolved to take action. What emerged from the presidential retreat was a call for the transformation of intercollegiate athletics. The presidents identified five significant areas of concern: (1) standards and metrics for the academic success of Division I student-athletes; (2) the allocation of financial resources within intercollegiate rules; (3) the financial well-being of student-athletes; (4) a realigning of how rules governing intercollegiate athletics are determined and an enhanced expectation of shared responsibility at the campus, conference and national levels; and (5) the strong and swift enforcement of those rules that place the greatest emphasis on those violations that, if left unattended, most significantly denigrate the collegiate model.

The presidents emphasized that there are four acknowledged enduring values that are guiding the entirety of their efforts and will be the measures against which all policies and judgments will be tested:

- Student-athlete success is paramount, both academically and athletically.
- The collegiate model must embed the values of higher education, including shared responsibility and accountability; this model should be protected and sustained.
- In the collegiate model of athletics, amateurism is the student-participation model that guides the relationship between students and institutions.
- In the collegiate model of athletics, the guiding principle should be based upon fair opportunities to compete among institutions with similar commitments to inter-collegiate athletics.

The Working Group on Collegiate Model - Enforcement was formed to primarily focus on the fifth concern, along with contributing to a better definition and clearer expectation of shared responsibility (part of the fourth concern). As one of five committees or working groups addressing a broad spectrum of change, this is the interim report to the Board of Directors.

B. Introduction and Brief Overview of Proposed Concepts.

This working group was tasked with creating a multi-level NCAA rules violation structure and an enhanced penalty structure for NCAA rules infractions. This working group also was charged with re-establishing a sense of shared responsibility, among the interested individuals and entities in intercollegiate athletics, for NCAA rules compliance and enforcement. The group undertook this work pursuant to the Association's core purpose of governing competition in a fair, safe, equitable and sportsmanlike manner. The group also acted pursuant to the Association's principle of integrating intercollegiate athletics into higher education to ensure that the educational experience of the student-athlete remains paramount. In addition, the group's work was based upon the Association's enduring values of student-athlete success, the collegiate model, amateurism as a student model and competitive equity.

Finally, in undertaking this task, the group developed the following three guiding principles:

- The Principle of Fairness – Any new violation and penalty structure must be fair to all parties involved in the process and consider the interests of all member institutions that uphold integrity through rules compliance. Appropriate weight should be given to fair process considerations for those culpable for violations or otherwise involved and potential legal implications. In addition, the severity of penalties must have a

- direct correlation with the significance of the violations as identified by the membership and staff, as well as the NCAA enduring values.
- The Principle of Accountability – The new violation and penalty structures should be designed to hold those institutions, coaches, administrators and student-athletes who violate the rules accountable for their conduct, both at the individual and institutional levels. In addition, both the NCAA staff and membership (coaches, administrators, institutions and conferences) must be held accountable for the fairness of the process and must understand the shared responsibility of accountability to the intercollegiate model, regardless of the direct impact on those involved in violations.
 - The Principle of Process Integrity – Any new structures must be designed to ensure effectiveness and efficiency in the process and its results. The new structures must be easily understood, legitimate, timely, respecting of confidentiality while transparent with the process, and sufficiently workable to establish clear and strict guidelines and boundaries.

Based on these guiding principles, the working group has (1) reached a number of conclusions regarding the NCAA's current violation, process and penalty structures, as well as the means by which responsibilities for enforcement efforts are currently shared among interested individuals and entities; (2) developed a series of recommended actions to improve the current structures and definition of shared responsibility for rules enforcement; and (3) identified the anticipated outcomes for each of the proposed actions. In sum:

- The violation structure: The working group believes that the NCAA must adopt a new violation structure. The new structure must appropriately recognize and categorize the varying levels of infractions, from most egregious to least offensive, and must emphasize those infractions that most clearly undermine the fundamental principles on which the rules are based. To address these issues, the working group recommends that the Association adopt a four-level violation structure to achieve this goal. Pursuant to the recommended violation structure, rules infractions will be categorized as Level I (most egregious), Level II (serious), Level III (currently solid secondary violations) and Level IV (minor or technical issues)¹. The working group anticipates that the proposed four-level structure will provide member institutions and affected individuals with better notice of the alleged infractions, and the level of seriousness assigned the infractions, for which they will be held accountable if NCAA rules are violated. Further, the group anticipates that the proposed structure will better ensure that enforcement efforts are focused on those infractions that clearly violate NCAA enduring values.

¹ The working group continues to discuss alternative designations of the levels of the violations (rather than use the word "Level"), which includes the possibility of severe major (Level I), major (Level II), secondary (Level III) and limited (Level IV). The working group hopes to resolve this issue and provide the recommendation in its August 2012 report to the Board.

- The process: The working group believes that NCAA rules violations must be processed and resolved more efficiently and expeditiously, but that process integrity and fairness must be simultaneously enhanced. More transparency, where appropriate, will enhance the integrity of the process, and will increase the membership's understanding of how and why decisions are made. To address these issues, the working group recommends that the Association adopt new infractions case procedures that increase the size and composition diversity of the existing Committee on Infractions, from which panels of the committee may be assigned to hear the most serious infractions cases, and that other procedures be modified and introduced to more efficiently and fairly hear and resolve allegations of rules infractions. The working group anticipates that the proposed procedural changes will (1) result in a more efficient resolution of alleged rules infractions, (2) allow institutions and affected individuals more control over the means by which cases are heard and ultimately resolved, and (3) increase the overall integrity and the perceived fairness of the process and bring more transparency to more components of the process.
- The penalty structure: The working group believes that strong penalties must be imposed for those rules infractions that clearly violate the NCAA's enduring values. The working group also believes that the current penalty structure does not sufficiently deter serious rules violations. The group further believes that under the current penalty structure, some individuals and institutions have concluded that the risk/severity of NCAA penalties is worth the anticipated benefits and unfair advantages that flow from deliberate NCAA rules violations (the risk-reward analysis). Finally, the group believes that any penalty structure must recognize the efforts of college and university presidents, as those institutional leaders take steps to ensure fair play, rules compliance and accountability on their respective campuses. To address these issues, the group recommends that the Association adopt a set of penalty guidelines for the most serious rules violations. The proposed guidelines will set a range of penalties from which the Committee on Infractions may impose in given situations (along with other available penalties, as appropriate) depending upon the violation level in which the infractions fall.

The group is considering a set of core penalties for inclusion in the penalty guidelines. The recommended core penalties include those (1) identified by the membership as most effectively deterring serious rules violations, and/or (2) identified by the group as those that have historically best addressed the gravity of the violations involved in infractions cases. The group recognizes that, in addition to possible core penalties, the Committee on Infractions must retain discretion to customize any imposed set of penalties, depending on the facts of each case, to include other penalties outside of those identified as core. Additionally, all penalties currently available to the Committee on Infractions for major violations, and those

available to enforcement staff for secondary violations, will remain. The group is proposing penalty ranges to apply the core penalties in Levels I and II cases. The proposed guidelines aim to find an appropriate balance in recommending any core penalties or penalty ranges to allow the Committee on Infractions sufficient discretion while also assuring stronger and consistently applied penalties. Finally, the guidelines include a framework by which the Committee on Infractions may take into account aggravating and mitigating circumstances, on a case-by-case basis that may affect the overall severity of any penalties to be imposed.

- Accountability of those in charge: The group believes that head coaches must set the tone and culture for rules compliance within sport programs, and any penalty structure must address negligent oversight within a particular sport that undercuts overall institutional and/or Association expectations. To change the culture, head coaches' suspensions, through show cause orders, should occur for the violations of their staff for Levels I and II violations when the coach has not promoted an atmosphere of compliance or monitored his/her staff, as well as in instances in which some Level III violations have occurred. Likewise, presidents and directors of athletics must take responsibility and be accountable for their oversight of the athletics program and for hiring coaches who violate the rules.
- Shared responsibility and institutional integrity: During the course of the group's meetings from September to December 2011, the group agreed that there are issues directly affecting the integrity of intercollegiate athletics that go beyond the scope of the group's charge related to shared responsibility. Nonetheless, the group believes that these issues warrant immediate and focused attention. The group focused on the phrase "institutional integrity" as a larger effort, beyond shared responsibility and institutional control. Institutional integrity is grounded in the notion of establishing universal industry standards and principles for member institutions, conferences, NCAA staff and committees to uphold. Part of this effort should aim to integrate athletics departments into the core of the institution, reaffirming institutional control of all operations.

The group does not believe that the changes to the enforcement process, detailed in this report, completely solve this problem. While a more effective enforcement model, coupled with the work of the rules working group, are critical steps, reaching a common understanding of what standards should be met to sustain institutional integrity is equally (if not more) important. Institutions must be expected to achieve and sustain standards of excellence. Some of these standards are detailed below; however, with such focused attention surrounding this topic, the group expects the list will be refined. The group recommended at the January 2012 Board of Directors meeting that a separate group (with an extended timeline to 2013) be charged with defining institutional integrity. The enforcement working group's charge to better define shared responsibility should be part of the larger effort to define standards of

institutional integrity. This group is committed to defining shared responsibility as it relates to the process of investigations and other enforcement issues, and will share that work with the institutional integrity group for inclusion in the broader effort.

The enforcement working group recommends that the following be considered by the institutional integrity group:

- Adopting standards that are related to athletics compliance and auditing functions and designed to integrate athletics into the overall university compliance and auditing practices.
 - In considering such standards, the group should consider moving the reporting line of the athletics compliance office outside of the athletics department.
 - Such standards could also expand the role of institutional auditing to include, or at least recognize, institutional control of the athletics programs.
 - Such standards also could require regular audits of NCAA staff and committee decisions.
- Adopting standards that are related to institutional and conference reporting/transparency.
 - Such standards could, for example, create uniform expectations for conference roles and responsibilities in major infractions investigations.
- Creating standards for achieving presidential and board oversight of athletics departments.
- Developing professional codes of conduct for all involved in intercollegiate athletics.
- Requiring professional training and certification of all Division I staff and coaches, including continuing certification criteria that, if not met, may result in revocation of certification.
- Developing an annual review and sign-off process by which the institution's president certifies that the institution is in full compliance with standards.

C. Narrative Description and Rationale for the Working Group's Recommendations.

1. Violation structure.

The working group examined the current NCAA violation structure. The group believes that the current secondary and major violation structure does not provide

sufficient discretion or flexibility to respond appropriately to either the most serious infractions or intentional violations that are currently labeled secondary. In addition, the group has determined that some current major violations should be handled through a different classification system that allows better delineation between individual and institutional responsibility for the infractions. As a result of these and other considerations, the working group is recommending a move from the current model (secondary/major) to a four-level violation structure.

The proposed violation structure would be composed of the following levels:
[Note: See Footnote 1 on page No. 4 regarding the designation of levels.]

- Level I – The most egregious violations.
 - A Level I violation is a violation that seriously undermines or threatens the integrity of any of the NCAA enduring values (student-athlete success, the collegiate model, amateurism as a student model, competitive equity), which will be codified by the rules working group, including any violation that provides or is intended to provide a significant or extensive recruiting, competitive or other advantage, or significant or extensive impermissible benefit. Multiple Level II, III and/or IV violations collectively may be considered a Level I violation. Individual conduct that is unethical may be classified as a Level I violation, even if the underlying institutional violations are not considered Level I.
 - Types of Level I violations include, but are not limited to:
 - Lack of institutional control (LOIC).
 - Significant failure to monitor (FTM) violations (e.g., intentional, negligent disregard).
 - Academic fraud.
 - Compromising an NCAA infractions investigation and/or lying to NCAA investigators.
 - Other unethical-conduct violations.
 - Reckless indifference to or intentional conduct demonstrating lack of head coach control (e.g., multiple Level II and/or Level III violations in the program).
 - Bylaw 11.1.2.1 violation (responsibility of head coach) resulting from underlying Level I violation by individual associated with the sport program.
 - Cash and other benefits intended to secure a prospect's enrollment.
 - Intentional violations or a blatant disregard for rules.
 - Other significant or extensive recruiting violations that provide, or were intended to provide, a significant or extensive advantage.
 - Significant extra benefits provided to enrolled student-athletes.

- Level II – Serious violations that currently fall between major and secondary violations.
 - A Level II violation is a violation that provides or is intended to provide more than a minimal but less than a significant recruiting, competitive or other advantage; or includes more than a minimal but less than a significant impermissible benefit; or involves a pattern of systemic violations in a particular area. Multiple Level III and/or IV violations collectively may be considered a Level II violation. Some limited individual conduct that is unethical or dishonest may be classified as a Level II violation, even if the underlying institutional violations are not considered Level II.
 - Types of Level II violations include, but are not limited to:
 - Systemic violations that do not amount to a lack of institutional control (LOIC) or a significant failure to monitor (FTM).
 - Intentional violations that do not rise to a Level I violation.
 - Bylaw 11.1.2.1 violation (responsibility of head coach) resulting from underlying Level II violation by individual associated with the sport program.
 - Multiple recruiting violations (e.g., high volume of calls, violations related to the same prospect, etc.).
 - Multiple eligibility violations that do not amount to an LOIC or FTM (e.g., improper or lack of certification).
 - Multiple financial aid violations (e.g., improper awarding of aid).
 - Violations that provide more than a minimal, but less than an extensive/significant, advantage or benefit.
- Level III – Violations that provide no more than a minimal advantage or impermissible benefit that warrant NCAA enforcement staff review.
 - A Level III violation is a violation that is isolated or limited in nature; provides no more than a minimal recruiting, competitive or other advantage; and does not include more than a minimal impermissible benefit. Multiple Level IV violations collectively may be considered a Level III violation.
 - Types of Level III violations include, but are not limited to:
 - Inadvertent violations that are isolated or limited in nature.

- Violations that result in no more than a minimal recruiting advantage (e.g., impermissible evaluations and recruiters).
 - Most extra-benefit, financial aid, academic eligibility and recruiting violations that are not extensive (e.g., loans, eligibility certification, etc.)
- Level IV – Minor or technical issues that do not rise to the level of a serious violation. (The working group notes that this level may not be necessary, or may not encompass many violations, depending on the adopted work of the rules working group.)
 - A Level IV issue is an action/inaction that is inadvertent and isolated; limited or technical in nature; and results in a negligible, if any, recruiting, competitive or other advantage or negligible, if any, impermissible benefit. Level IV issues will not impact eligibility.
 - Types of Level IV issues include, but are not limited to:
 - Camp brochures.
 - Recruiting correspondence related to size, paper limitations.
 - Institutional promotional activities.
 - No IRL activation prior to official visit.
 - Other minor, paperwork and technical violations.

The proposed multi-level violation structure provides greater flexibility than the current model. Under the proposed multi-level model, infractions may be more appropriately categorized and penalties may be imposed that better reflect the severity of the infraction. In addition, under the proposed system, a member institution may be charged with rules violations at a different level than those with which an individual is charged. For example, under the proposed model, the member institution may be charged with one level of infraction (based upon the underlying nature of the violation), and an affected individual may be charged at a higher level (based upon the underlying violation and then unethical conduct to try to cover up the violation; e.g., if the individual commits a Level III recruiting violation and then lies about it during the investigation). Finally, the four-level violation structure allows the enforcement staff to resolve the lesser infractions cases more efficiently and focus its primary resources on the most serious infractions cases. The end result, the working group believes, is that the proposed violation structure will result in greater accountability for the most serious offenders of NCAA legislation.

2. Process structure.

In order to ensure an effective and efficient enforcement program under the new multi-level violation structure, the group recommends that some changes be made to the NCAA Committee on Infractions process. The working group noted that the commitment and work of the committee has been exemplary despite an increasing workload. The expertise of the committee and value of a peer review model should be retained to hear and decide the most significant allegations of rules violations. However, the working group recommends that the committee be composed of a larger pool of individuals (a minimum of 24 voting members) from which panels will be composed. In addition, the working group recommends that the committee be composed of a more diverse group of persons to decrease individual workload and decrease the timeline for resolving cases.

The proposed committee would include among its members three to four individuals from each of the following categories:

- Current or former university presidents, vice presidents or other senior institutional administrators.
- Current or former directors of athletics.
- Former NCAA coaches.
- Representatives from conference offices.
- University faculty, including, but not limited to, faculty athletics representatives.
- Athletics administrators with compliance experience.
- Members of the general public with legal backgrounds.

The working group believes that greater committee diversity, including ethnic minority and gender diversity, is critically important to strengthen the committee and bring with it important perspectives not currently adequately reflected in the composition of the committee. With respect to former presidents and athletics directors serving on the committee, the working group believes their service on the committee must begin within five years of their retirement date to ensure those individuals are not too far removed from the relevant issues facing collegiate athletics.

In cases involving the most serious allegations of rules violations (Level I), the group recommends that either six or seven committee members be randomly selected from a minimum of three representative groups to hear the cases. Those randomly selected panels will hear cases for a minimum of 12 to 18 months before the panels are dissolved and new panels are created. The chair of the Committee on Infractions will assign an individual to serve as chair of each panel for the life of the panel and would retain the authority to identify substitute panel

members if conflicts arise. In addition, each panel would include an individual, selected by the chair, to serve as the individual responsible for conducting the press conference when the infractions report of the case is released (these individuals would be provided media training by NCAA staff). In cases involving allegations of Level II violations, the group proposes that three-member panels be selected to hear the cases in the same manner as noted above.

The chair of the Committee on Infractions would be selected through the governance process. The working group is currently determining the most effective way to select individuals to serve on the Committee on Infractions, as well as the most effective process for incorporating the additional members to ensure consistency and stability within the committee. The working group is considering phasing in additional Committee on Infractions members over a period of time, which could begin prior to the August 2013 implementation date. In addition, the working group is considering an interview process to screen Committee on Infractions nominees but is still in the process of establishing effective recommendations and modifications to the current process for selecting Committee on Infractions members.

By increasing the overall size of the committee, more committee panels are available to hear cases more efficiently. At the same time, the overall workload of each individual member is significantly reduced. It is expected that members will hear two to three Level I cases per year (if 24 total members), compared to the current approximate 10 to 12 hearings annually, in addition to cases processed via summary disposition. As a result, Level I and Level II violation cases can be scheduled more often and processed more expediently. The working group recommends that hearings for Level I cases be scheduled on a minimum of 10 occasions during a calendar year, and that hearings for Level II cases be scheduled each month.

Additionally, the working group recommends a number of other process modifications, applicable to cases categorized as Level I or II, including the following:

- Allow institutions and involved individuals to petition for a hearing by an expanded Committee on Infractions panel consisting of 11 members in Level I cases of Association-wide import (e.g., matters of first impression, change from previous precedent). The committee has the discretion to grant or deny such a petition or to expand the panel size on its own initiative.

- Increase the availability of written case submissions to the Committee on Infractions, for Level II cases, at the option of the institution and/or affected individuals, with agreement by the enforcement staff, even when there is disagreement on the facts, so that certain matters may be decided without the need for a hearing.
- Maintain some form of the summary disposition process allowing for written case submissions for Level I cases when all issues are agreed upon.
- Explore the development of a new summary disposition process so that the summary disposition report could also be used as the infractions report, with necessary additional comments added by the Committee on Infractions to explain any unique factors or rationale. For summary dispositions in which there is disagreement on the penalties, an expedited hearing will occur. If the committee decides some comment on the case or penalties is necessary, the committee may attach an abbreviated committee statement to the report.
- Redesign the notice of allegations to allow the member institution and/or involved individuals immediate access to the information on which the allegations are based. The enforcement staff would then prepare a position statement and/or document listing remaining issues (e.g., items of disagreement) to facilitate the hearing.
- Introduce the concept of a "Rocket Docket" (an expedited hearing) for Level II cases, at the request of the involved institution and/or involved individuals, whereby responses are due within 30 days of the receipt of the notice of allegations and a hearing is conducted within 30 days of the receipt of the response.
- Introduce the option of decreasing the amount of time between the notice of allegations and the institution's response from 90 to 60 days.
- Introduce the concept of a prehearing conference, with the Committee on Infractions panel chair presiding, in which preliminary issues are resolved prior to the full hearing of the infractions case including, when applicable, any disputes regarding the level at which the allegations have been charged.
- Conduct Level II hearings via videoconference, unless an in-person hearing is requested.
- Use of an online case materials submission system and videoconferencing.
- Introduce time expectations, which are not limits, especially for more complex cases or where additional information is sought by the committee during or

after the hearing, for the preparation of hearing transcripts (two weeks), as well as the issuance of infractions reports (four weeks).

- Add additional staff to support the office of the Committees on Infractions.

The working group believes that the proposed modifications will increase the efficiency with which a current major infractions case is completed. The group anticipates, for example, that the proposed process structure for less serious major infractions cases (now proposed as Level II cases) could decrease the total process timeline under the current system by as much as 50 percent. At the same time, the group believes that the proposed process options will allow institutions and affected individuals greater flexibility in choosing the manner in which the infractions case will be decided and the timeline under which the case may be brought to final resolution.

The working group recognizes that a larger Committee on Infractions and the use of panels to hear cases could lead to inconsistencies of the findings of violations and imposed penalties among different cases. Accordingly, the working group recommends that the entire Committee on Infractions be required to meet at least twice per year, with at least one in-person meeting, to discuss policy and procedural matters, discuss and review panel case decisions and rationale, and identify current trends in enforcement in order to anticipate new issues. The addition of more staff to support the office of the Committees on Infractions will allow an increased role by the Committee on Infractions staff with respect to committee deliberations and case precedent. Also, the committee staff would be responsible for conducting a comprehensive orientation program for new committee members, as well as routine and continuing education for all committee members. Furthermore, a periodic (e.g., every two years) outside audit of committee decisions could be conducted. Finally, the recommended penalty guidelines discussed below will assist in maintaining consistency with Committee on Infractions decisions, as the committee will be responsible for providing detailed explanations of any deviation from the penalty guidelines.

After consultation with the Infractions Appeals Committee, it does not appear that significant changes will be needed to the appeals process for Level I and Level II cases. However, the workload of the current five-member committee should be monitored with the option of expanding to a committee of 10 individuals, creating two pools of five individuals to hear Level I appeals and three pools of three individuals to hear Level II appeals. Each panel would include an individual to serve as vice-chair for a particular hearing. Other recommended appeal process modifications for Level I and Level II cases, include the following:

- Appeals can be considered via written submission, videoconference or in-person hearings.

- Designation, prior to each Committee on Infractions hearing, of an active committee member to serve as the NCAA membership advocate/representative during the appeals process (similar to the current Committee on Infractions appeals coordinators). These individuals will attend Committee on Infractions hearings and deliberations, but will not participate, and will be staffed by the office of the Committee on Infractions.
- Introduce time limitations for the preparation of hearing transcripts (two weeks), as well as the issuance of appeals reports (four weeks).

With respect to matters categorized as Level III or IV, the working group recommends the following:

- In situations involving Level III violations, NCAA staff will continue to work with institutions, much the same as under the current secondary violations process, to determine whether infractions have occurred and, if so, the appropriate penalties to be imposed.
- In Level III matters, member institutions would continue to have access to a case precedent database, thereby allowing confirmation that staff-imposed penalties are consistent with those imposed in similar, previously decided situations.
- Appeals of Level III violations will be submitted in writing to a Committee on Infractions panel of three after the staff has reconsidered the appropriateness of the penalty.
- In situations involving Level IV issues, the conference with which the involved institution is associated will work with the institution to determine whether issues need to be addressed and, if so, the appropriate penalties to be imposed, if any. The working group also is exploring the possibility of a Level IV database.
- Any appeal opportunities for Level IV violations and penalties would be within the purview of the conference.

For cases involving multiple levels of violations and cases in which an individual is charged with a different level of violation than the institution, the highest level of violation will dictate the process. For example, if a case involves a coach being charged with a Level I violation and the institution being charged with a Level II violation, the case will be adjudicated using the process for Level I violations.

3. Penalty structure.

The working group examined the current NCAA penalty structure. The working group recognizes the widespread perception that the current penalty model leads to inconsistent and insufficient penalties and does not adequately deter some institutions and individuals from engaging in conduct contrary to the rules. As a result, for cases involving allegations of Level I and II violations, the working group recommends a range of penalties set out in Penalty Guidelines. The goals, in considering the proposed Penalty Guidelines in cases in which the most significant violations are substantiated, are to, among other things (a) provide member institutions (and the individuals associated with the member institutions) with notice of a range of potential penalties in given situations, as well as the factors that will be relied upon to adjust the severity of those penalties; (b) better ensure consistency in applying penalties among and between NCAA member institutions, and provide the Committee on Infractions some latitude to adjust the penalty on a case-by-case basis; (c) through mitigating factors that specifically recognize exemplary cooperation and self-reporting, foster a more expedient enforcement process without compromising the integrity or fairness of the process; (d) recognize and address the need for institutional leadership and responsibility for the overall intercollegiate athletics programs, whereby actions (or failures to act) of persons of authority are taken into account in the assessment of, and ultimately reflected in, the penalties imposed; (e) recognize and address those situations in which a head coach, or others within a program, fosters an environment within the program that is inconsistent with the institution's or Association's compliance expectations; and (f) recognize and respond to the perceived need to impose more severe penalties designed to deter the rule violation risk-reward analysis (for the institution and/or persons associated with the member institutions) and address any unfair advantage from the violation.

The working group incorporated the penalties identified by the NCAA membership, via the Presidential Retreat Survey, as those with the most significant impact on an institution and the most deterrent effect on other institutions and individuals. The working group also reviewed data obtained from previously decided NCAA infractions cases to discern penalty patterns and levels of penalty severity under given circumstances. Based upon all of the available information, including that specifically mentioned, the working group recommends that a number of penalties constitute core penalties and form the basis for the Penalty Guidelines: (a) competition limitations; (b) financial penalties; (c) scholarship limitations; (d) recruiting limitations (for recruiting cases); (e) probation; and (f) when applicable, show cause orders.

The working group is very cognizant of the fact that many institutional penalties have either a direct or indirect impact on student-athletes who may not have been

involved with the violations. Competition limitation (postseason bans) is the penalty with the most direct impact on these student-athletes. Scholarship reductions also have an impact on these student-athletes, but more indirectly. Conversely, postseason bans and scholarship reductions have been identified by the membership as being the most significant types of penalties, having the most deterrent effect and being the most effective penalties to address the advantages gained as a result of significant violations. The working group struggled with this dichotomy but ultimately concluded that protecting the interests of all member institutions by significantly penalizing those institutions that violate the rules is paramount. As a result, postseason bans and scholarship reductions must be utilized in the enforcement process. People (coaches, administrators, student-athletes) comprise institutions and sports programs, and there is no practical way to impose meaningful penalties on an institution without affecting some individuals who may not have had any involvement in or benefitted from the violations for which the institution is responsible. Nevertheless, the working group continues to consider options to offset the impact of institutional penalties on uninvolved student-athletes. In addition to the recommendations being made to speed up the process, which will assist in penalties being imposed more contemporaneously, the working group is exploring other options such as loosening transfer restrictions and the replacement of lost athletics opportunities with possible academic experiences.

Each of the penalties identified above includes varying degrees of severity. The working group believes that the severity of the penalty imposed must correspond with the significance of the rule violation(s) and the institution's and individual's actions before, during and after the investigation. The recommended core penalties are set out below:

- a. Penalties that the group is considering for potential use in proposed penalty guidelines.
 - (1) Competition limitations.
 - Limitations are imposed on the institution's participation in postseason play for varying lengths of time (depending upon the severity of the infractions) in given sports.
 - (2) Financial penalties.
 - The institution is required to return revenue received from a given (fact-specific) event or series of events (e.g., revenues received for participation in a tournament, bowl game or televised broadcasts).

- A fine is imposed, the amount of which is based upon the severity of the infractions and a percentage of given economic factors (specific to the institution involved), including the amount of gross revenue (if any) generated from the involved sport.
- A reduction in, or elimination of, NCAA monetary distribution for sports sponsorship and/or grants-in-aid.

(3) Scholarship limitations.

- Limitations are imposed on the availability of athletics scholarships in head count sports [by number or percentage, depending upon the sports involved] for varying lengths of time in given sports. The severity of the numeric/percentage scholarship limitations and the length of time the limitations are imposed will correspond with the severity of the infractions in the case.
- Limitations are imposed on the availability of athletics scholarships in equivalency sports (by percentage) for varying lengths of time in given sports. The severity of the percentage imposed and the length of time the limitations are imposed will correspond with the severity of the infractions in the case.

(4) Recruiting limitations.

- Limitations are imposed upon the number of allowable official paid visits at the institution for varying lengths of time in given sport). The severity of the numeric recruiting limitations and the length of time the limitations are imposed will correspond with the severity of the infraction(s) in the case.
- Limitations are imposed upon the number of, or benefits that can be provided during, unofficial visits at the institution for varying lengths of time in given sports. The severity of the limitations and the length of time the limitations are imposed will correspond with the severity of the infraction(s) in the case.
- Limitations are imposed on the institution's off-campus recruiting efforts for varying lengths of time in given sports. The severity of the limitations and the length of time the limitations are imposed will correspond with the severity of the infraction(s) in the case.
- Limitations are imposed on the institution's other recruiting efforts, including contacts and evaluations, for varying lengths

of time in given sports. The severity of the numeric limitations and the length of time the limitations are imposed will correspond with the severity of the infraction(s) in the case.

(5) Show cause orders (if applicable in a given case).

- Length of show cause restrictions.
- Components of the show cause order (e.g., suspension of coach from games and/or season).
- Option to censure president, director of athletics, faculty athletics representative, etc.

(6) Probation.

- Conditions are imposed with which the institution must comply during a set period of time, the length of which is dependent upon the severity of the infraction(s). The committee has the discretion to determine which of the following should apply in a particular case. The working group recommends that probation include required action by institutional leaders acknowledging the violations and pledging rules compliance moving forward. Any accompanying public announcements would need to be approved by the office of the Committee on Infractions to ensure the appropriate message is being delivered. Many of the responsibilities tied to probation have fallen to the compliance staff of an institution. The working group recommends shifting the burden and responsibility to the president, director of athletics and coaching staff of the involved program. The suggested discretionary conditions include:
 - Submission of compliance reports during the period of probation.
 - Institutional publicity in alumni publications, media guides and recruiting materials of the violations committed, the terms of probation, and penalties imposed.
 - Institution's president shall meet with student-athletes and athletics department staff, and the president and/or director of athletics shall meet with booster groups to personally pledge his or her commitment to NCAA rules compliance and present his or her view of shared responsibility for preserving the integrity of intercollegiate athletics.

- Publicizing institutions on probation on the NCAA website, in Champion magazine and in NCAA championship game programs of the involved sport(s).
- Requiring institutions to provide a public service announcement during televised contests that it is on probation and the reasons for the probation being imposed.
- The implementation of a "monitorship" program by the office of the Committee on Infractions or a private company for institutions on probation in cases where an institution is found to lack institutional control and serious remediation is necessary.

In addition to these core penalties, other potential penalties, as set out in the current Bylaw 19.5.2, would remain available to the Committee on Infractions to impose.

- Vacation of contests and records.
- Public reprimand and censure.
- Full-/partial-season ban for involved sports.
- Disassociation of athletics representatives.
- Requirement that all institutional staff members serving on the NCAA Board of Directors or other committees or cabinets resign those positions and be precluded from serving for a period of time.
- Requirement that the institution relinquish its NCAA voting privileges for a period of time.
- Notification to regional accrediting agency of academic violations or questionable procedures.
- Recommendation by the Committee on Infractions to the Executive Committee that the institution's membership be suspended or terminated.
- Return of individual and team awards to the Association.
- Prohibition against television appearances.²
- Other penalties as appropriate.

The working group believes that the proposed Penalty Guidelines should afford the Committee on Infractions a more sophisticated structure by which it may consider certain aggravating and mitigating factors in particular infractions cases. The group recommends that the best means by which the committee may impose a penalty that falls within a more/less

² The working group does not believe this is currently a practical penalty; however, due to the uncertain future of television as a medium, it would be shortsighted to remove it as a potential option.

severe range of penalties is if it determines that certain aggravating and/or mitigating circumstances exist in Level I or II cases.

The group continues to refine the lists of aggravating and mitigating factors. The Committee on Infractions will determine the presence and weight of the individual factors in a given case and may balance these factors in the decision-making process. The proposed lists of factors follow:

Aggravating factors.

- Multiple Level I infractions were substantiated in the case.
- Multiple Level I infractions were committed by an at-risk individual.
- The violations were intentional, willful or demonstrated a blatant disregard for NCAA regulations.
- Persons of authority condoned, participated in or demonstrated negligent disregard for the infractions or underlying conduct.
- There is a prior history of Level I or II violations by the institution, sport program(s) or affected individual(s). [Note: Preliminarily, the weighting of prior infractions as an aggravating factor will be based on the proximity in time to the current infractions case. Further, the interim recommendation is that repeat-violator status will be retained as an aggravating factor, but the current enhanced penalties for repeat violator will be folded into the penalty guidelines.]
- The case involved an abuse of a position of trust.
- A pattern/multiple instances of violations were substantiated in the case (e.g., the infractions were not isolated or limited in scope).
- Lack of cooperation by the institution or involved individual during the investigation.
- The committee finds that action(s)/failure(s) to act compromised the investigation of the rule violation(s), whether by involved individual(s) or the institution.
- One or more infractions caused harm to a student-athlete or prospective student-athlete (either in terms of eligibility or otherwise).
- The case included a failure to monitor or lack of institutional control.
- The existence of extraordinary aggravating factors (as determined on a case-by-case basis).

Mitigating factors.

- The institution/affected individual self-detected and self-disclosed the rule violation(s).

- The institution/affected individual admitted the violation (a) prior to the time that the NCAA initiated a formal investigation (greatest weight), (b) prior to the conclusion of the NCAA investigation (some weight) or (c) prior to the NCAA Committee on Infractions hearing (least weight).
- The institution has an established history of self-reporting Level III violations.
- The institution had in place a system of compliance methods that were designed and implemented to ensure rules compliance. The committee finds that those involved met institutional/coaches control standards.
 - The working group is assembling a smaller group of experts to propose a clear definition of institutional control that considers the recent work of the Division 1A Athletics Directors and building on the Principles of Institutional Control document written by the Committee on Infractions in 1996-97. The group also will ensure that representatives from NAAC are involved given the group's leadership in establishing monitoring standards.
- The institution/affected individuals exceeded the expectations of cooperation during and after the investigation of rule violation(s). An institution and affected individual can exceed cooperation expectations while denying some or all of the allegations of wrongdoing against them.
- The violations are isolated or limited in scope.
- The institution accepted responsibility for the violation(s) (e.g., self-imposed actions) in a timely and effective manner.
- The existence of extraordinary mitigating factors (as determined on a case-by-case basis).

b. Classifications of Level I and Level II penalties.

The committee may determine whether the presence of one or more of the aggravating and/or mitigating factors exist and, if so, how those factors affect the classification of the case. As a result, the presence of some aggravating factors and no mitigating factors may elevate the case classification to "aggravation" or "significant aggravation." Conversely, if there are mitigating factors in a case and no aggravating factors, the case classification would be "mitigation" or "significant mitigation."

(See Attachment 1 for Penalty Guidelines Flow Chart.)

<u>Level I</u>	<u>Level II</u>
Significant aggravation	
Aggravation	Aggravation
Standard penalty	Standard penalty
Mitigation	Mitigation
Significant mitigation	

Based on the determined case classification, the penalties, as outlined in the penalty matrix, will apply unless extenuating circumstances are found by the committee.

(See Attachment 2 for the Penalty Guideline Matrix and Attachment 3 for penalty case examples.)

4. Accountability.

a. Head coach responsibility.

The working group believes head coaches are in the best position to create a culture of integrity and accountability. The working group examined what changes can be made to encourage coaches to direct their staffs and student-athletes to uphold the rules while also creating strong penalties when coaches fail to meet this responsibility.

The membership has acknowledged through Bylaw 11.1.2.1 that there is a level of responsibility that a head coach has for the administration of his/her program. When there is a failing by the head coach to carry out this responsibility, it is appropriate for there to be a penalty on the program, including the Committee on Infractions directing the institution, through a show cause order, to suspend the head coach from coaching-related activities for a specified period of time.

The working group recognizes that employment decisions related to coaches or any athletics personnel rest solely with our member institutions.

(1) The violation: Change emphasis from knowledge to responsibility for major (Levels I and II) violations.

For Levels I and II violations, Bylaw 11.1.2.1 (Responsibility of Head Coach) is the centerpiece of the working group's

recommendations. Since 2008, there have been 15 cases where a head coach was found to have violated this bylaw for either not promoting an atmosphere of compliance or for not monitoring his/her staff, or both. The rationale for Proposal No. 2004-102 notes that when a serious violation occurs in a program, the head coach is "presumed to have knowledge and, therefore, responsibility" for what happened. Rather than focusing on knowledge, or the presumption of it, the working group proposes that the bylaw be amended to presume only responsibility. The working group proposes that the Board of Directors adopt the amendment at the August 2, 2012, Board of Directors meeting. The amended rationale would then apply to all violations occurring after that date. Accordingly, if something happens in a program, the head coach is presumed responsible (instead of knowledgeable and, therefore, responsible) for not promoting an atmosphere of compliance and/or monitoring his/her staff. If the coach cannot overcome that presumption of responsibility by demonstrably showing what he/she did to both promote an atmosphere of compliance and monitor his/her staff, the coach is presumed responsible under this bylaw and will be charged for not upholding this rule.

[See Attachment 4 for Proposal No. 2004-102 (Bylaw 11.1.2.1).]

(2) The penalty guideline.

Violations of Bylaw 11.1.2.1 are considered either Level I or II as noted in the violation section of the report. The level of the violation will correspond with the underlying violation that occurred in the coach's program. For example, if an assistant coach commits a Level I violation, the Bylaw 11.1.2.1 violation is also Level I (and the same for Level II). The working group is recommending that the penalty guidelines emphasize that violations of this bylaw should result in a show cause order with suspension from contests as one of the show cause requirements. The number of contests involved will depend on the aggravating and mitigating factors present in the case. Thus, the employing institution of a head coach who violates this bylaw will withhold the coach from a certain number of contests pursuant to a show cause order unless the institution wants to appear before the Committee on Infractions in a subsequent hearing and show cause to the committee why the suspension should not be applied. The membership has consistently indicated (in the 2011 Presidential Retreat Survey and during presentations and meetings with

enforcement staff) that the penalty that has the most impact on coaches is suspension. The specific suspension requirements are recommended below:

- For the head coach who commits a Level II violation of this bylaw, his/her employing institution will withhold, pursuant to a show cause order, the coach from five percent (for a mitigated Level II) to 40 percent (for an aggravated Level II) of the institution's next games. The suspensions may include postseason contests and/or carry over to the next season.
- For the head coach who commits a Level I violation of this bylaw, his/her employing institution will withhold, pursuant to a show cause order, the coach from 10 percent (for a significant mitigated Level I) to 100 percent (for a significant aggravated Level I) of the institution's next games. The suspensions may include postseason contests and/or carry over to the next season.

Suspensions are currently a penalty available to the Committee on Infractions, and the committee has directed an institution to impose a suspension for a violation of Bylaw 11.1.2.1 in a previous infractions case and accepted an institutionally imposed suspension in another case. The working group recommends that at the August 2012 meeting, the Board of Directors support a recommitment to the original intent of Bylaw 11.1.2.1 with the clarifying amendment to the rationale, with an immediate effective date. The specific penalty guidelines for 11.1.2.1 violations would be effective August 1, 2013, or before as described in the introduction section, along with the other penalty guidelines. In the interim, the working group notes that the appropriate penalty for Bylaw 11.1.2.1 violations will be decided by the Committee on Infractions.

(3) Level III violations (currently secondary violations).

The American Football Coaches Association (AFCA) approached the enforcement staff and Committee on Infractions in the summer of 2010 requesting that suspensions be imposed for what the AFCA members deemed serious secondary violations. Since acting on that request, the enforcement staff has directed the institution to suspend five assistant football coaches for committing secondary violations. The working group proposes that suspension of head football coaches also occur when their staff

members commit these serious secondary violations. The working group currently is seeking feedback from the membership and the AFCA to evaluate which secondary violations (Level III) should warrant this penalty.

In 2009, the Board of Directors passed legislative reform to address issues in the men's basketball recruiting environment. A component of that reform included a head coach suspension by the institution at the direction of the enforcement staff from a contest when he or his staff committed specifically identified secondary violations. The working group currently is seeking feedback from the membership and the National Association of Basketball Coaches (NABC) to identify the types of Level III violations (currently secondary) that should result in suspension of the head coach, even if the violations are committed by assistant coaches or other members of the staff.

The working group proposes that the list of identified violations for both sports be examined and expanded as appropriate to address what are presumed to be intentional secondary recruiting violations that undermine the integrity of the sports, which are believed to have the biggest issues. The point is that head coaches can set the tone, and if a coaching staff member knows that the head coach will be suspended for acts of the staff members, there is a greater incentive for the head coach to set clear expectations of full compliance and for the staff to comply.

The working group seeks Board endorsement at the August 2012 meeting of the institutionally imposed suspensions at the direction of the enforcement staff for all violations occurring after August 2, 2012. The working group believes these steps would signal to the membership the important role and responsibility head coaches play in being stewards of intercollegiate athletics prior to the new violation structure and penalty guidelines being adopted.

The working group is supportive of including other sports that have similar problems with compliance with recruiting rules. The working group has discussed the application of the coaching suspensions with the women's basketball coaching community and is examining application to other sports.

In addition, the working group recommends that institutionally imposed suspensions of coaches for designated recruiting violations at the direction of the enforcement staff be publicly

released for Level III violations. Currently, secondary violations (Level III) are not made public. For suspensions to have the desired impact, however, others must know about the consequences of committing violations. In addition, the working group recommends that athletics department staff members' and coaches' violation histories, including Level III violations, be made available to member institutions that request such information. The only exception to making this information available would be for those Level III violations that are self-disclosed by the involved coach.

b. Accountability for presidents and directors of athletics.

In addition to coaches, the working group recognizes the need to address the accountability of an institution's president and/or director of athletics when major violations occur. Currently, and under the proposed Level I and Level II violations, if a president or director of athletics is directly involved in a violation, he or she will be charged with that violation and named in the allegation. There currently is no mechanism, however, to hold those individuals publicly accountable for violations that occur under their watch if they are not directly involved in violations. As a result, the working group believes some minimal level of public accountability for the leaders of an involved institution is appropriate for infractions cases involving a Level I lack of institutional control violation, or a Level I or Level II failure to monitor violation. Specifically, the names of leaders of the involved institution who held the positions at the time the violations occurred should be printed at the top of the public infractions report upon release. It is recommended that the persons identified in the public infractions report include the following:

- (1) President of institution (for lack of institutional control cases).
- (2) Director of athletics (for lack of control and failure to monitor cases).
- (3) Head coaches of involved sports (for any violations involving the coach's program).

If appropriate, and when determined that the chair of the board or other board members had involvement in the violation(s), it would be at the discretion of the Committee on Infractions to include the name of the chair of the board on the public infractions report.

In addition, printing these names on the infractions report creates a record of names of individuals who: (1) oversaw the institution, the athletics department and specific sport programs at the time an institutional control or failure to monitor violation occurred; and (2) oversaw a sport program at the time a Level I and/or Level II violation occurred in that program. Therefore, even after leaving the involved institution, individuals could be held accountable for the violation that occurred while he/she was responsible for leading the institution, athletics department or sport program. Because of this, it would be possible for an institution to determine (through a database maintained by the NCAA) when and if a violation occurred under a specific individual's leadership prior to hiring that individual.

The above accountability measures would be effective August 2, 2012, for all violations occurring after that date.

5. Shared responsibility specific to compliance efforts and investigations.

Rules compliance cannot be achieved unless all of the interested parties (a) assume responsibility for identified roles in the compliance and enforcement processes over which they have control; (b) are held accountable for those deficiencies in the compliance and enforcement processes for which they have responsibility; and (c) are recognized, in a tangible and meaningful way, if the identified compliance and enforcement expectations are effectively met or exceeded. To address these needs, the working group recommends that the concept of shared responsibility be better defined and specific expectations be identified for given roles within the compliance and enforcement processes.

- For example, this working group recognizes that there is a lack of uniform expectations for conference office involvement related to enforcement issues. Similarly, institutional involvement in NCAA investigations varies widely. Some institutions exercise passive involvement in investigations, some purposefully participate minimally and others earnestly try to uncover the full facts, regardless of the impact. The working group believes that it must establish clear expectations for conference involvement in the enforcement process and for institutional cooperation in an investigation. The group is considering the best means of recognizing, within the new penalty structure, those situations in which institutional and individual action(s) exceed these specified expectations of cooperation. In addition, the group is considering the tools that will assist conferences and institutions in meeting or exceeding the specified expectations, including, for example, educational programs/training for compliance officers and national whistle-blower arrangements.

The working group intends to provide a final report on this issue to the Board in August 2012.

D. Desired Outcomes.

Ultimately, the working group wants those involved in intercollegiate athletics to believe that upholding the rules is paramount and violators will be dealt with swiftly, judiciously and seriously. Similarly, the working group aims to contribute to the larger effort by university presidents to restore public trust in intercollegiate athletics as an integral part of higher education rather than a stand-alone revenue stream.

The specific outcomes the working group expects from the changes to the violation, process and penalty structures are noted below:

1. Violation structure.

A new violation structure that appropriately categorizes the severity of infractions and allows for different levels of accountability for institutions and individuals.

2. Process structure.

- a. A much faster mode for processing violations that delivers expediency without compromising process integrity or fairness.
 - o Clear metrics for every stage of processing a case.
- b. Clear understanding of what aspects of enforcement and student-athlete reinstatement cases can be more transparent and corresponding transparency where appropriate.

3. Penalty structure.

- a. Strong penalties that are predictable, deter the risk-reward analysis and address any unfair advantage.
- b. Clear definition of institutional control.
 - o Rewards/incentives for effective compliance programs.
 - o Rewards/incentives for strong institutional action to address wrongdoing.
- c. Rewards/incentives for individuals acknowledging violations.

4. Accountability.
 - a. Increased accountability for head coaches.
 - b. Public accountability for presidents and directors of athletics.
5. Shared responsibility.
 - a. Strengthened support for institutional leadership.
 - b. Clear definition of shared responsibility and resulting expectations of individuals, institutions, conferences and the national office staff.

Findings of Violations

- Committee on Infractions determines violations.
- Committee on Infractions determines the level for each violation.

Determination of Circumstances

- Committee on Infractions reviews any proposed aggravating and mitigating circumstances for both the institution and involved individual.
- Committee on Infractions slots the institution's and the individual's case into the penalty guidelines based on the committee's determination on the aggravating or mitigating circumstances.

Application of Penalty Guidelines

- Committee on Infractions determines penalty from the range of penalties in the guideline for that particular slotting.
- Committee on Infractions has the option to deviate from the range in this slot if the committee articulates specific extenuating circumstances.

Proposed Penalty Matrix
(WORKING DRAFT)
Version No. 3 (January 30, 2012)

ATTACHEMENT NO. 2
SUPPLEMENT NO. 6
DI Board of Directors 4/12

<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Competition Penalties: Postseason Ban *Competition penalties may be used singularly or in combination</u>		
Significant Aggravation		3(+) years		
Aggravation		2 to 3 years		
Standard		1 to 2 years		
Mitigation	Aggravation	0 to 1 year		
Significant Mitigation	Standard	0		
	Mitigation	0		
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Financial Penalties: Fine (Percent of total budget for sport program)</u>	<u>Financial Penalties: Negate revenue from sport program for years in which violations occurred</u>	<u>Financial Penalties: Reduce or eliminate NCAA monetary distribution for sports sponsorship and/or grants-in-aid</u>
Significant Aggravation		3 to 5% (+)	Impose this penalty if greater than percent of budget fine.	Alternative financial penalty.
Aggravation		2 to 4%	Impose this penalty if greater than percent of budget fine.	Alternative financial penalty.
Standard		1 to 3%		Alternative financial penalty.
Mitigation	Aggravation	0 to 1%		Alternative financial penalty.
Significant Mitigation	Standard	0 to .5%		Alternative financial penalty.
	Mitigation	0 to .25%		Alternative financial penalty.
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Scholarship Reductions of Involved Sport(s) Program(s)</u>		
Significant Aggravation		37.5 to 50% (+)	(Reduction taken at first available opportunity.)	
Aggravation		25 to 37.5%		
Standard		12.5 to 25%		
Mitigation	Aggravation	0 to 12.5%		
Significant Mitigation	Standard	0 to 5%		
	Mitigation	0 to 2.5%		

Proposed Penalty Matrix
(WORKING DRAFT)
Version No. 3 (January 30, 2012)

ATTACHEMENT NO. 2
SUPPLEMENT NO. 6
DI Board of Directors 4/12

<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Show-Cause Order</u>	<u>Restrictions</u>	
Significant Aggravation		10 (+) years	All athletically related duties	
Aggravation		5 to 10 years	All athletically related duties	
Standard		2 to 5 years	All athletically related duties	
Mitigation	Aggravation	1 to 3 years	All athletically related duties	
Significant Mitigation	Standard	1 to 2 years	All or partial coaching and recruiting duties (including game suspensions)	
	Mitigation	0 to 1 year	All or partial coaching and recruiting duties (including game suspensions)	
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Head Coach Restrictions (game suspensions via show cause for 11.1.2.1)</u>		
Significant Aggravation		60 to 100%		
Aggravation		40 to 75%		
Standard		20 to 50%		
Mitigation	Aggravation	15 to 40%		
Significant Mitigation	Standard	10 to 30%		
	Mitigation	5 to 20%		
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Recruiting Restrictions</u>		
Significant Aggravation		37.5 to 50% (+)		
Aggravation		25 to 37.5%		
Standard		12.5 to 25 %		
Mitigation	Aggravation	0 to 12.5%		
Significant Mitigation	Standard	0 to 5%		
	Mitigation	0 to 2.5%		
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Probation</u>		
Significant Aggravation		6 to 10 (+) years		
Aggravation		4 to 8 years		
Standard		2 to 6 years		
Mitigation	Aggravation	1 to 4 years		
Significant Mitigation	Standard	0 to 2 years		
	Mitigation	0 to 1 year		
NCAA/01/30/12/CSS:ajw				

Penalty Structure Examples
Version Three

Institution A

Summary of violations: This case involved violations of impermissible benefits and financial aid; ineligible participation; unethical conduct; and lack of institutional control in the softball and men's and women's tennis programs.

Specific violations:

- Ineligible participation and impermissible benefits – softball (Level I).
 - o Former head softball coach permitted ineligible student-athlete to compete and receive impermissible expenses and athletically related aid.
- Impermissible benefits – tennis (Level I).
 - o Former head tennis coach provided extra benefits and athletically related aid to five student-athletes, provided a recruiting inducement to two student-athletes, and provided 15 student-athletes with other benefits totaling \$12,900.
- Unethical conduct – former head softball and tennis coach (Level I).
- Lack of institutional control – tennis and softball (Level I).
- Impermissible financial aid – men's tennis (Level III).
 - o Institution over-awarded athletically related equivalency grants by .13 in men's tennis.

New penalty structure classification:

1. Sublevel classification - Level I.
2. Factors for institution.
 - a. Aggravating.
 - (1) Lack of institutional control.
 - b. Mitigating.
 - (2) Acknowledged violations prior to hearing.
3. Factors for involved individuals (former head softball and tennis coaches).
 - a. Aggravating.
 - (1) Unethical conduct.
 - (2) Multiple Level I violations by head coaches.
4. New penalty structure conclusion.

Assume for the sake of argument that there is one aggravating factor and one mitigating factor, which would place this institution in the **Standard** sublevel. For the two coaches, assume that there are no mitigating factors and two aggravating factors resulting in **Aggravation** sublevel.

Institution A: Imposed penalties vs. new penalty structure.

	Competition	Financial	Scholarship	Recruiting	Show Cause	Probation
Imposed Penalties	The institution self-imposed the following: Men's and women's tennis programs suspended from all competition for the spring 2007, fall 2007 and spring 2008 semesters. WSB: Not eligible to participate in 2009 postseason competition.	None.	The institution self-imposed the following: MTE: Total number of grants-in-aid reduced by one for both the 2008-09 and 2009-10 academic years. (22% cut.) WTE: Total number of grants-in-aid was reduced by one for both the 2008-09 and 2009-10 academic years. (12.5% cut.)	None.	4 years for former head tennis coach. 3 years for former head softball coach	4 years. Vacate all wins in which the ineligible softball and tennis student-athletes competed, and vacation of wins must be reflected in public records, etc.
New Penalty Structure (Standard for institution) (Aggravation for former head coaches)	1-2 year postseason ban. (MTE, WTE, WSB)	1-3% of the total budget per sport program. (Assuming WTE has a \$1 million budget, this would be a fine of \$10,000 to \$30,000.)	12.5 to 25% reduction per sport. (Reductions would be greater than what was imposed. So, softball's 12 grants would be reduced by 1.5 to 3 grants for two years; WTE's 8 grants would be reduced by 1 to 2 grants per year for two years; MTE has 4.5 equivalencies and so there would be a reduction of .56 to 1.125 equivalency grants for two years.)	Not applicable.	Show cause of 5-10 years for the former head coaches.	2-6 years. Vacation of wins as noted above.

Institution B

Summary of violations: Violations in the men's basketball program regarding impermissible inducements and benefits involving representatives of the institution's athletics interests. Violations also occurred in the football program regarding academic fraud involving two former graduate assistant football coaches and impermissible inducements to prospective two-year college transfers.

Specific violations:

- Unethical conduct – former football graduate assistant (Level I).
 - o Graduate assistant coach committed academic fraud with two junior college prospective student-athletes, which allowed the student-athletes to compete on the football team.
- Impermissible inducements - football (Level I).
 - o Football staff provided impermissible assistance to seven prospective student-athletes.

- Impermissible benefits – men’s basketball (Level I).
 - o A representative of the institution’s athletics interests provided two students-athletes various impermissible benefits totaling more than \$5,000, including transportation, gifts, lodging, assistance in purchasing vehicles, cash, meals and other impermissible benefits.
- Multiple secondary violations (Level III).
 - o Impermissible benefits in men’s basketball, women’s basketball and football.
- Lack of institutional control (Level I).

New Penalty Structure Classification:

1. Sublevel classification - Level I.
2. Factors for institution.
 - a. Aggravating.
 - (1) Lack of institutional control.
 - b. Mitigating.
 - (1) Institutional self-report.
 - (2) Admission of violation prior to hearing.
3. Factors for involved individuals (former graduate assistant football coach).
 - a. Aggravating.
 - (1) Unethical conduct.
4. New penalty structure conclusion.

Assume for the sake of argument that there is one aggravating factor and two mitigating factors, which would place this institution in the **Mitigation** sublevel of the penalty guidelines. There is only one aggravating factor and no mitigating factors for the former graduate assistant coach resulting in the **Aggravation** sublevel.

Institution B: Imposed penalties vs. new penalty structure.

	Competition	Financial	Scholarship	Recruiting	Show Cause	Probation
Imposed Penalties	None.	None.	FB: Reduce initial grants-in-aid in the sport of football by 3 for both 2007-08 and 2008-09 academic years. (limited to 22 each year from 25, a 12% cut). MBB: Shall not award more than 12 grants-in-aid during 2007-08 and 2008-09. (8% cut).	Limited the number of two-year college transfer football student-athletes to 3 for the 2005 and 2006 seasons. Reduced by 8 the number of official paid visits over the period of 2006-07 to 2007-08 academic years. (33% cut).	3-year show cause for former football graduate assistant coach.	3 years. Representative of the institution's athletics interests disassociated for four years.
New Penalty Structure (Mitigation for institution) (Aggravation for former graduate assistant coach)	0-1 year post-season ban for involved sports (MFB, MBB).	0-1% total budget. (Assuming FB has a \$15 million budget, this would be a fine of \$0 to \$150,000. Assuming MBB has a budget of \$5 million, this would be a fine of \$0 to \$50,000.)	0-12.5% scholarship reductions. (FB's 85 grants would be cut by 0 to 11 per year. MBB's 13 grants would be reduced by 0 to 2 per year.)	0-12.5% reduction in all recruiting activity. (This would apply to both football and men's basketball.)	5-10 years to graduate assistant FB coach.	1-4 years probation. Disassociation of representative as above.

Institution C

Summary of violations: Exceeding coaching staff limitations; playing and practice season violations; unethical conduct involving a former graduate assistant coach; failure to monitor.

Specific violations:

- Exceeding coaching staff limitations - football (Level II).
 - o Program exceeded the permissible limit on the number of coaches by five when five quality control staff members engaged in on- and off-field coaching activities.
- Playing and practice season violations - football (Level II).
 - o Football staff members monitored and conducted voluntary summer workouts, conducted impermissible activities outside of the playing season, required student-athletes to participate in summer conditioning activities for disciplinary purposes, and exceeded time limited for countable athletically related activities.
- Unethical conduct – former football graduate assistant (Level II).
 - o Former graduate assistant failed to deport himself in accordance with the recognized standards of honesty and sportsmanship when he provided false information to the institution and enforcement staff.

- Failure to monitor - football (Level II).
 - o Head coach and athletics department failed to monitor the duties of the quality control staff, the former graduate assistant coach and the limits for athletically related activities.

New Penalty Structure Classification:

1. Sublevel classification - Level II.
2. Factors.
 - a. Aggravating.
 - (1) Failure to monitor.
 - (2) Unethical conduct.
 - b. Mitigating.
 - (1) Self-detection and self-disclosure of the violation.
 - (2) Met institutional control standards.
3. Factors for involved individuals (former graduate assistant football coach).
 - a. Aggravating.
 - (1) Unethical conduct.
4. New penalty structure conclusion.

Assume for the sake of argument that two aggravating factors and two mitigating factors would place this institution in the **Standard** sublevel of the penalty guidelines. There is only one aggravating factor and no mitigating factors for the former graduate assistant football coach, resulting in the **Aggravation** sublevel.

Institution C: Imposed penalties vs. new penalty structure.

	Competition	Financial	Scholarship	Recruiting	Show Cause	Probation
Imposed Penalties	Decrease in FB CARA by 130 hours beginning in June 2010 and ending no later than the conclusion of the 2011-12 year.	None.	None..	None.	None.	3 years.
New Penalty Structure (Standard for institution) (Aggravation for former graduate assistant coach)	0 years postseason ban.	0-.5% total budget. (Assuming FB has a \$15 million budget, this would be a fine of \$0 to \$75,000.)	0-5% scholarship reductions. (FB's 85 grants would be cut by 0 to 4 per year.)	0-5% reduction in all recruiting activity. (This would apply to football.)	1-4 years to FB graduate assistant coach.	0-2 years.

Institution D

Summary of violations: Impermissible benefits; impermissible inducements; impermissible financial assistance to prospective student-athletes; failing to follow procedures for reporting banned drug use; impermissible tryout; impermissible contact; unethical conduct by the former head coach and three former assistant coaches; academic fraud; lack of institutional control.

Specific violations:

- Extra benefits– men’s basketball (Level I).
 - o Head coach (with some assistance from an assistant coach) provided \$20,000 in extra benefits to one student-athlete. Also, head coach (with some assistance from an assistant coach) provided \$10,000 in extra benefits to a second student-athlete.
- Recruiting inducements – men’s basketball (Level I).
 - o Head coach (with assistance from some assistant coaches) provided recruiting inducements to three prospective student-athletes (PSAs):
 - PSA No. 1 - \$275.
 - PSA No. 2 - \$2,100.
 - PSA No. 3 - \$900.
 - o Head coach donated \$28,000, and secured another \$87,000 in booster donations, to elite AAU basketball teams.
- Impermissible tryouts - men’s basketball (Level II).
- Failure to follow banned drug procedures - men’s basketball (Level I).
- Miscellaneous extra benefits - men’s basketball (Level I).
- Miscellaneous recruiting inducements - men’s basketball (Level I).
- Impermissible booster contact with PSA - men’s basketball (Level I).
- Academic fraud in football - (Level I).
 - o Tutor wrote papers for three football student-athletes.
- Unethical conduct - head coach - men’s basketball (Level I).
 - o Knowing involvement in serious violations. Asking a student-athlete and his mother to lie for him. Forging bank records and documents related to the mother and impersonating the student-athlete’s father in an attempt to cover up. Asking other student-athletes and coaches to lie and suggest dead student-athlete was drug dealer with rolls of money. Lying to the institution and enforcement staff.
- Unethical conduct - assistant coaches - men’s basketball (Level I).
- Lack of institutional control.
 - o Failure to detect violations and head coach failed to create and maintain an atmosphere of compliance.

New penalty structure classification:

1. Sublevel classification - Level I.
2. Factors for institution.
 - a. Aggravating.
 - (1) Multiple level I violations.
 - (2) Failure to monitor.
 - (3) Repeat-violator status.
 - (4) Persons of authority have demonstrated negligent disregard for the violations.
 - (5) Academic fraud.
 - b. Mitigating.
 - (1) Institutional self-report.
 - (2) Admission of violations prior to hearing.
3. Factors for involved individuals (former head and graduate assistant football coaches).
 - a. Aggravating.
 - (1) Unethical conduct.
 - (2) Multiple Level I violations.
4. New penalty structure conclusion.

Assume for the sake of argument that five aggravating factors and two mitigating factors would place this institution in the **Significant Aggravation** sublevel of the penalty guidelines. There are two aggravating factors and no mitigating factors for the former head football coach resulting in the **Significant Aggravation** sublevel.

Institution D: Imposed penalties vs. new penalty structure.

	Competition	Financial	Scholarship	Recruiting	Show Cause	Probation
Imposed Penalties	<p>1 year – Postseason ban.</p> <p>1 year – Schedule limited to conference games only.</p> <p>Granted transfer releases to all SAs on MBB team.</p>	<p>Forfeiture of share of revenue from the 2003-04 Big 12 tournament equaling \$212, 500. (Assuming MBB has a budget of \$5 million, this would be 4.25% of budget.)</p>	<p>13 to 9 for 2004-05 (30% reduction).</p> <p>13 to 12 for 2005-06 (8% reduction).</p>	<p>Reduce expense paid visits from 12 to 8 in 2004-05 (33% cut) and 12 to 9 during both 2005-06 (25% cut) and 2006-07 (25% cut) recruiting years.</p> <p>Contact days reduced by five for each contact period from Sept. 2004 to April 2006.</p> <p>Reduce number of MBB coaches allowed to recruit off campus from three to two for the 2004-05 and 2005-06 seasons (33% cut).</p>	<p>10 year – Head coach.</p> <p>8 year – Assistant coach.</p> <p>5 year – Assistant coach.</p> <p>5 year – Assistant coach.</p>	5 years.
<p>New Penalty Structure</p> <p>(Significant aggravation for institution)</p> <p>(Significant Aggravation for institutional staff)</p>	<p>3+ years postseason ban.</p> <p>0-100% full-season ban for MBB (Optional penalty, not core.)</p>	<p>3-5% of the total budget per sport program. (Assuming MBB has a \$5 million budget, this would be a fine of \$150,000 to \$250,000.)</p>	<p>37.5 to 50(+) % reduction per sport. In other words, a reduction from 13 grants to 5-7+ grants.</p>	<p>37.5-50(+) % reduction in all MBB recruiting activity.</p>	<p>Show-cause of 10+ years on each involved institutional staff member.</p>	6-10 + years probation.

**2004-102 PERSONNEL -- CONDUCT OF ATHLETICS PERSONNEL --
RESPONSIBILITY OF HEAD COACH**

Status: Adopted – Final.

Intent: To define the responsibilities of a head coach with regard to compliance with NCAA rules.

Bylaws: Amend 11.1.2 by adding new 11.1.2.1, as follows:

"11.1.2 Responsibility for Violations of NCAA Regulations. Institutional staff members found in violation of NCAA regulations shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

"11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach."

Source: NCAA Division I Board of Directors [Management Council (Committee on Infractions)].

Effective Date: Immediate.

Proposal Category: Amendment.

Topical Area: Personnel.

Rationale: The head coach has an obligation to promote a culture of compliance among the entire team, including assistant coaches, other staff and student-athletes. The head coach must monitor the activities of assistant coaches and staff to determine if they are acting in compliance with NCAA rules. Too often, when assistant coaches or other administrators involved with the program are involved in serious violations, head coaches profess ignorance regarding such violations while indicating such responsibilities were entrusted to their assistants. A head coach should be presumed to have knowledge and, therefore, responsibility for the actions of those individuals associated with his or her team whom the coach directly or indirectly supervises. However, a violation of the proposed bylaw will occur only in major-infractions cases, similar to institutional control allegations, or in very serious secondary cases. This proposal does not imply that every violation by a staff member or student-athlete involved in the head coach's program will be considered a lack of control on the part of the head coach. There is a rebuttable presumption that exists when situations indicate that the head coach has set a proper tone of

compliance. Under such circumstances, the head coach would not be charged with a lack of control for activities that may result in NCAA rules violations.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History

Mar 08, 2004: Submit; Submitted for consideration.

Apr 19, 2004: Mgmt Council 1st Review, Approved

Jan 09, 2005: Mgmt Council 1st Review; Gave initial approval and circulated the proposal for membership comment. (Unanimous Voice Vote)

Jan 11, 2005: Comment Period; Start of Comment Period

Mar 14, 2005: Comment Period; End of Comment Period; (Official Comment Totals: Support = 37, Oppose = 2, Abstain = 0)

Apr 11, 2005: Mgmt Council 2nd Review; Gave final approval and forwarded the proposal to the Board for approval. (Unanimous Voice Vote)

Apr 28, 2005: Adopted, Pending Possible Board Review, Adopted; Adopted the proposal. (Unanimous Voice Vote)

Apr 28, 2005: Adopted, Override Period; Start of Override Period

Jun 23, 2005: Adopted, Override Period; End of Override Period

Jun 23, 2005: Adopted; Adopted - Final

References

Legislative References			Other
Div.	Number	Title	Proposals: 0
I	11.1.2	Responsibility for Violations of NCAA Regulations.	Interpretations: 0
I	11.1.2.1	Responsibility of Head Coach.	Educational Column: 0
			Legislative Relief Waivers: 0



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MEMORANDUM

April 16, 2012

TO: Division I Board of Directors.

FROM: Harvey Perlman, chair
NCAA Bowl Licensing Task Force Committee.

SUBJECT: Update on New Division I Football Bowl Subdivision Post-Season Requirements.

You will recall that at the Division I Board of Directors meeting in October 2011, you adopted various recommendations of the Division I Bowl Post Season Task Force and authorized President Emmert to create policies and procedures consistent with those recommendations. The NCAA national office staff has created those documents in draft form and has solicited input from the membership, bowl operators, and other key constituents. Most elements of the new processes and regulations will be ready for the 2012-13 bowl season.

There are a number of action items and updates that we wish to bring to your attention.

ACTION ITEMS

1. With respect to the time period in which postseason bowls should be conducted, we ask you to ratify the following schedule based on agreement by the various stakeholders that these dates are acceptable:

Year	Start Date	End Date
2011-12	December 17	January 9
2012-13	December 15	January 8
2013-14	December 21	January 13
2014-15	December 20	January 12
2015-16	December 19	January 11
2016-17	December 17	January 9
2017-18	December 16	January 8
2018-19	December 15	January 8
2019-20	December 21	January 13

2. With respect to the scenario in which there are not enough bowl eligible teams to fill contractual commitments made by conferences and/or institutions with bowl operators, we ask the Board to affirm that these will be matters between the affected conferences and bowl operators and not within the purview or obligation of the NCAA to find solutions for the bowl games to be played.
3. We recommend that the bowl moratorium passed by the Board in April 2011 for not more than three years remain in effect in order to determine the impact of the new regulations upon post-season bowls.

UPDATES

1. Based on input received from various stakeholders, there is agreement to implement new reporting procedures effective with the 2012-13 bowl season. The governance reporting documents are attached. (Attachment A)
2. Based on input received from various stakeholders, work will continue to develop a set of bowl advertising and sponsorship regulations that resembles, in spirit, the NCAA policies in place for its championships. There are a number of complexities to bowl operations and related events that will require refinement to the draft that is attached. (Attachment B)
3. Implementation of the new advertising and sponsorship regulations will be effective for the 2013-14 bowl season. In the interim, current post-season bowl guidelines will remain in effect and bowl operators will be cautioned against making contractual commitments beyond the 2012-13 bowl season. For contracts entered into after April 10, 2012, bowl operators are encouraged to include language that makes sponsor provisions subject to adherence to NCAA advertising and sponsorship regulations effective with the 2013-14 bowl season.

Question	Response	If yes, who is responsible for ensuring compliance
Board Governance		
1 Does the Board have a policy to determine the composition of the membership and that each member possesses the requisite expertise to perform its functions? a. List the total number of members on the Board b. List the total number of members on the Board that are independent c. Does the Board have term limits for members? If so, please describe		
2 Has the board adopted governance policies that: a. Require in-person board meetings at least twice a year where a majority of board members are present? b. Require signed minutes to be retained of all board and committee meetings? c. What is the average length and frequency of Board meetings? d. Articulate the responsibilities of board versus management? e. Specify the responsibilities of the Board? f. Specify a committee structure, if so, are the committee responsibilities clearly articulated in writing?		
3 Has the board adopted a code of conduct and ethics policy? Does the policy: a. Apply to board members, employees and volunteer staff? b. What is the method and frequency of communicating policies?		
4 Has the board adopted a whistleblower policy? Does the policy: a. Encourage the reporting and enable the investigation of suspected illegal practices, financial irregularities, or violations of organizational policies? b. Identify an individual or agency (preferable external and independent) to which persons with complaints may report? c. Provide for review of reported complaints by the Board?		

5	Has the board adopted a conflict of interest policy?		
	Does the policy:		
	a. Require directors and employees to disclose potential conflicts?		
	b. Prohibit the conflicted party from participating in deliberations or decision-making regarding the matter as to which there is a conflict?		
	c. Require directors and employees to certify annually that they have reviewed the policy and are in compliance with the policy?		
	d. Provide for the review and approval of conflicts by the Board?		
6	Are there policies and procedures in place to ensure that payment or reimbursement of expenses are made only for expenses that are reasonable and necessary to carry out the bowl's sponsoring agency's mission and purpose?		
	Do the policies and procedures:		
	a. Provide for review and approval of expenses and reimbursements by a supervisor?		
	b. Provide for review and approval of complimentary tickets to games?		
	c. Prohibit gifts to individuals, companies or organizations?		
7	Has the board adopted a policy that specifically prohibits the use of the bowl sponsoring agency's resources to support or oppose candidates for public office, political parties, or political organizations?		
8	Has the board adopted a policy governing the review and approval of funds expended for lobbying purposes?		
	a. Has the policy been reviewed by legal counsel to address compliance with applicable federal and state laws regulating or restricting lobbying by the bowl sponsoring agency?		

9	Has the board adopted an executive compensation policy? Does the policy:		
	a. Require executive compensation, including salary, bonuses, benefits and perquisites, to be approved by the board?		
	b. Contain provisions to conduct a compensation study or survey to compare compensation paid to similar organizations for similar services?		
	c. Require substantiation prior to reimbursing executives for first class or charter travel, travel for companions, health or social club dues or initiation fees, personal services, discretionary spending accounts, or payments for business use of personal vehicles?		
	d. Require a written employment contract?		
	e. Require an annual performance evaluation?		
10	Has the board adopted an executive business expense approval policy? Does the policy:		
	a. Provide for the review and approval of business expenses incurred by senior executives by supervisors?		
	b. Require the CEO/President's business expenses to be reviewed by a designated board member?		
11	Has the board adopted a policy to govern the bowl sponsoring agency's contracting practices? Does the policy:		
	a. Include processes for the review and approval of contracts by multiple individuals to ensure they are "arms length" and that all pertinent issues have been addressed?		
	b. Outline requirements detailing when competitive bids are required to be obtained?		
12	Has the board adopted a policy requiring an annual audit by an independent accounting firm selected by the board or an authorized committee of the board?		
	a. What is the date of the most recent annual audit?		
	b. Were there any deficiencies communicated to the board by the external auditors?		
	c. Did the Board have direct communication with the external auditors?		
	d. Who performs the external audit and how long has this firm been engaged?		
13	Has the board has adopted a policy requiring the approval of an annual budget for the bowl sponsoring agency and for the monitoring of expenditures of funds against the approved budget?		

- a. What is the frequency of review by the Board of internal interim financial statements?
- b. What is the frequency of review by management of internal interim financial
- c. Do interim financial statements reviewed by the Board and management include a comparison of actual to budgeted income and expenses?

- 14 Has the board adopted an investment policy?

Does the policy:

- a. Include direction as to what assets types are allowable for investment?
- b. Include targeted percent ranges for the types of allowable investments?

Board Oversight

- 15 Does the board have a policy that specifies allowable transactions and relationships with government officials?
- a. Has the policy been reviewed by legal counsel to address compliance with federal, state, and/or local laws, rules and regulations applicable to such transactions and relationships?

- 16 Does the bowl sponsoring agency's website contain information about the organization's history, mission, governing structure, finances and current activities? (examples are the annual audit, form 990, Board minutes, etc.)
- a. If such information is posted, please specify
- b. If such information is not available on the website, is it provided elsewhere?

- 17 In the event the bowl participates in the BCS, does the board have a processes and procedures in place to comply with all requirements implemented by the conferences and institutions that participate in the BCS?

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- 18 Does the board have a process in place to monitor that internal controls have been established to protect the bowl sponsoring agency's assets from diversion or misuse and to ensure the integrity of the bowl sponsoring agency's financial records; receive reports about the operation of such internal controls; and request advice from the independent consultants regarding the sufficiency of such internal controls as appropriate?

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- 19 Does the board have a process in place to monitor that controls are in place to prevent, detect, and monitor compliance with laws and regulations, as well as remediate when necessary?

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a. Does the board require both the board and management to receive comprehensive compliance training and regular updates?

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20 Has the board adopted policies regarding document preservation and destruction?

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21 If the bowl sponsoring agency is a tax-exempt organization, does the board have a process in place to ensure it is in compliance with all IRS regulations and that policies and practices are in place to file a complete, accurate, and timely Form 990 with the IRS?

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a. Is a copy of the Form 990 provided to all Board members prior to filing?

--	--

22 Does the board have a process in place to ensure the bowl sponsoring agency is in compliance with the NCAA sponsorship policies?

--	--

a. Are there any specific advertising and promotional guidelines in place that address the best interests of higher education institutions and student-athletes?

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Additional questions regarding the previous year's bowl:

23 Did the previous bowl have a mission statement and a plan which outlined how the bowl was to operate such that it was consistent with the interest and values of the collegiate model; including enhancement of the experience and protection of the welfare of the student-

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24 Did the previous bowl have policies in place to govern the appropriate treatment of all students participating in the bowl experience, including student-athletes, cheer leaders, spirit squads, band members, etc?

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25 Did the previous bowl provide reasonable and responsible local activity for participating teams which provided educational, enrichment, cultural and recreational value?

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26 Did the previous bowl provide appropriate study and exam-taking facilities to the participating teams at a location at or near the participating team's hotel?

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27	Did the previous bowl provide appropriate practice facilities?		
28	Did the previous bowl provide appropriate emergency medical services for practices and the game?		
29	Did the previous bowl provide awards to student-athletes for participation in the bowl which exceeded \$500 in value?		

Please provide the following documents with the completed questionnaire:

- 1 Most recent audited financial statements
- 2 Most recent management letter from external auditors
- 3 Most recent submitted Form 990

By signing below, I certify that the responses to the above inquiries are truthful and accurate and that the bowl sponsoring agencies policies and procedres referenced are effective and without material weaknesses.

(To be signed by the CEO/President/Executive Director) and the Chairperson of the Board of Directors.

Name and Title

Date

Name and Title

Date

NCAA's Division I Football Bowl Advertising, Sponsor and Promotional Policies

Draft /March 30, 2012

1. Introduction.

The NCAA's Division I Football Bowl advertising, sponsor, and promotional policies are designed to encourage those sponsors (as defined herein) of Bowl and Bowl-related events that support the NCAA's ideals, and to exclude those advertisements and advertisers (and others who wish to associate with Division I Football Bowl activities) that do not appear to be in the best interests of higher education and student-athletes.

Sponsors and advertisers associated with Division I Football Bowls should be generally supportive of the NCAA's values and attributes, and/or not be in conflict with the NCAA's mission and fundamental principles. The principles articulated in these policies, and the specific examples meant to help illustrate those policies, govern the acceptability of Bowl sponsorships.

2. Process and Jurisdiction.

Bowl game operators shall comply with all sponsor/advertiser disclosure and approval requirements noted within and shall provide supplemental information when it signs new sponsors/advertisers.

Section C defines those events that are tangential to the bowl game and are outside of the reach of the NCAA's review (although the NCAA encourages each bowl organization to be mindful about such sponsorship associations). **Section D** of this document states the principles for an acceptable sponsor/advertiser of a Division I Football Bowl Subdivision bowl game. The **Addendum** at the end of this document offers specific application of the principles to offer guidance about the types of sponsors/advertisers that are generally permissible and impermissible, except that title and presenting sponsorships may be subject to a heightened standard. **Section E** defines those events that have a close nexus to the bowl game and thus require sponsors/advertisers to be in compliance with the principles.

A bowl operator may ask the NCAA for an advisory opinion prior to securing a sponsor. The NCAA shall not be responsible for any liability to the Bowl, sponsor, or any third party in the event that the NCAA determines a sponsor to be impermissible without the bowl seeking an advisory opinion in advance.

By virtue of authority granted by the NCAA Division I Board of Directors, the NCAA president shall have the authority to rule about whether sponsors/advertisers associated with Division I Football Bowl Subdivision bowl games meet the principles stated in this

document. The NCAA staff designated by the president will carry out the president's authority over these policies on a day-to-day basis. The NCAA will use commercially reasonable efforts not to apply any substantive changes to its advertising and promotional policies without proper notice to the bowl game operators.

3. Bowl-related events that are outside of the NCAA's jurisdiction:

a. Media –

- (1) Advertising occurring during media presentation or broadcast of the Bowl or Bowl-Related Event
- (2) Links from Bowl digital media to tourism information from the geographic area around the Bowl location and as part of Bowl mailings to ticket recipients

b. Bowl Venue – Permanent signage of venue advertisers and sponsors required by contract during all events (e.g., viewable from seats, video and ribbon boards, concourses, and naming rights)

c/ Bowl Venue - Sale of alcohol (and in-venue promotion of the sale of alcohol) consistent with regular venue policy and applicable laws

Festival, Secondary or Ancillary Bowl Activities (typically not on-site, not during the day of competition, and using a mark other than the bowl game's primary mark) – Examples: Bowl adult fundraiser or social event held off-season (e.g., XYZ Bowl Golf Outing, Presented by Al's Liquor Stores)b. Volunteer (over 21) Recognition/Thank you Event

4. Principles.

The NCAA and its Division I Football Bowls strives to be associated with entities and messages that:

- Promote the NCAA's attributes: Learning, Balance, Character, Spirit/Passion, Community, and Fair Play.
- Champion the STUDENT-athlete, reflecting the integration and balance that student-athletes achieve every day between academics and athletics.
- Support diversity, gender equity, nondiscrimination, physical fitness, healthy behaviors, youth development, sportsmanship, ethical conduct, academic standards, student-athlete welfare and amateurism.
- Enhance the overall value of higher education.

- Project and enhance a consistent brand image and consistent public relations messages for the NCAA.
- Do not violate the fundamental principles and specific guidelines contained in this document.

Understanding the realities and challenges that commercial entities face in attempting to reach these objectives, the NCAA believes, at a minimum, that advertisers, sponsors, and promotions and others who wish to be associated with Division I Football Bowl events should not:

- Cause harm to student-athlete health, safety and welfare.
- Bring discredit to the purposes, values or principles of the NCAA.
- Negatively impact the best interests of intercollegiate athletics or higher education.

The NCAA reserves the right to disapprove any sponsor associated with the Division I Football Bowl games or related activities that in the NCAA's sole judgment violates the principles outlined above, which may be modified from time to time as part of the NCAA membership's continual review of Association policies and procedures. The NCAA reserves the right to exercise flexibility as circumstances warrant.

5. Bowl and Bowl-Related Events to which Principles are APPLICABLE.

- a. Bowl Title, Presenting, and Major Sponsors. Each Bowl must submit its proposed title sponsor(s), presenting sponsor(s), and major Bowl sponsors (e.g., in-game sponsored activation, halftime show sponsor) to the NCAA in connection with the bowl application. Proposed sponsor submission shall be at the time of application or within 7 days of when such proposed sponsor (or replacement sponsor) may be identified to the NCAA, whichever is later. The NCAA has the authority to approve all of these sponsorships according to these Principles.
- b. Media
 - (1) Broadcast/Media Title or Presenting Sponsorships
 - (2) Sponsorship of official bowl digital media (e.g., bowl official website or app) and mailings
 - (3) Print/Game program advertising
- c. Bowl Venue

- (1) Bowl on-field branding or branding viewable from seats
 - (2) Other signage in-venue utilizing Bowl trademarks or other Bowl intellectual property
 - (3) Sponsored halftime or in-venue entertainment
 - (4) Bowl video and ribbon board content in venue
 - (5) Bowl-sanctioned public events occurring on venue property (parking lots, green space, or inside the venue)
 - (6) Bowl-sanctioned private (hospitality) events occurring on venue property (Note: directional/wayfinding signage containing an impermissible sponsor is allowed.)
- d. Sponsored Bowl Activities and Use of Bowl Intellectual Property
- (1) Sponsors of any Bowl event where participating student-athletes will be present
 - (2) Use of Bowl tickets as a prize in a contest or promotional manner by a Bowl Sponsor
 - (3) Use of the Bowl's primary trademark or logo by a Sponsor

NCAA's Division I Football Bowl Advertising, Sponsor and Promotional Policies

ADDENDUM

Specific Examples of Permissible and Impermissible Advertisers and Sponsors and Promotions of Bowl Events Under These Policies.

The items below are intended to provide specific examples of topics and entities that are, and are not, permitted to be associated with the Division I Football Bowls or their events (marked below as **Permissible** or **Impermissible**, respectively). These examples are not meant to be exhaustive but instead were chosen to illustrate the application of the NCAA's principles outlined above. Over the years, NCAA business partners have questioned these topics and entities, and as a result, these examples are intended to address the most likely questions. For specific items or areas not listed below, the principles outlined above will govern. In any situation in which there is any doubt about appropriateness or adherence to the policies contained herein, the NCAA, after gathering input from the involved parties, shall review the situation on a case-by-case basis to determine, in its sole discretion, approval or disapproval. All questions about items or areas not listed should be directed to [Scott Bearby, deputy general counsel, sbearby@ncaa.org; 317 917-6913?].

[NOTE: Certain words are boldfaced below only to aid in locating specific items.]

Health Related Products

- **Hygiene**-related products. **P**
- Educational messages about the dangers of **sexually transmitted diseases** if done in a respectful manner. **P**
- **Health-related topics** or advertising, provided (1) such items are beneficial to one's physical or mental health and (2) all health-related and technical claims are supported by clinical or scientific evidence. **P**
- Federally approved **prescription drugs**. **P**
- **Sexual enhancement drugs** (e.g., ED drugs) that are federally approved, if no explicit descriptions of sexual side effects are used. **P**
- **NCAA-banned substances*** (e.g., stimulants, anabolic steroids, marijuana) and impermissible **Nutritional Supplements** that NCAA member institutions may not provide to student-athletes (e.g., creatine, amino acids, ginseng). **I** (*Note: The list of

NCAA-banned drug classes with examples is available at <http://www.ncaa.org/wps/wcm/connect/c1c4f1804e9476adb065b2a76ee8e0f8/NCAA+Banned+Substances+06232009.pdf?MOD=AJPERES&CACHEID=c1c4f1804e9476adb065b2a76ee8e0f8>)

Individuals, Agencies and Organizations

- Most **cause-related** organizations or events (e.g., National Alliance of Breast Cancer Organizations) unless the cause endorses a controversial or unacceptable viewpoint. **P**
- **Professional** advertising (e.g., dentists, doctors, lawyers). **P**
- **Governmental** agencies. **P**
- Individuals, organizations or associations organized as a recognized **not for profit**, unless (1) the ad or association endorses a political candidate or party, or (2) the ad or association advocates a viewpoint on controversial issues of public importance. **P**
- **Nightclubs**, pool halls and other establishments that include adult entertainment, gambling and the like. **I**
- **Public personalities** whose personas/images are inappropriate for NCAA audiences (e.g., those who promote hatred, misogyny or discrimination in their art). **I**
- Advocacy of viewpoints on **controversial issues** of public importance (e.g., religious beliefs, political beliefs). **I**

Sports Issues

- **Professional athletes** or others connected with **professional athletics**, provided there are no explicit promotional references to professional teams, leagues or events. **P**
- **Sports camps/clinics** (both private as well as those affiliated with a university), provided no recruiting service is promoted. **P**
- **Sports wagering**. **I** [Note: The NCAA's position on sports can be found at <http://www.ncaa.org/wps/wcm/connect/public/NCAA/Resources/Behind+the+Blue+Disk/Behind+the+Blue+Disk+-+Gambling+on+College+Sports>.]
- Organizations or companies primarily involved in **gambling** or gaming business activities (e.g., publications, Web sites, products, services). This includes casinos, horse/dog racing tracks, off-track betting and state-run lotteries. (**Hotels or restaurants that may be attached to gambling businesses are not included in this category if the advertisement does not include a gambling reference.**) **I**

- Names, pictures or likenesses of currently **eligible NCAA student-athletes**, unless specifically authorized consistent with NCAA Bylaws, including student-athlete and institution consent. **I**
- **Athletics recruiting services.** **I**

Children/Youth Protection

- **Child-directed** topics or advertising, with the understanding that all applicable laws are met. **P**
- Firearms, ammunition, and other **weapon**-related items. **I**
- Gratuitous **violence** of any kind, including ads depicting reckless, disorderly or destructive fan behavior. **I**
- Material that is defamatory, **obscene**, profane, vulgar or otherwise considered socially unacceptable or offensive to the general public. **I**
- Overt and demeaning portrayal of males and/or females as **sexual objects.** **I**
- Depiction of any student-athlete subgroup in a **degrading, demeaning or disrespectful** manner. **I**
- Promotions for **motion pictures, television programming or interactive games** that are rated “NC-17 (formerly “X”) or their television/interactive game equivalents. **I**

Alcohol and Tobacco

- **Anti-smoking, anti-drinking, responsible drinking, or anti-tobacco** activities or items. **P**
Malt beverages, beer, wine, and other alcoholic products **I**
- Companies primarily involved in the manufacture or sale of **tobacco** or tobacco-related products/services. **I**

Legal/Technical

- **False**, unsubstantiated or unwarranted claims for any product or service, or any unauthenticated testimonials. **I**
- Ambiguous, misleading or **deceptive** statements. **I**
- Terms or implications that the Division I Football Bowls,, its member institutions/conferences, or the faculties, employees or students of such member institutions/conferences recommend, **endorse** or certify any product or service, or are employed or engaged by the commercial entity. **I**

- Any act or anything contradicting or in any way impairing or tending to impair the NCAA's **exclusive right**, title and interest in and to NCAA Marks. **I**
- **Infringements** or violations of any law, agreement or other rights of any kind whatsoever, of any person or entity including, without limitation, rights affecting copyright, patent, trademark, unfair competition, contract, defamation, privacy and/or publicity. **I**
- Attacks or other **disparagements** of the NCAA or its members. **I**

Executive Summary
NCAA Division I Committee on Academic Performance Meeting, April 23-25, 2012

Non Action Items:

Preview of NCAA Division I Academic Progress Rate (APR) data which will be released in June: Attachment A provides a summary previewing the national and sport-group APR averages, trends and penalties for the 2007-08 through 2010-11 academic years.

Action Items:

1. **NCAA Division I Proposal No. 2011-94 Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Core Course Requirements and Initial Eligibility Index.** The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors amend the effective date of Proposal Nos. 2011-94, 2012-6 and 2012-7 to August 1, 2016, for student-athletes initialing enrolling full time in a collegiate institution on or after August 1, 2016. Feedback from the NCAA membership indicates general support for delaying the effective date from August 2015 to August 2016. Specifically, since current freshmen in high school are impacted by the August 2015 effective date, and significant elements of the detailed education plan have not been realized, a one-year delay provides opportunity for increased education for prospective student-athletes prior to beginning high school.
2. **NCAA Division I Proposal No. 2011-69 Eligibility – Transfer Regulations -- 2-4 AND 4-2-4 College Transfers.** The Committee on Academic Performance recommends that the Board seek membership input on a possible one-year delay in effective date for Proposal 2011-69. Specifically, the two-year college community has requested this delay in order to provide a longer period of education for the two-year community. If approved the Committee on Academic Performance would seek membership input prior to its July 2012 meeting with a possible recommendation for consideration by the Board August 2012. In addition, the committee seeks further input regarding Proposal 2011-65 (Year of Academic Readiness) and possible amendments.
3. **Amendments to the NCAA Division I Academic Performance Program (APP) for Limited-Resource Institutions.** The Committee on Academic Performance recommends the Board amend the transition to the new 930 APR benchmark for APP penalties and access to postseason competition for limited-resource institutions as fully detailed in Attachment B. In summary:
 - a. Establish a longer transition timeline to 930 APR for limited-resource institutions. Specifically, 900 APR would be the penalty benchmark for ineligibility for postseason competition and Level One through Level Three penalties taken in 2012-13 and 2013-14; 910 in 2014-15; and 920 in 2015-16.
 - b. For ineligibility for postseason competition and APP penalties taken in 2012-13 through 2015-16, permit the use of the improvement filter that was part of the previous APP penalty determination process.
 - c. Require a meaningful APR improvement plan in order to access the longer transition timeline or the noted improvement filter.
 - d. For the purposes of this recommendation, limited-resource institutions will be defined as teams in the bottom 15 percent of all Division I member institutions in resources (using the same formula the committee uses for other purposes), excluding all Football Bowl Subdivision institutions.
4. **Committee on Academic Performance Policies and Procedures** – The Committee on Academic Performance recommends the Board approve its policies and procedures for the 2012-13 academic year. The policies were updated consistent with the amendments to the APP that were adopted throughout the past year. NCAA legislation requires the Board to approve APP policies and procedures annually.

**REPORT OF THE
NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE
MARCH 14-15, 2012, TELECONFERENCES**

KEY ITEMS.

- **Timing and Announcement of the NCAA Division I Academic Performance Program (APP) Penalties.** The NCAA Division I Committee on Academic Performance determined that the current data collection process will remain in place for postseason ineligibility and penalties imposed during the 2012-13 academic year.
- **NCAA Division I Proposal No. 2011-94 Eligibility -- Freshman Academic Requirements -- Eligibility for Financial Aid, Practice and Competition -- Core Course Requirements and Initial-Eligibility Index.** The NCAA Division I Committee on Academic Performance is discussing noncontroversial legislation to amend the effective date of NCAA Division I Proposal No. 2011-94 to August 1, 2016; for students initially enrolling full time in a college institution on or after August 1, 2016. This would be a one-year delay from the current 2015 date. The committee seeks membership input and comment on this issue prior to its April meeting. The committee may seek NCAA Division I Board of Directors approval during the Board's April meeting.

ACTION ITEMS.

1. Nonlegislative Items.

- **Amendments to the NCAA Division I Academic Performance Program for Limited-Resource Institutions.**
 - (1) Recommendation. The Committee on Academic Performance recommends the Board of Directors amend the transition to the new 930 NCAA Division I Academic Progress Rate (APR) benchmark for APP penalties and access to postseason competition for limited-resource institutions (as defined in this item). Specifically, the amendments would:
 - (a) Establish a longer transition timeline to 930 APR for limited-resource institutions. Specifically, 900 APR would be the penalty benchmark for ineligibility for postseason competition and Level-One through -Three penalties taken in 2012-13 and 2013-14; 910 in 2014-15; and 920 in 2015-16. For ineligibility for postseason competition and Level-One through -Three penalties taken in 2016-17 the penalty benchmark would be 930. As a frame of reference, all other Division I member institutions are subject to the new 930 APR requirements for postseason access and Level-One through -Three penalties taken in 2014-15.

- (b) For ineligibility for postseason competition and APP penalties taken in 2012-13 through 2015-16 permit use of the improvement filter that was part of the previous APP penalty determination process. Application of the improvement trending test provides limited-resource institutions relief from ineligibility for postseason competition and penalties based on making significant improvement toward the 930 benchmark. The improvement filter requires a team to satisfy one of the five improvement tests and have the following minimum single-year APR to avoid postseason ineligibility and penalties: 2010-11 – 900 APR; 2011-12 – 900 APR; and 2012-13 and beyond – 930 APR.
- (c) Require a meaningful APR improvement plan in order to access the longer transition timeline or the noted improvement filter. Review, approval and the appeal process for such determinations shall be as follows:
 - i. The staff shall collect the institution's most recent improvement plan along with information regarding implementation of the prior year's plan, if applicable, in the fall (e.g., fall of 2012 for ineligibility for postseason competition and penalties served during 2013-14 academic year).
 - ii. NCAA staff will evaluate each plan to determine if the following established criteria is met:
 - The institution has a history of implementation of APR improvement plans if a plan was previously required;
 - The institution has identified critical issues supported by data;
 - The institution has developed meaningful initiatives that address the critical issues;
 - Development and assessment of the plan included broad-based campus participation;

- This plan has been approved by the chancellor or president; and
 - The team's projected single-year APR targets elevate the team out of the penalty structure by the end of the four-year transition period.
- iii. Staff will provide written notice to the institution advising the institution of the staff's determination (i.e., whether the plan meets the established criteria).
- iv. If the institution's plan and/or implementation of the prior plan do not meet the committee's criteria, staff will advise the institution and it may appeal the staff's assessment of the plan and/or implementation of prior year's plan. The institution's appeal of the staff's determination will be heard as part of its request to waive the applicable penalties, not separately.

For the purposes of this recommendation, limited-resource institutions will be defined as teams in the bottom 15 percent of all Division I member institutions in resources (using the same formula the committee uses for other purposes), excluding all Football Bowl Subdivision (FBS) institutions. FBS institutions/teams shall not be eligible for this longer transition timeline or additional improvement filters regardless of resource level.

Finally, the committee recommends the Board support the following additional recommendations from the Historically Black Colleges and Universities and Limited-Resource Institutions Advisory Group:

- (a) That the HBCU and Limited-Resource Institutions Advisory Group engage presidents serving on the advisory group to help engage other presidents in the HBCU community regarding APP matters;
- (b) That the staff conduct visits to some limited-resourced campuses to meet with presidents, senior management teams, directors of athletics and other appropriate staff for the purpose of engaging in dialog and education regarding APP matters;

- (c) That the HBCU and Limited-Resource Institutions Advisory Group work with the staff to help engage directors of athletics through conference initiatives;
 - (d) That the HBCU and Limited-Resource Institutions Advisory Group and the staff encourage enhancement and greater use of the Limited-Resource Collaboration Zone;
 - (e) That the HBCU and Limited-Resource Institutions Advisory Group develop a partnership with the National Association of Academic Advisors for Athletics (N4A) to establish a program for peer review of academic support programs and policies to assist limited-resource institutions in meeting benchmarks;
 - (f) That the staff establish a best practices document for transitional periods on campus;
 - (g) That the HBCU and Limited-Resource Institutions Advisory Group and the Committee on Academic Performance be updated by staff annually on the progress of limited-resource institutions moving toward the 930 benchmark;
 - (h) That the HBCU and Limited-Resource Institutions Advisory Group identify one presidential member of the group to serve as an ad hoc member of the Committee on Academic Performance during policy meetings; and
 - (i) That the staff provide education to limited-resource institutions regarding initial eligibility and two-year college transfer legislative changes and encourage limited-resource institutions to share educational materials with prospect age student-athletes.
- (2) Effective Date. Immediate. This would include postseason access and penalties otherwise applicable in 2012-13.
- (3) Rationale. The HBCU and Limited-Resource Institutions Advisory Group was formed late last fall based on a recommendation from the committee and has been working to provide recommendations regarding the APP's impact on limited-resource institutions. The advisory group provided recommendations to the committee based on concerns that limited-resource institutions are at a disadvantage due to the amount of

resources available to make academic changes to increase the APR. The proposed transition recommendation allows limited-resource institutions more time to make meaningful change for academically underperforming teams. The other recommendations support the ongoing APR improvement of limited-resource institutions and facilitate working towards meeting the established benchmark of 930 for all teams.

In defining limited resource for this purpose, the committee believes it is appropriate to exclude Football Bowl Subcommittee (FBS) institutions. These institutions have made a substantial financial commitment to their athletics department in order to be members of FBS, including sponsoring the necessary number of sports and provision of increased athletics scholarships. As such, these institutions should be in a position to be able to provide the resources necessary to increase the academic performance of student-athletes similar to other Division I institutions.

- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Timing and Announcement of APP Penalties.** The Committee on Academic Performance continued its discussion of an alternative process for collection and finalizing of APRs to expedite the announcement of APRs and application of penalties and/or postseason ineligibility. The committee determined that the current data collection process will remain in place for ineligibility for postseason competition and penalties taken during the 2012-13 academic year. Currently, data are submitted each fall, waivers and appeals are conducted in the winter and spring and the announcement is made after the last postseason event each year. Ineligibility for postseason competition and any penalties assessed are taken in the next academic year (e.g., data years for eligibility for postseason in 2012-13 will be 2007-08, 2008-09, 2009-10 and 2010-11). During its discussion regarding timing of data collection the committee noted that it will consider any possible enhancements to the waiver directive during its summer meeting after it has had one full year to understand and evaluate the waiver directive.
2. **Division I Proposal No. 2011-94 Eligibility -- Freshman Academic Requirements -- Eligibility for Financial Aid, Practice and Competition -- Core Course Requirements and Initial-Eligibility Index.** The Committee on Academic Performance is considering making a recommendation to the Board of Directors that it sponsor

noncontroversial legislation to amend the effective date of Proposal No. 2011-94 to August 1, 2016; for students initially enrolling full time in any college institution on or after August 1, 2016. Specifically, the original effective date of August 1, 2015, would hold those prospective student-athletes that are currently freshmen in high school to the new initial-eligibility standards. Concerns have been raised that the timing of the adoption of this legislation may not provide sufficient opportunity to educate prospective student-athletes regarding the changes. The committee invites membership comment on this matter prior to its April meeting.

Additionally, the committee supports providing the membership with an opportunity to provide input into possible enhancements to the initial-eligibility legislation. The Committee on Academic Performance would consider any enhancements suggested by the membership during its July meeting and report to the Board in August.

3. **Other Recommendations Submitted by the HBCU and Limited-Resource Institutions Advisory Group.** The committee considered two other recommendations submitted by the advisory group and recommended further study on both recommendations. The specific recommendations were consideration of filters beyond the transition time period, with specific consideration of the retention point and greater faculty athletics representative involvement in assisting institutions in implementing improvement plans and working toward the 930 benchmarks.
4. **February Report of the NCAA Division I Committee on Academic Performance.** The committee reviewed the report.
5. **Newly Appointed Committee Members.** The committee was informed of the most recent committee appointments, effective September 1, 2012.

Committee Chair: Walter Harrison, University of Hartford, America East Conference

Staff Liaisons: Diane Dickman, Academic and Membership Affairs

Kevin Lennon, Academic and Membership Affairs

Todd Petr, Research

Bill Regan, Academic and Membership Affairs

John Shukie, Academic and Membership Affairs

Jennifer Strawley, Academic and Membership Affairs

March 14-15, 2012	
Attendees	Absentees
Jan Blade, Delaware State University	
Jerry Bovee, Weber State University	
Jennifer Brown, Western Carolina University	
Michael Cross, Bradley University	
Jack Evans, University of North Carolina, Chapel Hill	
Kenneth Ferguson, University of Missouri, Kansas City	
David Jamison, Robert Morris University	
Melvin Johnson, Tennessee State University	
Barbara Luebke, University of Rhode Island	
Lisa Melz, Western Illinois University	
Roderick McDavis, Ohio University	
John Morris, University of Washington	
Vince Nicastro, Villanova University	
Brennan O'Donnell, Manhattan College	
Greg Sankey, Southeastern Conference	
Other Guests in Attendance:	
Other NCAA Staff Members in Attendance: Andy Cardamone, Michelle Hosick, Andy Louthain, Tom Paskus, Todd Petr, Wally Renfro, Tiese Roxbury, Naima Stevenson, Katy Yurk.	

REPORT OF THE
NCAA DIVISION I COMMITTEE ON INFRACTIONS

ACTION ITEM.

- **Legislative Items.**

- **Amend Bylaw 32.7.1 as follows:**

32.7.1 Summary Disposition Election. In major infractions cases, institutions, involved individuals and the enforcement staff may elect to process the case through the summary disposition procedures specified below. The enforcement staff, involved individuals, if participating, and the institution must agree to use the summary disposition process. **In making a decision on whether to agree to use the summary disposition process, the institution, any involved individual or the enforcement staff may elect to require as a condition of agreement that the parties jointly submit the proposed findings to the chair of the committee or his/her designee for a preliminary assessment as to whether it is appropriate to process the case via summary disposition.** (Adopted: 1/16/93, Revised: 4/22/98, 6/11/07, 8/12/10)

- (1) Recommendation: The committee recommends that the NCAA Division I Board of Directors approve a revision made by the Committee on Infractions, pursuant to Constitution 5.2.3.3 to revise Bylaw 32.7.1 (Summary Disposition Election).
- (2) Effective Date: Immediate.
- (3) Rationale: The intent of the summary disposition process is to allow institutions and individuals who agree to their involvement in major violations to expedite the processing of their infractions cases by submitting a written detailing of the violations and evidence, thereby avoiding the cost and time associated with full infractions hearings. However, in instances when the Committee on Infractions disagrees that the case can be reviewed via the written record and remands the matter to a hearing, the timing of the processing of the case is delayed even further. As such, the proposed amendment to the legislation is a remedy designed to avoid the additional time and costs associated with the remanding of a summary disposition report.
- (4) Estimated Budget Impact. None
- (5) Student-Athlete Impact. None

MEMORANDUM

April 25, 2012

TO: NCAA Division I Board of Directors.

FROM: William Chaves, chair
NCAA Division I Administration Cabinet.

SUBJECT: Reappointments/Appointment to the Division I Committee on Infractions.

The Administration Cabinet recommends that the Board of Directors reappoint Roscoe Howard, attorney (public member); Eleanor Myers, faculty representative, Temple University, Atlantic-10 Conference; James O'Fallon, faculty representative, University of Oregon, Pacific-12 Conference; and Rodney Uphoff, law professor, University of Missouri, Columbia, Big 12 Conference to the Division I Committee on Infractions. This would be the first reappointment for all four committee members.

Committee on Infractions members serve three-year terms and may be reappointed, but shall serve not more than nine years on the committee.

The Administration Cabinet recommends that the Board of Directors appoint for his first term on the Division I Committee on Infractions Greg Christopher, director of athletics, Bowling Green State University, Mid-American Conference.

Please contact Sharon Tufano if you have any questions regarding this information.

WC:vlm

MEMORANDUM

April 25, 2012

TO: NCAA Division I Board of Directors.

FROM: William Chaves, chair
NCAA Division I Administration Cabinet.

SUBJECT: Reappointments to the Division I Infractions Appeals Committee.

The Administration Cabinet recommends that the Board of Directors reappoint Susan Lipnickey, faculty representative, Miami University (Ohio), Mid-American Conference (second reappointment); and Patrica Ohlendorf, vp of Institutional Relations and Legal; University of Texas at Austin, Big 12 Conference (first reappointment). Infractions Appeals Committee members serve three-year terms and may be reappointed, but shall serve not more than nine years on the committee.

Please contact Sharon Tufano if you have any questions regarding this information.

WC:vlm

**REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I LEADERSHIP COUNCIL
April 12, 2012, MEETING**

ACTION ITEM.

- None.

INFORMATION ITEMS.

1. **Report of January 12, 2012, Leadership Council Meeting.** The Leadership Council approved the report of its January 12, 2012, meeting.
2. **Update on Presidential Retreat Initiatives.** The Leadership Council received an update regarding the work of the four Transforming Intercollegiate Athletics Working Groups.
 - a. Student-Athlete Well-Being Working Group. The Council was informed of the Board of Directors' request that the Student-Athlete Well-Being Working Group consider alternative proposals for a miscellaneous expense allowance. The working group developed three alternatives that have been circulated for review and comment. It is anticipated that conferences will discuss these alternatives during their upcoming spring meetings and provide feedback to the working group. The Board is not expected to take further action concerning the matter until at least August for possible implementation for 2013-14.
 - b. Transforming Intercollegiate Athletics Resource Allocation Working Group. The Council was informed that most of the recommendations of the Resource Allocation Working Group were defeated by the Board of Directors in January. The issue of possible limitations on the number of noncoaching personnel was referred to the Rules Working Group in its review of Bylaw 11. The issue of contest limitations in all sports, as well as other Bylaw 17 topics, will be reviewed by the Rules Working Group in conjunction with the NCAA Division I Championships/Sports Management Cabinet.
 - c. Transforming Intercollegiate Athletics Collegiate Model -- Rules Working Group. The Council received an update on the progress of the Rules Working Group, and the communication and outreach plans to keep the membership informed and involved in the process. The approach to a new regulatory structure was reviewed with the Council, noting the goal of establishing rules that are meaningful, enforceable and contribute to student-athlete success. The Council was informed of the timeline of the three phases of review and which bylaws would be reviewed in each phase.

- d. Transforming Intercollegiate Athletics Collegiate Model -- Enforcement Working Group. The Council was informed of the Enforcement Working Group's progress in creating a multi-level NCAA rules violation structure, an enhanced penalty structure, a more efficient process structure and re-establishing a sense of shared responsibility amongst the interested individuals and entities in intercollegiate athletics.
3. **Women's Basketball Recruiting Model.** The Leadership Council Women's Basketball Recruiting Subcommittee informed the Council of the concepts under consideration for a women's basketball recruiting model. The subcommittee noted that its discussions have focused on communication with prospects (e.g., modes, start date, frequency), official visits, event certification, on-campus evaluations and summer access. The subcommittee also has discussed the summer recruiting evaluation period and noted the women's basketball coaches support for reducing the number of days they are off-campus recruiting in July. The current legislative cycle includes a proposal (Proposal No. 2011-54) that would modify the July 6-31 recruiting period to consist of, consecutively, a seven-day evaluation period, a 10-day dead period, a seven-day evaluation period and a two-day dead period. The subcommittee asked that the Council endorse the adoption of Proposal No. 2011-54, which will be considered by the NCAA Division I Legislative Council during its April 16-17 meeting. The Council unanimously endorsed the proposal with an August 1, 2012, effective date. The subcommittee will continue to discuss the concepts under consideration for a women's basketball recruiting model, with plans to seek further input from coaches, the Division I Student-Athlete Advisory Committee (SAAC) and the National Federation of State High School Associations (NFHS).
4. **Update from Leadership Council's Agent Subcommittee.** The Council was updated on the Agent Subcommittee's discussion of a national agent registration program that could serve as a resource for institutions and student-athletes that would assist in the agent/advisor education process. The Council raised a number of questions regarding the proposed program and suggested the subcommittee continue to discuss the elements of the program.
5. **Criteria for Conference Membership in Division I Governance/Championships Structure.** The Leadership Council received a presentation from several representatives of the Great West Conference regarding their request to seek a waiver or legislation that would immediately designate the Great West Conference as an active Division I multi-sport conference.

LEADERSHIP COUNCIL ACTION: The Leadership Council voted not to support the Great West Conference's request. (Unanimous Voice Vote.)

6. **Report from the Division I Student-Athlete Advisory Committee (SAAC).** Eugene Daniels, chair of the Division I SAAC, presented a report of the committee's priorities for the upcoming year. In the coming year, the Division I SAAC will focus on:
 - a. Enhancing the student-athlete voice within the Association;
 - b. It's new community service initiative, a partnership with Samaritan's Feet; and
 - c. Increasing the overall awareness of SAAC, particularly amongst groups outside of the Association.
7. **Update on Review of Division I Athletics Certification Program.** The Council was updated on the work of the NCAA Division I Athletics Certification Committee in its review of the athletics certification program. The Council received information on the name and purpose of the new program, as well as system development, organizational changes and the planned request for a one-year delay in the implementation of the new program.
8. **New Membership Communication Initiative.** The Council was informed of the planned implementation of a membership communication initiative designed to enhance communication between the NCAA national office and the membership. The process will be piloted by individuals in the membership, as well as national office staff members, to ensure the outlined services are operating as designed.
9. **Future Meetings.**
 - October 11, 2012, Indianapolis, Indiana.

Leadership Council chair: Mike Alden, University of Missouri

Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance
Kevin Lennon, academic and membership affairs

Division I Leadership Council April 12, 2012, Meeting	
ATTENDEES	ABSENTEES
Mike Alden, University of Missouri, Big 12 Conference	Peg Bradley-Doppes, University of Denver, Sun Belt Conference
Sandy Barbour, University of California, Pacific-12 Conference	
Harold Bardo, Southern Illinois University, Carbondale, Missouri Valley Conference	
Mike Bitter, Stetson University, Atlantic Sun Conference	
Dave Blank, Elon University, Southern Conference	
McKinley Boston, Jr., New Mexico State University, Western Athletic Conference	
Morgan J. Burke, Purdue University, Big Ten Conference	
Janet Cone, University of North Carolina, Asheville, Big South Conference	
Joan Cronan, University of Tennessee, Southeastern Conference	
Eugene Daniels, chair of the Division I SAAC	
Beth Debauche, Ohio Valley Conference	
Peter Fields, Montana State University-Bozeman, Big Sky Conference	
Chet Gladchuk, United States Naval Academy, Patriot League	
Robin Harris, Ivy League	
Jack Hayes, Hofstra University, Colonial Athletic Association	
Amy Huchthausen, America East Conference	
R.C. Johnson, University of Memphis, Conference USA	
Lisa Kelleher, University of Nevada, Las Vegas, Mountain West Conference	
Myndee Kay Larsen, Summit League	
Jonathan LeCrone, Horizon League	
Susan Cross Lipnickey, Miami University, Mid-American Conference	

Janet Lucas, University of California, Riverside, Big West Conference	
John Marinatto, Big East Conference	
Clyde McCoy, University of Miami, Atlantic Coast Conference	
John McCutcheon, University of Massachusetts, Atlantic 10 Conference	
Noreen Morris, Northeast Conference	
Derrick Ramsey, Coppin State University, Mid-Eastern Athletic Conference	
John Ritschdorff, Marist College, Metro Atlantic Athletic Conference	
Duer Sharp, Southwestern Athletic Conference	
Ky Snyder, University of San Diego, West Coast Conference	
Bobby Williams, Sam Houston State University, Southland Conference	
NCAA staff liaisons in attendance: David Berst, Jacqueline Campbell, Kevin Lennon	
Other Guests in attendance: Ed Grom, Great West Conference; Cindy Hartmann, Duke University and Women's Basketball Issues Committee; Mike Jacobsen, Utah Valley University; Lenny Kaplan, New Jersey Institute of Technology; Muffet McGraw, University of Notre Dame and Women's Basketball Issues Committee chair; Gwendolyn Packnett, ACE Fellow, and Jennifer Rizzotti, University of Hartford and WBCA.	
Other NCAA staff members who were in attendance for portions of the meeting: Angie Cretors, Diane Dickman, Jennifer Henderson, Lynn Holzman, Michelle Hosick, LuAnn Humphrey, Matt Maher, Steve Mallonee, Rachel Newman, Jobrina Perez, Ronnie Ramos, Donald Remy, Dave, Schnase, Naima Stevenson and Wendy Walters.	

**REPORT OF THE
NCAA DIVISION I LEGISLATIVE COUNCIL MEETING
APRIL 16-17, 2012**

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Report of the January 14 NCAA Division I Board of Directors meeting and the January 12 NCAA Division I Leadership Council meeting.** The NCAA Division I Legislative Council received a report of the January 14 Board of Directors meeting and the January 12 Leadership Council meeting and took no action.
2. **Report of the January 13 NCAA Executive Committee meeting.** The council received a report of the January 13 Executive Committee meeting and took no action.
3. **Litigation update.** Scott Bearby, NCAA managing director of legal affairs and deputy general counsel, provided the update to the council.
4. **Report of the February 6-7 NCAA Division I Academic Cabinet meeting.** The council received the report and took no action.
5. **Report of the February 8-9 NCAA Division I Administration Cabinet meeting.** The council received the report and took no action.
6. **Report of the February 16-17 NCAA Division I Amateurism Cabinet meeting.** The council received the report and took no action.
7. **Report of the February 2 NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet meeting.** The council received the report and took no action.
8. **Report of the February 15 NCAA Division I Championships/Sports Management Cabinet meeting.** The council received the report and took no action.

9. **Report of the February 7-8 NCAA Division I Recruiting and Athletics Personnel Issues Cabinet meeting.** The council received the report and took no action.
10. **Report of the NCAA Division I Legislative Review and Interpretations Committee.** The council approved the official interpretations issued by the Legislative Review and Interpretations Committee as distributed.
11. **Report of the March 9 NCAA Division I Legislative Council Subcommittee for Legislative Relief teleconference.** The council received the report and took no action.
12. **Report of the February 23-24 NCAA Division I Committee on Athletics Certification meeting.** The council received the report and took no action. The council expressed support for delaying the initial data collection from all NCAA Division I members to the fall of 2013.
13. **Report of the January 10-14 NCAA Division I Student-Athlete Advisory Committee meeting.** The council received the report and took no action.
14. **Report of the April 10 NCAA Division I Football Championship Subdivision Governance Committee teleconference.** The council received the report and took no action.
15. **Report of the February 20 NCAA Division I Committee on Academic Performance meeting.** The council received the report and took no action.
16. **Report of the February 22 NCAA Committee on Women's Athletics teleconference.** The council received the report and took no action.
17. **Report of the February 8-9 NCAA Minority Opportunities and Interests Committee.** The council received the report and took no action.
18. **Legislative Actions.** A list of the council's legislative actions may be found in Attachment A and detailed voting results may be found in Attachment B.

[Note: Per NCAA Constitution 5.3.2.2.4.1, legislation adopted by the Legislative Council shall be subject to possible review by the NCAA Division I Board of Directors at its next meeting. At its discretion, the Board of Directors may ratify, amend or defeat legislation adopted by the Legislative Council. Further, per Constitution 5.3.2.2.4.2, the Board of Directors may resurrect a proposal defeated on final review by the Legislative Council and consider the proposal on its merits. The Board of Directors also may amend such a proposal.]

19. **Presidential Retreat Working Groups updates.** The council received information and engaged in discussions related to the latest meetings and actions taken by the various Presidential Retreat Working Groups. The council offered feedback regarding various commitments and concepts. The feedback, along with feedback compiled from other governance entities and the NCAA membership, will be provided to the appropriate working groups and shared with the membership. No action was taken.
20. **Division I Leadership Council Women's Basketball Recruiting Model.** The council received a report related to the content and status of the women's basketball recruiting model and took no action.
21. **Election of Chair and Vice Chair.** Greg Sankey, representative of the Southeastern Conference, was elected to serve as chair of the Legislative Council, effective July 1. Matt Banker, representative of the Ohio Valley Conference, was elected to serve as vice chair of the Legislative Council, effective July 1.

Council Chair: Carolyn Campbell-McGovern, Ivy League
Council Liaisons: Lynn Holzman, Academic and Membership Affairs
Steve Mallonee, Academic and Membership Affairs
Binh Nguyen, Academic and Membership Affairs
Leeland Zeller, Academic and Membership Affairs

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Attendees	Absentees
Alicia Alford, Sacred Heart University, Northeast Conference	Brad Hostetter, Atlantic Coast Conference
Matt Banker, Ohio Valley Conference	
Jeff Bolin, Purdue University, Big Ten Conference	
Paul Bowden, George Mason University, Colonial Athletic Conference	
Carolyn Campbell-McGovern, Ivy League	
Kim Capriotti, Jacksonville University, Atlantic Sun Conference	
Joseph D'Antonio Jr., Big East Conference	
Meredith Eaker, Liberty University, Big South Conference	
Shaney Fink, University of San Diego, West Coast Conference	
David Flores, Big 12 Conference	
Jean Gee, University of Montana, Big Sky Conference	
Beth Goode, Stanford University, Pac-12 Conference	
Jackie Mynarski, Mid-American Conference (alternate)	
Kathy Heylens, South Dakota State University, Summit League	
Elaine Jacobs, Youngstown State University, Horizon League	
Richard Johnson, Wofford College, Southern Conference	
Scott Connors, Sun Belt Conference (alternate)	
Bill Maher, Canisius College, Metro Atlantic Athletic Conference	
Cindy Masner, Long Beach State University, Big West Conference	
Stephanie McDonald, Southland Conference	
Kaitlyn McKittrick, Lafayette College, Patriot League	
Mary Mulvenna, America East Conference	
Robert Philippi, Conference USA	
Jill Redmond, Atlantic 10 Conference (alternate)	
Ashley Robinson, Prairie View A&M University, Southwestern Athletic Conference	
Janice Ruggiero, University of New Mexico, Mountain West Conference	
Greg Sankey, Southeastern Conference	
Curtis Schickner, Division I Student-Athlete Advisory Committee	
Rob Spear, University of Idaho, Western Athletic Conference	
Greg Walter, Missouri Valley Conference	
Quintin Wright, Mid-Eastern Athletic Conference	
Other Participants: Scott Bearby, David Berst, Kelly Brooks, Jackie Campbell, Jennifer Henderson, Michelle Hosick, Charnele Kemper, Kevin Lennon, Jobrina Perez, Bill Regan, Kris Richardson, Dave Schnase, Geoff Silver	

NCAA Division I Legislative Council April 2012 Legislative Actions

1. Modifications of Wording.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
M-2012-1	AMATEURISM -- FINANCIAL DONATIONS FROM PROFESSIONAL SPORTS ORGANIZATIONS -- RECIPROCAL MARKETING AGREEMENTS	NCAA Division I Legislative Council	Immediate	To clarify that, in sports other than football and men's basketball, an institution's marketing department may enter into a reciprocal contractual relationship with a professional sports organization for the specific purpose of marketing and promoting an institutionally sponsored sport.	Approved.
M-2012-2	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- EQUIVALENCY COMPUTATIONS -- CALCULATION OF BOOKS -- ENROLLMENT FOR LESS THAN A FULL ACADEMIC YEAR	NCAA Division I Legislative Council	August 1, 2012	To clarify that if a student-athlete is enrolled for less than a full academic year (e.g., one semester, one or two quarters) and receives any portion of a book allowance, the institution must use the amount in the numerator that is proportionate to the number of terms of enrollment (\$400 for semester systems, \$534 or \$267 for quarter systems).	Approved.

2. Proposals Recommended as Emergency or Noncontroversial Legislation.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
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Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2012-4	EXECUTIVE REGULATIONS -- ELIGIBILITY FOR CHAMPIONSHIPS -- INELIGIBILITY FOR USE OF BANNED DRUGS -- MANIPULATION OF DRUG TEST SAMPLE	NCAA Division I Championships/Sports Management Cabinet (Committee on Competitive Safeguards and Medical Aspects of Sports)	August 1, 2012, for tests occurring on or after August 1, 2012	To increase the penalty for a student-athlete who is involved in a case of clearly observed manipulation of an NCAA drug test sample to the loss of a minimum of two seasons of competition in all sports, as specified.	Supported as noncontroversial legislation. Adopted.
2012-5	ELIGIBILITY -- INITIAL ELIGIBILITY -- COMMON PROVISIONS -- DIVISION I AND DIVISION II -- COLLEGE COURSES AND MULTIPLE HIGH SCHOOL ATTENDANCE	NCAA Division I Academic Cabinet	Immediate	To change the voting line for bylaws related to initial eligibility from federated to common for Division I and Division II, as specified.	Supported as noncontroversial legislation. Adopted.
2012-6	ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION -- QUALIFIER -- CORE-COURSE REQUIREMENTS -- EXCEPTION -- INTERNATIONAL PROSPECTIVE STUDENT-ATHLETE	NCAA Division I Academic Cabinet	August 1, 2015, for student-athletes initially enrolling full time in a collegiate institution on or after August 1, 2015*	To specify that a prospective student-athlete whose initial-eligibility certification is based entirely on international credentials shall not be required to complete ten of the required 16 core courses before the start of his or her seventh semester (or the equivalent) of high school.	Supported as noncontroversial legislation. Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2012-7	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR PRACTICE DURING EACH TERM OF THE INITIAL YEAR IN RESIDENCE	NCAA Division I Academic Cabinet	August 1, 2015, for student-athletes initially enrolling full time in a collegiate institution on or after August 1, 2015*	To specify that an academic redshirt must successfully complete nine semester or eight quarter hours of academic credit during each applicable regular academic term of his or her initial year in residence in order to be eligible for practice in the immediately subsequent term of his or her initial year in residence.	Supported as noncontroversial legislation. Adopted.

*If the effective date of NCAA Proposal No. 2011-94 is delayed, the effective date of this proposal will also be delayed, consistent with such action.

3. Actions Related to 2010-11 Legislative Cycle Proposals.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-18	PERSONNEL AND RECRUITING - RECRUITING COORDINATION FUNCTIONS -- TELEPHONE CALLS -- RECEIPT OF CALLS FROM PROSPECTIVE STUDENT-ATHLETES	Southeastern Conference	Immediate	To eliminate the restriction on the receipt of telephone calls from prospective student-athletes (or prospective student-athletes' parents, legal guardians or coaches) that requires such calls to be received by the head coach or one or more of the assistant coaches who count toward the numerical limitations.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-24	AMATEURISM -- AMATEUR STATUS -- EXPENSES FROM A SPONSOR FOR PRACTICE OR COMPETITION IN INDIVIDUAL SPORTS PRIOR TO FULL-TIME COLLEGIATE ENROLLMENT	NCAA Division I Amateurism Cabinet	Immediate	In individual sports, to specify that, prior to full-time collegiate enrollment, an individual may accept up to actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from a sponsor (e.g., neighbor, business) other than an agent, a member institution or a representative of an institution's athletics interests.	Adopted.
2011-25	AMATEURISM -- EXCEPTIONS TO AMATEURISM RULE -- PRIZE MONEY PRIOR TO FULL-TIME COLLEGIATE ENROLLMENT -- TENNIS -- \$10,000 PER YEAR	NCAA Division I Amateurism Cabinet	Immediate	In tennis, to specify that, prior to full-time collegiate enrollment, an individual may accept prize money based on his or her place finish or performance in open athletics events, not to exceed \$10,000 per calendar year; further, to specify that once the individual has reached the \$10,000 limit, he or she may receive additional prize money on a per-event basis, provided such prize money does not exceed his or her actual and necessary expenses for participation in the event.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-28-A	RECRUITING -- PERMISSIBLE RECRUITERS -- GENERAL EXCEPTIONS -- RELATIVES OF ENROLLED STUDENT-ATHLETES	Southeastern Conference	Immediate	To specify that contacts between a prospective student-athlete or his or her relatives (traditional or nontraditional) or legal guardians and the relatives (traditional or nontraditional) or legal guardians of an enrolled student-athlete that occur on the day of a regularly scheduled home athletics event shall be permissible.	Rendered moot by the adoption of Proposal No. 2011-28-B.
2011-28-B	RECRUITING -- PERMISSIBLE RECRUITERS -- GENERAL EXCEPTIONS -- ON-CAMPUS CONTACT WITH RELATIVES OF ENROLLED STUDENT-ATHLETES	Big East Conference	Immediate	To specify that on-campus contacts between a prospective student-athlete or his or her relatives (traditional or nontraditional) or legal guardians accompanying the prospective student-athlete and the relatives (traditional or nontraditional) or legal guardians of an enrolled student-athlete shall be permissible.	Adopted.
2011-29-A	RECRUITING -- PERMISSIBLE RECRUITERS -- STUDENT-ATHLETE -- OFF-CAMPUS CONTACTS DURING AN UNOFFICIAL VISIT	Southeastern Conference	Immediate	To specify that off-campus, in-person contacts between enrolled student-athletes and a prospective student-athlete are permissible if such contacts do not occur at the direction of a coaching staff member and the prospective student-athlete has notified the institution that he or she is making an unofficial visit.	Rendered moot by the adoption of Proposal No. 2011-29-B.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-29-B	RECRUITING -- PERMISSIBLE RECRUITERS -- STUDENT-ATHLETE -- OFF-CAMPUS CONTACTS	NCAA Division I Legislative Council	Immediate	To specify that off-campus, in-person contact between an enrolled student-athlete and a prospective student-athlete is permissible, provided such contact does not occur at the direction of an institutional staff member.	Adopted.
2011-32	RECRUITING -- TELEPHONE CALLS -- PERMISSIBLE CALLERS -- EXCEPTIONS -- PRIOR TO COMMITMENT -- COMPLIANCE ADMINISTRATORS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	Immediate	To permit compliance administrators to make telephone calls to or receive telephone calls from a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) with no limit on the timing or number of such calls, provided the calls relate only to compliance issues.	Adopted.
2011-40	RECRUITING -- OFFICIAL (PAID) VISIT -- ENTERTAINMENT/TICKETS ON OFFICIAL VISIT -- STUDENT HOST -- ENTERTAINMENT ALLOWANCE	Big East Conference	August 1, 2012	To increase, from \$30 to \$40, the allowance that an institution may provide a student host for each day of a prospective student-athlete's official visit to cover all actual costs of entertaining the student host(s) and the prospective student-athlete; further, to increase, from \$15 to \$20, the additional allowance an institution may provide the student host per day for each additional prospective student-athlete the host entertains.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-44	RECRUITING -- LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS -- SUBMISSION OF TRANSCRIPT TO ELIGIBILITY CENTER BEFORE SIGNING	NCAA Division I Academic Cabinet	August 1, 2012	To specify that an institution shall not permit a high school prospective student-athlete (other than a prospective student-athlete who attends a secondary school in a foreign country) to sign a National Letter of Intent or an institution's written offer of athletically related financial aid until the NCAA Eligibility Center has received an official high school transcript for each high school the prospective student-athlete has attended through his or her sixth semester (or equivalent) of enrollment.	Defeated.
2011-48	RECRUITING -- SPORTS CAMPS AND CLINICS -- RECRUITING CONVERSATIONS DURING INSTITUTION'S CAMPS AND CLINICS -- EXCEPTION -- SPORTS OTHER THAN MEN'S BASKETBALL	Big South Conference	Immediate	In sports other than men's basketball, to specify that it is permissible for an institution's coach to engage in recruiting conversations with a prospective student-athlete during the institution's camps or clinics.	Adopted.
2011-53	RECRUITING -- PRECOLLEGE EXPENSES -- DONATION OF ATHLETICS EQUIPMENT -- ELIMINATION OF 30-MILE RADIUS	West Coast Conference	August 1, 2012	To eliminate the restriction that precludes an institution from donating athletics equipment to a bona fide youth organization outside a 30-mile radius of the institution's campus.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-54	RECRUITING -- RECRUITING CALENDARS -- WOMEN'S BASKETBALL -- JULY EVALUATION AND DEAD PERIODS	Atlantic Coast Conference	August 1, 2012	In women's basketball, to specify that during the time period of July 6-31, the recruiting calendar shall consist of, consecutively, a seven-day evaluation period, a 10-day dead period, a seven-day evaluation period and a two-day dead period.	Approved an amendment to change the effective date from immediate to August 1, 2012. Adopted, as amended.
2011-74	FINANCIAL AID -- SUMMER FINANCIAL AID -- ENROLLED STUDENT-ATHLETES -- PROPORTIONALITY RESTRICTION -- EXHAUSTED ELIGIBILITY EXCEPTION	Big 12 Conference	Immediate	To specify that the summer aid proportionality restriction shall not apply to a student-athlete who has exhausted his or her eligibility and is enrolled in course work acceptable toward his or her degree requirements.	Adopted.
2011-77	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- BASEBALL LIMITATIONS -- MINIMUM EQUIVALENCY VALUE -- EXCEPTION -- FINAL YEAR OF ELIGIBILITY AND NOT PREVIOUSLY AIDED	Big South Conference and Southern Conference	August 1, 2012	In baseball, to specify that an institution may provide less than 25 percent of an equivalency to a student-athlete, provided the student-athlete is in the final year of eligibility and has not previously received athletically related financial aid in baseball.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-79	AWARDS, BENEFITS AND EXPENSES -- EXPENSES FOR STUDENT-ATHLETE'S FRIENDS AND RELATIVES -- PERMISSIBLE EXPENSES -- LIFE-THREATENING INJURY OR ILLNESS -- EXPENSES FOR ANY STUDENT-ATHLETE	NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet	Immediate	To specify that the institution may pay transportation, housing and meal expenses for any student-athlete to be present in situations in which a student-athlete or a family member or legal guardian of a student-athlete suffers a life-threatening injury or illness, or in the event of a student-athlete's or student-athlete's family member or legal guardian's death.	Adopted.
2011-80-A	AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- NATIONAL TEAM TRYOUTS -- NOT MORE THAN TWO EVENTS	NCAA Division I Championships/Sports Management Cabinet (Olympic Sports Liaison Committee)	August 1, 2012	To permit an institution to provide actual and necessary expenses for a student-athlete to participate in not more than two national team tryout competition events, including events from which participants are selected for another tier of tryout competition or events from which final selections are made for the national team that will participate in the Olympic Games, Pan American Games, World Championships, World Cup or World University Games.	Rendered moot by the adoption of Proposal No. 2011-80-B.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-80-B	AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- NATIONAL TEAM TRYOUTS -- NOT MORE THAN TWO EVENTS -- IMMEDIATE EFFECTIVE DATE	NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet	Immediate	To permit an institution to provide actual and necessary expenses for a student-athlete to participate in not more than two national team tryout competition events, including events from which participants are selected for another tier of tryout competition or events from which final selections are made for the national team that will participate in the Olympic Games, Pan American Games, World Championships, World Cup or World University Games.	Adopted.
2011-81	AWARDS, BENEFITS AND EXPENSES -- OTHER TRAVEL EXPENSES PROVIDED BY THE INSTITUTION -- CONFERENCE-SPONSORED LIFE SKILLS PROGRAM	Big 12 Conference	Immediate	To permit an institution or conference to pay actual and necessary expenses for a student-athlete to attend a conference-sponsored life skills program (e.g., leadership, personal development, conflict resolution).	Adopted.
2011-82	AWARDS, BENEFITS AND EXPENSES -- PROVISION OF EXPENSES BY INDIVIDUALS OR ORGANIZATIONS OTHER THAN THE INSTITUTION -- BENEFITS, GIFTS, AND SERVICES -- MISCELLANEOUS BENEFITS -- FUNDRAISERS FOR STUDENT-ATHLETES OR IMMEDIATE FAMILY MEMBERS	NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet	Immediate	To specify that proceeds from fundraisers for student-athletes (or their immediate families) due to extreme circumstances beyond the student-athlete's control (e.g., life-threatening illness, natural disaster) may be given directly to the beneficiaries, with receipt kept on file by the institution, which must include the amount of expenses incurred and the total amount received.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-84-A	PLAYING AND PRACTICE SEASONS -- MEN'S BASKETBALL -- PRESEASON PRACTICE -- ON-COURT PRACTICE -- ELIMINATION OF 5 P.M. START TIME ON FIRST PERMISSIBLE PRACTICE DATE	NCAA Division I Championships/Sports Management Cabinet (Women's Basketball Issues Committee)	August 1, 2012	In men's basketball, to eliminate the 5 p.m. start time on the first permissible practice date.	On initial consideration, defeated. On reconsideration, tabled.
2011-85	PLAYING AND PRACTICE SEASONS -- MEN'S BASKETBALL -- PRESEASON PRACTICE -- ON-COURT PRACTICE -- 30 DAYS OF COUNTABLE ACTIVITIES WITHIN 40 DAYS PRIOR TO FIRST CONTEST	Big South Conference	August 1, 2012	In men's basketball, to specify that an institution shall not commence on-court preseason basketball practice sessions prior to 5 p.m. on the date that is 40 days prior to the date of the institution's first regular-season contest; further, to specify that an institution shall not engage in more than 30 days of countable athletically related activities prior to its first regular-season contest.	On initial consideration, defeated. On reconsideration, tabled.

**NCAA Division I Legislative Council
April 16-17, 2012**

**ATTACHMENT B
SUPPLEMENT NO. 12
DI Board of Directors 4/12**

Conference -- Voting Delegate	Conference Type	Voting Weight	Package of LRIC Minutes	M-2012-1	M-2012-2	2012-4 as non-controversial	2012-4	2012-5 as non-controversial	2012-5	2012-6 as non-controversial	2012-6	2012-7 as non-controversial	2012-7	2011-18	2011-24	2011-25	2011-28-B	2011-29-B	2011-32	2011-40
America East -- M. Mulvenna	DI	1.2		Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	Y	N
Atlantic 10 -- J. Redmond	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Atlantic Coast -- B. Hostetter*	FBS	3																		
Atlantic Sun -- K. Capriotti	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Big 12 -- D. Flores	FBS	3		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Big East -- J. F. D'Antonio, Jr	FBS	3		Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Big Sky -- J. Gee	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Big South -- M. Eaker	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N
Big Ten -- J. Bolin	FBS	3		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Big West -- C. Masner	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Colonial Athletic -- P. Bowden	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Conference USA -- R. Philippi	FBS	3		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Horizon League -- E. Jacobs	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Ivy Group -- C. Campbell-McGovern	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Metro Atlantic Athletic -- W. Maher	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y
Mid-American -- J. Mynarski	FBS	1.5		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mid-Eastern Athletic -- Q. Wright	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Missouri Valley -- G. Walter	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mountain West -- J. Ruggiero	FBS	1.5		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Northeast -- A. Alford	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ohio Valley -- M. Banker	FCS	1.2		Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Pac-12 -- B. Goode	FBS	3		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y
Patriot League -- K. McKittrick	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y
Southeastern -- G. Sankey	FBS	3		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Southern -- R. Johnson	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Southland -- S. McDonald	FCS	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Southwestern Athletic -- A. Robinson	FCS	1.2		Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Summit League -- K. Heylens	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N
Sun Belt -- S. Connors	FBS	1.5		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
West Coast -- S. Fink	DI	1.2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Western Athletic -- R. Spear	FBS	1.5		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Pioneer League -- E. Adkins	FCS	1																		
Missouri Valley Football -- K. Heylens	FCS	1																		
Adopt/Yes (Y)				48	48	41.4	43.8	48	48	48	48	45.6	48	48	44.4	36.6	48	43.8	48	42.9
Defeat/No (N)				0	0	5.4	4.2	0	0	0	0	2.4	0	0	3.6	11.4	0	4.2	0	5.1
Abstain				0	0	1.2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
No Vote Cast (Blank)				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total				48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48

* Was unable to attend in-person meeting.

NCAA Division I Legislative Council

April 16-17, 2012

Conference -- Voting Delegate	Conference Type	Voting Weight	2011-44	2011-46 FCS (override process)	2011-48	2011-53	Amend 2011-54 (effective date)	2011-54 as amended	2011-74	2011-77	2011-79	2011-80-B	2011-81	2011-82	2011-85	2011-84-A	Reconsider 2011-85	Table 2011-85	Reconsider 2011-84-A	Table 2011-84-A
America East -- M. Mulvenna	DI	1.2	A		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Atlantic 10 -- J. Redmond	DI	1.2	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Atlantic Coast -- B. Hostetter*	FBS	3																		
Atlantic Sun -- K. Capriotti	DI	1.2	Y		Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y
Big 12 -- D. Flores	FBS	3	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Big East -- J. F. D'Antonio, Jr	FBS	3	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	N	Y	Y	Y	Y
Big Sky -- J. Gee	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y
Big South -- M. Eaker	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y
Big Ten -- J. Bolin	FBS	3	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
Big West -- C. Masner	DI	1.2	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Colonial Athletic -- P. Bowden	FCS	1.2	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N	N
Conference USA -- R. Philippi	FBS	3	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	A	Y	Y	Y	Y
Horizon League -- E. Jacobs	DI	1.2	N		Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y
Ivy Group -- C. Campbell-McGovern	FCS	1.2	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y
Metro Atlantic Athletic -- W. Maher	DI	1.2	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	N
Mid-American -- J. Mynarski	FBS	1.5	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Mid-Eastern Athletic -- Q. Wright	FCS	1.2	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Missouri Valley -- G. Walter	DI	1.2	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y
Mountain West -- J. Ruggiero	FBS	1.5	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Northeast -- A. Alford	FCS	1.2	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ohio Valley -- M. Banker	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Pac-12 -- B. Goode	FBS	3	N		Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Patriot League -- K. McKittrick	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y
Southeastern -- G. Sankey	FBS	3	N		Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y
Southern -- R. Johnson	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Southland -- S. McDonald	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	Y
Southwestern Athletic -- A. Robinson	FCS	1.2	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
Summit League -- K. Heylens	DI	1.2	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N
Sun Belt -- S. Connors	FBS	1.5	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
West Coast -- S. Fink	DI	1.2	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	N	Y	Y	Y	Y
Western Athletic -- R. Spear	FBS	1.5	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Pioneer League -- E. Adkins	FCS	1		N																
Missouri Valley Football -- K. Heylens	FCS	1		N																
Adopt/Yes (Y)		12	0	48	39.6	48	48	48	48	46.8	46.8	46.8	48	21	21	39	42.9	40.2	43.2	
Defeat/No (N)		35	12	0	8.4	0	0	0	0	1.2	1.2	1.2	0	22	24	9	5.1	7.8	4.8	
Abstain		1	0	0	0	0	0	0	0	0	0	0	0	5	3	0	0	0	0	
No Vote Cast (Blank)		0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total		48	13	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48

* Was unable to attend in-person meeting.

**April 2012 NCAA Division I Committee on Athletics Certification
Recommendations to the NCAA Division I Board of Directors
for Institutional Performance Program**

During its April 2011 meeting the NCAA Division I Board of Directors charged the NCAA Division I Committee on Athletics Certification with developing a new, streamlined, technology driven institutional review program that emphasized the student-athlete experience. This report represents action items and information items for the board review.

ACTION ITEM

- **Request for Delay.**

Recommendation: The committee recommends the Board support a one year delay in implementing the new NCAA Division I Institutional Performance Program (IPP) (previously named athletics certification) with a staggered roll-out as outlined. Additionally, this recommendation includes the requirement that all Division I members be required to implement the school's athletics certification cycle two or three plans for improvement.

2012-13: Solicit membership input on concepts to date, possible accountability measures and use of a pilot group of institutions to start collecting data. The pilot institutions would participate voluntarily to help inform the process and ensure ease of use when the full membership is required to submit data.

January 2013: Recommend that the Board approve legislation the committee will recommend that provides a basic framework for the new IPP including establishing an oversight committee, purpose of the program, and the required data collection for all Division I members. The committee intends to circulate this legislation in advance to the membership for comment prior to the January requested action.

Spring/Fall 2013: Continued membership feedback.

2013-14: All Division I members would be required to submit data in the areas of academics and inclusion, which includes gender and diversity.

August 2014: Data available for the membership to review. Each subsequent August, additional data will be available to the membership.

2014-15: Begin required data collection for student-athlete experience and fiscal components from all Division I members. Begin discussions about possible benchmarks.

2015-16: Finalize decisions regarding benchmarks. If benchmarks and accountability measures or penalties are determined to be appropriate, enabling legislation could be put forward in this legislative cycle for membership consideration.

2016-17: Possible benchmark requirements implemented.

Rationale: Originally the timeline provided for initial data collection from all Division I members was fall 2012. Delaying the implementation for one year would result in the collection of data beginning in fall 2013. Such a delay would allow time for additional membership input on possible benchmarks, measures and the accountability measures. The committee recommends this delay include the requirement that all Division I members be required to implement the school's athletics certification cycle two or three plans for improvement. Below is a tentative schedule for implementation of the IPP:

Informational and Discussion Items.

• **IPP – Issues for Board and Membership Discussion.**

The following issues and decisions will help determine the immediate and long-term direction for the new IPP. The committee seeks the Board and membership input on these matters as it continues to develop the program.

1. **With what frequency should dashboard data be analyzed by the NCAA staff and provided to each Division I member?**

Options may include:

- a. Annually;
- b. Once every two years;
- c. Less frequently; or
- d. Could vary by area (e.g., inclusion could be annual; academic could be every three years).

2. **What Level of Accountability is Appropriate in the New IPP?** Options include:

- a. **Information and campus-driven review model:** Initially, no "penalties" or committee "decisions" would be made or assessed. The program would provide dashboard data to member institutions for their use and provide NCAA staff and the Division I committee on athletic certification assistance in areas only when requested by the institution's president. In several years after data has been collected, consideration could be given to establishing benchmarks and other accountability measures. Additionally, under this model, schools could be held accountable for their gender/diversity plans approved by the president and the committee in cycle three or previous cycles of athletics certification. This caveat would ensure that, in these critical areas, Division I institutions will continue to make progress as previously outlined in their plans for improvement;
- b. **Phase-in benchmarks over several years:** Initially establish benchmarks in the area of inclusion, which includes gender and diversity. Other areas could have established benchmarks implemented over a five year phase-in approach. Item three below outlines an example timeline under this approach;
- c. **Immediate benchmark requirements in all areas:** With the launch of new IPP, include from the very beginning benchmark requirements, penalties associated with failing to meet minimum requirements and required campus visits in underperforming areas as determined by the committee. This could include immediate benchmarks in all areas; or
- d. **Benchmarks in some area(s) only:** Some of the four key areas may warrant benchmarks and accountability measures (e.g., inclusion), while other areas may not lend themselves to such requirements (e.g., fiscal). Other areas already have significant accountability measures (e.g., academics). The membership may conclude after extensive review that benchmarks and accountability measures at the national level are only needed in some of the areas, but not all.



MEMORANDUM

April 18, 2012

TO: NCAA Division I Board of Directors.

FROM: Julie Roe Lach
Vice President of Enforcement.

SUBJECT: Transfer of interpretative authority regarding the November 4, 2009, men's basketball interpretations and subsequent legislation.

On October 29, 2009, the NCAA Division I Board of Directors took action on a package of proposals impacting the men's basketball recruiting environment. Specifically, the actions taken by the Board were intended to prohibit the "funneling of money" from institutions to an individual associated with a prospect (IAWP). Through that action, the Board did the following:

Approve[d] a new interpretations process that provides clear direction to the membership on what constitutes a violation of NCAA rules related to men's basketball recruiting. The process will identify automatic violations of NCAA recruiting rules without the opportunity to appeal to the NCAA academic and membership affairs staff [AMA staff] or the NCAA Division I Legislative Review and Interpretations Committee for interpretive relief. Instead, an institution may present information to the NCAA enforcement staff to assist in determining the classification of the violation (i.e., secondary or major), with the opportunity to appeal consistent with the existing appeals process available through the enforcement process. In warranted circumstances, an institution may be granted a waiver by the NCAA Division I Legislative Council Subcommittee for Legislative Relief (SLR) pursuant to the applicable policies and procedures.

Recently, similar legislation specifically relating to nonscholastic events was introduced and adopted impacting the sports of football and women's basketball. However, interpretative authority for those violations was not given to the enforcement staff; rather, interpretative authority for those violations was assumed by the NCAA academic and membership affairs staff consistent with the interpretive process outlined in Constitution 5.4.1.2. For efficiency and to avert potential confusion in the membership, the NCAA staff is asking that the interpretative authority originally given to the enforcement staff for the specific men's basketball issues be transferred to the AMA staff.

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In anticipation of the Board's action, the enforcement and AMA staffs will take the following steps to ensure that future interpretations across all three sports will remain consistent and continue to deter the targeted behaviors:

- The AMA staff will apply the rationale supporting the Board's October 29, 2009, actions when responding to interpretative inquiries.
- The enforcement staff will share and the AMA staff will apply established "precedent" relating to the men's basketball "funneling of money" issues.
- In situations involving a "case of first impression," the AMA staff will caucus with the enforcement staff before issuing an interpretation.

As a result of the transfer of interpretative authority to AMA, a member institution will have the opportunity to appeal an interpretation relating to the November 4, 2009, men's basketball package to the NCAA Division I Legislative Review and Interpretations Committee (LRIC). The Board is asked to strongly encourage that LRIC adhere to and apply the rationale put forth by the Board October 29, 2009, to ensure that the progress made in the sport of men's basketball is maintained and continues. Finally, the staff is recommending that if approved, the transfer of the interpretative authority to the AMA staff be effective June 15, 2012.

MEMORANDUM

April 11, 2012

TO: NCAA Division I Board of Directors.

FROM: Sharon K. Tufano
Committee Coordinator.

SUBJECT: Appointments to the Division I Board of Directors and the Division I Presidential Advisory Group.

Following are the conference recommendations for Board of Directors and conference selections for the Presidential Advisory Group positions with terms beginning at the conclusion of the April 2012 Board of Directors meeting.

Board of Directors (Attachment A):

- Mountain West Conference – John Welty, president, California State University, Fresno.
- Pacific-12 Conference – Gene Block, University of California, Los Angeles.
- Colonial Athletic Association – John Broderick, president, Old Dominion University.
- Missouri Valley Conference – Rita Cheng, chancellor, Southern Illinois University at Carbondale.

Presidential Advisory Group (Attachment B):

- Atlantic-10 Conference – Daniel Curran, president, University of Dayton.
- West Coast Conference – Ron Gallagher, president, St. Mary's College of California.

The Board will meet the legislated minimum gender and diversity requirements.

Please contact me if you have any questions regarding this information.

SKT

Attachments

2012-13 Division I Board of Directors

Legislated Eighteen members comprised of chief executive officers (CEOs). All 11 Division Football Bowl Subdivision conferences have a permanent seat. Seven Football Championship Subdivision and Division I conferences rotate seats. As a minimal goal, the Board membership shall include at least one person who is an ethnic minority and at least one person who is of each gender and a single member shall not be considered to meet both minimums.

Chair:

Subd	Pos	Name	Institution	Conference Representation	GEN	EM	Term Expiration
FBS	President	Nathan Hatch	Wake Forest University	Atlantic Coast	M	N	Apr 2014*
FBS	President	Guy Bailey	Texas Tech University	Big 12	M	N	Apr 2014*
FBS	President	Judy Genshaft	University of South Florida	Big East	F	N	Apr 2013*
FBS	President	Lou Anna Simon	Michigan State University	Big Ten	F	N	Apr 2014*
FBS	President	Steadman Upham	University of Tulsa	Conference USA	M	N	Apr 2014*
FBS	President	John Peters	Northern Illinois University	Mid-American	M	N	Apr 2013*
FBS	President	John Welty	California State University, Fresno	Mountain West	M	N	Apr 2016*
FBS	President	Gene Block	University of California Los Angeles	Pacific-12	M	N	Apr 2016*
FBS	President	Harris Pastides	University of South Carolina, Columbia	Southeastern	M	N	Apr 2015*
FBS	President	Sidney McPhee	Middle Tennessee State University	Sun Belt	M	Y	Apr 2014*
FBS	President	Stan Albrecht	Utah State University	Western Athletic	M	N	Apr 2014*
FCS	Chancellor	Rita Cheng	Southern Illinois University at Carbondale	Missouri Valley	F	N	Apr 2016*
FCS	Chancellor	Timothy White	University of California, Riverside	Big West	M	N	Apr 2015*
FCS	President	John Broderick	Old Dominion University	Colonial Athletic	M	N	Apr 2016*
FCS	President	David Skorton	Cornell University	Ivy League	M	N	Apr 2015*
FCS	President	William Meehan	Jacksonville State University	Ohio Valley	M	N	Apr 2013*
FCS	President	William Harvey Hampton University	Florida A&M University	Mid-Eastern Athletic	M	Y	Apr 2013*
DI	President	David Hopkins	Wright State University	Horizon League	M	N	Apr 2015*

*Not eligible for reappointment.
NCAA/04/16/12/SKT

2012-13 Division I Board of Directors Presidential Advisory Group

Legislated Composition. Shall consist of one president or chancellor from each of the conferences identified in Constitution 4.2.1-(b), seven of which shall be the current conference representatives on the Board of Directors. As a minimal goal the group membership shall include at least one person who is an ethnic minority and at least one person of each gender and a single member shall not be considered to meet both minimums.

Term of Office. The conferences shall be authorized to determine the term of office of the committee members.

Chair: William Meehan (4/11-4/13)

Subd	Pos	Name	Institution	Conference Representation	GEN	EM
FCS	President	Daniel Curran	University of Dayton	Atlantic 10	M	N
FCS	President	Kay Norton	University of Northern Colorado	Big Sky	F	N
FCS	President	David Skorton	Cornell University	Ivy Group	M	N
FCS	President	James Ammons	Florida A&M University	Mid-Eastern Athletic	M	Y
FCS	President	Gregory Dell'Omo	Robert Morris University	Northeast	M	N
FCS	President	William Meehan	Jacksonville State University	Ohio Valley	M	N
FCS	President	John Bravman	Bucknell University	Patriot League	M	N
FCS	Chancellor	Kenneth Peacock	Appalachian State University	Southern	M	N
FCS	President	Randall Webb	Northwestern State University	Southland	M	N
FCS	President	George Wright	Prairie View A&M University	Southwestern Athletic	M	Y
FCS	President	Penelope Kyle	Radford University	Big South	F	N
DI	President	Walter Harrison	University of Hartford	America East	M	N
DI	President	Kerry Romesburg	Jacksonville University	Atlantic Sun	M	N
DI	Chancellor	Timothy White	University of California, Riverside	Big West	M	N
DI	President	John Broderick	Old Dominion University	Colonial Athletic	M	N
DI	President	David Hopkins	Wright State University	Horizon League	M	N
DI	President	John Hurley	Canisius College	Metro Atlantic Athletic	M	N
DI	President	David Chicoine	South Dakota State University	Summit	M	N
DI	Chancellor	Rita Cheng	Southern Illinois University at Carbondale	Missouri Valley	F	N
DI	President	Ron Gallagher	St. Mary's College of California	West Coast	M	N

*Not eligible for reappointment
NCAA/4/16/12

2012 Nominations

Council/Cabinet	Am East	Atlantic 10	Big Sky	Big South	Big West	Horizon	IVY	MAAC	Patriot	Southland
Leadership Council	Amy Huchthausen, America East F/EM	Bernadette McGlade, Atlantic 10 F	Jayne Nadolski, Big Sky Conference F	Jeff Barber, Liberty M/AD	Janet Lucas, Cal Riverside F	Ken Bothof, Wisconsin Green Bay M/AD	Gary Walters, Princeton M/AD	Bill Maher, Canisius M/AD	John Hardt, Bucknell M/AD	Robert Bernardi, Nicholls State M/AD/EM
Legislative Council	Mary Mulvenna, America East F	Erin Kido, Xavier F/EM	Steven Perez, Cal State Sacramento M/FAR/EM	Herman Holt, Liberty M/FAR/EM	Erica Monteabaro, Big West F	Rod Perry, Wright State M/EM	Amy Backus, Yale F	Lisa Archbold, St Peters F	Kaity McKittrick, Lafayette F	Stephanie McDonald, Southland Conf. F/EM
Championships/ Sports Management Cabinet	Bob Corran, Vermont M/AD	Chris May, St. Louis M/AD	Amy Crosbie, Weber State F	Craig Keilitz, High Point M/AD	Brenda Vogel, LBSU F/FAR	Virnette House-Browning, Cleveland State F/EM	Harry Sheehy, Dartmouth M/AD	Eugene Marshall, Iona M/AD/EM	Vicki Chun, Colgate F/EM	Thomas McClelland, McNeese State M/AD
Academic Cabinet	Jim Stark, Binghamton M/FAR		Jay Hinrichs, Northern Colorado M/AD		Barbara Martinez, Cal Poly F/EM	Tonya McGowan, UIC F/EM	Jackie Blackett, Columbia F/EM			
Amateurism Cabinet	Michael Lynch, Boston M/AD		Beth Vechinski, Northern Arizona F		Brian Quinn, Cal State Fullerton M/AD	Mark Adams, Valparaiso M/FAR	Megan McHugo, Ivy League F			
Administration Cabinet		Ed Pasque, Atlantic 10 M		Meredith Eaker, Liberty F				Rich Ensor, MAAC M	Dr. Christine Copper, Navy F/FAR	Bradley Teague, Central Arkansas M
Recruiting and Athletics Personnel Issues Cabinet	Donna Woodruff, Stony Brook F		Craig Oberg, Weber State M/FAR		Rick Mazzuto, Cal State Northridge M/AD	Bob Grant, Wright State M/AD	Alanna Shannahan, Penn F			
Awards, Benefits, Expenses and Financial Aid Cabinet		Jill Redmond, Atlantic 10 F/EM		Chuck Burch, Gardner-Webb M/AD				Rachel Held, Canisius F	Jessica Hegmann, American F	Helene Thill, Lamar F
Totals	AD: 2 FAR: 1 Minority: 1 Female: 3	AD: 1 FAR: Minority: 2 Female: 3	AD: 1 FAR: 2 Minority: 1 Female: 3	AD: 3 FAR: 1 Minority: 1 Female: 1	AD: 2 FAR: 1 Minority: 1 Female: 4	AD: 2 FAR: 1 Minority: 3 Female: 2	AD: 2 FAR: Minority: 1 Female: 4	AD: 2 FAR: Minority: 1 Female: 2	AD: 1 FAR: 1 Minority: 1 Female: 4	AD: 2 FAR: Minority: 2 Female: 2

NCAA Government Relations Report

(March 2012)

1. Congressional Overview.

Members of Congress returned to Washington in late January to begin the second session of the 112th Congress. Early on, House and Senate negotiators worked to finalize an extension of the payroll tax cut and unemployment benefits and to prevent a cut in payments to doctors who treat Medicare patients through the end of 2012. Congress has also spent time during the early stages of this session considering a highway transportation measure that would provide funding for the nation's highways, bridges and public transportation systems. It is expected that Congress will continue to focus its efforts on stimulating the economy and managing the budget deficit amidst other foreign policy issues.

Many analysts believe that much of the remaining activity in Washington this year will be influenced by the desire for individual and party success during the 2012 Presidential and Congressional elections. In the House and Senate, a growing list of members who will retire or seek other office along with congressional redistricting, continues to impact the 468 races (435 in the House and 33 in the Senate) that will determine the control of the 113th Congress. Most recently Senator Olympia Snowe (R-ME) and Representative Norman Dicks (D-WA) announced their intentions to retire from Congress. To date, 47 House members will not seek reelection, while 11 Senators are retiring.

Congress continues to display an interest in issues related to the health and safety of athletes on all levels of competition. Conversations about the best way to protect against and treat concussions, along with the best way to detect and prevent the use of performance enhancing substances, are ongoing. The NCAA Office of Government Relations has worked to educate members of Congress and their staffs about NCAA policies and procedures and continues to respond to specific inquiries about collegiate athletic matters.

2. Federal Issues.

a. Concussions and Helmet Safety.

Congress has continued to display an interest in addressing concerns with mild traumatic brain injuries suffered by athletes on all levels of competition. H.R. 469, the Protecting Student-Athletes from Concussions Act of 2011, is currently pending in the House Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education. The bill would require elementary and

secondary schools to educate students, parents, and personnel on concussion safety and implement a standard plan for concussion safety and management. In addition to ensuring that these injuries are properly detected and treated, proposals have been introduced that examine the effectiveness of current equipment standards. Under H.R. 1127, the Children's Sports Athletic Equipment Safety Act, and its companion measure, S. 601, which are currently pending in the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade and the Senate Commerce, Science, and Transportation Committee, respectively; industry groups would be provided nine months to improve the voluntary football helmet standards for youth athletes. Following that period, the Consumer Product Safety Commission (CPSC) would be given the responsibility of determining if those standards are adequate. If CPSC determines that the standards are not sufficient, the Commission would launch an effort to establish mandatory standards for football helmets worn by athletes in high school or younger.

Additional co-sponsors have been added to these proposals, which highlight the continued interest in the well-being of athletes, especially those in younger age groups.

b. Sports Wagering.

On January 23, 2012, Representative Frank LoBiondo (R-NJ) introduced H.R. 3797, the Sports Gaming Opportunity Act of 2012. The Act would amend the Professional and Amateur Sports Protection Act (PASPA) and provide States with a four year period to enact statutes that allow for sports betting within their borders. In a similar effort, Representative Frank Pallone Jr. (D-NJ) introduced H.R. 3809, the New Jersey Betting and Equal Treatment Act of 2012. Under the legislation, the United States Code would be amended to exempt New Jersey from the federal ban on sports betting established through the passage of PASPA, within parameters established by the legislature of the State.

Both of these measures have been referred to the House Judiciary Subcommittee on Courts, Commercial, and Administrative Law. Since being referred, neither bill has received additional legislative attention. The NCAA Office of Government Relations will continue to monitor efforts that attempt to allow wagering on athletic competitions.

3. State Issues.

a. Maryland - Electronic Monitoring.

On February 2, 2012, Maryland SB 434, a measure entitled Institutions of Postsecondary Education - Electronic Account, Service, and Communications Device Privacy Protection, was introduced into the Maryland State Senate. HB 746, a companion bill was introduced in the Maryland State House of Representatives on February 8, 2012. Both bills would prohibit any post-secondary education institution from requiring a student or an applicant for admission to disclose any user name, password, or other means for accessing specified accounts or services through an electronic communications device.

SB 434 was passed with amendments by the Maryland Senate Committee on Education, Health, and Environmental Affairs on March 13, 2012. The committee amended the bill by exempting accounts or services that are provided by a post-secondary institution and specifying that nothing in this bill would prohibit a student from voluntarily disclosing a user name, password, or other means for accessing a student's personal account or service. A related measure has been introduced that would provide similar social media monitoring restrictions on public and private employers.

We will continue to monitor these bills and any related developments.

b. Stipends and other Financial Assistance for Student-Athletes.

Recently state legislatures in a couple of states have considered legislation that would provide additional financial assistance to student-athletes. In Ohio, State Representative Clayton Luckie introduced legislation that would permit an institution of higher education to award stipends to student-athletes. Under HB 411, a Division I school would be allowed to award a stipend not to exceed \$8,000; a Division II school would be allowed to award a stipend not to exceed \$6,000, while other divisions would be allowed to provide a stipend not to exceed \$4,000. In addition to allowing stipends, this bill would permit student-athletes to receive up to \$4,000 from other sources. The NCAA, any athletic conference or institution, would not be allowed to adopt a rule or bylaw that conflicts with this legislation. The bill, which

was introduced on January 11, 2012, has been referred to the House Education Committee.

In Tennessee, companion measures (HB 2200 and SB 3525) were introduced by State Representative Antonio Parkinson and State Senator Reginald Tate that would create a trust fund, which would be used to provide a one-time payment for graduating student-athletes. Under the legislation, public NCAA Division I members would be required to remit one percent of the gross revenue generated by an institutions athletic department during the prior calendar year into a trust fund for graduating students that competed at the Division I level. The bill contains language that would excuse a school from complying with the legislation if it would cause an institution to suffer a measurable loss of revenue by losing membership in the NCAA or losing the ability to compete in intercollegiate athletics for any other reason. The House and Senate measures have been referred to the Education Committees of their respective chambers.

These bills have received limited attention by their respective legislatures to date. We will continue to monitor these bills closely.

c. Lystedt Law.

The NCAA and the NFL have continued their efforts to seek adoption of the Lystedt law throughout the country. In early January, a joint letter from NCAA President Mark Emmert and NFL Commissioner Roger Goodell was sent to the governors of all states that have yet to adopt the law. The letter encouraged the recipients to support the introduction and passage of the Lystedt law in their respective states this year. To date, the legislation has been passed in 31 states and the District of Columbia. Relevant legislation is currently being considered in 12 states and awaiting signature in Florida and Wisconsin.

The Lystedt law, which was initially passed in the state of Washington in 2009, establishes a concussion management policy for youth athletes. Under the law, athletes, parents, and coaches will be educated about the dangers associated with concussions. Also, any student-athlete who is suspected of having a concussion must be removed from play and the athlete will not be allowed to return to play until cleared by a licensed physician.

d. NCAA Enforcement Process.

The NCAA was invited by the Florida State Senate Higher Education Committee to participate in the third hearing in a series on a variety of issues that are negatively impacting collegiate athletic programs at Florida institutions. In two prior hearings, representatives from Florida institutions were invited to discuss how the legislature might assist them in ensuring that the state schools remain in compliance with NCAA rules and provide the best experience for their student-athletes.

Rachel Newman-Baker, managing director of Enforcement, testified on behalf of the NCAA before the Florida State Senate Higher Education Committee on January 19, 2012. Her testimony focused on the NCAA enforcement process and how state laws like the Uniform Athlete Agent Act can be utilized to prevent outside influences from negatively impacting student-athletes and the state's academic institutions. The committee members on this panel raised a number of questions about improper conduct by athlete agents, pay-for-play, the current penalty structure, and whether there are better ways to penalize bad actors.

The committee gave no indication that any additional legislative actions would be taken. The NCAA Office of Government Relations will continue to provide information as requested and monitor any relevant legislative activity in Florida.

e. Uniform Athlete Agents Act.

The Uniform Athlete Agents Act (UAAA) is a state model act designed to protect student-athletes and membership institutions from the unscrupulous conduct of some athlete agents. The act establishes uniform athlete agent registration procedures and places limitations on the type of conduct in which an athlete agent may engage when dealing with a student-athlete. In addition, the act imposes criminal, civil and/or administrative penalties against unscrupulous agents. To date, 40 states, Washington D.C., and the U.S. Virgin Islands have adopted the Act.

Growing concerns about the effectiveness of the law and the detrimental impact that improper agent conduct can have on a collegiate community has led a number of states to consider changes to the law. While nearly a quarter of all States that had adopted the law considered amending it in 2011, the trend has continued this year with Alabama, Florida, Maryland and Oklahoma considering similar proposals.

The NCAA will continue to provide feedback to state legislatures considering proposals to amend the UAAA and will push for the strongest legislation that provides the necessary safeguards and protections for student-athletes and NCAA member institutions.

f. Relationship Building.

The NCAA Office of Government Relations worked closely with other NCAA colleagues to coordinate the attendance of President Barack Obama and British Prime Minister David Cameron at the opening game of the Division I Men's Basketball Tournament in Dayton, OH. As the liaison to the White House and federal agencies, the government relations staff worked with the White House staff and their advance team to ensure that the visit was a safe and enjoyable experience for all.

Government Relations staff also worked closely with other NCAA staff to coordinate the Association's involvement in the White House Joining Forces initiative. Created by First Lady Michelle Obama and Dr. Jill Biden, the Joining Forces initiative is designed to recognize, honor and take action to support veterans and military families. In recognizing the commitment and sacrifice of veterans and their families, the NCAA will present a PSA featuring the First Lady and NCAA President Mark Emmert at all competition sites with video board capability; recognize military personnel and their families in attendance at championship events; provide access to youth clinics for children of military families; and invite military personnel to serve as honorary team or game captains.

NCAA government relations staff continues to look for opportunities to highlight the academic and athletic achievements of student-athletes to administration officials.

g. Higher Education Associations.

NCAA government relations staff continues to build strong relationships with various higher education associations. The American Council on Education (ACE), the Association of American Universities (AAU), the Association of Public and Land-grant Universities (APLU), and the National Association of Colleges and University Business Officers (NACUBO), among others, continue to provide guidance and support on issues of common interest. The NCAA government relations staff looks

forward to continuing these mutually beneficial relationships to better formulate and further the NCAA's legislative goals.

DRAFT - RETREAT INITIATIVES TIMELINE
April 25, 2012

April 2012 Board Meeting:

- Discuss lessons learned during the process related to the adoption of the multi-year grant legislation.
- Receive status report concerning the membership's review of several models to increase a student athlete's grant-in-aid. (MEA).
- Receive status report concerning the membership's review of a red-line version of Bylaw 11 (personnel) and possible immediate changes to Bylaws 13 (recruiting) and 16 (awards and benefits). Review "concepts" that are being used by the Rules Working Group to continue its status report of development of Division I commitment statements, including redefined competitive equity and status report on outreach efforts for rules and enforcement working groups.
- Solicit membership input on concepts to date, possible accountability measures and use of a pilot group of institutions to start collecting Division I Institutional Performance Program data. The pilot institutions would participate voluntarily to help inform the process and ensure ease of use when the full membership is required to submit data.
- Review and endorse Enforcement Working Group's recommended changes to the violation structure, infractions process and penalty structure. Support timetable for adoption of recommendations in August 2012 following continued membership discussion and input.
- Review implementation timeline/logistics for initial-eligibility standards (2016).
- Discuss implementation timeline/logistics for 2-4 transfer standards in order to gather membership feedback.
- Review and approve charge of Division I Governance and Campus Self-Regulation Working Groups.

Spring/Summer 2012:

- Attend conference meetings to review progress, get feedback and build support for presidential initiatives.
- Attend CCA meeting for feedback.
- NACDA, Division I governance cabinet and council meetings, NCAA regional seminars, etc.

August 2012 Board Meeting:

- If membership consensus coalesces around an acceptable model, consider adoption of legislation to implement a model to enhance a student-athlete's grant-in-aid, effective no earlier than August 1, 2013.
- Approve implementation timeline/logistics for 2-4 transfer standards.
- Endorse recommendations of the Rules Working Group and indicate that a final Board vote is expected in October 2012 or January 2013, based on membership feedback.
- Consider adoption of legislation to implement Enforcement Working Group's recommended multi-level violation structure, overhauled infractions process and new penalty structure effective August 1, 2013. Review concepts to better define shared

responsibility in the context of an infractions issue specifying roles and expectations of institutions, conferences, at-risk individuals and enforcement staff.

- Review and approve charge of Division I Governance and Campus Self-Regulation Working Groups.

Fall 2012

- Educational sessions with DI-ADs and FARs, FARA, other higher education groups.

October 2012 Board Meeting:

- Status report received for Division I Governance and Campus Self-Regulation Working Groups.
- Progress reports on Rules and Enforcement Working Groups.

January 2013 Board Meeting – Convention:

- Discuss outcome of legislative process.
- Continue consideration of “phases” of Rules Working Group project.
- Consider necessary legislation to implement remaining elements of recommendations from the Enforcement Working Group.
- Conduct training and educational sessions to help membership better implement rules and enforcement changes
- Recommend that the Board approve legislation the committee will recommend that provides a basic framework for the new Division I Institutional Performance Program including establishing an oversight committee, purpose of the program, and the required data collection for all Division I members. The committee intends to circulate this legislation in advance to the membership for comment prior to the January requested action.
- Status report on Campus Self-Regulation Working Group.

April 2013 Board Meeting:

- Review status of Division I Governance evaluation.
- Receive report of Campus Self-Regulation Working Group.

August 2013 Meeting:

- Receive report from Division I Governance Working Group and circulate recommendations to the membership for discussion and comment.

October 2013:

January 2014 Board Meeting:

- Adopt Division I Governance Working Group changes following discussion during January 2014 Convention.



OHIO VALLEY CONFERENCE

April 18, 2012

Dr. Judy Genshaft
Chair of the Division I Board of Directors
C/O S. David Berst
Vice President for Division I
NCAA
P.O. Box 6222
Indianapolis, IN 46206

Dear President Genshaft:

While the Ohio Valley Conference Board of Presidents strongly supports the Division I Board of Directors' ongoing focus on enhancing the academic performance of our student-athletes, we are very concerned about the potential unintended consequences associated with the recent adoption of Proposal No. 2011-94, the Academic Red Shirt Year.

In October 2011, the Division I Board of Directors used its emergency authority to adopt Proposal No. 2011-94. At the time of its adoption, the Ohio Valley Conference admittedly did not fully appreciate the full impact of the proposal because we did not anticipate the immediate adoption and the supporting sliding scale had yet to be publically shared with the Division I membership. Once the new sliding scale was shared more broadly this winter, the OVC examined the potential impact of the legislation by applying the new standards to our current freshmen student-athletes. Our findings were illustrative and alarming. Specifically, our review found if the new standards were applied today, a large number of our student-athletes, who are currently succeeding academically, would be subject to the Academic Red Shirt Year. What is especially concerning, based on our findings, is the fact the legislation appears to work a disparate impact on minority student-athletes and those participating in football and basketball.

Therefore, while we are exceedingly supportive of the Division I Board of Directors' efforts to enhance academic standards, we are concerned the Academic Red Shirt Year legislation, as currently drafted, is overreaching and will result in creating a stigma on impacted student-athletes as well as the institutions that serve them. The member institutions of the Ohio Valley Conference fervently believe our mission is to provide access to education for students of all backgrounds and to commit to those students that we will do our best to help them achieve the

ultimate goal of graduation. We are concerned the Academic Red Shirt Year, as currently drafted, will have the unintended consequence of deterring a large number of prospective student-athletes, especially minority and first generation college students, from pursuing their dream of a Division I college education.

Accordingly, we respectfully request the Division I Board of Directors, working with the Academic Cabinet and the Committee on Academic Performance, further study the Academic Red Shirt Year concept before Proposal No. 2011-94 is scheduled to take effect. During this time period, we offer our assistance and ask the Division I governance structure to develop a concept that does not deter academically capable prospective student-athletes from pursuing a Division I college education as well as develop a concept that places more responsibility on institutions to assist student-athletes' in achieving their academic potential.

On behalf of the OVC Board of Presidents,

A handwritten signature in cursive script, reading "Beth DeBauche".

Beth DeBauche
Commissioner

Cc: Members of the OVC Board of Presidents



NCAA®

The image features the NCAA logo in white, bold, sans-serif capital letters. The logo is positioned on the front of a three-dimensional blue sphere. The sphere has a smooth, glossy surface with a bright highlight on its upper left side, giving it a sense of depth and volume. The background is a dark blue gradient, overlaid with a complex pattern of lighter blue geometric shapes, including rectangles and lines, some of which are tilted at various angles, creating a dynamic, architectural feel.

NCAA Working Group on Collegiate Model - Rules

NCAA Division I Board of Directors
April 2012 Meeting



Today's Update

- An outline of the working group's anticipated timeline.
- A brief summary of the feedback received thus far from the membership.
- A sample of a few concepts being considered.
- Key points.



Timeline

- Emphasis on outreach and education plan - Spring/Summer/Early Fall.
- Maintain momentum.
- Recommendations in October 2012 or January 2013.
- Effective date of any new proposals - August 2013.



BOARD INPUT



Feedback

- Commitments are clear and reasonable.
- Competitive equity.
 - Fair competition vs. financial or other natural advantages.
 - Examples – maximum number of contests, maximum number of scholarships and rules that protect the amateur model.



BOARD INPUT



Possible New Framework

- Commitments
- Preamble.
- General provisions.
- Operating bylaws.



Example No. 1

(Supplement No. 5, Addendum C In Board Materials)

- Recruiting materials.
 - Deregulate completely and permit any and all materials;
 - Prohibit all recruiting materials; or
 - Permit only those materials produced for all prospective students by the admissions office.



Example No. 2

(Supplement No. 5, Addendum C In Board Materials)

- Permit any academic support, career counseling or personal development expenses that an institution determines to be reasonable.
 - Institutional autonomy.
 - Individualized approach.
 - Costs?
 - Reasonable?



Key Points

- Core values.
- Membership feedback.
- Deregulation **AND** additional scrutiny.
- Policies and procedures implemented at the local level.
- Institutional autonomy – and shared responsibility.
- Presidential leadership.



BOARD INPUT



Successful Outcomes

- Clearer understanding of expectations of appropriate roles, responsibilities and behaviors of everyone involved in intercollegiate athletics.
- NCAA rules will be viewed as value-based, meaningful, enforceable and supportive of the collegiate model of sport.
- NCAA rules to have primary focus on principle-based "outcomes."
- Increased public confidence that rules are important and critical to maintaining the integrity of collegiate sports.



Successful Outcomes

- Willful violations of NCAA rules will be viewed as serious and problematic, with appropriate and proportionate penalties to be assessed in as timely a manner as possible.
- Coaches will have greater "ownership" of rules that govern their conduct, and therefore, should be more likely to comply.
- Increase in "shared responsibility" for compliance with rules from all parties.



Successful Outcomes

- Reduction in administrative burden on compliance systems with better focus on monitoring and evaluating critical principles and rules.
- Significant reduction in size of rule book.
- System is strengthened so that any future changes to rules are limited to those rules deemed meaningful, supporting student success and enforceable.
- Streamlined and more efficient cabinet/committee structure moving forward.



Questions or Comments?





NCAA®

The image features the NCAA logo in white, bold, sans-serif capital letters, centered on a blue sphere. The sphere has a subtle gradient and a soft shadow. The background is a dark blue gradient with abstract, light blue geometric shapes and lines, creating a dynamic, architectural feel.

Transforming Intercollegiate Athletics Collegiate Model Working Group – Enforcement



Why do this?

- Culture of winning versus integrity.
 - Risk-reward analysis.
- Increase in third-party interference and influence.
- Public and membership distrust of the NCAA's ability to police itself.



Why do this?

- Violations:
 - Current violation structure lacks flexibility.
- Process:
 - Cases take too long and lack transparency.
 - Committee on Infractions' (COI's) workload unreasonable.
- Penalties:
 - Approach to penalties not understood, predictable or strong.
 - More emphasis on head coach responsibility.
- Expectations of shared responsibility unclear.

How we do this...

- Establish multi-level violation structure.
- Overhaul process.
- Develop penalty guidelines.
- Define shared responsibility.

Multi-level Violation Structure

— Four proposed levels:

- Level I: Severe major (e.g., academic fraud).
- Level II: Major (e.g., coaching limitations).
- Level III: Secondary (e.g., limited early contact).
- Level IV: Limited (e.g., recruiting correspondence).

— Remaining Issues:

- Refine definitions.
- More examples needed in report - creating resource library.

Modified Process

- Expanded Committee on Infractions (24).
- Use of 6- to 7-person panels of COI to hear Level I and II cases.
- Inclusion of current/former presidents, current/former directors of athletics and former coaches.
- Redesigned allegations; reference to evidence supporting charges.
- More streamlined approach to processing Level II cases.
- Traditional approach to Level III cases (secondary).
- Conference review of Level IV cases.
- Remaining Issue:
 - Implementation plan for additional COI members.

Penalty Structure

- Use of penalty guidelines for Level I and II cases.
- Use of core penalties:
 - Postseason bans, recruiting restrictions, fines, scholarship restrictions, meaningful probation and show cause orders.
- Aggravating and mitigating circumstances affect severity of penalties.
- Ranges of penalties.
 - Greater predictability and consistency.
- Remaining Issues:
 - Better understanding of how mitigating and aggravating factors apply.
 - Creating resource library with detailed analysis of last two years of cases.

Penalty Structure

LEVEL I	LEVEL II
Significant Aggravation	
Aggravation	Aggravation
Standard	Standard
Mitigation	Mitigation
Significant Mitigation	

Head Coach Responsibility

- If violations occur in coach's program, presumption of coach responsibility.
 - Results in head coach control violation (Bylaw 11.1.2.1).
 - Head coach suspended from 10 to 100 percent of the season.
- Level III (secondary) violations in football, men's and women's basketball.
 - Designated list of intentional Level III violations (serious secondary).
 - Head coach suspended from a contest when staff member commits violation.

President and Athletics Director Accountability

- Findings of Lack of Institutional Control.
 - President's name listed on public infractions report.
 - Athletics director's name listed on public infractions report.
 - Head coach's name listed on public infractions report.
- Failure to Monitor.
 - Athletics director's name listed on public infractions report.

Level I Case Example

- Assistant coach involves agent to recruit prospect; benefits provided by agent and coach knew.
 - Enforcement staff conducts investigation; issues allegations.
 - COI panel hears case; makes findings; decides what aggravation and mitigation exist.
 - COI panel applies penalty guidelines to coach and institution; issues decision in 4 weeks.
 - Standard Level I for institution.
 - Aggravation Level I for assistant coach.
 - Standard Level I for head coach for violating Bylaw 11.1.2.1.

Level I Case Example: Penalties Analysis

- Standard Level I for institution.
 - Postseason ban: 1 to 2 years.
 - Fine: 1 to 3% of total budget for basketball program.
 - Scholarship reduction: 12.5 to 25%.
 - Recruiting restrictions on program: 12.5 to 25%.
 - Probation: 2 to 6 years.
 - Aggravation Level I for assistant coach.
 - 5- to 10-year show cause order; restriction on all athletics duties.
 - Standard Level I for head coach for violating 11.1.2.1
 - 20 to 50% suspension from season.

Effective Date and Implementation

- Adoption August 2012.
- Effective date August 2013.
- Remaining issues:
 - Impact on violations committed after August 1, 2012.
 - Impact on pending cases.
 - Plan for phasing in new COI members and panels.

Shared Responsibility and The Cooperative Principle

— The Cooperative Principle.

- Defining common expectations for all involved in major (Level I or II) infractions matters.
- Roles and responsibilities of institutions, conferences, at-risk coaches and enforcement staff.

2012 Timeline and Next Steps

- January 12: General concepts reported to Board.
- January 30: Working group provided preliminary report to membership.
- February to March: Input from membership and others.
- April 10: Working group revised proposals based on feedback.
- April 26: Interim report to Board and membership.
- May to June: Continued outreach - conference meetings; seminars.
- July: Working group will revise proposals as needed.
- August: Final report to Board with recommended August 2013 effective date.

**REPORT OF THE APRIL 26, 2012, MEETING OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I BOARD OF DIRECTORS**

1. **Report of the January 14, 2012, Board of Directors Meeting.** The Board approved the report of its January 14, 2012, meeting. (Unanimous Voice Vote)

2. **President's Report.** NCAA President Mark Emmert reported the following:

- a. **Presidential Retreat Initiatives.** President Emmert noted that while the journey thus far may not have been easy, the membership has made significant progress to date on the various presidential retreat initiatives. It was noted that much work remains, but with the current acknowledgement of the need for greater membership input, the review process moving forward likely will have the membership more engaged and the working groups receiving increased and more thoughtful feedback.

NCAA/Major League Baseball Discussions. The Board was informed that the NCAA has reengaged in its discussions with Major League Baseball (MLB). The group hopes to develop recommendations for Board review over the next several months regarding:

- (1) The possibility of MLB providing funding to assist with scholarships in college baseball;
- (2) Joint efforts to improve diversity in collegiate and professional baseball;
- (3) The incongruous timing of the MLB draft and the NCAA College World Series;
- (4) Possibility of involvement of professional coaches in summer league play, and
- (5) Possibility of the use of wooden bats in college baseball.

3. **Presidential Retreat Initiatives.**

- a. **NCAA Division I Committee on Academic Performance (CAP).** Walt Harrison, chair of the Committee on Academic Performance, presented the following recommendations:

- (1) That the Board amend the effective date of Proposal No. 2011-94 – Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Core Course Requirements and Initial Eligibility Index to August 1, 2016.

BOARD ACTION: The Board agreed to delay the effective date as recommended. (Unanimous Voice Vote) [See Proposal No. 2012-8.]

- (2) That the Board seek membership input on a possible one-year delay in the effective date of Proposal No. 2011-69 – Eligibility – Transfer Regulations – 2-4 and 4-2-4 College Transfers.

BOARD ACTION: The Board defeated the recommendation. [For 1 (Schmidly), Against 16, Abstain 0.]

- (3) That the Board approve amendments to the NCAA Division I Academic Performance Program (APP) that would amend the transition to the new 930 Academic Progress Rate (APR) benchmark for APP penalties and access to postseason competition for limited-resource institutions [teams in the bottom 15 percent of all Division I member institutions in resources, excluding Football Bowl Subdivision (FBS) institutions].

BOARD ACTION: The Board approved the amendments as recommended, which included a number of recommendations from the Historically Black Colleges and Universities and Limited-Resource Institutions Advisory Group that will assist in the ongoing efforts to improve the APR of limited-resource institutions. (Unanimous Voice Vote)

- (4) That the Board approve CAP policies and procedures for the 2012-13 academic year.

BOARD ACTION: The Board approved the CAP policies and procedures. (Unanimous Voice Vote)

- b. **Transforming Intercollegiate Athletics Student-Athlete Well-Being Working Group.** Sidney McPhee, chair of the working group, noted that the working group has distributed various models for a possible miscellaneous expense allowance (MEA) toward total cost of attendance for review and comment by Division I conferences and constituent groups. It also was noted that the working group plans to conduct a focus group meeting of selected financial aid officers, directors of athletics, faculty athletics representatives, compliance officers, student-athlete advisory committee members, senior woman administrators and commissioners in an effort to evaluate the practical and administrative burdens in the implementation of the models, as well as to ensure that gender equity interests are fully addressed. The hope is for the working group to present a final recommendation for Board consideration in August. [Reference Supplement No. 4.]
- c. **Transforming Intercollegiate Athletics Resource Allocation Working Group.** The Board was informed that the Resource Allocation Working Group has essentially completed its work with the last action taken by the NCAA Division I Presidential

Advisory Group (PAG) to defeat a recommendation to reduce scholarships in Football Championship Subdivision (FCS) football from 63 to 60, with 80 overall counters. It also was noted that the issue of the appropriate number of contests in all sports will be reviewed by the Transforming Intercollegiate Athletics Collegiate Model -- Rules Working Group in conjunction with the NCAA Division I Championships/Sports Management Cabinet. The issue of possible limits of noncoaching staff members in the sports of men's and women's basketball and football also will be considered by the Rules Working Group as it evaluates Bylaw 11.

- d. **Transforming Intercollegiate Athletics Collegiate Model -- Rules Working Group.** James Barker, chair of the working group, reviewed with the Board the working group's activity over the course of the past six months and the expected timeline of its work moving forward. It was noted that at the core of the group's work is the development of principles/values/commitments on which to base the rules. One of the more difficult hurdles to get over will be a shift in focus from competitive equity to fairness in competition when thinking about the rules. The working group continues to reach out to the membership and various constituent groups to seek feedback on a proposed set of changes to the NCAA Constitution and operating bylaws. President Barker noted the importance of presidential engagement in this review process, and more importantly, in the future implementation of any rules changes. [Reference Supplement No. 5.]
- e. **Transforming Intercollegiate Athletics Collegiate Model -- Enforcement Working Group.** Ed Ray, chair of the working group, updated the Board on the working group's progress with developing new infractions case procedures (including changing the size and composition of the Committee on Infractions), creating a multi-level NCAA rules violation structure and an enhanced penalty structure for NCAA rules infractions. This group plans to present some final recommendations for Board action in August. [Reference Supplement No. 6.]

4. **Report from the Division I Bowl Licensing Task Force.** John Peters, member of the task force, updated the Board on the work of the task force and presented the following recommendations:

- a. That the Board approve the following schedule of time periods in which postseason bowl games should be conducted:

Year	Start Date	End Date
2011-12	December 17	January 9

2012-13	December 15	January 8
2013-14	December 21	January 13
2014-15	December 20	January 12
2015-16	December 19	January 11
2016-17	December 17	January 9
2017-18	December 16	January 8
2018-19	December 15	January 8
2019-20	December 21	January 13

BOARD ACTION: The Board approved the schedule as recommended.
(Unanimous Voice Vote)

- b. In a scenario in which there are not enough bowl-eligible teams to fill contractual commitments made by conferences/institutions with bowl operators, that the Board affirm that these will be matters between the affected conferences and the bowl operators and not within the purview or obligation of the NCAA to find solutions for the bowl games to be played.

BOARD ACTION: The Board instructed staff to further evaluate this issue to determine whether it is in the best interest of the Association to support the task force's recommendation to potentially allow bowls to go "dark" or to develop a set of parameters under which to provide possible options (e.g., waivers, selection based on academic criteria) to prevent "darkness." (Unanimous Voice Vote)

- c. That the legislation adopted by the Board in April 2011, which specifies that no new postseason football bowl game licenses will be issued by the NCAA Football Bowl Licensing Committee for a maximum three-year period, remain in effect. The Board supported the recommendation and took no action to change the legislation currently in effect.

5. Division I Governance Structure Update.

- a. **Report of the April 12, 2012, Meeting of the Leadership Council.** Mike Alden, chair of the Division I Leadership Council, reported on the April 12 meeting of the Council. [Reference Supplement No. 11.]
- (1) Transforming Intercollegiate Athletics Collegiate Model – Rules and Enforcement Working Groups. The Leadership Council received a presentation from both the Rules and Enforcement Working Groups. The Council

commended both working groups on their progress to date and noted its readiness to provide whatever support it can as the groups move forward with their work.

- (2) Women's Basketball Recruiting Model. The Leadership Council discussed concepts under consideration by the Leadership Council Women's Basketball Recruiting Subcommittee. The Council encouraged the subcommittee to continue to involve as many stakeholders as possible in the review process as they work toward providing a final recommendation to the Council and Board in October.
- (3) Agents. The Agent Subcommittee is continuing its review of a possible Agent Registration Program.
- (4) Great West Conference. The Leadership Council voted not to support a request from the Great West Conference to seek a waiver or legislation that would immediately designate the Great West Conference as an active Division I multi-sport conference.

- b. Report of the April 16-17, 2012, Meeting of the Division I Legislative Council.** Carolyn Campbell-McGovern, chair of the Division I Legislative Council, noted that the Council adopted four proposals as noncontroversial legislation, adopted 18 proposals that support the current deregulation efforts, tabled two proposals that relate to the start of men's basketball preseason practice and left 32 proposals on the table in deference to the work of the Rules Working Group. In addition, the Council:

- (1) Voted to adopt Proposal No. 2011- 25 – Amateurism – Exceptions to Amateurism Rule – Prize Money Prior to Full-Time Collegiate Enrollment -- Tennis -- \$10,000 Per Year. This proposal specifies that in the sport of tennis, prior to full-time collegiate enrollment, an individual may accept prize money based on his or her place finish or performance in open athletics events, not to exceed \$10,000 per calendar year. Further, the proposal specifies that once the individual has reached the \$10,000 limit, he or she may receive additional prize money on a per-event basis, provided such prize money does not exceed his or her actual and necessary expenses for participation in the event
- (2) Voted to adopt Proposal No. 2011- 54 – Recruiting – Recruiting Calendars – Women's Basketball – July Evaluation and Dead Periods. This proposal specifies that during the time period of July 6-31, the women's basketball recruiting calendar shall consist of, consecutively, a seven-day evaluation period, a 10-day dead period, a seven-day evaluation period and a two-day dead period. It was noted that the Leadership Council Women's Basketball

Recruiting Subcommittee recommended, and the full Council supported, adoption of this proposal.

6. **Transfer of Interpretative Authority.** The Board was reminded of its October 2009 action to approve a Men's Basketball Reform Package intended to prohibit the "funneling of money" from institutions to an individual associated with a prospect. Through the Board's action, a new interpretative process was developed that was intended to provide clear direction to the membership on what constitutes a violation of NCAA rules related to men's basketball. The new process identified automatic violations of NCAA recruiting rules without the opportunity to appeal to the NCAA academic and membership affairs (AMA) staff or the NCAA Division I Legislative Review and Interpretations Committee (LRIC). Since that action, similar legislation relating to nonscholastic events has been introduced and adopted impacting the sports of football and women's basketball; however, the interpretative authority for that legislation was not provided to the enforcement staff. The interpretative authority for that legislation was assumed by the AMA staff. In order to maintain efficiency and to avert potential confusion in the membership, the staff is requesting that the interpretative authority originally given to the enforcement staff for specific men's basketball issues be transferred to the AMA staff, with the provision that the AMA staff maintain the strict liability standard for decisions rendered previously by the enforcement staff. [Reference Supplement No.14.]

BOARD ACTION: The Board approved the transfer of interpretative authority as recommended and strongly encourages that LRIC adhere to and apply the rationale put forth by the Board October 29, 2009, to ensure that the progress made in the sport of men's basketball is maintained and continues. The transfer of interpretative authority will be effective June 15, 2012. (Unanimous Voice Vote)

7. **Conference/Institutional Networks.** The Board received a brief update on the issue of conference/institutional networks broadcasting programming involving prospective student-athletes. The Board was informed that the current interpretation specifies that it is not permissible for an institution- or conference-branded network to broadcast programming involving prospective student-athletes. The staff recommended that the current interpretation be maintained, as well as the current approach to "news," in order to provide the membership with additional time to review and discuss the issue. No action was taken by the Board.
8. **Update on Review of NCAA Division I Athletics Certification Program.** The Board received an update on the status of the review of the Division I Athletics Certification program and the timeline for review moving forward. The NCAA Division I Athletics

Certification Committee recommended that the Board approve a one-year delay in the implementation of a new certification program, which would include the requirement that all Division I institutions be required to implement the school's athletics certification cycle two and three plans for improvement. [Reference Supplement No. 13.]

BOARD ACTION: The Board approved the committee's recommendation for a one-year delay. (Unanimous voice vote) [See Proposal No. 2012-9.]

9. **Division I Committee on Infractions.** The committee requested the Board approve a bylaw revision and the NCAA Division I Administration Cabinet recommended one committee appointment and several reappointments.

- a. **Bylaw 32 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.7.1 that would assist in avoiding additional time delays and costs associated with the remanding of a summary disposition report. [Reference Supplement No. 9A.]

BOARD ACTION: The Board approved the legislative revision as recommended by the committee. (Unanimous Voice Vote) [See PP-2012-1.]

- b. **Appointment.** The Division I Administration Cabinet recommended the Board appoint Greg Christopher, director of athletics, Bowling Green State University, Mid-American Conference, to the committee. [Reference Supplement No. 9B.]

BOARD ACTION: The Board approved the appointment of Greg Christopher to the committee. (Unanimous Voice Vote)

- c. **Reappointments.** The Division I Administration Cabinet recommended the Board reappoint Roscoe Howard, attorney (public member); Eleanor Myers, faculty athletics representative, Temple University, Atlantic 10 Conference; James O'Fallon, faculty athletics representative, University of Oregon, Pacific-12 Conference, and Rodney Uphoff, law professor, University of Missouri, Big 12 Conference, to the committee. [Reference Supplement No. 9B.]

BOARD ACTION: The Board approved the reappointments as recommended. (Unanimous Voice Vote)

10. **Division I Infractions Appeals Committee.** The Division I Administration Cabinet recommended that the Board reappointment Susan Lipnickey, faculty athletics representative, Miami University (Ohio), Mid-American Conference, and Patricia

Ohlendorf, vice president for legal affairs, University of Texas at Austin, Big 12 Conference. [Reference Supplement No. 10.]

BOARD ACTION: The Board approved the reappointments as recommended.
(Unanimous Voice Vote)

11. Governance Transitional Issues.

a. Appointment of new members to the Board of Directors. The Board unanimously approved the following new Board members whose terms begin following the Board's April 2012, meeting:

- Gene Block, chancellor, University of California, Los Angeles (UCLA), Pacific-12 Conference.
- John Broderick, president, Old Dominion University, Colonial Athletic Association.
- Rita Cheng, chancellor, Southern Illinois University, Carbondale, Missouri Valley Conference.
- John Welty, president, California State University, Fresno, Mountain West Conference.

b. Appointments to the NCAA Executive Committee. The Board unanimously approved the appointment of the following Board members to the Executive Committee whose terms begin following the Board's April 2012, meeting:

- Stan Albrecht, president, Utah State University, Western Athletic Conference.
- Guy Bailey, president, Texas Tech University, Big 12 Conference.
- David Hopkins, president, Wright State University, Horizon League.
- Timothy White, chancellor, University of California, Riverside, Big West Conference.

c. Appointments of FCS and Division I members to the Division I cabinets and councils. The Board reviewed the slate of nominees for councils and cabinets submitted by the FCS and Division I conferences. [Reference Supplement No. 16.]

BOARD ACTION: The Board approved the FCS and Division I 2012 slate of cabinet and council nominees. (Unanimous Voice Vote)

12. Future Meeting Dates.

- a. Thursday, August 2, 2012, Indianapolis, Indiana.
- b. Tuesday, October 30, 2012, Indianapolis, Indiana.
- c. Saturday, January 19, 2013, Grapevine, Texas. [In conjunction with the NCAA Convention.]
- d. Thursday, May 2, 2013, Indianapolis, Indiana.
- e. Thursday, August 8, 2013, Indianapolis, Indiana.
- f. Wednesday, October 30, 2013, Indianapolis, Indiana.
- g. Saturday, January 18, 2014, San Diego, California. [In conjunction with the NCAA Convention.]

Board of Directors chair: Judy Genshaft, University of South Florida, Big East Conference

Staff Liaisons: S. David Berst, Division I governance

Jacqueline Campbell, Division I governance

Division I Board of Directors April 26, 2012, Meeting	
ATTENDEES	ABSENTEES
Stanley Albrecht, Utah State University, Western Athletic Conference	Nathan Hatch, Wake Forest University, Atlantic Coast Conference
Guy Bailey, Texas Tech University, Big 12 Conference	William R. Harvey, Hampton University, Mid- Eastern Athletic Conference
James Barker, Clemson University, Atlantic Coast Conference (alternate)	
William Beauchamp, University of Portland, West Coast Conference	
Judy Genshaft, University of South Florida, Big East Conference, chair	
David Hopkins, Wright State University, Horizon League	
Sidney McPhee, Middle Tennessee State University, Sun Belt Conference	
William Meehan, Jacksonville State University, Ohio Valley Conference	
Ann Millner, Weber State University, Big Sky Conference	
Harris Pastides, University of South Carolina, Southeastern Conference	
John Peters, Northern Illinois University, Mid- American Conference	
Edward Ray, Oregon State University, Pacific- 12 Conference	
David Schmidly, University of New Mexico, Mountain West Conference	
Lou Anna Simon, Michigan State University, Big Ten Conference (joined via teleconference)	
David Skorton, Cornell University, Ivy League	
Steadman Upham, University of Tulsa, Conference USA	
Timothy White, University of California, Riverside, Big West Conference	

NCAA staff liaisons in attendance: David Berst, Jacqueline Campbell
Future Board members attending as observers: John Broderick, Old Dominion University, Colonial Athletic Association Rita Cheng, Southern Illinois University, Carbondale, Missouri Valley Conference John Welty, California State University, Fresno, Mountain West Conference
Guests from other Division I governance bodies: Michael Alden, University of Missouri, chair of the Division I Leadership Council Carolyn Campbell-McGovern, Ivy League, chair of the Division I Legislative Council Walter Harrison, University of Hartford, chair of the Division I Committee on Academic Performance
Other NCAA staff members in attendance for portions of the meeting: Troy Arthur, Erik Christianson, Joni Comstock, Diane Dickman, Amy Dunham, Mark Emmert, Abe Frank, Bernard Franklin, Lynn Holzman, Michelle Hosick, Jim Isch, Greg Johnson, Kevin Lennon, Mark Lewis, Steve Mallonee, Keith Martin, Kathleen McNeely, Delise O'Meally, Tom Paskus, Todd Petr, Donald Remy, Wallace Renfro, Julie Roe Lach, Ronnie Ramos, Crissy Schluep, Dave Schnase, Jennifer Strawley, Robert Vowels, Bob Williams and Niu Xiaomu.