

**NOTE: The Board is scheduled to participate in the following functions with other Division I governance bodies in advance of the Board of Directors meeting:**

**Joint Division I Student-Athlete Advisory Committee/Board of Directors Breakfast  
Saturday, January 14, 2012, (7:30 – 9 a.m.)**

**A G E N D A**

National Collegiate Athletic Association  
Division I Board of Directors

Indianapolis Marriott Downtown  
Indianapolis, Indiana

January 14, 2012  
9 a.m. - 3 p.m.

1. Opening remarks.
2. Report of the October 27, 2011, NCAA Division I Board of Directors meeting. (Supplement No. 1) **[Anticipated Action Item]**
3. Report of the NCAA Division I Presidential Advisory Group's January 9 conference call. (Supplement No. 2.) [Report by William Meehan, chair.]
4. Representation on the Division I Board of Directors. (Supplement Nos. 3A and 3B.)
5. NCAA President's Report.  
  
*[Note: Agenda Item Nos. 7-c and 7-d will be discussed during the president's report.]*
6. Report from the NCAA Division I Committee on Academic Performance. (Supplement No. 4.) [Report by Walt Harrison, chair.]
7. Reports of Transforming Intercollegiate Athletics Working Groups.
  - a. Student-Athlete Well-Being Working Group. (Supplement No. 5.) **[Anticipated Action Item]**

*[Note: Includes update on requests for override votes on Proposal Nos. 2011-96 and 2011-97.]*

- b. Resource Allocation Working Group. (Supplement No. 6) [**Anticipated Action Item**]
  - c. Rules Working Group. (Supplement No. 7.)
  - d. Enforcement Working Group. (Supplement No. 8.)
8. Division I governance update.
- a. Report of the January 12, 2012, meeting of the NCAA Division I Leadership Council. (Supplement No. 9.) [**Anticipated Action Item**]
  - b. Report of the January 11-12, 2012, meeting of the NCAA Division I Legislative Council. (Supplement No. 10.)
    - (1) Report of legislative proposals adopted/defeated by the Legislative Council.

[Note: As a reminder, at its January 11-12 meeting, the Legislative Council will be responsible for considering, and ultimately voting on, all legislative proposals being considered in the annual legislative cycle. Proposals receiving at least two-thirds support by the Legislative Council at that meeting will be considered adopted but that action will not be considered final until after the conclusion of the Board of Directors January 14 meeting. Therefore, pursuant to this process, the Board has the authority to consider any proposal adopted by the Legislative Council, but is not required to examine every adopted proposal. The intent of this process is to allow the Legislative Council to take final action on the day-to-day legislative matters necessary for the efficient management of Division I, but to leave to the Board the authority to address any issue facing the division.]
    - (2) Possible emergency/noncontroversial legislation.
9. Unallocated Net Assets Year Ending August 31, 2011. (Supplement No. 11) [**Anticipated Action Item.**]
10. Status Report on Review of Division I Athletics Certification Program. (Supplement No. 12)

11. NCAA Membership – Accreditation Policy. (Supplement No. 13) [**Anticipated Action Item**]
12. Governmental relations report. (Supplement No. 14) [No action anticipated.]
13. Other business.
14. 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 9, 2012, Indianapolis, Indiana.
  - c. Tuesday, October 30, 2012, Indianapolis, Indiana.
  - d. January 19, 2013, NCAA Convention, Grapevine, Texas.
15. Adjournment.

**REPORT OF THE OCTOBER 27, 2011, MEETING OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
DIVISION I BOARD OF DIRECTORS**

1. **Report of the August 11, 2011, Board of Directors Meeting.** The Board approved the report of its August 11, 2011, meeting. (Unanimous voice vote)
  
2. **President's Report.** NCAA President Mark Emmert thanked the group for participating in a joint meeting with the Presidential Advisory Group (PAG) the previous day in order to review the reports of the four Transforming Intercollegiate Athletics Working Groups and the NCAA Division I Committee on Academic Performance (CAP). He noted that this Board meeting may be one of the most important in the NCAA's history as the Board will take actions that will begin a transformation of intercollegiate athletics. President Emmert emphasized the fact that the decisions made during this meeting should align with the NCAA's enduring values and support the Association's principles.
  
3. **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) **Student-Athlete Success – Initial Eligibility.**
      - (a) That the Board adopt emergency legislation that requires prospective student-athletes, at a minimum, to meet the current qualifier standard in order to be eligible for practice during the first regular academic term and receipt of athletically related financial aid during the first year. Second semester (and second and third quarter) eligibility for practice will be based on successful completion of nine semester or eight quarter hours in the first regular academic term of enrollment.
      - (b) That the Board adopt emergency legislation that requires prospective student-athletes to meet the following standard in order to compete in the first academic year:
        - i. A grade-point average/test score average that is set at approximately one-half of a standard deviation below the national student body mean. This represents an increase from the current one standard deviation below the national student mean. The new sliding scale requires a high school core grade-point average to be approximately 0.5 grade-point average units higher for a given test score compared to the current qualifier standard (e.g., SAT of 1000 would require 2.5

high school core grade-point average for competition vs. 2.0 currently).

- ii. A successful completion of 10 core courses *prior to* seventh semester (or equivalent) of high school. Seven of the 10 core courses must be successfully completed in English, math and natural/physical science.

- (c) That the Board adopt legislation to expand the early academic qualifier program, details of which will be worked out over the next year.

(2) Student-Athlete Success – Two-Year College Transfer Standards.

- (a) That the Board adopt as emergency legislation NCAA Proposal No. 2011-69, which increases two-year college transfer requirements for qualifiers and nonqualifiers with an effective date of August 1, 2012, for students first entering any collegiate institution (e.g., increases minimum grade-point average from 2.0 to 2.5; limits use of physical education activity credits to two units; requires a transferable physical/natural sciences course for nonqualifiers) on or after August 1, 2012.
- (b) That the Board adopt as emergency legislation Proposal No. 2011-70, as written, with an effective date of August 1, 2012.
- (c) That the Board allow Proposal No. 2011-65, the year of academic readiness, to progress through the normal legislative cycle.

(3) Team Success - Access to Championships and a New NCAA Division I Academic Performance Program (APP) Penalty Structure.

- (a) That the Board approve a 930 NCAA Division I Academic Progress Rate (APR) as a minimum academic standard to participate in postseason competition. This includes a mission filter only in the first year a team fails to meet the benchmark and an improvement filter in the second year and beyond.
- (b) That the Board approve the transition to the 930 APR to occur over the next three years.
- (c) That the Board approve a three-level APP penalty structure.

- (d) That the Board approve the creation of an Advisory Group for Historically Black Colleges and Universities and other low resourced institutions.
- (e) That all conferences be required to develop and maintain a written policy regarding teams subject to postseason restriction with respect to automatic qualifications for postseason competition and revenue distribution.

**BOARD ACTION: The Board approved all recommendations and necessary legislative changes regarding student-athlete and team academic success as described above. (Unanimous Voice Vote)**

- b. Transforming Intercollegiate Athletics Student-Athlete Well-Being Working Group.** Sidney McPhee, vice chair of the Student-Athlete Well-Being Group, presented the following recommendations:

(1) Cost of Attendance.

- (a) That the Board adopt legislation for aid awards that take effect August 1, 2012, or thereafter (awards may be executed before that date), to permit a Division I student-athlete who has received institutional financial aid equal to the value of a full grant-in-aid (i.e. tuition and fees, room and board and required course related books) to receive additional athletically related financial aid up to the value of the institution's "cost of attendance," or up to \$2,000, whichever is less. The additional "miscellaneous expense allowance" amount is to be indexed annually to the consumer price index.

[Note: Student Athlete Opportunity Funds may be used at the institution's discretion toward these miscellaneous expenses as is currently permitted. A Pell Grant will not be included in the NCAA financial aid calculation and is considered an exempted government grant for purposes of applying NCAA regulations.]

- (b) That the Board adopt legislation, effective August 1, 2012, to provide that only athletically-related aid will be counted toward team limits in equivalency sports.

[Note: All nonathletically-related financial aid now will be excluded from team equivalency computations, which will permit student-athletes to receive additional sources of financial aid without affecting team financial aid limits. The "miscellaneous expense allowance" would be applicable

once the total of athletics and other permissible aid exceeds the value of a full grant.]

- (c) That the Board adopt a best practice that all prospective and enrolled student-athletes should submit the Free Application for Federal Student Aid (FAFSA). Further, because the “miscellaneous expense allowance” legislation is permissive in nature, conferences should be encouraged to consider common application of this legislation among their members and sports.

(2) Multiyear Grants-In-Aid.

- (a) That the Board adopt legislation to redefine the period of award for aid awards that take effect August 1, 2012, or thereafter (awards may be executed before that date), to permit athletics aid to be awarded for a period beyond the minimum of one academic year, up to the date the student-athlete exhausts eligibility to compete in all sports.

[Note: Maintain, subject to existing exceptions, legislation to require the period of award for athletics aid to be not less than one academic year. Maintain only nonathletically-related conditions in athletics aid agreements regarding cancelation or reduction of aid during the period of its award. Gradation provisions should include:

- i. Maintaining current restrictions and processes on reducing or canceling athletics aid during the period of the award;
  - ii. Permitting institutions discretion to increase athletics aid during the period of its award, and maintaining current requirements for hearing opportunities related to reducing or canceling aid during the period of the award.]
- (b) That the Board adopt legislation to be effective for awards executed on or after August 1, 2012, to require institutions to award at least a prescribed minimum of an equivalency grant to each student-athlete who receives athletics aid in an equivalency sport.

[Note: Institutions currently are required in baseball to award a minimum 0.25 equivalency award but the Awards, Benefits, Expenses and Financial Aid Cabinet is developing a “block grant” system. The Student-Athlete Well-Being Working Group agreed that a .10 minimum may be appropriate for all sports, but the group will consider the alternative

minimum cabinet model and report a final recommendation to the Board for action in January or April 2012.]

- (c) That the Board adopt legislation, effective immediately, to eliminate financial aid eligibility restrictions (five years of aid within a six-year period) to permit institutions to provide athletics aid to former student-athletes who remain at, or return to, the institution to complete their baccalaureate degree requirements.

**BOARD ACTION:** The Board approved all the working group's recommendations and necessary legislative changes as emergency legislation as described above. In addition, the Board agreed that the \$2,000 "miscellaneous expense allowance" should be maintained for no less than three years. (Unanimous voice vote.)

- c. **Transforming Intercollegiate Athletics Rules Working Group.** Steadman Upham, vice chair of the Rules Working Group, requested the Board endorse a resolution that summarizes the concepts and direction outlined by the working group as they do their part to transform intercollegiate athletics. [See Attachment A for the resolution.]

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

- d. **Transforming Intercollegiate Athletics Enforcement Working Group.** Ed Ray, chair of the Enforcement Working Group, noted that the working group continues to review a tiered violation structure, penalty structure and the process for adjudication. The working group plans to continue discussions and make recommendations to the Board in April or August 2012, depending on when the Rules Working Group concludes its work.
- e. **Transforming Intercollegiate Athletics Resource Allocation Working Group.** Ann Millner, vice chair of the Resource Allocation Working Group, noted that the working group has received much feedback on various concepts it has discussed, particularly those regarding a reduction in playing seasons (championship and nonchampionship) and a reduction in scholarships (football and men's and women's basketball). The working group plans to continue discussions and make recommendations to the Board in January 2012.

- 4. **Communications Plan.** Bob Williams, NCAA vice president of communications, and Bob Knapp, chief executive officer of Neubrand, reviewed with the Board a communications plan/strategy that will be used to assist the NCAA in the communication of actions related to Presidential Retreat initiatives. The intent is that communication should be immediate



and consistent, so that the NCAA membership and the general public are aware of the context and importance of the changes, as well as the potential impact on intercollegiate athletics.

5. **Final Report of the Bowl Game Licensing Task Force.** Harvey Perlman, chair of the Task Force, presented the final report of the Task Force, which included the following recommendations in the area of governance, advertising and sponsorship, and student-athlete welfare:
- a. NCAA regulation of postseason bowls should be consistent with and limited by the core mission of the NCAA.
  - b. That each bowl-sponsoring agency be governed by a Board of Directors that has a majority of its members from the community in which the bowl is located.
  - c. The title or presenting sponsor of a certified bowl shall not advertise or appear to promote products or activities that may be detrimental to the welfare of student-athletes or the image and best interests of higher education and intercollegiate athletics. Each bowl-sponsoring agency shall adopt policies designed to exclude advertisements associated with bowls that are inconsistent with the welfare of student-athletes, or the image and best interest of higher education and intercollegiate athletics.
  - d. That conferences should require as part of their agreement with bowl title and presenting sponsors that the bowl-sponsoring agency avoid promotional activities inconsistent with the values of the NCAA or of higher education.
  - e. That participating conferences should contractually require each bowl to provide a certain number of advertisements promoting the value of intercollegiate athletics and the collegiate model.
  - f. That the Board for each bowl-sponsoring agency shall ensure that it is in compliance with the designated standards in the Task Force report relating to protecting student-athlete welfare, which includes the conduct of bowl games within a specified time period.
  - g. That the new academic standards applied to NCAA Division I championship participation shall be equally applied to postseason bowl games.

- h. That the NCAA, in consultation with conference commissioners, determine whether or not the collection of financial information would serve the interests of intercollegiate athletics.
- i. That the NCAA discontinue its current detailed licensing system and should embrace and develop a certification system that provides assurance that minimum standards of governance and operation are in place.

**BOARD ACTION: The Board approved all the Task Force recommendations except the portion of Item No. 4-f above specifying the period of time within which bowl games may occur.** [Unanimous Voice Vote of Football Bowl Subdivision (FBS) Board members.]

The Board directed staff to bring back to the Board recommendations regarding how to address the issue of possibly not having enough teams that qualify for the number of bowl games in a given year.

**BOARD ACTION: While the Board endorsed the principles expressed in Item No. 4-f above, it directed staff/Task Force to work with the FBS commissioners to address a new time period for bowl games that can be considered by the Board at its April 2012 meeting.** (Unanimous Voice Vote.)

## **6. Division I Governance Structure Update.**

- a. **Report of the October 13, 2011, Meeting of the Leadership Council.** Mike Alden, chair of the Division I Leadership Council, presented the following recommendations:

- (1) **Men's Basketball Recruiting Model.** The Leadership Council concluded its discussions of concepts to be included in a men's basketball recruiting model. The Leadership Council recommended that the Board of Directors take final action to adopt a men's basketball recruiting model that provides for earlier and increased access to prospective student-athletes by Division I coaches. [Reference Attachment B for details of the new recruiting.]

**BOARD ACTION: The Board adopted the recommended men's basketball recruiting model for full implementation by August 1, 2012.** (Unanimous Voice Vote.)

- (2) **Summer Relationship and Skill Development for Student-Athletes.** During its discussions regarding a men's basketball recruiting model, the Leadership

Council agreed to recommend that the Board of Directors take final action to permit entering and continuing student-athletes to engage in summer athletics development (eight hours of conditioning per week, of which no more than two hours can be devoted to skill instruction), regardless of enrollment in summer school.

**BOARD ACTION:** The Board supported the concept of coaches having access to prospective and current student-athletes during the summer, but asked the Leadership Council to bring back to the Board in January models for further consideration (e.g., requiring enrollment in summer school in order to participate in summer athletics activities; permitting participation in summer athletics activities without enrollment in summer school, provided student-athlete meets specified academic criteria) (Unanimous Voice Vote.)

- (3) **Multidivisional Reclassification – Opposite Gender -- NCAA Bylaw 20.4.1.2.** The Leadership Council agreed to recommend that the Board of Directors adopt noncontroversial legislation that would permit current Division II and Division III institutions that had one sport (other than football and basketball) classified in Division I for the 2010-11 academic year to petition to have one sport of the opposite gender reclassified to Division I. The Leadership Council agreed that the reclassification process should be identical to the two-year process that existed before the adoption of Proposal No. 2010-100, that the application fee should be increased to \$10,000 and that there be no time limitation for the opportunity to reclassify a second sport.

**BOARD ACTION:** The Board adopted noncontroversial legislation as recommended. (Unanimous Voice Vote.)

- b. **Report of the October 17-18, 2011, Meeting of the Division I Legislative Council.** Carolyn Campbell-McGovern, chair of the Division I Legislative Council, noted that in light of the continuing work of the working groups and the potential for significant changes to Division I legislation, the Council discussed broad concepts related to the legislative proposals in the 2011-12 cycle and offered feedback to the working groups in a variety of areas and anticipate guidance on processing the legislative proposals in the current cycle.

7. **Division I Committee on Infractions.** The committee recommended the Board ratify the committee's revisions to specified provisions within Bylaw 32.

**BOARD ACTION: The Board approved the bylaw revisions as recommended.**  
(Unanimous Voice Vote.)

8. **National Association of Basketball Coaches (NABC) Report.** Jim Haney, executive director of the NABC, thanked the Board for the opportunities extended to the NABC and to him personally to participate in discussions regarding important matters facing the NCAA and that affect the sport of men's basketball. He outlined continuing concerns of coaches related to the APR effects when there are coaching changes and expressed support for initiatives to encourage summer school for prospective and enrolled student-athletes, and for the Leadership Council's men's basketball recruiting model. He noted that graduation and retention are key focus areas for the NABC and that new initial eligibility requirements, structure for academic redshirts and increased standards for two-year college transfers increase the need for coaches to build meaningful relationships with prospects and enrolled student-athletes to monitor and help manage academic performance.
9. **Future Meeting Dates.**
- a. January 14, 2012, in conjunction with the NCAA Convention, Indianapolis, Indiana.
  - b. April 26, 2012, Indianapolis, Indiana.
  - c. August, 2, 2012, Indianapolis, Indiana.
  - d. Tuesday, October 30, 2012, Indianapolis, Indiana.

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

Resolution

*“Whereas, the working group has concluded that bold actions are necessary to change the regulatory culture in meaningful ways that, in conjunction with an enhanced enforcement structure, will better support the collegiate model by placing emphasis on the most significant regulations;*

*“Whereas, the working group recognizes the challenges inherent to our current regulatory culture, including the creation of a number of rules that are nationally insignificant, difficult to enforce and do not clearly enhance the academic and athletics success of student-athletes;*

*“Be it therefore resolved, that the working group shall establish principle-based outcomes that will apply to each operating bylaw, promote the fundamental constitutional principle of each operating bylaw and serve as the basis for legislation of national significance that merits inclusion in the Manual;*

*“Be it further resolved, that the working group shall examine “competitive equity” in terms of fairness of opportunity to compete among institutions or groups of institutions;*

*“Be it further resolved, that the working group shall identify an appropriate penalty structure that reinforces the need to adhere to established principles;*

*“Be it further resolved, that the working group shall identify opportunities to increase shared responsibility for rules compliance among those who participate in, lead and administer intercollegiate athletics at the campus, conference and national levels;*

*“Be it further resolved, that the working group shall develop a filtering process to evaluate future proposals to ensure that such legislation is consequential, readily enforceable, promotes our enduring values and further identified principle-based outcomes;*

*“Be it further resolved, that the working group shall encourage NCAA staff to reach out to membership constituents to gather feedback on concepts identified by the working group; and*

*“Be it further resolved, that the working group shall review specific principle-based outcomes and operational bylaws at its December 2011 meeting.”*

### Division I Men's Basketball Recruiting Model

Feature	Leadership Council Recommendation	Additional Comments	Effective Date
<b>Recruiting calendar evaluations</b>			
<i>April</i>	<ul style="list-style-type: none"> <li>Permit evaluations at certified nonscholastic events on two weekends.</li> <li>Neither weekend can fall on ACT/SAT testing dates or Easter.</li> <li>Events must be subject to NCAA certification program, which should include an additional requirement that the event may not begin before Friday 6 pm and must conclude no later than Sunday 4 pm.</li> </ul>		<b>Immediately</b>
<i>July</i>	<ul style="list-style-type: none"> <li>Permit evaluations at nonscholastic certified events during a total of 12 days in July; the 12 days would consist of three four-day periods (with intervening dead periods) that run from Wednesday at 5 pm to Sunday at 5 pm.</li> </ul>	<ul style="list-style-type: none"> <li>The evaluation period would consist of the first three four-day periods (Wednesday 5 p.m. – Sunday 5 p.m.) beginning with the first Wednesday on or after July 6.</li> <li>The staff can continue discussion regarding whether event certification criteria should be modified to require events to conclude at an earlier time on the final day.</li> </ul>	<b>Immediately</b>
<b>Communication with PSAs</b>			
<b>Types of Communication and Phone Call Frequency</b>	<ul style="list-style-type: none"> <li>Eliminate restrictions on all modes of communication on or after June 15 following the completion of the prospect's sophomore year in high school.</li> <li>Eliminate communication restrictions applicable to prospects participating in certified basketball events (April/July).</li> </ul>		<b>June 15, 2012</b>

Feature	Leadership Council Recommendation	Additional Comments	Effective Date
<b>Off-campus contacts</b>			
<b>Off-campus contact starting point</b>	<ul style="list-style-type: none"> <li>Off campus contacts may be made with a prospect during the junior year in high school.</li> <li>Recruiting periods other than April – contacts during the junior year only at the prospect’s educational institution.</li> <li>April recruiting period – contacts during the junior year only at the prospect’s educational institution or at the prospect’s residence.</li> </ul>	<ul style="list-style-type: none"> <li>Current rule limiting visits to a prospect’s educational institution to not more than once a week would remain applicable.</li> </ul>	<b>August 1, 2012</b>
<b>Off-campus contact in conjunction with an evaluation</b>	<ul style="list-style-type: none"> <li>Permit recruiting opportunities with juniors and seniors to be either contacts or evaluations. Contacts may not be made during the time period when classes are in session or during the day of a prospect’s competition.</li> <li>The current academic year recruiting calendar shall maintain recruiting periods, but will eliminate distinctions between contact and evaluation periods.</li> </ul>	<ul style="list-style-type: none"> <li>Institutions are permitted to still have seven recruiting opportunities during each academic year.</li> </ul>	<b>August 1, 2012</b>
<b>Official visits</b>			
<i>Starting point</i>	<ul style="list-style-type: none"> <li>January 1 of the junior year through the senior year of high school.</li> </ul>	<ul style="list-style-type: none"> <li>Current requirements (standardized test score, high school transcript, register with Eligibility Center, placed on institution’s IRL) necessary to provide an official visit would remain applicable.</li> <li>Included in the total number of permissible visits for the prospect and the institution.</li> </ul>	<b>August 1, 2012</b>
<i>Travel expenses</i>	<ul style="list-style-type: none"> <li>May be provided to the prospect and two parents/legal guardians.</li> </ul>		<b>August 1, 2012</b>

**NCAA DIVISION I BOARD OF DIRECTORS  
October 27, 2011, MEETING ATTENDANCE**

**Board members in attendance:**

Stanley Albrecht, Utah State University, Western Athletic Conference  
Guy Bailey, Texas Tech University, Big 12 Conference  
William Beauchamp, University of Portland, West Coast Conference  
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  
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  
David Skorton, Cornell University, Ivy League  
Steadman Upham, University of Tulsa, Conference USA

**Board members not in attendance:**

William R. Harvey, Hampton University, Mid-Eastern Athletic Conference  
Timothy White, University of California, Riverside, Big West Conference

**NCAA staff Liaisons in attendance:**

S. David Berst, NCAA  
Jacqueline Campbell, NCAA, recording secretary

**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  
Jim Haney, executive director of the National Association of Basketball Coaches (NABC)  
Walter Harrison, University of Hartford, chair of the Division I Committee on Academic Performance  
Harvey Perlman, University of Nebraska, chair of the Division I Bowl Licensing Task Force

**Guests from the NCAA Pathway Program:**

Sherie Cornish Gordon, Norfolk State University  
Kimberly Johnson, Texas Christian University  
Monica Love, United States Military Academy  
Diane O'Brien, University of California, Santa Barbara  
Melody Reifel Werner, Eastern Michigan University  
Alice Tym, University of Illinois at Chicago

**Other Guests:**

Bob Knapp, chief executive officer, Neubrand



**Other NCAA staff members in attendance:** Troy Arthur, Erik Christainson, Joni Comstock, Diane Dickman, Mark Emmert, Bernard Franklin, Lynn Holzman, Michelle Hosick, Tom Hosty, Jim Isch, Kevin Lennon, Steve Mallonee, Kathleen McNeely, Delise O'Meally, Tom Paskus, Todd Petr, Dennie Poppe, Bill Regan, Donald Remy, Wallace Renfro, Greg Shaheen, Jennifer Strawley, Robert Vowels, Wendy Walters and Bob Williams.

**REPORT OF THE JANUARY 9, 2012, MEETING OF THE  
NCAA DIVISION I PRESIDENTIAL ADVISORY GROUP**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Report of October 26, 2011, Meeting.** The Presidential Advisory Group (PAG) approved the report of its October 26, 2011, meeting.
2. **Representation on the NCAA Division I Board of Directors.** Several PAG members expressed concern that not all Division I multisport conferences are represented on the Board of Directors. The group suggested that discussion begin between members of the Board of Directors and PAG in order to promote collaboration on this issue.
3. **President's Report.** President Emmert briefly reported on recent activities of the Transforming Intercollegiate Athletics Working Groups and participated in PAG's subsequent discussions of that work and the working group recommendations that will be reviewed by the Board during its upcoming meeting.
4. **Update on Presidential Retreat Initiatives.**
  - a. NCAA Division I Committee on Academic Performance. The group was informed that the committee will meet on January 12, 2012, to discuss implementation of the minimum academic standard required for access to postseason competition, as well as the waiver process for the new Academic Performance Program (APP) penalty structure.
  - b. Transforming Intercollegiate Athletics Student-Athlete Well-Being Working Group. The group was informed that Proposal Nos. 2011-96 – "Miscellaneous Expense Allowance" and 2011-97 – "Multi-year Grants in Aid" received more than 75 requests for an override vote, which now requires this legislation to be reconsidered by the Board of Directors at its next regularly scheduled meeting on January 14, 2012. PAG discussed the working group's proposed modifications to Proposal No. 2011-96 – "Miscellaneous Expense Allowance," which would modify the provisions for the \$2,000 miscellaneous expense allowance and rescind the portion of the proposal that provided that all nonathletics financial aid will no longer count toward team limits. The working group also recommended that the Board of Directors reaffirm its original action to adopt Proposal No. 2011-97 – "Multi-year Grants in

- Aid,” which would result in an online override vote by the Division I active member institutions and conferences.
- c. Transforming Intercollegiate Athletics Resource Allocation Working Group. The group discussed the Board of Directors Consent Package of Action Items from the Resource Allocation Working Group. Concern was expressed regarding several of the recommendations, particularly the recommendation to eliminate institutional foreign tours.
  - d. Transforming Intercollegiate Athletics Collegiate Model -- Rules Working Group. The group was informed that guided by the October 2011 resolution endorsed by the Board of Directors, the Rules Working Group has continued its discussion regarding a new regulatory culture and review of specific principle-based outcomes and operational bylaws. The working group will request that the Board take the following actions at its January 14, 2012, meeting: 1) Support the general approach outlined for a new regulatory approach; 2) Endorse a moratorium on legislation for the 2012-13 legislative cycle (unless part of the presidential reform agenda); and 3) Support the creation of a new group to address issues of institutional integrity.
  - e. Transforming Intercollegiate Athletics Collegiate Model -- Enforcement Working Group. The group was informed that the Enforcement Working Group will update the Board on its work regarding a violation and penalty structure, as well as the enforcement process and concept of shared responsibility.
5. **Review of Legislative Process and Discussion of Proposals that are of Potential Interest to the Presidential Advisory Group and the Board of Directors.** The group was reminded that during its January meeting, the NCAA Division I Legislative Council generally considers, and ultimately votes on, all legislative proposals being considered in the annual legislative cycle. This year, the Rules Working Group has asked that the Legislative Council table a number of the proposals in this year’s legislative cycle until the working group has moved closer to completing its work. The hope is that this will maintain some order to the work being done while also leaving open the opportunity to consider some necessary legislation.
6. **2012 NCAA Convention Schedule.** The PAG members were informed of events of interest at the 2012 NCAA Convention.

**7. Future Meeting Dates and Times.**

- (a) April 25, 2012, Indianapolis, Indiana.

[Note: The Division I Presidential Advisory Group (PAG) will meet with the Division I and FCS commissioners on Wednesday, April 25, 2012, from 8 a.m. – 12 p.m. There will be a joint meeting of the PAG 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 6, 2102, 3 p.m. (Eastern time), conference call.

- (c) Monday, October 29, 2012, Indianapolis, Indiana.

- (d) January 14, 2013, 3 p.m. (Eastern time), conference call.

*Subcommittee chair: William Meehan, Jacksonville State University*

*Staff Liaisons: S. David Berst, Division I governance*

*Jacqueline Campbell, Division I governance*

<b>Division I Presidential Advisory Group January 9, 2012, Teleconference</b>	
<b>ATTENDEES</b>	<b>ABSENTEES</b>
James Ammons, Florida A&M University, Mid-Eastern Athletic Conference	John Hurley, Canisius College, Metro Atlantic Athletic Conference
William Beauchamp, University of Portland, West Coast Conference	David Skorton, Cornell University, Ivy league
John Bravman, Bucknell University, Patriot League	
John Broderick, Old Dominion University, Colonial Athletic Association	
David Chicoine, South Dakota State University, Summit League	
Greg Dell'Omo, Robert Morris University, Northeast Conference	

Philip Dubois, University of North Carolina, Charlotte, Atlantic 10 Conference	
Joanne Glasser, Bradley University, Missouri Valley Conference	
Walter Harrison, University of Hartford, America East Conference	
David Hopkins, Wright State University, Horizon League	
Penelope Kyle, Radford University, Big South Conference	
William Meehan, Jacksonville State University, Ohio Valley Conference	
Ann Millner, Weber State University, Big Sky Conference	
Kenneth Peacock, Appalachian State University, Southern Conference	
Kerry Romesburg, Jacksonville University, Atlantic Sun University	
Randall Webb, Northwestern State University, Southland Conference	
Timothy White, University of California, Riverside, Big West Conference	
George C. Wright, Prairie View A&M University, Southwestern Athletic Conference.	
<b>NCAA staff liaisons participating on the call:</b> David Berst, Jacqueline Campbell	
<b>Other NCAA staff members who participated on the teleconference:</b> Diane Dickman, Mark Emmert, Michelle Hosick, Jim Isch, Kevin Lennon, Jarrett Newby, Wallace Renfro, Greg Shaheen and Naima Stevenson.	



NORTHEAST CONFERENCE • 399 CAMPUS DR. • SOMERSET, NJ 08873 • PH: (732) 469-0440 • FAX: (732) 469-0744 • WWW.NORTHEASTCONFERENCE.ORG

December 12, 2011



[www.twitter.com/NECsports](http://www.twitter.com/NECsports)  
[www.facebook.com/NECsports](http://www.facebook.com/NECsports)  
[www.youtube.com/NECsports](http://www.youtube.com/NECsports)

Dr. Mark Emmert  
President  
NCAA

Dr. Judy Genshaft  
Chair  
NCAA Board of Directors

Dear Chairwoman Genshaft and President Emmert:

The Northeast Conference (NEC) Council of Presidents continues to express its concern over the lack of full representation on the NCAA Division I Board of Directors.

We have expressed this concern over the last seven years through our PAG representatives (Tom Powell, Mount St. Mary's and Greg Dell'Omo, Robert Morris) and have been advised by NCAA staff that "it's not the right time." WE think it is the right time, and believe others would agree. This is exactly the right time for there to be full transparency and representation in college athletics, and we think the public would agree.

Further, the attached document entitled "NCAA Division I Board of Directors, Request for Full Representation by FCS/Division I Conferences" was included in the October 2010 PAG meeting materials. The attachment apparently has not been shared with the FBS members on the Board. The full representation issue has not appeared as an action item on the NCAA Board of Directors agenda to date. The NEC requests that the issue of full representation be included as an official agenda item for the January 2012 NCAA Board of Directors' meeting.

NEC presidents support decision-agility, yet eliminating two-thirds of the FCS and Division I conferences at any one time from direct representation in the voting process denies representation to the largest percentage of Division I schools and the largest percentage of Division I student-athletes.

I note that the NEC is not represented on any of the four working groups developed to support NCAA reform agenda initiatives. Eleven other conferences are without a representative on the working groups while many of the FBS conferences have up to four representatives participating on these very important groups.

The Northeast Conference is highly interested in the NCAA reform initiatives; however, we are precluded from fully participating in the reform discussions and voting process based on our lack of representation on the NCAA Division I Board of Directors.

Thank you for addressing this issue at the next Board meeting.

Sincerely,

Tom Powell

CC: NCAA Board of Directors  
NCAA Presidential Advisory Group  
David Berst, NCAA Vice President for Division I  
Noreen Morris, Northeast Conference Commissioner

**NCAA Division I Board of Directors  
Request for Full Representation by FCS/Division I Conferences**

**Proposal**

That the NCAA Division I Board of Directors sponsors legislation to provide full representation by all FCS/Division I Conferences on the NCAA Division I Board of Directors.

**NCAA Division I Board of Directors – Legislative Review**

Per NCAA Bylaw 4.2.1, the composition of the NCAA Division I Board of Directors shall include 18 members as follows:

(a) One institutional president or chancellor from each of the following 11 conferences:

- (1) ACC
- (2) Big East
- (3) Big Ten
- (4) Big 12
- (5) Conference USA
- (6) Mid-American
- (7) Mountain West
- (8) Pac-10
- (9) SEC
- (10) Sun Belt
- (11) WAC

(b) Seven institutional presidents or chancellors from among the following conferences:

- (1) America East
- (2) Atlantic 10
- (3) Atlantic Sun
- (4) Big Sky
- (5) Big South
- (6) Best West
- (7) Colonial
- (8) Horizon
- (9) Ivy
- (10) Metro Atlantic
- (11) Mid-Eastern
- (12) Missouri Valley
- (13) Northeast
- (14) Ohio Valley
- (15) Patriot
- (16) Southern
- (17) Southland
- (18) SWAC
- (19) Summit
- (20) WCC

### **Negative Impact of the Current Structure**

As outlined above, the 11 FBS conferences have a representative on the Board of Directors on a permanent basis, whereas the 20 FCS/Division I conferences are asked to share seven positions on the Board. Based on the rotation system developed to accommodate the “shared” positions, those conferences without a representative on the Board typically experience an 8-year hiatus from direct participation on the NCAA Division I Board of Directors. Through Myles Brand’s leadership, the NCAA has adopted a governance structure that emphasizes presidential oversight at the national, conference and local levels. However, the current system has a major flaw at the highest level of governance in that it purposely prevents almost two-thirds of the FCS/Division I conference presidents from having a seat at the table and an opportunity to participate in discussion relative to matters that impact the Division I athletic enterprise. Rather than encouraging presidential oversight at the national, campus and local levels, this structure disenfranchises the FCS/Division I CEO’s at a time when presidential engagement is so crucial to the strategic vision and future success of the NCAA.

### **Values Based Decision Making – Application to the Governance Structure**

In the last few months, the NCAA Board of Directors has been intimately involved in a number of issues with far reaching affects on the academic, athletic and financial future of Division I. These topics ranged from defining Division I membership, supporting academic enhancements for the sport of football, evaluating and endorsing a multi-million dollar media rights contract and determining the size of the Division I men’s basketball championship. The role of the NCAA Board of Directors has continued to become increasingly important, especially in terms of academic and fiscal reform, and it is critical that each and every conference have an opportunity to participate directly in the dialogue and debate relative to these issues. Knowledge is power, and without direct access to the NCAA Board of Directors and the important issues they review and discuss, we are not arming our presidents with the knowledge they need to lead at the national, conference or local levels.

The NCAA has created a Values-Based Decision Making Task Force to ensure that the membership continues to operate in a manner that supports and defends the core values of the NCAA, which are as follows:

1. Maintain a collegiate model of intercollegiate athletics in which student-athletes participate as an avocation, balancing their academic, social and athletics experiences;
2. Ensure that the well-being of student-athletes is paramount, which includes preserving participation opportunities;
3. Maintain and preserve competitive equity among institutions while sustaining a spending model for athletics consistent with academic spending;
4. Address the critical public perception of intercollegiate athletics where there appears to be spending behaviors contrary to those elsewhere in higher education (coaching salaries vs. faculty salaries, facility build-outs on a grand scale vs. facilities that are functional, dependence on commercialism vs. sense of detachment from commercial influence elsewhere); and
5. Respect institutional autonomy and philosophical differences.



As a membership organization, the NCAA's core values clearly support the concepts of equity, balance, diversity, responsibility, respect and inclusiveness. It is unacceptable that the very structure of the Division I Board of Directors does not support the same concepts. How can the leadership group of Division I serve as the guiding force for the membership when its own governance structure and format does not espouse the values it supposed to represent?

### **Evaluation of the Current Structure**

The primary arguments presented to support the current structure are (1) the federated governance structure was established to provide a representative form of governance that recognized the need for weighted voting and (2) the need to limit the number of individuals on the Board to ensure effective and efficient discussion and management. The Presidential Advisory Group (PAG) was subsequently established to provide all FCS/Division I conferences with an opportunity for their presidential leadership to review the Board agenda with assistance from the NCAA staff and outside entities as needed.

If the NCAA leadership is truly seeking an effective and efficient management system, they are hard pressed to explain how the current PAG format meets those goals. On the day prior to the NCAA Board of Directors' meeting, the entire NCAA Division I governance staff and numerous members of the NCAA staff (e.g., legal counsel, academic support, legislative support, research experts) spend up to an entire day at the PAG meeting presenting issues and reports. These reports are repeated in their entirety at the Board meeting the following day. Not only is this a significant duplication of efforts by the NCAA staff, it also an unnecessary obligation for PAG representatives on the Board to commit two days to this venture, when one day could be easily accommodated with an amended Board structure.

In terms of the size of the Board, many will argue that 31 members will be impractical and unmanageable, and that the associated room layout will prohibit effective discussion and interaction. If that's the case, then how can the NCAA argue that the PAG meetings have provided an effective and efficient format for the FCS/Division I presidents to discuss the Board's agenda? At the last PAG meeting, there were more than 40 people in attendance (presidents, commissioners, NCAA staff) and the discussions were lively and thorough, with a great deal of give and take. With that said, a Board with 31 members can be very manageable and should not be used as a reason for not having full representation. In fact, it should be noted that each president on the NCAA Board likely has an institutional Board of Trustees and/or participates on other Boards that exceed the requested number of 31; and thus they are experienced and versed at conducting efficient and effective meetings with a large number of participants.

### **Suggested Solution**

The FCS/Division I conferences respectfully request full representation on the NCAA Division I Board of Directors, with each conference assigned a permanent position on the Board of Directors. It should be noted, however, that equal access to the Board does not necessarily have to equate to equal voting by all representatives on the Board. The key concern for the FCS/Division I membership is the lack of access to critical discussions and debate that take place at the NCAA Board of Directors relative to the issues impacting Division I athletics. Equal access to those discussions will not only ensure that each conference is engaged in the governance process at the national level on a consistent basis, but it enables each conference representative to directly engage the presidents in their respective conferences relative to those issues. Without the benefit of direct interaction during the NCAA Board of Directors meetings, it is extremely difficult for the chair of the conference presidents groups to engage their peers in critical discussions relative to NCAA values, strategic plans and reform initiatives.

The current structure essentially handcuffs the presidents of nearly two-thirds of the FCS/Division membership, restricting their access to important dialogue and debate and limiting their ability to effect change at the national, conference and local levels. Providing each Division I conference the opportunity to participate on the NCAA Board of Directors will more effectively empower the presidents throughout the membership and will align the Board with the NCAA's core values.

With the arrival of a new NCAA president this fall, the implementation of a men's basketball media contract, the development of a 68 field men's championship, and conference realignments on the horizon, this an opportune time to make this next change in the evolution of the NCAA Division I Board of Directors. If ever there was a time for full representation on the Board, now is it. With growth comes complexity and having more of the key stakeholders at the table is not just preferable, it is a necessity.

**QUOTES FROM MYLES BRAND regarding the importance of presidential leadership:**

"For the NCAA to accomplish its goals, it must work in tandem with many internal and external constituents. No partnership is of greater importance than that with college and university CEOs. They are the decision-makers on college campuses, and the NCAA has charged them with taking control of intercollegiate athletics." **Myles Brand, The NCAA News, *Presidential Voice Gives CEOs Final Say in Athletics Discussions*, June 7, 2004.**

"Reform -- specifically those measures that protect the collegiate model -- is an ongoing concern. Reform also requires presidential leadership -- not only national leadership, but campus-based leadership. Intercollegiate athletics plays a highly visible role on America's university and college campuses. It can be a force for the good, especially when it complements the campus' academic mission and when it provides a point of common pride for the campus and local community.

College and university presidents and chancellors are the keys to success. They have displayed the vision and leadership necessary to navigate the most recent reform journey, and the NCAA will rely on their leadership once again as our next mission begins.

Will presidents, at least a critical mass of presidents, rise to the occasion and take control? My strong expectation is that they will. As stewards of their universities -- and of intercollegiate athletics as an integrated part of those universities -- presidents have the obligation to see the larger picture. I am optimistic that the same presidential leadership we have seen emerge over the last two decades will continue to be evident over the next two, and well beyond." **Myles Brand, The NCAA News, *Presidential Leadership a Proven Ingredient in Reform Success*, January 17, 2005.**



December 19, 2011

Dr. Judy Genshaft  
Chair  
NCAA Division I Board of Directors  
University of South Florida  
4202 E. Fowler Avenue  
Tampa, FL 33620

Dr. Mark Emmert  
President  
NCAA  
PO Box 6222  
Indianapolis, IN 46206-622

Dear Drs. Genshaft and Emmert:

Over the course of the past few months representatives from the Football Championship and Division I Subdivision conferences have met to discuss intercollegiate athletics reform. While there is general support for the effort and an understanding of the desire to work efficiently, the number of override petitions reflects a significant frustration on the part of our Chief Executive Officers.

The expedited process that has recently been utilized to craft and pass legislation has served to heighten our concern over the lack of membership inclusion. Twelve of the 20 FCS/DI conferences are not represented on one of the Presidential Retreat Working Groups and 13 of the 20 are not represented on the NCAA Division I Board of Directors. This means over 40% of the Division I membership has not been actively involved in the development of, and acting upon, the most important legislation in recent memory.

While the Presidential Advisory Group does allow for input into the process, its involvement is limited and does not provide a feeling of true equity for those conferences not represented on the Board. It is for these reasons that the Football Championship and Division I Subdivisions formally request that the NCAA Board of Directors immediately allow for each Division I conference to have a permanent seat on the Division I Board. We understand and accept the interest in a majority for the Football Bowl Subdivision members, and would not object to a weighted voting system similar to that used in other bodies with full representation.

**Dr. Judy Genshaft**  
**Dr. Mark Emmert**  
**December 19, 2011**  
**Page Two**

At this important juncture in the history of the NCAA, it is critical that all members are engaged in the process and that voices are heard. We believe that an efficient legislative process can still be accommodated, and with more buy-in, if all conferences are represented on the Board.

Thank you for your consideration and best wishes for a joyous holiday season.

Sincerely,

Kyle B. Kallander  
Chair, Football Championship Subdivision

Bernadette V. McGlade  
Chair, Division I Subdivision

KBK:ms

cc: Collegiate Commissioners Association  
William Meehan, Chair, NCAA Presidential Advisory Group  
S. David Berst, NCAA  
Jackie Campbell, NCAA

**REPORT OF THE  
NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE  
JANUARY 12, 2012, TELECONFERENCE**

**ACTION ITEMS.**

**1. Legislative Items.**

- **NCAA Division I Proposal No. 2011-65 Eligibility -- Two-Year College Transfers -- Year Of Academic Readiness At Two-Year College.**

- (1) Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors reinstate NCAA Division I Proposal No. 2011-65 to the 2011-12 legislative cycle and table it.
- (2) Effective Date. Immediate.
- (3) Rationale. Reinstating and tabling this proposal will provide the Committee on Academic Performance and the NCAA Division I Academic Cabinet additional time to solicit feedback from the membership and two-year college community and make any resulting modifications to the proposal. Tabling the proposal will allow further vetting of the proposal over the next year.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

**2. Nonlegislative Items.**

**a. NCAA Division I Academic Performance Program Penalty Waiver Directive.**

- (1) Recommendation. The Committee on Academic Performance recommends the Board of Directors approve the NCAA Division I Academic Performance Program (APP) Penalty Waiver Directive [Attachment A].
- (2) Effective Date. Immediate.
- (3) Rationale. During its October 2011 meeting, the Board approved changes to the APP, including changes to the penalties and the addition of an academic requirement for access to postseason competition. The new APP penalty waiver directive was developed in response to this new

penalty structure, filters and the Committee on Academic Performance's principles regarding relief of the new penalties and to postseason ineligibility.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

**b. Committee Policies and Procedures.**

(1) Recommendation. The committee recommends the Board approve an amendment to APP policies and procedures providing an additional waiver appeal opportunity for teams that do not meet the postseason competition academic requirements.

(2) Effective Date. Immediate.

(3) Rationale. The committee amended its policies and procedures to provide an additional appellate opportunity for institutions with a team(s) ineligible for postseason competition due to APP requirements. This policy change applies only to access to postseason requirements and not to any of the three penalty levels (e.g., the Level Three penalties which already include a second appeal opportunity to the Board). The additional appeal opportunity is as follows:

- When the NCAA Division I Committee on Academic Performance Subcommittee on Appeals denies a waiver of access to postseason competition, the institution may appeal this decision in writing to the Committee on Academic Performance chair, or in the event of recusal by the chair to the Committee on Academic Performance vice chair.
- Based only on the written record, the chair (or vice chair) may deny the appeal or may forward the appeal to the full committee for further review and consideration. If the chair or vice chair denies the appeal, this decision is final and no further appellate opportunity is provided.
- The chair (or vice chair's) consideration of the appeal must be based on the following criteria: the institution must demonstrate that the appeals subcommittee abused its discretion in denying the request. Abuse of discretion occurs when the subcommittee fails

to follow NCAA legislation and/or established APP policies and procedures, and the failure to adhere to legislation or policies reasonably could have resulted in a different decision by the appeals subcommittee.

- If, based on this criteria, the chair or vice chair does forward the waiver request to the full committee, the committee hearing may be conducted by teleconference or in-person meeting and shall include some opportunity for the institution to present its request orally as well as in writing. The full committee's decision shall be final and not subject to any further review.

Losing access to postseason competition is significant and the committee noted the importance of ensuring the waiver process ensures appropriate policies and legislation are adhered to. While the chair review appeal opportunity includes a rigorous standard for review, this additional step is reasonable given the seriousness of the loss of postseason competition access.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

### **INFORMATIONAL ITEMS.**

1. **October 2011 Report of the NCAA Division I Committee on Academic Performance.** The committee reviewed the report.
2. **October 2011 NCAA Division I Board of Directors Meeting.** The committee received an update from the meeting.
3. **Educational Materials Provided to the Membership.** The committee reviewed the materials developed to assist the membership in understanding the academic changes adopted by the Board during its October 2011 meeting.
4. **Initial Eligibility Sliding Scales/Concordance of SAT/ACT.** The committee approved the detailed SAT/ACT and grade-point average requirements (Attachment B) that correspond to the changes adopted by the Board in October that must be met in order for a student-athlete to receive athletics aid, practice and compete during his or her first year at a Division I institution. In addition, with the recent adoption of changes to the initial-eligibility requirements, the coordinates of the current sliding scale, which have been in

place since the 1990's, were reviewed. This review was necessary to determine if the ACT and SAT scores in the current sliding scale are appropriate given changes in the tests that have occurred over the past 10 years. The revised test score coordinates were developed with assistance from researchers from ACT, Education Testing Service and the College Board and vary slightly from the current sliding scale. Both the new competition sliding scale and the slight changes to the current sliding scale that remains for practice and athletics aid will be effective August 1, 2015, for students initially enrolling full time in a college institution on or after August 1, 2015. The committee appreciates and acknowledges the work and recommendations of the Data Analysis Research Network in finalizing these coordinates.

5. **Timing and Announcement of APP Penalties.** The committee continued its discussion on a more rapid collection and finalizing of APRs to expedite the announcement of APRs and application of penalties and/or postseason ineligibility. A number of options to expedite the submission, waiver and appeal processes were considered. The committee agreed to maintain the current process which will be used for the current year. The committee will continue to study the feasibility of a new, or revised, process for the future. Currently, data are submitted each fall, waivers and appeals are conducted in the winter and spring and the announcement will be made after the last postseason event each year. Ineligibility for postseason competition and any penalties assessed will be 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).
6. **Composition of Subcommittees.** It was noted the committee chair appointed Jerry Bovee, Weber State University and Barbara Luebke, University of Rhode Island to the Committee on Academic Performance Subcommittee on Appeals, effective immediately. Bovee and Luebke will continue to serve on NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting. Adding these members to the subcommittee will help accommodate the anticipated increase in waiver requests based on more rigorous academic standards.
7. **Historically Black Colleges and Universities and Limited-Resourced Institution Advisory Group.** The committee received an update from the December meeting of the Historically Black Colleges and Universities (HBCU) Limited-Resourced Institution Advisory Group. The group was formed based on a recommendation from the committee and is working to provide recommendations regarding the APP that impact limited-resource institutions.
8. **NCAA Working Group on the Collegiate Model -- Rules.** The committee received an



update on the NCAA Working Group on the Collegiate Model – Rules and reviewed the principles developed for NCAA Division I Bylaws 14 and 23.

9. **Legislative Update.** The committee received an update on Proposal No. 2011-65 Two-Year Transfers - Academic Year of Readiness and Proposal No. 2011-68 -- Eligibility -- Progress-Toward-Degree Requirements -- Eligibility for Competition -- Fulfillment of Credit-Hour Requirements -- Additional Requirements -- Football -- Exception -- Team Academic Progress Rate.
10. **Allocating Additional Funds to the Supplemental Support Fund (SSF).** The committee supports a recommendation to allocate a portion of the monies remaining from the White Case settlement to the SSF to assist limited-resourced institutions in improving the academic performance of student-athletes. In addition, the committee noted the importance of creating more strict accountability measures to ensure the funds are having a positive impact on improving academic performance.

*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*

*John Shukie, Academic and Membership Affairs*

*Jennifer Strawley, Academic and Membership Affairs*

January 12, 2012	
Attendees	Absentees
Jan Blade, Delaware State University	Melvin Johnson, Tennessee State University
Jerry Bovee, Weber State University	Barbara Luebke, University of Rhode Island
Jennifer Brown, Western Carolina University	Brennan O'Donnell, Manhattan College
Michael Cross, Bradley University	
Jack Evans, University of North Carolina, Chapel Hill	
Kenneth Ferguson, University of Missouri, Kansas City	
David Jamison, Robert Morris University	
Roderick McDavis, Ohio University	
Lisa Melz, Western Illinois University	
John Morris, University of Washington	
Vince Nicastro, Villanova University	
Greg Sankey, Southeastern Conference	
Other Participants	
Andy Cardamone, Michelle Hosick, Andy Louthain, Binh Nguyen, Tom Paskus, Katy Yurk	

**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.

**ATTACHMENT B**  
**SUPPLEMENT NO. 4**  
**DI Board of Directors 1/12**

**Division I Initial-Eligibility Index**

**Effective August 1, 2015, for students initially enrolling full time in a college institution on or after August 1, 2015.**

<b>GPA for Aid and Practice</b>	<b>GPA for Competition</b>	<b>SAT</b>	<b>ACT Sum</b>
3.550	4.000	400	37
3.525	3.975	410	38
3.500	3.950	420	39
3.475	3.925	430	40
3.450	3.900	440	41
3.425	3.875	450	41
3.400	3.850	460	42
3.375	3.825	470	42
3.350	3.800	480	43
3.325	3.775	490	44
3.300	3.750	500	44
3.275	3.725	510	45
3.250	3.700	520	46
3.225	3.675	530	46
3.200	3.650	540	47
3.175	3.625	550	47
3.150	3.600	560	48
3.125	3.575	570	49
3.100	3.550	580	49
3.075	3.525	590	50
3.050	3.500	600	50
3.025	3.475	610	51
3.000	3.450	620	52
2.975	3.425	630	52
2.950	3.400	640	53
2.925	3.375	650	53
2.900	3.350	660	54
2.875	3.325	670	55
2.850	3.300	680	56
2.825	3.275	690	56
2.800	3.250	700	57
2.775	3.225	710	58
2.750	3.200	720	59
2.725	3.175	730	60
2.700	3.150	740	61
2.675	3.125	750	61
2.650	3.100	760	62
2.625	3.075	770	63

---

<b>GPA for Aid and Practice</b>	<b>GPA for Competition</b>	<b>SAT</b>	<b>ACT Sum</b>
2.600	3.050	780	64
2.575	3.025	790	65
2.550	3.000	800	66
2.525	2.975	810	67
2.500	2.950	820	68
2.475	2.925	830	69
2.450	2.900	840	70
2.425	2.875	850	70
2.400	2.850	860	71
2.375	2.825	870	72
2.350	2.800	880	73
2.325	2.775	890	74
2.300	2.750	900	75
2.275	2.725	910	76
2.250	2.700	920	77
2.225	2.675	930	78
2.200	2.650	940	79
2.175	2.625	950	80
2.150	2.600	960	81
2.125	2.575	970	82
2.100	2.550	980	83
2.075	2.525	990	84
2.050	2.500	1000	85
2.025	2.475	1010	86
2.000	2.450	1020	86
	2.425	1030	87
	2.400	1040	88
	2.375	1050	89
	2.350	1060	90
	2.325	1070	91
	2.300	1080	93

**Report of the Transforming Intercollegiate Athletics  
Student-Athlete Well-Being Working Group  
January 5, 2012, Conference Call**

The Well-Being Working Group reviewed all override requests submitted by the Division I membership regarding legislative Proposal Nos. 2011-96 -- “Miscellaneous Expense Allowance” and 2011-97 -- Multi-year Grants in Aid”. The working group attempted to evaluate the various reasons for overrides and as you will see has attempted to address the issues cited without abandoning the group’s original charge. It should be emphasized that the working group remains committed to initiatives that benefit the student-athlete experience and the group believes that both multi-year grants and putting additional educationally related expense funds in the hands of current student-athletes who receive either full grants-in-aid or partial awards is fully appropriate. In that spirit, the following comments and recommendations from the working group are being submitted to the Division I Board of Directors for consideration during its January 14, 2012, meeting.

**Review of Override Process.** Both Proposal No. 2011-96 and 97 received more than 75 override requests (160 for Proposal No. 2011-96 and 82 for Proposal No. 2011-97), which now requires that this legislation be reconsidered by the Board of Directors at its next regularly scheduled meeting on January 14, 2012. In addition, since Proposal No. 2011-96 received more than 125 override requests, the Board’s legislation regarding the \$2000 miscellaneous expense allowance was suspended on December 19, 2011, pending reconsideration by the Board of Directors or the outcome of an on-line, one-vote per institution and conference override vote by the Division I active membership.

The Board of Directors is authorized under NCAA legislation to take one of the following courses regarding each proposal at its January meeting: (1) It may rescind its adoption of the legislation; (2) It may take no further action and proceed to an on-line, one-vote per institution and conference vote (a 62.50 percent majority of those voting would be required to override the Board’s action to adopt the legislation); or (3) it may modify the proposal, which would render the original legislation moot and replace it with the modification. A modification would subject the new version of the legislation to a new 60-day override period.

**Please note that the following recommendations assume that the Board does not wish to rescind its original adoption of either Proposal Nos. 2011-96 or 97.**

**1. Recommended Board Action Regarding Proposal No. 2011-97 -- “Multi-year Grants.”**

- a. **The Board should reaffirm its original action to adopt Proposal No. 2011-97,** which would result in an on-line override vote by Division I active member institutions and conferences in February.

**Rationale:** The concerns expressed in the override process were not unanticipated when the Board acted in October 2011, and sufficient time has elapsed since the original Board action for institutions to better plan for the implementation of the legislation before upcoming signing periods in February and April. Also, action to modify the proposal by, for example, delaying implementation for a year could result in a group of November 2011, prospects who signed National Letters that included multi-year grants and a group of February and April 2012 signees who would not be permitted to receive multi-year awards.

2. **Recommended Board Actions Regarding Proposal No. 2011-96 -- Miscellaneous Expense Allowance.”**

- **The Board should modify Proposal No. 2011-96 as follows:**
  - **The portion of Proposal No. 2011-96 that provided that all non-athletics financial aid will no longer count toward team limits should be rescinded.**

**Rationale:** This portion of the legislation led to numerous complaints regarding impact on Title IX compliance, “stockpiling” and other possible inequities among sports. Elimination of this provision will clarify the impact on budgets and gender if accepted along with either of the following two forms of a “miscellaneous expense allowance”.

- **The Board should adopt one of the following models in combination with the change to equivalency grants described above.** The first is the clearest, the second offers more flexibility for the institution to establish institutional or conference policies.
  1. Increase the “denominator” of all full and equivalency (value) “grants-in-aid” in effect by \$2000 (not to exceed the institution’s cost of attendance).

**Rationale:** This is the clearest approach that would have a maximum budget impact of \$2000, multiplied by the total number of full and equivalency (value) athletics grants-in-aid awarded by the institution. This action would increase the value of each full grant-in-aid by \$2000 and would permit allocation of new funds among equivalency grant recipients and sports as determined by the institution.

OR

2. Maintain the 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 \$2000 (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.

**Rationale:** This option could have the same budget impact as No. 1 above if fully allocated (i.e. \$2000 multiplied by the total number of full and equivalency (value) grants, but provides the institution more discretion to consider individual awards and whether such “exempt” aid will or will not be included. This option does not increase the value of a full grant-in aid as currently defined by NCAA rules.

The Well-being working group believes, therefore, that a modified version of the “miscellaneous expense allowance” legislation should be adopted by the Board, which will render Proposal No. 2011-96 moot and subject the new legislation to a new 60-day override period following the Board’s January 14 meeting. The working group believes these recommendations will help address Title IX concerns expressed in override requests and that the new legislation offers the opportunity for the membership to consider more directly whether there is support for increased funding of educational expenses. In addition the working group believes that if this legislation is enacted, data should be collected and evaluated to detect trends or practices that could be detrimental to the interests of student-athletes, sports or fair competition among Division I members.



**Committee members.**

Beth Bass, Women's Basketball Coaches Association  
Percy Bates, University of Michigan,  
Eugene Daniels, Student-Athlete Advisory Committee  
Judy MacLeod, Conference USA  
Phil Martelli, St. Joseph's University  
Sidney McPhee, Middle Tennessee State University, chair  
Bernard Muir, University of Delaware  
Harris Pastides, University of South Carolina  
Jack Swarbrick, University of Notre Dame  
Holden Thorp, University of North Carolina at Chapel Hill  
Ann Weaver Hart, Temple University  
Kevin Weiberg, Pac-12 Conference  
Scott Bearby, NCAA  
David Berst, NCAA  
Jackie Campbell, NCAA  
Byron Hatch, NCAA  
Lynn Holzman, NCAA  
Steve Mallonee, NCAA  
Kathleen McNeely, NCAA  
Todd Petr, NCAA  
Kris Richardson, NCAA  
Jay Rossello, NCAA  
Leeland Zeller, NCAA

**Board of Directors Consent Package of Action Items from the  
Transforming Intercollegiate Athletics Resource Allocation Working Group  
January 14, 2012**

**ACTION ITEMS.**

**1. Elimination of foreign tours.**

- a. **Adopt legislation, effective January 14, 2012, 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.**

[Note: Institutions feel a growing pressure to provide a foreign tour opportunity to each student-athlete. As a result, providing a foreign tour has become tied to the recruiting process. Student-athletes are encouraged to use institutional study-abroad programs that are available during these time periods.]

**2. Reduction in scholarships – Football and Women’s Basketball.**

- a. **Adopt legislation, effective August 1, 2014, to reduce Football Bowl Subdivision (FBS) football scholarships from 85 to 80, with proportional decrease in scholarships for the Football Championship Subdivision (FCS) from 63 to 60 equivalencies, with 80 overall counters.**
- b. **Adopt legislation, effective August 1, 2014, to reduce women’s basketball scholarships from 15 to 13.**

[Note: The proposed scholarship numbers allow for continued success of football and women’s basketball programs while providing institutions with the opportunity to reallocate dollars to other initiatives that benefit student-athletes. The proposed scholarship reductions also will allow for athletics talent to be dispersed across more intercollegiate athletics programs.]

**3. Appropriate Number of Competitions.**

- a. **That a resolution [Attachment A] be adopted, 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 commission a study to determine the maximum number of contests/dates of competition of the playing season (championship and nonchampionship segment) 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.
- 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.

[Note: It is important for the student-athlete to have the appropriate number of competitions in place that allow them to be successful as athletes, while maximizing the time available for academic success and campus life pursuits.]

**4. Maximum Limits on Non-coaching Personnel – Football and Men’s Basketball.**

- a. Adopt legislation, effective August 1, 2013, that limits the number of non-coaching staff members in football and men’s basketball.
  - In football, a limit of 12 non-coaching 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 non-coaching staff members shall not include athletics trainers, academic support and compliance staff members
  - In men’s basketball, a limit of six non-coaching staff members, whose duties include support of the basketball program in any capacity, including third-party contractors that may be employed by the institution. The six non-coaching staff members shall not include athletics trainers, academic support and compliance staff members.

[NOTE: The non-coaching personnel limitations do include videographers, strength and conditioning coaches, and operations and administrative personnel. The Collegiate Model—Rules Working Group is asked to work with staff to refine the list of what would be included in the non-coaching staff limits.]

[NOTE: The membership and the Division I Board of Directors have expressed significant concern with the proliferation of non-coaching staff members with sport-specific responsibilities. Dollars spent on these personnel can be allocated to areas that will more directly benefit the student-athlete and better align with enduring values.]

**RESOLUTION: MAXIMUM CONTESTS OR DATES OF COMPETITION**

*Whereas*, a basic principle of the NCAA, as set forth in its constitution, is that intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to assure the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience; and

*Whereas*, another basic principle of the NCAA, as set forth in its constitution, is that the time required of student-athletes for participation in intercollegiate athletics shall be regulated to minimize interference with their opportunities for acquiring a quality education in a manner consistent with that afforded the general student body; and

*Whereas*, it is imperative to the success of student-athletes as students and athletes, as well as in other pursuits of life, that the maximum number of contests or dates of competition in their sports provide an opportunity for an appropriate balance of interests; and

*Whereas*, a thoughtful approach to reviewing the appropriate maximum number of contests or dates of competition in each sport is necessary before any recommendation regarding such maximum numbers may be made;

*Now, Therefore, Be It Resolved*, that the NCAA Division I Board of Directors commission a study to determine the appropriate maximum number of contests or dates of competition during the playing season that is essential to the success of each NCAA sport and that the study also specifically examine how basketball contests are counted; and

*Be It Further Resolved*, that, effective immediately, no increase to the current maximum number of contests or dates of competition be considered for any sport until such time as the commissioned study is completed; and

*Be It Finally Resolved*, that once the study is completed and the appropriate maximum number of contest or dates of competition is established for each sport (whether different from the current maximum or not), no increase to such maximum limits shall be considered for 10 years.

**Source:** Resource Allocation Working Group

**MEMORANDUM**

January 6, 2012

TO: NCAA Division I Board of Directors.

FROM: Presidents Jim Barker, chair and Steadman Upham, vice chair of the  
NCAA Working Group on Collegiate Model – Rules.

SUBJECT: NCAA Working Group on Collegiate Model – Rules.

Guided by the October 2011 resolution adopted by the NCAA Division I Board of Directors (Attachment A), the NCAA Working Group on Collegiate Model – Rules continues its discussion regarding a new regulatory culture and review of specific principle-based outcomes and operational bylaws. The group identified some over-arching principles, such as fairness, accountability and integrity, which will guide work within the individual bylaws.

The group identified a framework for a new approach to NCAA rules. Under this construct, all NCAA legislation must tie back to the NCAA enduring values of student-athlete success, the collegiate model, amateurism or equity and must support or advance a constitutional principle. The model will define specific principle-based outcomes in key bylaws, with accompanying operating bylaws that provide further guidance to assist with compliance. The operating bylaws are to be meaningful, enforceable and supportive of student success. Additional guidance will be provided by the national office, conferences and professional organizations (Attachment B). The group also continued its work on a redefined principle of competitive equity to better focus on issues of fairness.

*[Note: While the working group has yet to formally approve the drafts of principle-based outcomes and operating bylaws - the plan is for them to do so by the end of January - much work has been completed to date. Drafts of principle-based outcomes have been developed, along with many operating bylaws. A copy of the principle-based outcomes and select operating bylaw changes will be provided at the meeting. As a reminder, the Phase I review includes:*

1. *Bylaw 11 (Conduct and Employment of Athletics Personnel).*
2. *Bylaw 12 (Amateurism).*
3. *Bylaw 13 (Recruiting).*
4. *Bylaw 14 (Eligibility: Academic and General Requirements).*
5. *Bylaw 15 (Financial Aid).*

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

7. *Bylaw 22 (Academic Performance Program).]*

Members of the working group are working with identified thought leaders in each bylaw area to prepare completed drafts of principle-based outcomes and operating bylaws for the working group's review prior to wide circulation in early 2012.

Going forward, after the working group completes its review of the drafts, the working group plans to solicit feedback from the membership – including the various committees, councils and cabinets in the Division I governance structure – in early 2012. While the group plans to work as efficiently and move as quickly as possible, the members believe that rewriting the rule book and creating a new regulatory approach requires a thoughtful process to produce quality work.

In addition, the group asks the Board to place a moratorium on new legislation for the 2012-13 legislative cycle (unless part of the presidentially led reform agenda), as well as to ask the NCAA Division I Legislative Council to table proposals in the 2011-12 cycle that could be impacted by the working group's efforts. In order to make the principles-based approach to the rule book successful, the group believes that suspending legislation in 2012-13 and tabling a large majority of the 78 proposals in the current cycle that could be related to the group's charge is necessary to allow the membership time to think more broadly about the rules and the rules-making process.

Finally, the working group agreed there are broader issues related to institutional integrity and the NCAA regulatory culture that require the attention of each of our campuses, conferences and the NCAA. The working group believes it is important for the NCAA to determine the need to regulate behaviors historically not considered within the scope of NCAA rules, and to discuss appropriate NCAA involvement even when behaviors may not be covered by NCAA rules. The working group encouraged NCAA leadership to consider how best to address issues of institutional integrity.

In summary, the Board is asked to:

1. Support the general approach outlined for a new regulatory structure.
2. Endorse a moratorium on new legislation for the 2012-13 legislative cycle (unless part of presidential reform agenda).
3. Support the creation of a new group to address issues of institutional integrity.

JB/SU:ld

cc: Selected NCAA Staff Members

**MEMORANDUM**

(Editorial Revision: November 17, 2011)

October 19, 2011

TO: NCAA Division I Board of Directors.

FROM: James Barker, President, Clemson University, chair  
Stedman Upham, President, University of Tulsa, vice chair.

SUBJECT: Working Group on Collegiate Model - Rules - Board Endorsement of Resolution.

The Working Group on Collegiate Model - Rules has been charged to review and amend the NCAA Division I Manual to reduce the volume of unenforceable and inconsequential rules that fail to support our enduring values and place emphasis on legislation that is the most strategically important.

It has become clear, in considering the environment in which intercollegiate athletics is conducted, that bold actions are necessary to change the regulatory culture such that NCAA rules are value-based, meaningful, enforceable and supportive of the collegiate model of sport. The development of processes and procedures that ensure new legislation aligns with and addresses our enduring values is of paramount concern.

The working group agreed that concurrent NCAA Division I Board of Directors support for the concepts and direction outlined by the working group is critical to advancing a new regulatory approach to intercollegiate athletics. To that end, we ask for the Board's support and endorsement of the following resolution as we work to do our part to transform intercollegiate athletics.

**Resolution:**

*"Whereas, the working group has concluded that bold actions are necessary to change the regulatory culture in meaningful ways that, in conjunction with an enhanced enforcement structure, will better support the collegiate model by placing appropriate emphasis on the most significant regulations;*

*"Whereas, the working group recognizes the challenges inherent to our current regulatory culture, including the creation of a number of rules that may not be critical to the NCAA's enduring values;*

*"Be it therefore resolved, that the working group shall establish principle-based outcomes that will apply to each operating bylaw, promote the fundamental constitutional principle of each operating bylaw and serve as the basis for legislation of national significance that merits inclusion in the Manual;*



*“Be it further resolved,* that the working group shall examine “competitive equity” in terms of fairness to member institutions and student-athletes;

*“Be it further resolved,* that the working group shall work in cooperation with the working group on enforcement to identify an appropriate penalty structure that reinforces the need to adhere to established principles;

*“Be it further resolved,* that the working group shall identify opportunities to increase shared responsibility for rules compliance among those who participate in, lead and administer intercollegiate athletics at the campus, conference and national levels;

*“Be it further resolved,* that the working group shall develop a filtering process to evaluate future proposals to ensure that such legislation is consequential, readily enforceable, promotes our enduring values and further identified principle-based outcomes;

*“Be it further resolved,* that the working group shall encourage NCAA staff to reach out to membership constituents to gather feedback on concepts identified by the working group; and

*“Be it further resolved,* that the working group shall review specific principle-based outcomes and operational bylaws at its December 2011 meeting.”

**NCAA  
New Regulatory Approach**

NCAA Enduring Values  
(Student-Athlete Success/Collegiate Model/Amateurism/Equity)

➤ Our Values.

NCAA Constitutional Principles, including  
Principles of Fairness of Competition and Competitive Baselines

➤ Reasons to regulate.

-

Principle-Based Outcomes and Operating Bylaws

➤ Areas to Regulate (NCAA Bylaws 10-17 and 23).

- National regulations, including required institutional procedures.

Additional Operational Guidance

➤ Guidance.

- Provided by National office, conferences and professional organizations.

**Characteristics.**

- Fewer regulations, but focus on most important areas.
- Violations of principle-based outcomes and operating bylaws result in appropriate penalty and consequence.

Draft Preliminary Report

Transforming Intercollegiate Athletics Working Group  
on Collegiate Model -- Enforcement  
January 2012

**[Note: This document is a working draft of the working group's final report to the Board. The working group's efforts are continuing, and it will make changes to this draft as it receives additional input and further discusses these issues.]**

A. Background.

History may well observe that 2011 was the year that intercollegiate athletics faced its most difficult challenges and that 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 been lost and needs to be restored, but that is not driving these changes. The loss of trust creates urgency, but the driving force is recognition by presidential leadership that the values of intercollegiate athletics have become muddled and need to be front and center. Significant change is not optional. Through a series of revelations that began with the 2011 New Year and extended through the fall, there was 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 for the intentional violation of national policy that fails to deter scoff-law behavior and that often is based on financial pressure.
- An emphasis on winning that takes prominence over integrity.
- A seemingly 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 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 not going to take it anymore. 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 places the greatest emphasis on those violations that if left unattended most significantly denigrate the collegiate model.

The presidents emphasized that guiding the entirety of efforts were four acknowledged and enduring values against which all policies and judgments are to be tested:

- Student-athlete success academically and athletically is paramount.
- The collegiate model, in which athletics is embedded in the values of higher education, including shared responsibility and accountability, should be protected and sustained.
- Amateurism as a student-participation model guides the relationship between students and institutions in the collegiate model of athletics.
- Fair opportunity to compete among institutions of similar commitment to inter-collegiate athletics should guide the administration of the college model.

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 preliminary report for the Working Group on Collegiate Model - Enforcement.

B. Introduction.

This working group was tasked 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, 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 so that

the educational experience of the student-athlete is 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 relied on 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 address noted concerns with 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). 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.

- 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. Part of process integrity means more transparency, where appropriate, including 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 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 and 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. As it currently stands, the group believes that head coaches may set the tone and culture for rules compliance within sports programs, and any penalty structure must address negative or negligent oversight within a particular sport, which undercuts overall institutional and/or Associational expectations. To change the culture, head coaches should be suspended for the egregious conduct of their staff. 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 has not completed its work on the proposed penalty guidelines. However, the group is considering a set of core penalties for inclusion in the penalty guidelines. The potential core penalties include those (1) identified by the membership as those which most effectively deter serious rules violations, and/or (2) identified by the group as those which 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.) The group's work on proposed penalty ranges is also ongoing. The group wants 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 group continues to focus on a framework by which the Committee on Infractions may take into account aggravating and mitigating circumstances, on a case-by-case basis, which may affect the overall severity of any penalties to be imposed.

- Shared responsibility: 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. Within institutions, expectations of the responsibilities of athletics departments and staff (administrators and coaches) need common understanding. 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 model, detailed in this report, completely solve this problem. While a more effective enforcement model and greater clarity around shared responsibility is part of the solution, more work needs done on the front end to embed a culture of integrity. Institutions must be expected to achieve and sustain standards of excellence. Some of these standards are detailed below, and with focused attention to this topic, the group expects the list will be refined. At this point, the group recommends the following:
  1. Work toward shared responsibility have an extended timeline (into 2013).
  2. Shared responsibility be part of a larger effort to define institutional integrity.

3. Those working in this area include a different group of representatives of the membership, including some members from the Rules and Enforcement Working Groups and other presidents from the membership.

This working group's charge, related to better defining shared responsibility, should be part of the larger effort to define standards of institutional integrity. The working group recommends that the following be considered:

- Standards related to compliance and auditing functions -- integrating athletics with the rest of the university compliance and auditing practices.
  - Consider moving reporting line of athletics compliance office outside of the athletics department.
  - Role of institutional auditing as it relates to achieving and sustaining institutional control.
  - Requiring regular audits of NCAA staff and committee decisions.
- Standards related to institutional and conference reporting/transparency; create uniform expectations for conference roles and responsibilities in major infractions investigations.
- Standards for achieving presidential and Board oversight of athletics departments.
- 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, certification may be revoked.
- Annual review and sign-off by institutional president that institution is in full compliance with standards.
- Specific to shared responsibility related to enforcement issues, rules compliance cannot be achieved unless all of the interested parties (1) assume responsibility for identified roles in the compliance and enforcement processes over which they have control; (2) are held accountable for those deficiencies in the compliance and enforcement processes for which they have responsibility; and (3) 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.

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:

- 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), 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 may collectively 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.
    - Reckless indifference to or intentional conduct demonstrating lack of head coach control.
    - Point shaving.
    - Other unethical-conduct violations.
    - Buying players and other big money violations.
    - 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.
- 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 a minimal to significant recruiting, competitive or other advantage; or includes a minimal to significant impermissible benefit; or involves a pattern of systemic violations in a particular area. Multiple Level III and/or IV violations may collectively 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.
  - Lack of head coach control that does not rise to a Level I threshold (current Bylaw 11.1.2.1).
  - Multiple recruiting violations (e.g., high volume of calls, violations related to the same prospect, etc.).
  - Violations that provide more than a minimal, but less than an extensive/significant, advantage or benefit.
- Level III – Violations that provide some 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 may collectively 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 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 include only limited 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.

The proposed multi-level violation structure provides greater flexibility than the current model. Under the proposed multi-level model, infractions may be 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 other individually motivated conducts over which the institution had little or no control; 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 more-efficiently resolve the lesser infractions cases 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.

Remaining issues:

- a. Finalizing the definitions of each level/category.
- b. Classifying violation categories (e.g., levels, degrees, categories, etc.).

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 Committee on Infractions process. That is, the working group recommends that the NCAA Committee on Infractions 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 more diverse group of persons. The proposed committee includes among its members former university presidents or vice presidents, directors of athletics, and former NCAA coaches. These members will serve with representatives from conference offices, university faculty, athletics administrators and the general public. The working group believes that greater committee diversity, including former college or university presidents, will strengthen the committee and bring with it important perspectives not currently represented on the committee.

The working group also recommends that the committee be composed of a larger pool of individuals (a minimum of 18 voting members) from which panels will be composed. In cases involving the most serious allegations of rules violations (Level I), the group recommends that either six or seven committee members will be selected from each representative group to hear the cases. In cases involving allegations of Level II violations, the group proposes that three-member panels will be selected to hear the cases. 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 reduced. As a result, Level I and Level II violation cases can be scheduled more often and processed more expediently.

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

- Increase the availability of written case submissions to the Committee on Infractions, at the option of the institution and/or affected individuals even when there is disagreement on the facts, so that certain matters may be decided without the need for a full hearing.
- 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 and eliminate the need for a staff-prepared case summary, yet allowing for staff rebuttal when necessary.
- Introduce the availability of informally resolved infractions cases in situations in which the involved institution and/or affected individuals do not dispute the

allegations or penalties in Level I and Level II cases (as reflected in the Penalty Guidelines), thereby significantly reducing the cost and anticipated timeline in serious infractions cases.

- Decrease the amount of time between the notice of allegations and the institution's response.
- 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.
- Use of an online case materials submission system and videoconferencing.
- Introduce the concept of NCAA staff-recommended penalties, pursuant to the Penalty Guidelines.
- Increase the availability of an expedited hearing before a Committee on Infractions representative at the request of the involved institution and/or involved individuals.
- Introduce time limitations for the preparation of hearing transcripts, as well as the issuance of infractions reports and appeals reports.

The working group believes that the proposed modifications will dramatically 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 a Level II case) 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.

With respect to matters categorized as Level III or Level 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 previously decided similar situations.
- 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 group anticipates that the conferences will report these actions annually to the NCAA and/or will share information of issues/responses with the other conferences.

Remaining issues:

- a. Means to provide more transparency around student-athlete reinstatement and enforcement cases. Consideration of third-party audit of staff decisions.
- b. Role of appeals coordinators. The workload demands more individuals in this role; the working group needs to finalize the specific responsibilities and involvement of the appeals coordinator during the infractions hearing (before appeal).
- c. Finalize composition of full Committee on Infractions and panels.

3. Penalty structure.

The working group examined the current NCAA penalty structure. The working group recognizes the wide-spread perception that the current penalty model leads to inconsistent and insufficient penalties and does not adequately deter other institutions and individuals from engaging in conduct contrary to the rules. As a result, for cases involving allegations of Level I and Level II violations, the working group is considering the best means by which the Committee on Infractions could apply 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, but to provide the Committee on Infractions some latitude to adjust the penalty on a case-by-case basis; (c) 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 is currently considering a number of penalties for inclusion in any proposed penalty guidelines. For example, the working group is considering how best to incorporate 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 is also reviewing data obtained from previously decided NCAA infractions cases, from which the working group may 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 is considering a number of penalties, and potential combinations of those penalties that might constitute core penalties and form the basis for the Penalty Guidelines: (a) competition limitations; (b) financial penalties; (c) scholarship limitations; (d) recruiting limitations; (e) probation; and (f) when applicable, show cause orders.

Each of these penalties 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). The penalties currently being considered, along with some of the levels of severity within each of those 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 sport(s).
- Limitations are imposed on the institution's participation in any/all regular-season play for varying lengths of time (depending upon the severity of the infractions) in given sport(s).

(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 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.

(3) Scholarship limitations.

- Limitations are imposed on the availability of athletics scholarships in head count sports [by number or percentage, depending upon the sport(s) involved] for varying lengths of time in given sport(s). 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 sport(s). 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(s). 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 unofficial visits at the institution for varying lengths of time in given sport(s). 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.
- Limitations are imposed on the institution's off-campus recruiting efforts for varying lengths of time in given sport(s).



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 telephone/other contacts, evaluations, etc. for varying lengths of time in given sport(s). 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) 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 infractions.

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

- Length of show cause restrictions.
- Components of the show cause order.
- Option to censure president, director of athletics, faculty athletics representative, etc.
- Option to show cause why suspension should not be imposed (e.g., suspension of coach from games and/or season).

In addition to these penalties, the working group is also considering how to best incorporate other potential penalties into a new penalty structure. For example, as set out in the current Bylaw 19.5.2, the working group is looking at the following penalties, as well as others:

- Vacation of contests and records.
- Public reprimand and censure.
- 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.

The working group believes that the proposed Penalty Guidelines should also 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 is working to identify the best means by which the committee may impose a penalty that falls within a more/less severe range of penalties if it determines that certain aggravating and/or mitigating circumstances exist in Level I or II cases.

In sum, the committee may determine whether the presence of one or more of the following aggravating and/or mitigating factors exist and, if so, whether those factors justify a resulting penalty that is more or less severe than those set out in the penalty guidelines:

#### Aggravating factors

- Multiple Level I infractions were substantiated in the case.
- Multiple Level I infractions were substantiated as against an affected individual.
- Persons of authority condoned, participated in or demonstrated negligent disregard for the infractions or underlying conduct.
- There is a prior history of violations by the institution, sport program(s) or affected individual(s).
- The case involves 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).
- The committee finds that action(s)/failure(s) to act compromised the investigation of the rule(s) violation(s), whether by involved individual(s) or the institution.
- One or more infractions involved a student-athlete, or a prospective student-athlete, causing harm to the 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 rules 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 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 will also ensure 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 rules violations.
- The violations are isolated or limited in scope.
- The institution accepted responsibility for the violations (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).

The group continues to refine the lists of aggravating and mitigating factors, as well as the weight by which the committee may balance these factors in the decision-making process.

b. Classifications of Level I and Level II penalties.

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

The working group has not yet completed the Penalty Guidelines chart but continues to seek input from various constituencies to best identify the penalties that will bring with them the desired outcomes of the new penalty structure.

Remaining issues:

- a. Weight given to specific mitigating and aggravating factors; analysis for determining sublevel of case.
- b. Potential for licensing or certification of all Division I coaches and staff with potential to have license or certification revoked.
- c. Process for making violation history (Levels I, II, III) of all sports programs and individuals available to membership.
- d. Means by which to better address situations in which the head coach and/or others (e.g., athletics director) either negatively or negligently foster(s) a noncompliant program, contrary to the expectations and efforts of the institution/Association, in a manner that better deters a failure to monitor the program than the existing Bylaw 11.1.2.1.

4. Shared responsibility.

As noted in the introduction section, the working group recommends that another group tackle this critical issue in the larger context of defining institutional integrity. In addition to the items noted in that section, the working group will contribute toward greater clarification of the expectations of all involved in investigations of possible violations. 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 the minimum 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 will continue to explore the means by which to best address the issue of shared responsibility, and will supplement its report and recommendations in the near future depending on the Board's discussion and reaction to the group's proposals related to institutional integrity earlier in the report.

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, when appropriate, very 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.
- 4. Shared responsibility.
  - Strengthened support for presidential leadership.
  - Clear definition of shared responsibility and resulting expectations of individuals, institutions, conferences and the national office staff.

General remaining issues

As the working group continues its work, the number of unanswered questions grows. In addition to the listed remaining issues in this document, the working group has also identified the following issues, which are more general or wider in scope, to eventually address:

- 1. Effective date of violation structure, new process and committee structure, and penalty guidelines.
  - Impact on pending cases.
- 2. Tools needed for effective enforcement.
  - Tying third-party cooperation to student-athlete eligibility.

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

**ACTION ITEM.**

- **Men's Basketball Recruiting.** At the request of the NCAA Division I Board of Directors, the Leadership Council reviewed remaining issues related to the Division I men's basketball recruiting model regarding: (1) Involvement of coaches with enrolled men's basketball student-athletes during the summer months for weight training, conditioning and skill-related instruction; and (2) On-campus evaluations (OCE) of men's basketball prospective student-athletes.
  - a. Summer Access to Enrolled Student-Athletes. The Leadership Council agreed to recommend that the NCAA Division I Board of Directors approve 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, opt-out academic benchmarks). [Note: See Attachment A for details of the new summer access model.]
  - b. On-Campus Evaluations for Prospective Student-Athletes. The Leadership Council agreed to recommend that the Division I Board of Directors approve on-campus evaluations (OCE) for prospective student-athletes under specified conditions. [Note: See Attachment B for details of on-campus evaluations.]

**INFORMATION ITEMS.**

1. **Report of October 12, 2011, Leadership Council Meeting.** The Leadership Council approved the report of its October 12, 2011, meeting.
2. **NCAA President's Report.** President Emmert noted the need to address institutional integrity and shared responsibility, particularly in determining the appropriate role for decentralizing rules and for the nature of rules institutions should be held accountable. In this regard, President Emmert noted that at the request of the Transforming Intercollegiate Athletics Collegiate Model Rules and Enforcement Working Groups, he plans to create another working group to discuss institutional integrity and shared responsibility. In addition, in order to enhance the Association's communication efforts, new membership and external outreach initiatives are underway to educate and inform the Association's many audiences, establish bi-directional communications with the NCAA and to foster advocacy on the NCAA's behalf.

- 3. 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 group was reminded that Proposal Nos. 2011-96 – “Miscellaneous Expense Allowance” and 2011-97 – “Multi-year Grants in Aid” will be reconsidered by the Board of Directors at its next regularly scheduled meeting on January 14, 2012. The Leadership Council discussed the working group’s proposed modifications to Proposal No. 2011-96 – “Miscellaneous Expense Allowance,” which would modify the provisions for the \$2,000 miscellaneous expense allowance and rescind the portion of the proposal that provided that all nonathletics financial aid will no longer count toward team limits. The working group also recommended that the Board of Directors reaffirm its original action to adopt Proposal No. 2011-97 – “Multi-year Grants in Aid,” which would result in an online override vote by the Division I active member institutions and conferences. The Leadership Council noted the membership’s concern with the effective dates of these proposals and the process by which they were developed.
  - b. Transforming Intercollegiate Athletics Resource Allocation Working Group. The group discussed the Board of Directors Consent Package of Action Items from the Resource Allocation Working Group. The Leadership Council expressed concern regarding several of the recommendations and suggested that a broader agenda be developed for future consideration.
  - c. Transforming Intercollegiate Athletics Collegiate Model -- Rules Working Group. The group was informed that guided by the October 2011 resolution endorsed by the Board of Directors, the Rules Working Group has continued its discussion regarding a new regulatory culture and review of specific principle-based outcomes and operational bylaws. The working group will request that the Board take the following actions at its January 14, 2012, meeting: (1) Support the general approach outlined for a new regulatory approach; (2) Endorse a moratorium on legislation for the 2012-13 legislative cycle (unless part of the presidential reform agenda); and (3) Support the creation of a new group to address issues of institutional integrity.
  - d. Transforming Intercollegiate Athletics Collegiate Model -- Enforcement Working Group. The group was informed that the Enforcement Working Group will update the Board on its work regarding a violation and penalty structure, as well as the enforcement process and concept of shared responsibility.
- 4. NCAA Division I Women’s Basketball Issues Committee Request.** The Leadership Council reviewed a request from the Division I Women’s Basketball Issues Committee that the Council conduct a comprehensive review of the women’s basketball recruiting model,



much like the recently completed review of the men's basketball recruiting model. The Council agreed to conduct such a review.

5. **Update from Leadership Council's Agent Subcommittee.** Rachel Newman, NCAA managing director of enforcement, updated the Council regarding:
  - a. The status of the work of the Leadership Council Agent Subcommittee and how that aligns with the work of the Bylaw 12 subgroup of the Transforming Intercollegiate Athletics Collegiate Model Rules Working Group;
  - b. The Uniform Athlete Agent Act (UAAA) Summit conducted in Washington, D.C. on November 17, 2011, and
  - c. The formation of an NCAA Football Focus Group within the NCAA enforcement group.
6. **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 a possible waiver of NCAA Bylaws 20.02.5.1 and 20.02.5.4 so that the Great West Conference would immediately be recognized as an active Division I multi-sport conference. The Leadership Council requested that staff provide more detailed information regarding the Great West Conference and the chronology of its efforts to meet the requirements to become an active Division I multi-sport conference for the Council's review at its April 12, 2012, meeting.
7. **Men's Basketball Competition Committee Sportmanship Initiative.** Byron Hatch, NCAA director of championships alliances, informed the Leadership Council of the Men's College Basketball Officiating, LLC (MCBO) Competition Committee's 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. The Council applauded the committee's efforts and expressed its support for the plan.
8. **Report from the Division I Student-Athlete Advisory Committee (SAAC).** Scott Krapf, chair of the Division I SAAC, presented a report of the committee's priorities for the upcoming year. As this was the final meeting Scott Krapf would attend as chair of the Division I SAAC, the Leadership Council thanked him for his service and wished him well with his future endeavors.

**9. Future Meetings.**

- a. April 12, 2012, Indianapolis, Indiana.
- b. October 2012, TBD, 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*

<b>Division I Leadership Council January 12, 2012, Meeting</b>	
<b>ATTENDEES</b>	<b>ABSENTEES</b>
Mike Alden, University of Missouri, Big 12 Conference	Clyde McCoy, University of Miami, Atlantic Coast Conference
Lindsey Babcock, Atlantic Coast Conference (alternate)	
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	
Peg Bradley-Doppes, University of Denver, Sun Belt 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	
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	
Scott Krapf, Division I Student-Athlete Advisory Committee	
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	
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	
<b>NCAA staff liaisons in attendance:</b> David Berst, Jacqueline Campbell, Kevin Lennon	

**Other Guests in attendance:** Eugene Daniels, vice-chair of the Division I SAAC; Jim Haney, executive director, National Association of Basketball Coaches (NABC); Matthew Holland, president, Utah Valley University; Jim Hollis, chair of the NCAA Division I Amateurism Cabinet; Michael Jacobson, director of athletics, Utah Valley University; Robert Nelsen, president, University of Texas, Pan American, and Alexis Schug, associate athletic director, New Jersey Institute of Technology.

**Other NCAA staff members who were in attendance for portions of the meeting:** Scott Bearby, Mark Emmert, Byron Hatch, Lynn Holzman, Michelle Hosick, Greg Johnson, Kevin Lennon, Steve Mallonee, Jarrett Newby, Rachel Newman, Chad Radford, Donald Remy, Wallace Renfro, Stacey Osoburn, Robert Vowels, Bob Williams, Monica Woods and Chuck Wynne.

**Summer Access to Men's Basketball Student-Athletes**

	<b>Incoming Freshman, and Two-Year and Four-Year College Transfers</b>	<b>Student-Athletes Following Completion of the First Year of Collegiate Enrollment</b>	<b>Student-Athletes Following Completion of the Second Year of Collegiate Enrollment</b>	<b>Student-Athletes Following Completion of the Third Year of Collegiate Enrollment</b>
<b>Requirements for Summer Access to Student-Athletes</b>	<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;"><b>OR</b></p> <p>If not enrolled in summer school, must present a 2.2 grade point average (GPA) and have successfully completed 30 credit hours.</p>	<p>Must be enrolled in summer school,</p> <p style="text-align: center;"><b>OR</b></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;"><b>OR</b></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><b>Summer Access</b> = 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><b>Effective Date: Immediate.</b></p>				

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

<b>Who may Participate</b>	The OCE shall involve only high school seniors and two-year college prospects who have exhausted eligibility or four-year transfer student-athletes.
<b>When</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The OCE shall be conducted during a prospect's official or unofficial visit.</li> </ul>
<b>Details of OCE</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Current prohibitions regarding activities for enrolled student-athletes one week prior to final exams would remain applicable.</li> </ul>
<b>How Many</b>	<ul style="list-style-type: none"> <li>• An institution may provide only one OCE per prospect.</li> <li>• 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.</li> </ul>
<b>Health and Safety Issues</b>	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  
NCAA DIVISION I LEGISLATIVE COUNCIL MEETING  
JANUARY 11-12, 2012**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Report of the October 27, 2011, NCAA Division I Board of Directors meeting.** The NCAA Division I Legislative Council received a report of the October 27, 2011, Board of Directors meeting and took no action.
2. **Report of the November 30, 2011, NCAA Division I Communications and Coordination Committee teleconference.** The council received a report of the November 30, 2011, Communications and Coordination Committee teleconference and took no action.
3. **Presidential Retreat Working Group 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 concepts and the feedback will be provided to the appropriate working groups. No action was taken.
4. **Litigation Update.** Scott Bearby, NCAA managing director of legal affairs and deputy general counsel, provided the update to the council.
5. **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 restore a proposal defeated on initial review by the Legislative Council. The Board of Directors may forward the proposal to the membership for review and comment in its original form or amend the proposal and forward it for review and comment. The Board of Directors also may adopt the proposal in its original form or amend and adopt it.]

6. **Report of the December 1-3, 2011, NCAA Division I Committee on Student-Athlete Reinstatement meeting.** The council received the report and took no action.
7. **Report of the November 18-20, 2011, NCAA Division I Student-Athlete Advisory Committee meeting.** The council received the report and took no action.
8. **Report of the January 10, 2012, NCAA Division I Football Championship Subdivision Governance Committee meeting.** The council received the report of the legislative actions taken by the Football Championship Subdivision Governance Committee during its January 10, 2012, meeting. A list of the Football Championship Subdivision Governance Committee's legislative actions may be found in Attachment A and detailed voting results may be found in Attachment B.  
  
[Note: Legislation adopted by the Football Championship Subdivision Governance Committee shall be subject to possible review by the NCAA Division I Presidential Advisory Group. At its discretion, the Presidential Advisory Group may ratify, amend or defeat legislation adopted by the Football Championship Subdivision Governance Committee. Further, per Constitution 5.3.2.2.4.2, the Presidential Advisory Group may restore a proposal defeated on initial review by the Football Championship Subdivision Governance Committee. The Presidential Advisory Group may forward the proposal to the membership for review and comment in its original form or amend the proposal and forward it for review and comment. The Presidential Advisory Group also may adopt the proposal in its original form or amend and adopt it.]
9. **Report of the November 3-4, 2011, NCAA Committee on Sportsmanship and Ethical Conduct meeting.** The council received the report and took no action.
10. **Election of chair and vice chair at April meeting.** The council received information regarding the expectations and process for electing a new chair and vice chair during its April meeting.
11. **Feedback on online override voting system.** The council received information regarding the recently completed online voting process for the override vote on Proposal No. 2009-100-A. No action was taken.



- 12. Update on NCAA Division I Manual Publications.** The council received information regarding upcoming electronic publications of the NCAA Division I Manual. No action was taken.

*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*

January 11-12, 2012	
Attendees	Absentees
Alicia Alford, Sacred Heart University, Northeast Conference	
Lindsey Babcock, 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	
Eugene Daniels, Division I Student-Athlete Advisory Committee	
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 South Conference	
Beth Goode, Stanford University, Pac-12 Conference	
Derrick Gragg, Eastern Michigan University, Mid-American Conference	
Kathy Heylens, South Dakota State University, Summit League	
Elaine Jacobs, Youngstown State University, Horizon League	

Richard Johnson, Wofford College, Southern Conference	
Kathy Keene, Sun Belt Conference	
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	
Edward Pasque, Atlantic 10 Conference	
Robert Philippi, Conference USA	
Ashley Robinson, Prairie View A&M University, Southwestern Athletic Conference	
Janice Ruggiero, University of New Mexico, Mountain West Conference	
Greg Sankey, Southeastern Conference	
Maddie Salamone, 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, Erik Christianson, Mark Emmert, Jennifer Henderson, Michelle Hosick, Marta Lawrence, Kevin Lennon, Jarrett Newby, Wally Renfro, Dave Schnase	

**NCAA Division I Legislative Council January 2012 Legislative Actions**

**1. Proposals Recommended as Emergency or Noncontroversial Legislation.**

<b>Proposal Number</b>	<b>Title</b>	<b>Source</b>	<b>Effective Date</b>	<b>Intent</b>	<b>Legislative Council Action</b>
2012-1	RECRUITING -- BASKETBALL EVENT CERTIFICATION -- LEGAL RESIDENCE AND ADJOINING STATES -- EXCEPTIONS	NCAA Division I Legislative Council	Immediate	In basketball, to establish exceptions to the requirement that participants on a nonscholastic team that participates in a certified event must be legal residents of the state in which the team is located or a geographically adjoining state and not more than a total of three prospective student-athletes from adjoining states may participate on any one nonscholastic team.	Supported as noncontroversial legislation.  Adopted.
	EXECUTIVE REGULATIONS -- ELIGIBILITY FOR CHAMPIONSHIPS -- INELIGIBILITY FOR USE OF BANNED DRUGS -- MANIPULATION OF DRUG TEST SAMPLE	NCAA Division I Championship/ 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.	Not supported as noncontroversial or emergency legislation.

**2. Actions Related to 2011-12 Legislative Cycle Proposals.**

<b>Proposal Number</b>	<b>Title</b>	<b>Source</b>	<b>Effective Date</b>	<b>Intent</b>	<b>Legislative Council Action</b>
2011-11	ORGANIZATION -- GOVERNANCE STRUCTURE -- REMOVAL OF BYLAW 21	NCAA Division I Administration Cabinet	August 1, 2012	To specify that the Administration Cabinet shall oversee the administrative functions related to the management of the Division I governance structure and Division I representation on Association-wide and common committees; further, to remove Bylaw 21 from the Division I Manual and specify that policies and procedures related to selection, composition, duties, term of office and operation of committees and cabinets shall be published on the NCAA website.	Not moved.
2011-12	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- GRADUATE ASSISTANT COACH -- BASKETBALL	Big East Conference	August 1, 2012	In basketball, to permit an institution to employ one graduate assistant coach.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-13	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- GRADUATE ASSISTANT COACH -- BOWL SUBDIVISION FOOTBALL -- NO PREVIOUS FOOTBALL BOWL SUBDIVISION OR PROFESSIONAL COACHING EXPERIENCE	Big East Conference	Immediate	In bowl subdivision football, to specify that a graduate assistant coach must have either received his or her first baccalaureate degree or have exhausted athletics eligibility (whichever occurs later) within the previous seven years; or the individual must not have not previously served as a coach (either on a salaried or volunteer basis) at a football bowl subdivision institution or in a professional football league.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-14	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- GRADUATE ASSISTANT COACH -- BOWL SUBDIVISION FOOTBALL -- NO PREVIOUS COLLEGIATE OR PROFESSIONAL COACHING EXPERIENCE	Pac-12 Conference, Big Ten Conference and Mid-American Conference	August 1, 2012	In bowl subdivision football, to specify that a graduate assistant coach shall have no previous professional or collegiate football coaching experience as a head or assistant coach.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-15	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- STUDENT ASSISTANT COACH -- FULL-TIME GRADUATE STUDENT WITHIN FIVE-YEAR PERIOD OF ELIGIBILITY	Southeastern Conference	August 1, 2012	To permit a full-time graduate student within his or her five-year period of eligibility to serve as a student assistant coach, provided he or she meets additional criteria, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-16	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- UNDERGRADUATE STUDENT ASSISTANT COACH -- EXCEPTION -- NONPARTICIPANT -- FOOTBALL	Southern Conference	Immediate	To specify that in football, an individual who has neither engaged in intercollegiate football competition for the certifying institution nor engaged in other countable athletically related activities in intercollegiate football beyond a 14-consecutive-day period at the certifying institution may serve as an undergraduate student assistant coach, provided the individual meets the remaining criteria applicable to an undergraduate student assistant coach, as specified; further, to specify that an individual who serves as a undergraduate assistant coach pursuant to the exception shall forfeit any remaining eligibility in football at the certifying institution.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-17	PERSONNEL -- CONTRACTUAL AGREEMENTS -- ATHLETICALLY RELATED INCOME -- PART-TIME OR VOLUNTEER STAFF WITH SPORT-SPECIFIC RESPONSIBILITIES	Big 12 Conference	August 1, 2012	To specify that contractual agreements between a part-time or volunteer athletics department staff member with sport-specific responsibilities and an institution shall include the stipulation that the staff member is required to provide a written detailed account annually to the president or chancellor for all athletically related income and benefits from sources outside the institution.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-19	PERSONNEL -- LIMITATIONS ON NUMBER OF OFF-CAMPUS RECRUITERS AT ANY ONE TIME - - FOOTBALL -- EXCEPTION -- SPRING EVALUATION PERIOD	Southeastern Conference	Immediate	In bowl subdivision football, to specify that all nine assistant coaches may evaluate prospective student-athletes at any one time during the spring evaluation period; further, in championship subdivision football, to specify that all 11 coaches may evaluate prospective student-athletes at any one time during the spring evaluation period.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-20	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- OFF-CAMPUS RECRUITING -- WOMEN'S BASKETBALL -- NONSCHOLASTIC EVENTS DURING SPRING EVALUATION PERIOD	Big East Conference	August 1, 2012	In women's basketball, to specify that four coaches may evaluate prospective student-athletes at any one time at nonscholastic events during the spring evaluation period.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-21	PERSONNEL -- LIMITATIONS ON NUMBER OF OFF-CAMPUS RECRUITERS AT ANY ONE TIME - - EXCEPTION -- FOOTBALL -- CONTACT PERIOD	Big East Conference and Big 12 Conference	August 1, 2012	In football, to specify that during a contact period, a replaced coach is not required to return to the institution's campus before engaging in additional recruiting activities, provided not more than seven coaches engage in off-campus recruiting activities each day.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-22	PERSONNEL -- BENCH PERSONNEL RESTRICTION -- MEN'S BASKETBALL	West Coast Conference	August 1, 2012	In men's basketball, to specify that during a contest against outside competition, there shall be a limit of 17 individuals who may occupy the team bench, not including student-athletes who are actively engaged in the competition.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-23	AMATEURISM -- DEFINITIONS AND APPLICATIONS -- AGENT	NCAA Division I Amateurism Cabinet	Immediate	To specify 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.	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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-26	AMATEURISM, RECRUITING, ELIGIBILITY AND AWARDS, BENEFITS AND EXPENSES -- WORLD UNIVERSITY CHAMPIONSHIPS	NCAA Division I Championships/ Sports Management Cabinet (Olympic Sports Liaison Committee)	Immediate	To include the World University Championships in all bylaws that apply to the World University Games.	Adopted.
2011-27	AMATEURISM AND EXECUTIVE REGULATIONS -- FINANCIAL DONATIONS AND ADVERTISING AND SPONSORSHIP OF INTERCOLLEGIATE EVENTS -- PROFESSIONAL SPORTS ORGANIZATIONS	NCAA Division I Championships/ Sports Management Cabinet	Immediate	To specify that a professional sports organization may serve as a financial sponsor of an intercollegiate competition event, including regular season and postseason events, provided the organization is not publicly identified as such; and that a professional sports organization may serve as a financial sponsor of an activity or promotion that is ancillary to the competition event and may be publicly identified as such; further, to eliminate the prohibition on professional sports organizations or personnel as acceptable advertisers in conjunction with NCAA championships.	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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-30	RECRUITING -- TELEPHONE CALLS AND ELECTRONIC CORRESPONDENCE -- NO LIMITS ON OR AFTER FIRST PERMISSIBLE DATE	Big East Conference	August 1, 2012	To deregulate the restrictions on telephone calls and electronically transmitted correspondence, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-31	RECRUITING -- TELEPHONE CALLS -- NO LIMITS AFTER FIRST PERMISSIBLE DATE	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	To eliminate the limitations on the number and frequency of telephone calls to prospective student-athletes, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-33	RECRUITING -- CONTACTS AND EVALUATIONS -- RECRUITING PERSON DAYS -- WOMEN'S BASKETBALL, WOMEN'S SAND VOLLEYBALL AND WOMEN'S VOLLEYBALL	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In women's basketball, women's sand volleyball and women's volleyball, to eliminate the limitation on the number of evaluations per prospective student-athlete.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-34	RECRUITING -- BASKETBALL EVALUATIONS -- WOMEN'S BASKETBALL -- EVALUATIONS DURING ACADEMIC YEAR EVALUATION PERIODS -- LIVE EVALUATIONS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet (Women's Basketball Issues Committee)	Immediate	In women's basketball, to specify that evaluations of live athletics activities during the academic year evaluation periods (other than permissible nonscholastic events) shall be limited to regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-37	RECRUITING -- RECRUITING MATERIALS -- ELECTRONIC CORRESPONDENCE -- ALL FORMS OF DIRECT CORRESPONDENCE PERMITTED	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	To specify that an institution shall not provide recruiting materials, including general correspondence related to athletics, to an individual (or his or her parents or legal guardians) until July 1 following the completion of his or her sophomore year in high school, or the opening day of classes of his or her junior year in high school (as designated by the high school), whichever is earlier; further, to specify that electronic correspondence (e.g., email, instant messages, facsimiles, text messages) may be sent to a prospective student-athlete (or the prospective student-athlete's parents or legal guardians), provided the correspondence is sent directly to the prospective student-athlete (or his or her parents or legal guardians) and is private between only the sender and recipient (e.g., no use of chat rooms, message boards, posts to "walls").	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-38	RECRUITING -- RECRUITING MATERIALS -- ELECTRONIC TRANSMISSIONS -- EXCEPTION -- SOCIAL MEDIA PLATFORMS -- AUTOMATED NOTIFICATIONS	Southeastern Conference	Immediate	To specify that automated electronic mail sent to a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) from a social media platform as the result of an institutional staff member's response to a prospective student-athlete's (or the prospective student-athlete's parents' or legal guardians') request to establish a connection with the staff member (e.g., accepting friend request) shall not be considered electronic mail from the institutional staff member.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-39	RECRUITING -- RECRUITING MATERIALS -- ADVERTISEMENTS AND PROMOTIONS -- CAMP OR CLINIC ADVERTISEMENTS -- CAMP OR CLINIC BROCHURES AVAILABLE AT EVENT VENUE	Southern Conference	Immediate	To specify that an institution may make institutional camp or clinic brochures available at the venue of an athletics event involving prospective student-athletes.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-41	RECRUITING -- UNOFFICIAL (NONPAID) VISIT -- FIRST OPPORTUNITY TO VISIT	Big South Conference	June 15, 2012	To specify that an individual may not make an athletically related unofficial visit (e.g., no contact with coaching staff, no athletics-specific tour) before June 15 at the conclusion of his or her freshman year in high school.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.



Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-43	RECRUITING AND FINANCIAL AID -- LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS -- LETTER OF INTENT RESTRICTION -- LIMITATION ON NUMBER OF SIGNINGS -- BOWL SUBDIVISION FOOTBALL	Southeastern Conference	August 1, 2012	In bowl subdivision football, to specify that there shall be an annual signing limit of 25 on the number of prospective student-athletes who may sign a National Letter of Intent or institutional offer of financial aid from December 1 through May 31; further to specify that a prospective student-athlete who signs a National Letter of Intent or an institutional offer of financial aid and becomes an initial counter for the same academic year in which the signing occurred (e.g., midyear enrollee) shall not count toward the annual limit on signings.	Adopted.
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.	Forwarded to the membership for review and comment.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-45	RECRUITING -- TRYOUTS -- NONSCHOLASTIC PRACTICE OR COMPETITION AND NONINSTITUTIONAL CAMPS AND CLINICS -- WOMEN'S BASKETBALL	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet (Women's Basketball Issues Committee)	Immediate; contracts signed before June 28, 2011, may be honored.	In women's basketball, to specify that 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, to specify 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.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-46	RECRUITING -- TRYOUTS -- NONSCHOLASTIC PRACTICE OR COMPETITION AND NONINSTITUTIONAL CAMPS OR CLINICS -- FOOTBALL	Southeastern Conference	Immediate; a contract signed before August 15, 2011, may be honored.	In football, to specify that 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.	FCS: Adopted.  FBS: Adopted.
2011-47	RECRUITING -- TRYOUTS -- LOCAL SPORTS CLUBS -- FOOTBALL	Southeastern Conference	Immediate	In football, to prohibit a coach or a noncoaching staff member with football-specific responsibilities from being involved in any capacity in a football club that includes prospective student-athletes.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-49	RECRUITING -- SPORTS CAMPS AND CLINICS -- EMPLOYMENT AT CAMP OR CLINIC -- ATHLETICS STAFF MEMBERS -- NONINSTITUTIONAL, PRIVATELY OWNED CAMPS OR CLINICS -- BOWL SUBDIVISION FOOTBALL -- HEAD COACH EXCEPTION -- CHARITABLE OR NONPROFIT CAMP OR CLINIC	Mid-American Conference	Immediate	In bowl subdivision football, to specify that an institution's head coach may participate as a volunteer (e.g. counselor, guest lecturer, consultant) on one day in June or July outside the designated two periods of 15 consecutive days at a charitable or nonprofit camp or clinic, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-50	RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING OR SCOUTING SERVICES -- CRITERIA FOR SUBSCRIPTION	Big East Conference, Conference USA and Mountain West Conference	Immediate	In sports other than basketball and football, to specify that an institution may subscribe to a recruiting or scouting service involving prospective student-athletes, provided the service is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers; further, to specify that an institution is permitted to subscribe to a service that provides scholastic and/or nonscholastic video. In basketball and football, to eliminate the restriction on subscribing to a service that includes access to nonscholastic video.	FCS: Adopted.  FBS: Adopted.  Division I: Adopted.
2011-51	RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING OR SCOUTING SERVICES -- CRITERIA FOR SUBSCRIPTION -- SPORTS OTHER THAN BASKETBALL AND FOOTBALL	Pac-12 Conference	August 1, 2012	In sports other than basketball and football, to specify that an institution may subscribe to a recruiting or scouting service involving prospective student-athletes, provided the service is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers; further, to specify that an institution is permitted to subscribe to a service that provides scholastic and/or nonscholastic video.	Proposal rendered moot by the adoption of Proposal No. 2011-51.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-52	RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING OR SCOUTING SERVICES -- CRITERIA FOR SUBSCRIPTION -- NCAA APPROVAL -- BASKETBALL AND FOOTBALL	Southeastern Conference	Immediate for implementation of the approval process; June 1, 2012, for application of legislation.	In basketball and football, to specify that an institution shall not subscribe to a recruiting or scouting service unless the service has been approved by the NCAA pursuant to an annual approval process.	FCS: Adopted. FBS: Adopted. Division I: 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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-54	RECRUITING -- RECRUITING CALENDARS -- WOMEN'S BASKETBALL -- JULY EVALUATION AND DEAD PERIODS	Atlantic Coast Conference	Immediate	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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-55	RECRUITING -- RECRUITING CALENDARS -- BOWL SUBDIVISION FOOTBALL -- EARLY JANUARY DEAD PERIOD	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In bowl subdivision football, to revise the recruiting calendar to specify that January 4 through the Sunday during the week of the annual convention of the American Football Coaches Association shall be a dead period.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-56	RECRUITING -- RECRUITING-PERSON DAYS AND RECRUITING CALENDAR -- FENCING	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In fencing, to establish recruiting-person days and a recruiting calendar, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-57	RECRUITING -- RECRUITING-PERSON DAYS AND RECRUITING CALENDAR -- FIELD HOCKEY	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 12, 2012	In field hockey, to establish recruiting-person days and a recruiting calendar, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-58	RECRUITING -- RECRUITING CALENDARS -- WOMEN'S GYMNASTICS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In women's gymnastics, to establish a recruiting calendar, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-60	RECRUITING -- RECRUITING CALENDARS -- WRESTLING	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In wrestling, to establish a recruiting calendar, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-61	RECRUITING -- BASKETBALL EVENT CERTIFICATION -- WOMEN'S BASKETBALL -- NO EMPLOYMENT OF CURRENT STUDENT-ATHLETES	Atlantic Coast Conference	Immediate	In women's basketball, to specify that a certified event shall not employ (either on a salaried or a volunteer basis) a current women's basketball student-athlete.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-62	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- ELIGIBILITY FORM -- INTERNATIONAL STUDENT-ATHLETE	Big East Conference	August 1, 2012	To eliminate the requirement that the eligibility of an international student-athlete shall be certified on an international student-athlete eligibility form.	Adopted.
2011-63	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- GRADUATE STUDENT/POSTBACCALAUREATE PARTICIPATION -- POSTSEASON EVENT FOLLOWING LAST TERM OF ELIGIBILITY	Pac-12 Conference	Immediate	To specify that a student-athlete who is eligible during the term in which degree work is completed (or is eligible as a graduate) remains eligible for any postseason event that begins within 60 days after the end of the term in which the student completes the requirements for the degree (or graduate eligibility).	Adopted.



Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-64	ELIGIBILITY -- SEASONS OF COMPETITION: FIVE-YEAR RULE -- FIVE SEASONS OF ELIGIBILITY -- FOOTBALL	Colonial Athletic Association	August 1, 2012; applies to any student-athlete with eligibility remaining.	In football, to specify that a student-athlete 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.	FCS: Defeated.  FBS: Defeated.
2011-65	ELIGIBILITY -- TWO-YEAR COLLEGE TRANSFERS -- YEAR OF ACADEMIC READINESS AT TWO-YEAR COLLEGE	NCAA Division I Academic Cabinet	August 1, 2012, for student-athletes initially enrolling full time at a collegiate institution on or after August 1, 2012.	To establish a year of academic readiness for two-year college transfers, as specified.	Defeated.
2011-66	ELIGIBILITY -- SEASONS OF COMPETITION -- MINIMUM AMOUNT OF COMPETITION -- EXCEPTION -- NONCHAMPIONSHIP SEGMENT COMPETITION -- SOFTBALL	Big 12 Conference	Immediate; applies retroactively to any student-athlete with eligibility remaining.	In softball, to permit a student-athlete to compete in an institution's non-championship segment without using a season of competition, as specified.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-67	ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ADVANCED PLACEMENT -- INTERNATIONAL CERTIFICATION	West Coast Conference	August 1, 2012	To specify that for purposes of fulfilling the advanced placement requirements for initial eligibility, "similar proficiency examination," must be an advanced or higher level, nationally administered proficiency exam with a uniform grading scale that is taken after high school graduation; further, to specify that an institution shall use the NCAA Eligibility Center to certify the eligibility of an international student-athlete pursuant to the advanced placement requirements.	Adopted.
2011-68	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- FULFILLMENT OF CREDIT-HOUR REQUIREMENTS -- ADDITIONAL REQUIREMENTS -- FOOTBALL -- EXCEPTION -- TEAM ACADEMIC PROGRESS RATE	Big East Conference	August 1, 2012	In football, to specify that a student-athlete shall not be subject to the eligibility penalty for failure to successfully complete at least nine-semester hours or eight-quarter hours of academic credit during the fall term and earn the Academic Progress Rate eligibility point for the fall term, provided the institution's Academic Progress Rate for football is 965 or higher as of the first day of classes of the fall term in which the penalty would otherwise apply.	FCS: Defeated. FBS: Defeated.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-71	ELIGIBILITY -- TRANSFER REGULATIONS -- FOUR-YEAR COLLEGE TRANSFERS -- ONE-TIME TRANSFER EXCEPTION -- WOMEN'S ICE HOCKEY	Big Ten Conference	August 1, 2012; applicable to student-athletes who enroll full time at the certifying institution in a regular academic term as transfer students on or after August 1, 2012.	To specify that the one-time transfer exception to the four-year transfer residence requirement shall not be applicable to student-athletes in women's ice hockey.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-72	ELIGIBILITY -- OUTSIDE COMPETITION -- EXCEPTION -- USA FENCING NATIONAL CHAMPIONSHIPS	The Ivy League	Immediate	In fencing, to specify that a student-athlete may compete during the academic year as a member of a USA Fencing member club team at the USA Fencing National Championships.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-73	FINANCIAL AID AND AWARDS, BENEFITS AND EXPENSES -- TRAINING-TABLE MEALS -- ONE MEAL PER DAY -- STUDENT-ATHLETES NOT RECEIVING FULL BOARD -- FOOTBALL	Big East Conference	August 1, 2012	In bowl subdivision football, to permit an institution to provide one training-table meal per day to a student-athlete who does not receive athletically related financial aid; further, in championship subdivision football, to permit an institution to provide one training-table meal per day to a student-athlete who does not receive athletically related financial aid that covers the full cost of board; finally, to specify that the provision of the one training-table meal per day to such a student-athlete shall not be considered financial aid.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-75	FINANCIAL AID -- SUMMER FINANCIAL AID -- PRIOR TO INITIAL FULL-TIME ENROLLMENT -- FOOTBALL -- COUNTER FOR THE ENSUING ACADEMIC YEAR	Southeastern Conference	Immediate	In football, to specify that a prospective student-athlete who receives athletically related financial aid during a summer term prior to initial full-time enrollment at the certifying institution shall be an initial and overall counter for the ensuing academic year.	FCS: Adopted. FBS: Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-76	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- EQUIVALENCY COMPUTATIONS	NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet	August 1, 2012	To specify that in calculating equivalencies, an institution may use either the actual or average amount received by the student-athlete as the numerator and either the actual full grant-in-aid value for the student-athlete or the average amount of a full grant-in-aid for all students at the institution as the denominator.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-78	AWARDS, BENEFITS AND EXPENSES -- HOUSING AND MEALS -- FRUIT, NUTS AND BAGELS -- BAGEL SPREADS	Big East Conference	August 1, 2012	To permit an institution to provide bagel spreads (e.g., butter, peanut butter, jelly, cream cheese) with bagels it may provide to a student-athlete at any time.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
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).	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
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.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-83	PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52	West Coast Conference	August 1, 2012	In baseball, to reduce, from 56 to 52, the limitation on the maximum number of contests with outside competition.	Tabled until the council's April 2012 meeting, pending the work of the Presidential Retreat Working Groups.
2011-84	PLAYING AND PRACTICE SEASONS -- 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 basketball, to eliminate the 5 p.m. start time on the first permissible practice date.	Section A: Forwarded to the membership for review and comment.  Section B: Adopted.



Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
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.	Forwarded to the membership for review and comment.
2011-86	PLAYING AND PRACTICE SEASONS -- WOMEN'S BASKETBALL -- FIRST PERMISSIBLE CONTEST DATE -- TUESDAY BEFORE THE SECOND FRIDAY OF NOVEMBER	Southeastern Conference	August 1, 2012	In women's basketball, to specify that an institution shall not play its first contest (game or scrimmage) with outside competition in women's basketball prior to the Tuesday before the second Friday of November.	Defeated.
2011-87	PLAYING AND PRACTICE SEASONS -- FOOTBALL -- NUMBER OF CONTESTS -- ANNUAL EXEMPTIONS -- COLLEGE FOOTBALL INVITATIONAL	Sun Belt Conference	Immediate	In football, to specify that one contest played in a college football invitational event is exempt from the maximum number of football contests, as specified.	FCS: Not moved.  FBS: Not moved.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-88	PLAYING AND PRACTICE SEASONS -- GOLF -- PRESEASON PRACTICE AND FIRST DATE OF COMPETITION -- EXCEPTION -- TOPY CUP	Big West Conference	August 1, 2012	In golf, to specify that an institution selected to participate in the Topy Cup may commence practice sessions five days before the practice round of the event and that the institution may participate in the competition before the legislated date for the first date of competition.	Adopted.
2011-89	COMMITTEES -- ASSOCIATION-WIDE COMMITTEES -- RULES COMMITTEES WITHOUT CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES -- SWIMMING AND DIVING, TRACK AND FIELD AND WRESTLING	NCAA Division I Championships and Sports Management Cabinet (Men's and Women's Swimming and Diving Committee, Men's and Women's Track and Field Committee, and Wrestling Committee)	August 1, 2012	To establish a separate Men's and Women's Swimming and Diving Rules Committee, a separate Men's and Women's Track and Field Rules Committee and a separate Wrestling Rules Committee without championships administration responsibilities, as specified; further, to establish a Division I Men's and Women's Swimming and Diving Committee, a Division I Men's and Women's Track and Field Committee and a Division I Wrestling Committee, as specified.	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-90	COMMITTEES -- DIVISION I CABINETS AND COMMITTEES -- APPOINTMENT OF COMMITTEES - - CONFERENCE APPOINTMENT FOR REMAINDER OF A TERM -- SPORTS COMMITTEES	Southland Conference	August 1, 2012	To specify that if a member of a sports committee resigns or is removed from his or her position on the committee, the conference of which the committee member's institution was a member at the time of resignation or removal shall appoint an individual to complete the term of the committee member who resigned or was removed.	Not moved.
2011-91	EXECUTIVE REGULATIONS -- DAY OF COMPETITION -- NOON START TIME -- EXCEPTION -- MEN'S GOLF CHAMPIONSHIPS	NCAA Division I Championship/S ports Management Cabinet (Men's Golf Committee)	Immediate	In men's golf, to specify that in instances in which the final day of the men's golf championships occurs on a Sunday, competition may begin prior to noon.	Adopted.

NCAA Division I Legislative Council  
January 11-12, 2012

ATTACHMENT B  
SUPPLEMENT NO. 10  
DI Board of Directors 1/12

Conference -- Voting Delegate	Conference Type	Voting Weight	2012-1 as noncontroversial	2012-1	Manipulation of Drug Test as noncontroversial	2011-11	Table 2011-12	Table 2011-13	Table 2011-14	Table 2011-15	Table 2011-16 FBS	Table 2011-16 FCS	Table 2011-17	Table 2011-18	Table 2011-19 FBS	Table 2011-19 FCS	Table 2011-20	Table 2011-21 FBS	Table 2011-21 FCS	Table 2011-22	2011-23	Table 2011-24	Table 2011-25	2011-26
America East -- M. Mulvenna	DI	1.2	Y	Y	N		Y	Y	Y	Y			Y	Y			Y			Y	Y	Y	Y	Y
Atlantic 10 -- E. Pasque	DI	1.2	Y	Y	N		Y	Y	Y	Y			Y	Y			Y			Y	Y	Y	Y	Y
Atlantic Coast -- L. Babcock	FBS	3	Y	Y	Y		Y	Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y
Atlantic Sun -- K. Capriotti	DI	1.2	Y	Y	Y		N	N	N	N			N	N			N			N	Y	N	N	Y
Big 12 -- D. Flores	FBS	3	Y	Y	N		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		Y	Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	D	Y	Y	Y
Big Sky -- J. Gee	FCS	1.2	Y	Y	Y		Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y	Y
Big South -- M. Eaker	FCS	1.2	Y	Y	N		N	N	N	N			N	N			N			N	Y	N	N	Y
Big Ten -- J. Bolin	FBS	3	Y	Y	N		Y	Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y
Big West -- C. Masner	DI	1.2	Y	Y	N		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	Y
Conference USA -- R. Philippi	FBS	3	Y	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	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	Y
Metro Atlantic Athletic -- W. Maher	DI	1.2	Y	Y	Y		N	N	N	N			N	N			N			N	Y	N	N	Y
Mid-American -- D. Gragg	FBS	1.5	Y	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	N		Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y	Y
Missouri Valley -- G. Walter	DI	1.2	Y	Y	N		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	Y
Northeast -- A. Alford	FCS	1.2	Y	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	Y
Pac-12 -- Beth Goode	FBS	3	Y	Y	Y		Y	Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y
Patriot League -- K. McKittrick	FCS	1.2	Y	Y	N		Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	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	Y
Southern -- R. Johnson	FCS	1.2	Y	Y	Y		N	N	N	N		Y	N	N		Y	N		Y	N	Y	N	N	Y
Southland -- S. McDonald	FCS	1.2	Y	Y	N		Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y	Y
Southwestern Athletic -- A. Robinson	FCS	1.2	N	Y	N		Y	Y	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	Y	Y	Y	Y
Sun Belt -- K. Keene	FBS	1.5	Y	Y	N		Y	Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y
West Coast -- S. Fink	DI	1.2	Y	Y	Y		Y	Y	Y	Y			Y	Y			Y			Y	Y	Y	Y	Y
Western Athletic -- R. Spear	FBS	1.5	Y	Y	N		Y	Y	Y	Y	Y		Y	Y	Y		Y	Y		Y	Y	Y	Y	Y
Pioneer League -- S. Fink	FCS	1										Y				Y			Y					
Missouri Valley Football -- K. Heylens	FCS	1										Y				Y			Y					
Adopt/Yes (Y)		49.8	51	27			46.2	46.2	46.2	46.2	27	12	46.2	46.2	27	12	46.2	27	12	46.2	48	46.2	46.2	51
Defeat/No (N)		1.2	0	24			4.8	4.8	4.8	4.8	0	0	4.8	4.8	0	0	4.8	0	0	4.8	0	4.8	4.8	0
Distribute to Membership for Review (D)		0	0	0			0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
Abstain (A)		0	0	0			0	0	0	0	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	24	1	0	0	24	1	0	24	1	0	0	0	0	0
Total		51	51	51			51	51	51	51	51	13	51	51	51	13	51	51	13	51	51	51	51	51







**NATIONAL COLLEGIATE ATHLETIC ASSOCIATION**  
**Fiscal Year Ending 2010-11 Recommended Uses of Unallocated Net Assets**

---

1	Division I Revenue Distribution.	\$ 36,000,000
2	Health and Safety (i.e. concussion management).	\$ 1,600,000
3	Needs related to transforming intercollegiate athletics, including information technology and one-time contractual assistance (i.e. athletic certification, enforcement and infractions process, academic reform and championships).	\$ 2,700,000
4	IT hardware, wireless in NCAA facilities and laptop replacement.	\$ 1,400,000
5	NCAA facilities reserve.	\$ 5,000,000
<b>TOTAL</b>		<b><u>\$ 46,700,000</u></b>



**NCAA Division I Board of Directors**  
**Update of NCAA Division I Athletics Certification Program**

**Review of Charge and Update.**

During its April 2011 meeting, the NCAA Division I Board of Directors approved the suspension of the NCAA Division I Athletics Certification Program until August 2013 in order to develop a streamlined and technology-driven program that focuses on the student-athlete experience.

Over the last seven months, the NCAA Division I Committee on Athletics Certification and the NCAA staff have surveyed member institutions from Cycle 3 of the current athletics certification program, interviewed key institutional leaders and collected information from the membership. Based on this feedback, the committee is making the following recommendations for the Board's consideration.

**Name of the New Program.**

The committee has agreed to change the name of the program from the NCAA Division I Athletics Certification Program to the NCAA Division I Institutional Performance Program. Further, the name of the committee will also change from the NCAA Division I Committee on Athletics Certification to the NCAA Division I Committee on Institutional Performance. In selecting the new name, the committee believed the name should reflect the broad-based approach of the program and the involvement by institutional personnel outside the athletics department. Finally, the term "performance" is an active term that reflects the program's new purpose.

**New Program Purpose Statement.**

The central purpose of the Institutional Performance Program shall be to facilitate member institutions in reviewing their athletics programs based on identified measures that align with the core values and principles of the NCAA and the institution's mission. This shall include data compiled by the NCAA for the chancellor's/president's review and analysis. Appropriate accountability measures will also be a part of the program. The program will assist the Division I membership in continual enhancement of the student-athlete experience.

*Board Discussion:*

- *Does the Board support this purpose or have changes to suggest?*

**System Development.**

1. Replace the current once-every-ten-years narrative self-study report with a web-based/ IT infrastructure for input and output of data annually. The new program will provide institutions with consistency in the analysis of data and have the ability to establish

measurements. Annual review will occur in four areas of focus: academics, fiscal management, student-athlete experience and inclusion which include gender and diversity. Approximately 80 percent of the data that will be used in the new program is currently collected by the NCAA.

2. Institutions and conferences and will receive scorecards, to assist with decision making and information.
3. Replace the peer-review team with an issue-focused review when necessary. Campus visits may occur when an institution has fallen below committee determined measurements. Therefore, not all institutions will have campus visits.
4. The new program will provide information to the institution's chancellor/president in a dashboard format. Issues or concerns will be self-evident due to measurements and indicators. If no issues or concerns are identified, the process is complete and no additional response is needed.
5. For institutions that are below an identified measurement, resources will be identified to assist with the issue. Possible resources include:
  - a. Best practices;
  - b. Consultant pool;
  - c. NCAA staff visit; and
  - d. Supplemental funds.

*Board Discussion:*

- *Does the Board support this structural framework or have any changes to suggest?*

**Organizational Change.**

1. The roles and responsibilities for the committee will include the following;
  - a. Establish an ongoing and efficient review process for all Division I institutions that includes an annual indicator system;
  - b. Develop a streamlined educational/orientation program for all Division I institutions;

- c. Establish baseline measurements and comparisons for each of the four areas when appropriate;
  - d. Oversee and monitor submission deadlines and implement penalties; and
  - e. Coordinate issue-focused external review when appropriate, including the selection, approval and evaluation of peer experts. The committee will identify and partner with outside organizations [e.g., National Association of College and University Business Officers (NACUBO), National Association of Student Personnel Administrators (NASPA), National Association of Diversity Officers in Higher Education (NADOHE)] to train and serve as peer experts.
2. The number of committee members will remain at 18; however, the composition would consist of the following:
- a. One chancellor/president from each subdivision;
  - b. Two at-large chancellors/presidents. Each chancellor/president to chair one focus area with one chancellor/president to chair full committee;
  - c. One chancellor/president to be representative from the Board;
  - d. Thirteen subject matter experts by focus area as noted above (member will be ex-officio if not from institution – e.g., NACUBO); and
  - e. One student-athlete representative from the NCAA Division I Student-Athlete Advisory Committee.
3. The committee recommends that it reports to the Board and that a Board representative serve on the committee to provide committee reports and updates. If the committee is unable to report to the Board, it is recommended the committee report to the NCAA Division I Leadership Council rather than the NCAA Division I Legislative Council.

*Board Discussion:*

- *Does the Board support these program changes?*

**Accountability Spectrum.**

The committee developed a list that included a range from low accountability to high accountability measures at three distinct levels: institutional, regional/conference and national. The result will be a spectrum of accountability measures that encompasses these three levels.

The low accountability level represents very little oversight from the NCAA staff and committee. Medium accountability represents some involvement by the NCAA staff, committee or some other oversight body (e.g., conferences). Finally, high accountability infers that the NCAA staff and committee is not only actively involved, but may require action by the institution.

**Institutional Accountability Measures.**

<b>Activity Required</b>	<b>Equity Involved</b>	<b>Level of Accountability</b>
Chancellor/president selects individuals to conduct the review of data he or she deems appropriate.	Chancellor/ President	Low Accountability
Peer comparison developed by institution.	Chancellor/ President or Designee	Low Accountability
Chancellor/president provides annual report to faculty senate, all student-athletes and athletics department staff.	Chancellor/ President or Designee	Medium Accountability
Chancellor/president must make an annual report to the governing board.	Chancellor/ President or Designee	Medium Accountability

**Regional Accountability Measures.**

<b>Activity Required</b>	<b>Equity Involved</b>	<b>Level of Accountability</b>
Conference office is identified as an available resource to its institutions when an institution falls below a benchmark.	Conference and Institution	Low Accountability
Conference office randomly audits an institution to ensure annual reporting to constituent groups has occurred (e.g., faculty senate).	Conference and Institution	Medium Accountability
Conference office creates the benchmarks and has the responsibility/ability to impose sanctions on institutions accordingly.	Conference and Institution	High Accountability
Chancellor/president must make an annual report to the conference.	Chancellor/ President or Designee	High Accountability

**National Accountability Measures.**

<b>Activity Required</b>	<b>Equity Involved</b>	<b>Level of Accountability</b>
Institution's chancellor/president and athletics director signoff on the annual report/process.	Chancellor/ President and NCAA	Low Accountability
Institution must report back to the committee/staff actions regarding remediation plans.	Chancellor/ President and NCAA	Medium Accountability

<b>Activity Required</b>	<b>Equity Involved</b>	<b>Level of Accountability</b>
Institution has issue focused visit from staff and/or peer expert.	Chancellor/ President and NCAA	High Accountability
Public release of information on an annual basis [similar to the NCAA Division I Academic Progress Rate (APR) release].	Chancellor/ President and NCAA	High Accountability
Audit of information submitted by institutions. This could be done through the department that oversees the collection of the areas being audited (e.g., academic and membership affairs for the APR data).	Chancellor/ President and NCAA	High Accountability
Institution receives postseason championship ineligibility for noncompliance.	Chancellor/ President and NCAA	High Accountability
Institution must appear in front of the committee for hearing for noncompliance.	Chancellor/ President and NCAA	High Accountability
Institution receives practice and/or regular season competition penalties for noncompliance.	Chancellor/ President and NCAA	High Accountability

*Board Discussion:*

- *Does the Board support this accountability measure spectrum?*

**Next Steps.**

If the Board accepts the report, the committee will then engage in a series of activities to develop the new program. These steps are as follows:

**January 11-13, 2012.**

- 2012 NCAA Convention roundtable discussion.

**February 2012.**

- Committee approval of process and measurements.

**April 2012.**

- Board of Directors approves legislative package regarding the new program.

**Spring – Summer 2012.**

1. Determine best practices for institutions.
2. Determine a consultant pool.
3. Determine whether NCAA staff visits the institution.
4. Determine whether the supplemental fund should be used in areas where institution is below the benchmark.

**National Collegiate Athletic Association**  
**Executive Committee<sup>1</sup>**

**NCAA MEMBERSHIP – ACCREDITATION POLICY**

---

The following policy 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.

Pursuant to Article 3.2.1.1. of the NCAA Constitution, all active NCAA member institutions must be “accredited by the appropriate regional accrediting agency.” Provisional NCAA member institutions shall likewise maintain appropriate accreditation throughout the provisional period, and otherwise comply with the applicable requirements related thereto and further set forth in Articles 3.6.3 and 20.3 of the NCAA Constitution. Currently, there are six (6) of such regional accrediting agencies: Middle States Association of Colleges and Secondary Schools; New England Association of Schools and Colleges; North Central Association of Colleges and Schools; Northwest Association of Schools and Colleges; Southern Association of Colleges and Schools; and Western Association of Schools and Colleges.

For purposes of NCAA membership, the NCAA shall defer to, abide by, and otherwise honor the decision made by the appropriate regional accrediting agency regarding the accreditation status of an active or provisional NCAA member institution. Such decision, and the membership-related determinations and/or actions carried out by the NCAA in response thereto, shall not be subject to interpretation, or to waiver from, or appeal before, the NCAA.

An active or provisional NCAA member institution that receives its accreditation as an additional instructional site, branch campus or additional location through a parent institution that is an NCAA member institution shall be considered to be meeting the NCAA legislation regarding accreditation. However, an active or provisional NCAA member institution that receives its accreditation as an additional instructional site, branch campus or additional location through a parent institution that is not an NCAA member institution shall be considered to have failed to meet the accreditation requirements of the legislation.

All active and provisional NCAA member institutions shall be required to provide information regarding accreditation annually on the sports sponsorship and demographic form, and as otherwise directed by the NCAA. In addition, any active or provisional NCAA member institution that experiences a change in accreditation status (including, without limitation, the imposition of probationary status) during the year shall be responsible for informing the NCAA thereof and all relevant circumstances and terms related thereto, in writing, within thirty (30) days of notice of the change, and as otherwise directed by the NCAA.

---

<sup>1</sup> If the Executive Committee will not be responsible for issuing and/or overseeing this policy, insert the entity that will have responsibility for the same.



An active or provisional NCAA member institution's failure to maintain appropriate accreditation, or to provide the information referenced above, shall lead to the automatic loss of its NCAA membership. All rights and privileges of such membership shall thus cease immediately thereupon.<sup>2</sup> The NCAA shall notify the institution's chancellor or president, the applicable NCAA Division Committee(s), and others as it may deem appropriate, of such change in status and take any other action that may be warranted in connection therewith.

The NCAA reserves the right to request, seek, obtain and/or consider any other information and/or material deem relevant to the determinations, and other matters, contemplated herein (e.g. correspondence or certifications by the appropriate regional accrediting agency). The NCAA also reserves the right to periodically review, interpret and/or amend this policy, as it may deem appropriate. Notwithstanding anything herein or elsewhere to the contrary, all NCAA membership decisions regarding accreditation shall be made by the NCAA in accordance herewith and otherwise in the NCAA's sole discretion, and shall be considered, and deemed to be, final.

###

---

<sup>2</sup> Please note this may require a change to Article 3.2.5.2. of the NCAA Constitution (since there no longer is a "corresponding member" category), if such change has not already taken place.

**NCAA Government Relations Report**

(December 2011)

**1. Congressional Overview.**

As the 112<sup>th</sup> Congress enters the last month of its first session, a number of legislative priorities still remain. During the final weeks of the year, Congress is expected to consider several proposals that would extend the payroll tax cut, extend unemployment insurance benefits for the long-term jobless, patch the alternative minimum tax, and prevent a cut in payments to doctors who treat Medicare patients. Also, with Congress only passing three appropriations bills this year, it is expected that an omnibus bill will be used to pass the nine remaining spending measures.

The upcoming 2012 Presidential and Congressional elections have continued to garner significant attention in Washington, D.C. After more than a dozen Republican Presidential debates, several Republican candidates head into the primary season to challenge President Barack Obama next year. In the halls of Congress, the 2012 election landscape is also taking shape. To date, seventeen House Democrats have announced they will not seek another term, although eight of those individuals are seeking other offices. Most notably, senior Democrats Representative Barney Frank (D-MA), ranking member of the House Financial Services Committee and Representative Charlie Gonzalez (D-TX), Chair, Congressional Hispanic Caucus will not run for reelection. To date, seven House Republicans have announced that they will not seek another term in 2012 but all are expected to run for other offices.

During the last quarter of 2011, Congress has shown significant interest in collegiate athletic issues. Alleged criminal violations by current and former athletic department personnel at membership schools have led to some scrutiny of college athletics and the NCAA. Members of Congress have also shown an interest in a variety of other matters including, pay-for-play, scholarship limitations, medical coverage, sport related head injuries, conference realignment, the Bowl Championship Series, and the academic success of student-athletes. The NCAA Office of Government Relations has worked with NCAA colleagues to address specific concerns expressed by members of Congress and their staffs.

**2. Federal Issues.**

**a. Concussions and Helmet Safety.**

On October 19, 2011, the Senate Committee on Commerce, Science and Transportation convened a hearing to examine concussions in sports and the marketing of sports equipment as “anti-concussion” or “concussion-reducing.” Witnesses included Alexis Ball, student and former student-athlete, University of New Mexico; Steven Threet, student and former student-athlete, Arizona State University; Dr. Jeffrey Kutcher, assistant professor, Department of Neurology, University of Michigan and director, Michigan NeuroSport; Dr. Ann McKee, Professor of Neurology and Pathology, Boston University and director, Neuropathology Core, BU Alzheimer’s Disease Center; and Mike Oliver, executive director, National Operating Committee on Standards for Athletic Equipment.

The testimony of the witnesses and follow-up questions from the senators in attendance focused on the need for additional science to better diagnose and treat concussions and greater education and awareness to effectively change the culture in sports in respect to head injuries. Also, a great deal of time was spent disputing claims by sports equipment companies that their products prevent or decrease the chances of an athlete suffering a concussion. Committee member Senator Tom Udall (D-NM), who introduced legislation aimed at protecting youth athletes from the dangers of sports-related concussions, identified specific examples of mouth guards, headbands, helmets and dietary supplements being promoted as reducing the chances of concussions.

NCAA Government Relations staff will continue to monitor any next steps stemming from this hearing and track legislative efforts aimed at improving voluntary football helmet standards for youth athletes, increasing the penalties for companies that make false injury prevention claims and requiring elementary and secondary schools to implement standard plans for concussion safety and management.

**b. Internet Gambling.**

On October 25, 2011, the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Internet Gambling: Is There a Safe Bet?” The discussion during the hearing centered on what, if any, forms of Internet gaming should Congress allow and how any changes to current law might impact consumers and other stakeholders. A follow-up hearing entitled “Internet Gaming: Regulating in an Online World” was conducted by the same subcommittee

on November 18, 2011. The hearing served as an extension of the initial discussion but also explored the effectiveness of current enforcement efforts in jurisdictions that have legalized online gaming.

While the hearings did not focus on any specific piece of legislation, there were general references to existing legislation, most notably H.R. 2366, the Internet Gambling Prohibition, Poker Consumer Protection, and Strengthening UIGEA Act of 2011. H.R. 2366, which was introduced by Representative Joe Barton (R-TX), would allow for the licensing, regulation, and taxation of Internet poker. Under the proposed Act, wagering on athletic competitions would be prohibited. The hearings did not provide any clarity as to what, if any, actions would be taken to mark-up existing legislation related to online gambling.

The NCAA Office of Government Relations will continue to work with other groups including the professional sports leagues to prevent the passage of any legislation that would allow online wagering on athletic competitions.

**c. Sports Wagering.**

Representative Frank Pallone, Jr (D-NJ) issued a press release on November 9, 2011, expressing his intent to introduce legislation that would amend the Professional Amateur Sports Protection Act (PASPA) and exclude New Jersey from the prohibition on professional sports gambling. Under the proposed act, New Jersey would be allowed to conduct a lottery, sweepstakes, or other betting scheme on professional sporting events. The legislation would not allow wagering on collegiate competitions.

**d. Student-Athlete Welfare Issues.**

On November 1, 2011, Representative Bobby Rush (D-IL) convened a roundtable discussion on college athletics and the welfare of student-athletes. Entitled, “Hypocrisy or Hype? The Impacts of Back-Room Deals, Payoffs, and Scandals in American Collegiate Student Athletics,” the roundtable was touted as an opportunity for participants to offer their perspectives on the current state of NCAA athletics and recent revelations arising out of significant NCAA infractions and violations. Participants included Congressman Rush; Congressman John Conyers (D-MI); Jeremy Schaap, ESPN; Andy Schwarz, sports economist, OSKR; Derek Samson,

assistant managing editor, Rivals.com; Josh Luchs, former NFL agent; Valerie Hardrick, Mother of Kyle Hardrick (former basketball scholarship athlete at the University of Oklahoma); Joan Jolly (mother of former Hampton University student-athlete); Ramogi Huma, president, National College Players Association, Shane Battier, Memphis Grizzlies Forward (former basketball scholarship athlete at Duke University); Thaddeus Young, Philadelphia 76ers forward (former basketball scholarship athlete at Georgia Tech); Dr. Ellen Staurowsky, professor of sports management, Drexel University; and Warren K. Zola, assistant dean for graduate programs, Boston College.

Among the many issues discussed were the value and duration of athletic scholarships, medical coverage and payment of medical expenses for student-athletes, the right of a student-athlete to retain an agent and legal counsel, rules that prevent student-athletes from negotiating their own marketing deals, and matters related to commercialism and student-athlete likeness.

### **3. State Issues.**

#### **a. New Jersey - Sports Wagering.**

On November 8, 2011, the citizens of New Jersey were presented with a nonbinding referendum on the statewide ballot, asking if sports betting should be allowed at the state's racetracks and Atlantic City casinos. The referendum was supported by an overwhelming majority of New Jersey voters and received the support of Governor Chris Christie, who has committed to fighting for sports betting with its passage. Despite the passage of this referendum, a number of substantial hurdles exist before New Jersey can offer wagering opportunities on professional and collegiate athletic competitions. The most significant roadblock is the Professional and Amateur Sports Protection Act (PASPA), which prohibits sports betting in all but four states – Nevada, Oregon, Montana, and Delaware, who all had some form of sports betting before PASPA was passed in 1992. It is expected that legislative and legal efforts will be launched to overturn PASPA and allow New Jersey and ultimately other states to legally conduct a sports wagering scheme.

The NCAA will work with the professional sports leagues and other interested groups to protect against any efforts to repeal PASPA. We will continue to monitor

legislation at the state and federal level and educate policymakers on the dangers associated with sports betting.

**b. 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 that an athlete agent may engage in when dealing with a student-athlete. In addition, the act imposes criminal, civil and/or administrative penalties against unscrupulous agents.

On November 17, 2011, the NCAA convened a summit on the Uniform Athlete Agents Act (UAAA) in Washington D.C. The summit was an opportunity to bring key stakeholders together to discuss the UAAA, its effectiveness, and what, if any changes need to be made to the model Act. State agencies responsible for administering the UAAA, athlete agents, professional sports leagues, professional sports leagues players' associations, NCAA membership, and the original drafters of the UAAA were represented at this meeting. The need for cooperation between key stakeholders, enhancing enforcement efforts of the UAAA, and additional education about the Act and available resources for student-athletes and membership institutions were highlighted as necessary elements in curbing the improper and often illegal conduct of some athlete agents.

NCAA staff intends to continue this dialogue and outreach to individuals and groups who play a vital role in enforcing the UAAA and protecting student-athletes and NCAA members from the detrimental impact of unscrupulous athlete agents.

**c. 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.

Proposed Penalty Matrix  
(WORKING DRAFT)  
Version 2 (January 2012)

<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Competition Penalties:</u> <u>Postseason Ban *Competition</u> <u>penalties may be used singularly</u> <u>or in combination</u>	<u>Competition Penalties:</u> <u>Nonconference Ban</u>	<u>Competition Penalties:</u> <u>Regular-Season Ban</u>
Significant		2-3(+) years		
Aggravation		1 to 2 years		
Presumptive		1 years		
Mitigation	Aggravation	0 to 1 year		
Significant Mitigation	Presumptive	0		
	Mitigation	0		
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Financial Penalties: Fine</u> <u>(Percent of total budget for sport</u> <u>program)</u>	<u>Financial penalties: Negate</u> <u>revenue from sport program</u> <u>for years in which violations</u> <u>occurred</u>	
Significant				
Aggravation		1.5 to 2.5%	Impose this penalty if greater than percent of budget fine.	
Aggravation		1 to 2%	Impose this penalty if greater than percent of budget fine.	
Presumptive		.5 to 1.5%		
Mitigation	Aggravation	0 to .5%		
Significant Mitigation	Presumptive	0 to .25%		
	Mitigation	0 to .125%		



Proposed Penalty Matrix  
(WORKING DRAFT)  
Version 2 (January 2012)

<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Scholarship Reductions of Involved Sport(s) Program(s)</u>		
Significant		37.5 to 50%	(Reduction taken at first available opportunity.)	
Aggravation		25 to 37.5%		
Presumptive		12.5 to 25%		
Mitigation	Aggravation	0 to 12.5%		
Significant Mitigation	Presumptive	0 to 5%		
	Mitigation	0 to 2.5%		
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Show-Cause Order</u>	<u>Restrictions</u>	
Significant		5+ years	All athletically related duties	
Aggravation		2 to 5 years	All athletically related duties	
Presumptive		1 to 3 years	All athletically related duties	
Mitigation	Aggravation	0 to 2 years	All athletically related duties	
Significant Mitigation	Presumptive	0 to 1 year	All or partial coaching and recruiting duties	
	Mitigation	0 years	All or partial coaching and recruiting duties	
<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Recruiting Restrictions</u>		
Significant				
Aggravation				
Presumptive				
Mitigation	Aggravation			
Significant Mitigation	Presumptive			
	Mitigation			

Proposed Penalty Matrix  
(WORKING DRAFT)  
Version 2 (January 2012)

<u>Violation Level I</u>	<u>Violation Level II</u>	<u>Probation</u>		
Significant				
Aggravation				
Presumptive				
Mitigation	Aggravation			
Significant Mitigation	Presumptive			
	Mitigation			
NCAA/11/30/11/JRL:ajw				

Penalty Structure Examples  
Version Two

**Florida State University**

March 6, 2009

**Summary of violations:** Violations of NCAA legislation involving three former athletics academic support staff members who gave improper assistance resulting in academic fraud to numerous student-athletes representing multiple sport programs. There were also associated violations relating to the provision of impermissible benefits and a failure to monitor by the institution.

**Specific violations:**

- Academic fraud – multiple sports (Level I).
- Learning specialist, tutor and advisor knowingly arranged for fraudulent academic credit for numerous student-athletes and provided improper academic assistance. Violations affected 61 student-athletes in 10 different sports.
- Failure to monitor – multiple sports (Level I).
  - o Institution failed to monitor its academic assistance program.

**New penalty structure classification:**

1. Sublevel classification - Level I.
2. Factors for institution.
  - a. Aggravating.
    - (1) Large number of student-athletes in numerous sports.
    - (2) Failure to monitor.
  - b. Mitigating.
    - (1) Self-detection and report of violations.
    - (2) Acknowledged violations prior to hearing.
3. Factors for involved individuals (learning specialist, academic advisor, academic tutor).
  - a. Aggravating.
    - (1) Large number of student-athletes in numerous sports.
    - (2) Multiple Level I infractions (by learning specialist).
    - (3) One or more infractions negatively affected student-athletes.
    - (4) Failure to cooperate (academic advisor)
3. New penalty structure conclusion.

Assume for the sake of argument that two aggravating factors and two mitigating factors would place this case in the **Presumptive** sublevel for institution. There are no mitigating factors for the at-risk individuals, only aggravating resulting in **Aggravation** for the tutor, and **Significant Aggravation** for the learning specialist and academic advisor for penalty guidelines.

**Florida State University: Imposed penalties vs. new penalty structure.**

	Competition	Financial	Scholarship	Recruiting	Show-Cause	Probation
Imposed Penalties	None applied.	None applied.	<p>FB: Limit to 83 total grants in 2008-09, 82 in 2009-10 and 84 in 2010-11.</p> <p>MBB: Limit to 12 total grants in 2008-09 and 12 in either 2009-10 or 2010-11.</p> <p>WBB: Limit to 13 grants in 2008-09, 2009-10, 2010-11.</p> <p>BSB: Limit to 11.33 equivalencies in 2008-09.</p> <p>MSW: Limit to 9.1 grants in 2008-09.</p> <p>WSW: Limit to 12.8 equivalencies in 2008-2009, and 12 during 2009-10 or 2010-11.</p> <p>MTK: Limit to 12.1 grants in 2008-09.</p> <p>WTK: Limit to 17.32 grants in 2008-09.</p> <p>WSB: Limit to 11 grants in 2008-09 and 11.95 in 2009-10.</p> <p>MGO: Limit to 4.36 grants in 2008-09.</p>	None applied.	<p>4 years for former learning specialist that was involved in academic fraud.</p> <p>5 years for former academic advisor involved in academic fraud.</p> <p>3 years for former academic tutor</p>	<p>4 years</p> <p>1. Vacate all wins in which the 61 student-athletes in the sports of football, men's and women's basketball, men's and women's swimming, men's and women's track, baseball, softball, and men's golf competed while ineligible during 2006 and 2007, and vacation of wins must be reflected in public records, etc.</p>
New Penalty Structure (presumptive)	1 -year postseason ban. (The following 10 sports would each have a postseason ban for the 2009-10 year: FB, MBB, WBB, BSB, MSW, WSW, MTK, WTK, WSB and MGO.)	.5-1.5% of the total budget per sport program. (Same 10 sports would be impacted. Assuming FB has a \$15 million budget, this would be a fine of \$75,000 to \$225,000. Assuming MGO has \$200,000 budget, the fine would be \$1,000 to \$3,000)	12.5-25% reduction per sport. (Same sports involved, but reductions would be greater than what was imposed. So, football's 85 grants would be reduced by 10 to 21 grants for three years each; WBB's 15 grants would be reduced by 1 to 4 grants per year for three years; MGO has 4.5 equivalencies and so there would be a reduction of .56 to 1.125 equivalency grants for one year.)	12.5-25% reduction in all recruiting activity? (For each of the 10 involved sports, 12.5 to 25% reductions in recruiting activities would be imposed.)	<p>Show-cause of 5 years for the learning specialist and academic advisor due to significant aggravation.</p> <p>Show cause of 2 to 5 years for the academic tutor.</p>	<p>Multiple years .</p> <p>Vacation of wins as noted above.</p>

**University of Southern California**

June 10, 2010

**Summary of violations:** Violations of NCAA bylaws governing amateurism; failure to report knowledge of violations; unethical conduct; violations of coaching staff limitations; impermissible recruiting contacts by a representative of the institution's athletics interests; impermissible inducements and extra benefits; and lack of institutional control.

**Specific violations:**

- Agent/preferential treatment violations - football (Level I).
  - o Separate and different individuals meeting the agent definition provided football student-athlete and family with benefits in form of cash, merchandise, automobile, housing, hotel lodging and transportation.
- Competition while ineligible - football (Level I).
  - o Student-athlete was permitted to compete while receiving benefits from agents.
- Impermissible recruiting benefits by booster – men’s basketball (Level I).
- Extra benefits to student-athlete from booster - football (Level I).
- Coaching staff limitation violations -football (Level II).
  - o The football coaching staff exceeded the maximum number of countable coaches.
- Impermissible telephone calls – women’s tennis (Level II).
  - o Women’s tennis student-athlete made 123 unauthorized telephone calls to her family in a different country using the institution’s long-distance authorization code. Calls were valued at \$7,535.
- Lack of institutional control (Level I).

**New Penalty Structure Classification:**

1. Sublevel classification - Level I.
2. Factors.
  - a. Aggravating.
    - (1) Multiple Level I violations.
    - (2) Persons of authority have demonstrated negligent disregard for the violations (Failure to report NCAA violations by athletics personnel).
    - (3) Lack of institutional control.
    - (4) Repeat-violator status.
  - b. Mitigating.
    - None.
3. New penalty structure conclusion.

Assume for the sake of argument that four aggravating factors and no mitigating factors would place this case in the **Significant Aggravation** sublevel of the penalty guidelines.

## University of Southern California: Imposed penalties vs. new penalty structure.

	Competition	Financial	Scholarship	Recruiting	Show-Cause	Probation
Imposed Penalties	<p>FB: Ineligible for postseason competition in 2010 and 2011.</p> <p>MBB: Not eligible for postseason competition in 2009-10.</p>	<p>1. Return to NCAA all moneys it has received to date through conference revenue sharing for its appearances in the 2008 NCAA Men's Basketball Championship. All future conference distributions to the institution resulting from that appearance shall be withheld by conference and forfeited to NCAA.</p> <p>2. Pay a fine of \$5,000 to NCAA for student-athlete 1's ineligible competition.</p> <p>3. Return to NCAA \$206,020 received through conference tournament and participation in 2008 NCAA Men's Basketball Championship.</p>	<p>FB: Limit of 15 initial grants-in-aid and 75 total grants-in-aid for 2011-12, 2012-13 and 2013-14.</p> <p>MBB: Limit of 12 grants-in-aid in MBB for 2009-10 and 2010-11.</p>	<p>1. Reduce by 1 the number of MBB coaches permitted to engage in off-campus recruiting in summer 2010 (no more than 2 coaches on road at one time).</p> <p>2. Reduce total number of recruiting person days by 20 (from 130 to 110) for 2010-11 academic year.</p> <p>3. Released 3 MBB prospects from letters of intent.</p>	<p>1. Institution shall show cause if it decides not to permanently disassociate student-athlete 1 and 2 and representative.</p> <p>2. 1-year show cause on assistant FB coach - prohibited from engaging in any off-campus recruiting activities or interactions with prospects prior to their first full-time enrollment at any institution (including phone calls, contacts, evaluations, electronic transmissions, general correspondence and other recruiting material, official and unofficial visits and activities and interactions with prospects.</p>	<p>4-years</p> <p>1. Vacate all wins in which student-athlete 1 competed while ineligible</p> <p>2. Vacation of wins shall include postseason competition, football bowl games, conference tournaments and NCAA championships. Individual records should be updated and media guides, recruiting materials updated.</p>
New Penalty Structure  (significant aggravation)	<p>2-3+ years post-season ban (For FB, this would have extended the ban for the 2012 season; for MBB, this would have extended the ban for the 2010-11 and 2011-12 seasons.)</p>	<p>1.5-2.5% total budget. (Assuming FB has a \$15 million budget, this would be a fine of \$225,000 to \$375,000. Assuming MBB has a budget of \$5 million, this would be a fine of \$75,000 to \$125,000.)</p>	<p>37.5-50% scholarship reductions. (FB's 85 grants would be cut by 32 to 42 per year. MBB's 13 grants would be reduced by 5 to 6 per year.)</p>	<p>37.5-50% reduction in all recruiting activity? (This would apply to both football and men's basketball.)</p>	<p>5+ years to assistant FB coach.</p>	<p>Multiple years.</p> <p>Vacation of wins as noted above.</p>

**University of Michigan**

November 4, 2010

**Summary of violations:** Exceeding coaching staff limitations; playing and practice season violations; unethical conduct (former graduate assistant); 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 quality control staff members engaged in on and off-field coaching activities. The quality control staff members were not considered countable coaches.
- 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 athletic department failed to monitor the duties of the quality control staff members, the former graduate assistant coach, and the time limits for athletically related activities.

**New Penalty Structure Classification:**

4. Sublevel classification - Level 2.
5. Factors.
  - a. Aggravating.
    - (1) Failure to monitor.
    - (2) Unethical conduct.
  - b. Mitigating.
    - Self-detection and self-disclosure of the violation.
    - Met institutional control standards.
6. New penalty structure conclusion.

Assume for the sake of argument that two aggravating factors and two mitigating factors would place this case in the **Presumptive** sublevel of the penalty guidelines.

**University of Michigan: Imposed penalties vs. new penalty structure.**

	Competition	Financial	Scholarship	Recruiting	Show-Cause	Probation
Imposed Penalties			FB: Decrease permitted CARA by 130 hours beginning in June 2010 and ending no later than the conclusion of the 2011-12 year			2-years
New Penalty Structure (presumptive)	0 years post-season ban	0-.25% total budget. (Assuming FB has a \$15 million budget, this would be a fine of 0 to \$37,500).	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.)	0-1 years to FB coach.	2-years



**Baylor University**

June 23, 2005

**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 for the former head coach and three former assistant coaches; academic fraud and 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):
    - o PSA No. 1 - \$275.
    - o PSA No. 2 - \$2,100.
    - o 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 school 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:**

4. Sublevel classification - Level I.
5. Factors.
  - 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) Self- report of violations.
    - (2) Acknowledged violations prior to hearing.
6. New penalty structure conclusion.

Assume for the sake of argument that five aggravating factors and two mitigating factors would place this case in the **Significant Aggravation** sublevel for penalty guidelines.

**Baylor University: Imposed penalties vs. new penalty structure.**

	Competition	Financial	Scholarship	Recruiting	Show-Cause	Probation
Imposed Penalties	<p>Removal of men's basketball team from postseason play for the 2003-04 season including the participation in the Big XII conference tournament.</p> <p>One game reduction in permissible exhibition games during the 2004-05 season for MBB.</p> <p>Granted transfer releases to all SA's on MBB team.</p>	Forfeiture of share of revenue from the 2003-04 Big XII tournament equaling \$212, 500.	Scholarship reduction from 13 to 9 for 2004-05 and 13 – 12 for 2005-06 for men's basketball.	<p>Reducing expense paid visits in men's basketball from 12 to 8 in 2004-05 and 12 to 9 during both 2005-06 and 2006-07 recruiting years.</p> <p>Contact days reduced by five for each contact period from Sept. 2004 – 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.</p>		<p>3 years</p> <p>Resignation by former men's basketball head coach and entire staff.</p> <p>Resignation by former director of athletics.</p>
New Penalty Structure (significant aggravation)	2- to 3-year postseason ban.	1.5-2.5% of the total budget per sport program. (Assuming MBB has a \$5 million budget, this would be a fine of \$75,000 to \$125,000)	37.5-50% reduction per sport. ( MBB's 13 grants would be reduced by 5 to 6 per year).	37.5-50% reduction in all recruiting activity? (This would apply to men's basketball.)	Show-cause of 5+ years on each involved institutional staff member .	<p>Multiple years.</p> <p>Vacation of wins as noted above.</p>

**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*

<b>Division I Board of Directors January 14, 2012, Meeting</b>	
<b>ATTENDEES</b>	<b>ABSENTEES</b>
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	
<b>NCAA staff liaisons in attendance:</b> David Berst, Jacqueline Campbell	
<b>Other Guests:</b> William Powers, University of Texas	
<b>Other NCAA staff members in attendance for portions of the meeting:</b> 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**

	<b>Incoming Freshman, and Two-Year and Four-Year College Transfers</b>	<b>Student-Athletes Following Completion of the First Year of Collegiate Enrollment</b>	<b>Student-Athletes Following Completion of the Second Year of Collegiate Enrollment</b>	<b>Student-Athletes Following Completion of the Third Year of Collegiate Enrollment</b>
<b>Requirements for Summer Access to Student-Athletes</b>	<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;"><b>OR</b></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;"><b>OR</b></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;"><b>OR</b></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><b>Summer Access</b> = 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><b>Effective Date: Immediate.</b></p>				



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

<b>Who may Participate</b>	The OCE shall involve only high-school seniors and two-year college prospects who have exhausted eligibility or four-year transfer student-athletes.
<b>When</b>	<ul style="list-style-type: none"><li>• 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.</li><li>• The OCE shall be conducted during a prospect's official or unofficial visit.</li></ul>
<b>Details of OCE</b>	<ul style="list-style-type: none"><li>• 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.</li><li>• Current prohibitions regarding activities for enrolled student-athletes one week prior to final exams would remain applicable.</li></ul>
<b>How Many</b>	<ul style="list-style-type: none"><li>• An institution may provide only one OCE per prospect.</li><li>• 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.</li></ul>
<b>Health and Safety Issues</b>	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.