A G E N D A

National Collegiate Athletic Association
Division I Board of Directors

Session 1

Special Closed Session — October 29, 2008
Marriott Downtown Indianapolis (Indiana F) — 6:30 – 9:30 p.m.

1. Opening remarks.

2. Presentation and discussion regarding value-based decision making. [Additional materials to be provided at a later date.]

3. Adjournment.

Session 2

NCAA National Office — October 30, 2008
Indianapolis, Indiana — 8 a.m. – 3 p.m.

1. Opening remarks.

2. Minutes of the August 7 Board of Directors meeting. [Supplement No. 1] [**Anticipated Action Item]**

3. Report of the August 7 meeting of the NCAA Executive Committee. [Supplement No. 2] [No action anticipated.]

4. NCAA president's report. [No action anticipated.]

   - Update regarding sportsmanship initiatives.

   - Update on the Division I Task Force on Commercial Activity in Intercollegiate Athletics.

5. Litigation update. [Supplement No. 3 will be distributed at the meeting.] [No action anticipated.]

6. Governmental relations report. [Supplement No. 4] [No action anticipated.]

7. Appearance by representatives from the Division I Committee on Infractions; Jo Potuto (former chair) and Infractions Appeals Committee; Chris Griffin (chair and public member). [Supplement No. 5] [**Possible Action Item]**

8. Report of the Division I Presidential Advisory Group. [Supplement No. 6. An addendum will be distributed at the meeting.] [No action anticipated – report by Bruce Grube, chair.]

9. Report of the Committee on Academic Performance (CAP)**.** [Supplement No. 7; an addendum will be distributed at the meeting -- presentation by Walter Harrison, chair.] [**Possible Action Item]**

    a. Occasion Three and Four Historical Penalties Waver/Appeal procedure. [Supplement No. 8]

    b. Update regarding establishment of subgroup to consider publication of coaches' APR records.

    c. Update regarding desire to collect more data regarding two-year transfer student-athletes.

10. Update on the work of the Division I Men's Basketball Academic Enhancement Group. [No action anticipated.]

11. News from the Division I Governance Structure.

    a. Update from the substructure, including a report from the Communications and Coordination Committee. [Supplement No. 9A and 9B] [No action anticipated.]

    b. Report of the October 20-21, 2008, Division I Legislative Council. [Supplement No. 10. An addendum will be distributed at the meeting.] [No action anticipated.]

c. Emergency/noncontroversial legislation. [Supplement No. 11 will be distributed at the meeting.] **[Anticipated Action Item]**

d. Legislative issues of interest in the 2008-09 annual cycle. [Supplement No. 12] [No action anticipated.]

e. Follow up from the August meeting: Proposal No. Executive Regulations – NCAA Properties and Marketing Restrictions – Exception for Institutions Participating in NCAA Championship Events – Number of and Access of Videographers and Photographer. [Supplement No. 13 to be distributed at the meeting.] **[Possible Action Item]**

e. 2009 NCAA Convention. [Supplement No. 14] [No action anticipated.]

12. Update regarding championships travel initiatives. [Supplement No. 15A, 15B, 15C] [No action anticipated.]

13. Appeal from the University of California – Davis. [Supplement No. 16] **[Anticipated Action Item.]**

14. Committee appointments. [Supplement No. 17A, 17B] [**Anticipated Action Item]**

15. Report of the Executive Committee Subcommittee on Gender and Diversity Issues. [No action anticipated]

16. Future meeting dates.

    a. January 17, 2009, Washington D.C., held in conjunction with the NCAA Annual Convention.
    b. April 30, 2009, National Office, Indianapolis, Indiana.
    c. August 6, 2009, National Office, Indianapolis, Indiana.
    d. October 29, 2009, National Office, Indianapolis, Indiana.

17. Adjournment.

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION I BOARD OF DIRECTORS

MCAA National Office
Indianapolis, Indiana

August 7, 2008

Participants:

Michael Adams, University of Georgia, Southeastern Conference
Charles Bantz, Indiana University-Purdue University at Indianapolis, Summit League
James Barker, Clemson University, Atlantic Coast Conference (chair)
William Beauchamp, University of Portland, West Coast Conference
Frank Brogan, Florida Atlantic University, Sun Belt Conference
Robert Bruininks, University of Minnesota, Big Ten Conference
Thomas Buchanan, University of Wyoming, Mountain West Conference (alternate)
Bruce Grube, Georgia Southern University, Southern Conference
Robert Kustra, Boise State University, Western Athletic Conference
Kevin Mullen, Siena College, Metro Atlantic Athletic Conference
Harvey Perlman, University of Nebraska, Big Twelve Conference
John Peters, Northern Illinois University, Mid-American Conference
Thomas Powell, Mount St. Mary's University, Northeast Conference
Shirley Raines, University of Memphis, Conference USA
Edward Ray, Oregon State University, Pacific-10 Conference
Nancy Zimpher, University of Cincinnati, Big East Conference
S. David Berst, NCAA
Myles Brand, NCAA
Beth DeBauche, NCAA, recording secretary
Bernard Franklin, NCAA

[NOTE: Unable to attend were Anthony Di Giorgio, Winthrop University, Big South Conference; and David Schmidly, University of New Mexico, Mountain West Conference.

Also in attendance was Damon Evans, University of Georgia, Southeastern Conference, chair of the Division I Leadership Council.

NCAA staff members Scott Bearby, Bob Chichester, Erik Christianson, Elsa Cole, Joni Comstock, Megan Coyne, Julie Cromer, Lynn Holzman, Michelle Hosick, Jim Isch, Tom Jernstedt, Kevin Lennon, Steve Mallonee, Delise O'Meally, Tom Paskus, Todd Petr, Bill Regan, Wallace Renfro, Greg Shaheen, Robert Vowels and Bob Williams were also present during portions of the meeting.

The meeting was called to order at 8 a.m. by the chair, President Barker. All were present as noted above.

1. **Opening remarks.** James Barker acknowledged the new members William Beauchamp, Robert Kustra, Ann Millner, Harvey Perlman, John Peters and David Schmidly. He also welcomed Thomas Buchanan who was attending as an alternate.

2. **Executive Committee.** Staff liaison Delise O'Meally provided a review of the committee's April 24, 2008 meeting along with a preview of the committee's August 7, 2008, meeting.

3. **President's Report.** NCAA President Myles Brand provided his quarterly report to the Board of Directors, in which he discussed, among other things, the three-to-five year National Office controlling goals, sportsmanship and the problems with negative fan behavior, a recent court ruling related to fantasy sports leagues and progress with the youth basketball initiative.

4. **Committee on Infractions and Infractions Appeals Committee.** Heard from Bernard Franklin and David Berst that the staff had a productive meeting with the Infractions Appeals Committee, as that committee seeks to change its policies in keeping with recent legislative changes.

5. **Litigation Update.** Elsa Cole, general counsel, provided this report to the Board.

6. **Report of the Division I Presidential Advisory Group (PAG).** The Division I Presidential Advisory Group chair, Bruce Grube, provided an overview of the group's August 4, 2008 conference call.

7. **Review of the August 6, 2008, Division I Leadership Council meeting.** Damon Evans, chair of the new Division I Leadership Council, provided this report, which highlighted the issues on the Division I agenda that the Council intends to examine over the course of its next few meetings.

8. **Report of the Committee on Academic Performance (CAP).** Walter Harrison, as chair of the Committee on Academic Performance, presented this report. Additionally, Kevin Lennon, Todd Petr, Julie Cromer, Bob Chichester and Bill Regan of the NCAA staff were present to assist President Harrison in discussing the committee's work.

9. **Overview of the preliminary efforts of the Basketball Academic Enhancement Group.** Staff liaison David Berst provided an overview of the Basketball Academic Enhancement Groups efforts and he explained that the group hopes to provide recommendations to the Board for review as early as January 2009.

10. **Update on Division I Task Force on Commercial Activity in Intercollegiate Athletics.** Received an update from NCAA President Myles Brand and learned that the task force, which has had two in-person meetings, hopes to complete its work over the course of the next few months in order to report to the Board either at its October or January meetings.

11. **Update from the Oversight and Monitoring Group (OMG).** Shirley Raines, chair of the Oversight and Monitoring Group, provided an update to the Board on the progress made to date regarding the recommendations of the Presidential Task Force on the Future of Division I Intercollegiate Athletics. President Raines was joined by staff liaison Jim Isch, who discussed possible sponsorship by the Board of a legislative proposal.

12. **Adjournment**. President Barker adjourned the meeting at 1:50 p.m.

# # # # #

ATTACHMENT
SUPPLEMENT NO. 1
DI Board of Directors 10/08

Report of the NCAA Division I Board of Directors meeting
August 7, 2008

Section One

Actions taken on items considered only by the
Board of Directors.

---

1. **Opening remarks.**

BD ACTION: Heard from the chair as he shared his thoughts as to five issues impacting intercollegiate athletics today, which are:

- The impact of the ongoing academic reform movement, and the need to stay the course to help effectuate meaningful change.
- The trend of some institutions to rely solely on the NCAA to establish academic policy rather than assuming some of the responsibility at an institutional level.
- The fact financial pressures cannot and should not influence values.
- Early departures from high school without knowing the full implications on students of this action.
- Negative fan behavior and the impact on the collegiate model.

2. **Minutes of the April 24 Board of Directors meeting**. [Reference BD Supplement No. 1]

BD ACTION: Approved the minutes as distributed. (Unanimous Voice Vote.)

3. **Report of April 24 meeting of the NCAA Executive Committee.** [Reference BD Supplement No. 2]

BD ACTION: Received a brief update on actions from the April 24, 2008, Executive Committee meeting along with a preview of that group's August 7, 2008, meeting. As part of the update, learned that the committee would be reviewing a conflict of interest policy and also would be disbanding the Executive Committee Working Group on Life and Work Balance Issues, as that group has completed its work in overseeing implementation of a number of new initiatives in the area of life and work balance.

4. **NCAA president's report.**

BD ACTIONS: Received a report from the NCAA President and discussed a variety of issues pertaining to the Division I agenda.

a. Three-to-five Year National Office Plan.

(1) Heard from the NCAA president as he reviewed the three controlling goals that are directing National Office strategies. These controlling goals are:

(a) Complete this cycle of academic reform;

(b) Subserve all business, corporate and championship efforts and decisions, especially those concerning basketball, to positioning for negotiation new media contracts, and

(c) Focus on issues related to student-athletes and athletics personal well-being.

(2) Requested time at the October 2008 meeting to learn more about the constantly evolving financial challenges and opportunities facing intercollegiate athletics to gain a better understanding of the total context of market driven realities.

(3) Encouraged the Board to review the NCAA Strategic Plan and to keep the themes identified in the plan, along with the three-controlling goals, at the forefront of the Board's discussions.

[Note: The staff will send the members a copy of the NCAA Strategic Plan.]

b. Sportsmanship and problem with negative fan behavior.

(1) Discussed the problem with negative fan behavior and its impact on intercollegiate athletics, and explored what role the NCAA should have (if any) in trying to address this issue.

(2) Requested an opportunity to review research findings regarding fan behavior including a review of current conference regulations regarding this issue; and

(3) Agreed that a subgroup of the Board should be named to help define the issues associated with negative fan behavior and identify the NCAA's role in advance of the Board's October meeting.

c. Fantasy Sports Leagues.

(1) Received an update regarding a recent ruling by the 8th Circuit Federal Court of Appeals in which the court applied Missouri State Law to professional fantasy leagues, which has led fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling and discussed the fact that the court ruling is in conflict with NCAA bylaws.

(2) Were informed that a July 2008 NCAA rules interpretation states the use of a student-athlete's name in connection with a fantasy sports game, even when there is not an entry fee or prize associated, is a violation of NCAA rules; and that the Association will send a "Cease and Desist" letter on behalf of its members and student-athletes to any distributor who engages in such activities.

(3) Noted that this scenario presents a difficult factual situation, that will have to be monitored, and that ultimately the Board may want to address whether fantasy sports games that adhere to certain parameters necessarily violate the principles of amateurism.

d. Youth Basketball.

- Received an update on the NCAA's initiative with the NBA and other basketball stakeholders, to provide more structure to youth basketball and the precollegiate environment, and learned that they are in the process of seeking to identify an executive director and media partner.

e. Committee on Infractions and Infractions Appeals Committee

(1) Were informed that the staff had a productive meeting with the Infractions Appeals Committee, as that committee seeks to change its policies in keeping with recent legislative changes and that the chairs of both the Committee on Infractions and the Infractions Appeals Committee will appear before the Board at its October meeting to comment on its new policies and provide a status report;

(2) Learned that consistent with the Board's discussion in April, both committees are beginning to discuss accountability measures; and

(3) Made the following appointments: (Unanimous Voice Vote.)

(a) Committee on Infractions:

- Britton Banowsky – Conference USA.

- John Black – Public member.
- Jacqueline Campbell – Atlantic 10 Conference.
- Melissa Conboy – University of Notre Dame, Big East Conference.

(b) Infractions Appeals Committee:

- Jack Friedenthal – Professor of Law and former Dean at Georg Washington University.

5. Litigation update.

BD ACTION: Received a report from the NCAA general counsel regarding current cases involving the Association.

6. Governmental relations report. [Reference BD Supplement No. 4]

BD ACTION: Received a report and took no action.

7. Report of the Division I Presidential Advisory Group. [Reference BD Supplement No. 5.]

BD ACTION: Received a report from the Division I Presidential Advisory Group's August 4, 2008, conference call and heard comments from the group's chair throughout the meeting regarding pertinent points raised by the group during the call.

8. Overview of the preliminary efforts of the Basketball Academic Enhancement Group. [Reference BD Supplement No. 6]

BD ACTIONS:

a. Heard that the Men's Basketball Academic Enhancement Group, which was charged by the Board to think creatively with a focus on academics, to identify ways to improve the academic performance, and ultimately the graduation rates, of Division I men's basketball student-athletes, is scheduled to meet on August 8, 2008, to review membership feedback and continue its work.

b. Were informed that the group is at a difficult juncture in its work as the "ideal is meeting the practical" but discussed the importance of keeping the group's focus on

improving academic performance as it is critical that academic performance of men's basketball student-athletes is improved.

c. Learned that it is anticipated that the group will present recommendations to the Board at either its January meeting, and that once received by the Board, there will then be an opportunity for the membership and governance substructure to consider before coming back to the Board for final action.

9. **Overview of the preliminary efforts of the Football Academic Enhancement Group.** [Reference BD Supplement No. 7]

BD ACTIONS:

a. Were informed that the Football Academic Enhancement Group, which is charged with examining the academic performance of football student-athletes identifying strategies for improvement, has had its first in-person meeting, but is currently doing most of its work on subcommittees divided by subdivision as follows:

Football Bowl Subdivision/Football Championship Subdivision

- Eligibility
- Retention
- Finances

b. Learned that the group hopes to submit a status report to the Board in October 2008 and a final report to the Board in April 2009, for review and comment by the governance substructure and membership to follow.

10. **Report of the Committee on Academic Performance (CAP).** [Reference BD Supplement No. 8.]

BD ACTIONS:

a. Committee on Academic Performance composition and appointments.

(1) Receive a report from the chair of the Committee on Academic Performance regarding that group's July 2008 meeting and learned that the committee anticipates an increase in the number of academic performance program penalties appeals as more severe sanctions are implemented.

(2) Used its emergency authority to adopt a number of recommended changes to the committee's composition in preparation for the 2008-09 APP waiver season: (Unanimous Voice Vote – Effective Immediately.)

Proposal No. 2008-8 Academic Performance Program -- Committee on Academic Performance -- Composition and Term of Office of Chair. Intent: To increase the composition of the NCAA Division I Committee on Academic Performance from 11 to 15 members and to specify that the committee shall include a minimum of two chancellors or presidents; further, to specify that after the chair has served two full terms, the NCAA Division I Board of Directors may extend his or her term at two year intervals.

Pursuant to this legislative change:

(a) Extended the term of the current chair, President Walter Harrison, University of Hartford, for an additional two years, to expire in September 2011.

(b) Appointed current member President Melvin Johnson, Tennessee State University, as vice chair of the committee.

(c) Appointed the following ad hoc members to the committee as voting members with appropriate staggered terms:

- Tom Burnett; Commissioner, Southland Conference;
- John Morris; Senior Associate Director of Athletics, University of Washington; and
- Greg Sankey; Associate Commissioner, Southeastern Conference.

(d) Directed the NCAA Division I Administration Cabinet to appoint a faculty athletics representative or provost to the committee to fill the remaining vacancy.

b. APP Policies and Procedures.

- Approved, in principle, the APP policies and procedures, which include the procedures for Occasion-Three and Four Historical Penalty Waivers and Appeals, but asked the committee, the NCAA general counsel's office and selected Board members to further review, and possibly edit, the language

setting forth the specific standard of review for such appeals, to ensure the language is crafted to accurately reflect the intention of the CAP and the Board.

c. APP Penalties following coaches.

(1) Learned that while the committee discussed the concept of APP penalties following coaches and the possible development of an academic coaches' rate to be used to track the academic success of individual coaches, did not support the concept due to the administrative and procedural complexities involved.

(2) Appreciated the CAP's perspective and work on this issue, but indicated a level of interest in further exploring this issue mindful that any discussion would need to include the benefit of a legal analysis; and

(3) Suggested the Board establish a subgroup of Board members, working with members of CAP and general counsel to further examine the issue of whether an academic process rate can be assigned to coaches.

(4) Supported the concept of permitting access to archived NCAA Division I Academic Progress Rates (including coaches' names) via the NCAA Web site.

d. Academic Performance Programs Supplemental Support Fund.

- Received an update on the Division I Academic Performance Program Supplemental Support Fund Annual Report and learned that 31 of the 36 eligible institutions applied for the grants and received funds totaling $1,729,212 committed in support of initiatives designed to foster student-athlete academic success at limited resource institutions.

11. Update on the Division I governance transition process and report of the August 6, 2008, Division I Leadership Council. [Reference BD Supplement No. 9]

BD ACTIONS:

a. Received a brief overview of the new Division I governance structure and were reminded that the objective behind, which are, in part:

- Strengthen the foundation for the Board's policy setting role;
- Ensure high quality input/advise from the governance substructure; and
- Reduce/eliminate material and the legislative load on the Board.

b. Enhance the level of communication about governance issues and coordination between governance bodies.

c. Were reminded that the new Leadership Council should serve as a help-mate to the Board, as it is anticipated that the Council will:

- Serve as the primary advisory group to the Board on strategic and policy issues;
- Provide background information, advice and counsel to the Board on legislative and nonlegislative matters;
- Receive authority from the Board and have agendas that mirror the Board of Directors; and
- Have a national focus rather than a local/conference one.

d. Received a report from the chair of the Leadership Council regarding that group's inaugural meeting and heard that the Council is excited for the opportunity to assist the Board in leading Division I, and is eager to start working on the issues assigned to it by the Board, which include developing initiatives that will enhance the level of diversity in the Division I governance structure; offering recommendations concerning Division I membership standards; building on the work of the Task Force on Commercial Activity in Intercollegiate Athletics and considering appropriate strategies to consider certain Division I amateurism issues.

e. Asked the Leadership Council, at some point, to possibly examine the implications associated with early recruitment and enrollment.

12. Legislative Issues.

a. Membership override request regarding Proposal No. 2007-30-C. [Reference BD Supplement No. 10]

Proposal No. 2007-30-C – Recruiting -- Contacts and Evaluations -- Men's Basketball Evaluations -- April Contact Period. Intent: To specify that evaluations of live athletics activities during the April contact period 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; further, to amend the April contact period to begin at noon on the first Thursday following the Men's Basketball Championship and continue through seven days following the initial date for the spring signing of the National Letter of Intent.

BD ACTIONS:

(1) Were informed that 62 member institutions submitted requests to override the Board of Directors' adoption at its April 24, 2008, meeting of Proposal No. 2007-30-C;

(2) Discussed the proposal and its earlier action, noting concerns about the proliferation of nonscholastic events conducted during the April contact period and the resulting consequences to the well being of the prospective student-athletes who participate in these events;

(3) Were informed that both the Presidential Advisory Group and the Leadership Council recommended that the Board sustain its earlier action in adopting the proposal.

(4) Determined to sustain its earlier adoption of Proposal No. 2007-30-C, accordingly, the override request will be subject to a membership vote at the 2009 NCAA Convention. (Unanimous Voice Vote.)

[NOTE: At least a 5/8 majority vote of individual active members present including conference members in the governance structure, and voting shall be required to override the legislative action taken by the Board of Directors. The vote shall be based on the principal of one institution, one vote and the vote shall be taken by roll call.]

b. Suggested compromise with regard to Proposal No. 2007-109, which was tabled by the Board. [Reference BD Supplement No. 11]

Proposal No. 2007-109 Executive Regulations -- NCAA Properties and Marketing Restrictions -- Exception for Institutions Participating in NCAA Championship Events -- Number of and Access of Videographers and Photographer. Intent: To permit an institution to designate two videographers and one photographer to be present at NCAA championship events involving the institution's teams; further to specify that one videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes and to specify that one videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion.

(1) Learned that since the April 2008 Board meeting, the staff and central stakeholders to the legislative proposal have worked to identify a potential solution, which includes:

- Revisions to the current championship policies regarding videography to clearly outline the intent and usage guidelines, which includes field level access (including Division I Men's Basketball Championships); penalties for commercial use by an institution of such video; and an attempt to assure cost controls toward noncommercial video needs of the membership; and

(2) Agreed to leave the proposal on the table until the October Board meeting to allow time to communicate the policy revisions to the Division I conferences and to better assess the impact of the revised policies once implemented.

c. Proposed modification to the composition of the Division I Football Issues Committee. [Reference BD Supplement No. 12.]

(1) Used its emergency authority to adopt Proposal Number: 2008-5 – Committees – Division I Cabinets and Committees – Championships/Sports Management Cabinet – Committees – Football Issues Committee and Football Championship Committee. Intent: To specify that: (a) the Football Championship Committee shall consist of one representative from each conference that is eligible for and applies for an automatic qualification for participation in the Division I Football Championship; (b) if an FCS conference that qualifies for a representative on the Football Issues Committee has a representative on the Football Championship Committee, the same representative shall serve on both committees; (c) the Football Issues Committee shall include one representative from the Football Rules Committee; and (d) the duties of the Football Issues Committee to include postseason bowl licensing responsibilities. (Unanimous Voice Vote.)

(2) Used its emergency authority to adopt Proposal No. 2008-7 – Eligibility – Definitions and Applications – Education-Impacting Disability. Intent: To establish a definition of "education-impacting disability" as a current impairment that has a substantial educational impact on a student's academic performance and requires accommodation; further, to replace all legislative references of "learning disabilities" to "education-impacting disabilities." (Unanimous Voice Vote.)

(3) Used its emergency authority to adopt Proposal Number: PP-2008-9 -- Enforcement Policies and Procedures -- Summary Disposition and Expedited Hearing -- Summary Disposition Election -- Committee on Infractions Review -- Penalties not Approved. Intent: To specify that if the Committee on Infractions accepts the agreed-on findings of the summary disposition process but imposes additional penalties, the institution and/or

involved individuals may request an expedited hearing on penalties; further, to specify that the committee shall only consider information relevant to the imposition of penalties during an expedited hearing. (Unanimous Voice Vote.)

(4) Used its emergency authority to adopt Proposal Number: PP-2008-10 -- Enforcement Policies and Procedures -- Investigative Procedures -- Interview Record -- Access to Recordings and Transcripts -- Summary of Non-Recorded Interview. Intent: To specify that in order to obtain an interviewee's signature affirming accuracy of a summary of a non-recorded interview, the enforcement staff may provide a copy of the unsigned summary to the interviewee and his or her counsel; further, to specify that after the summary is signed, the interviewee and his or her counsel may receive a signed copy. (Unanimous Voice Vote.)

13. Update on the Division I Task Force on Commercial Activity in Intercollegiate Athletics. [Reference BD Supplement No. 13.]

BD ACTIONS:

a. Reviewed the charge of the task force which is to find the balance point between the two extreme positions of unrealistic idealism and crass commercialism and to develop principles that clearly establish this balanced position. These principles must be sufficiently broad-based so that they cover all sports and all commercial activity associated with athletics and not be so abstract that they do not relate to action. Additionally, these principles must reflect the values of higher education and respect that the participants are college students, not paid professional athletes.

b. Learned that the task force, which has had two in-person meetings to-date, hopes to complete its work of developing principles and instructive guidelines over the course of the next few months in order to report to the Board this fall;

c. Were informed that once the Board receives the work of the Task Force, it is anticipated the Leadership Council, will be asked to fill-in the necessary details and address such issues as whether regulations are needed, if so, with regard to what areas and with what degree of consistency; and

d. Noted that given the importance of work, this values-based examination, will require a substantial period of time as the governance structure and membership seek to find a lasting approach.

14. Report from the Oversight and Monitoring Group (OMG).
BD ACTIONS:

a. Received a status report from the Oversight and Monitoring Group, which was the body charged by the Board with developing suggested strategies for possible consideration of the recommendations identified by the Presidential Task Force on the Future of Division I Intercollegiate Athletics, monitoring consideration of those recommendations; and communicating to the Board regarding consideration of the recommendations.

b. Learned that it appears that the governance structure has truly embraced its charge to examine the initiatives identified by the task force and that of the 62 initiatives identified by the task force, over 50 of them were either completed or are in the process of being addressed by the governance structure or the membership.

c. Determined that the Oversight and Monitoring Group (OMG) has fulfilled its charge and agreed to disband the Division I Oversight and Monitoring Group. (Unanimous Voice Vote.)

d. Noted the good work of both the Presidential Task Force and the Oversight and Monitoring Group in helping to shape the Division I reform agenda and requested that the Leadership Council along with staff assume responsibility for continuing to monitor the progress made on the various task force recommendations.

e. **Agreed to sponsor in to the 2008-09 legislative cycle Proposal No. 2008-09 – NCAA Membership and Championships and Postseason Football – Conditions and Obligations of Membership – Operating and Capital Financial Data Report.** Intent: To specify that an institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis, as specified, as a condition and obligation of membership and in order to be eligible to enter a team or individual in NCAA championship competition. (Unanimous Voice Vote.)

15. Report of the Executive Committee Subcommittee on Gender and Diversity Issues.

BD ACTION: Did not received a report as there were no Division I issues.

16. Other business.

17. Future meeting dates.

    a. October 30, 2008, National Office, Indianapolis, Indiana.

b. January 17, 2009, Washington D.C., held in conjunction with the NCAA Annual Convention.

c. April 30, 2009, National Office, Indianapolis, Indiana.d.August 6, 2009, National Office, Indianapolis, Indiana.

d. August 6, 2009, National Office, Indianapolis, Indiana.

e. October 29, 2009, National Office, Indianapolis, Indiana.

19. Adjournment.

Section Two

Action taken on items considered by the Leadership Council and, if necessary, the Board of Directors on August 6 - 7, 2008

1. **Understanding the new Division I governance structure.** [Reference LDC Supplement No. 1.]

LDC ACTION:

a. Received an overview of the new Division I governance structure to ensure the members had a thorough understanding of the goals and objectives behind restructuring and the importance of the Leadership Council's role in helping the Board of Directors as it seeks to lead Division I; and

b. Learned that the Leadership Council will:

- Serve as the primary advisory group to the Board of strategic and policy issues;
- Provide background information, advice and counsel to the Board on legislative and nonlegislative matters;
- Receive authority from the Board and have agendas that mirror the Board of Directors;
- Suggest concepts for the legislative agenda;
- Have a national focus rather than a local/conference one; and
- Retain much of the former Management Council's jurisdiction, except legislation.

2. **Discussion with NCAA President Myles Brand.**

LDC ACTION:

a. Entered into a conversation with the NCAA President regarding the vitally important role of the Leadership Council as it seeks to think strategically regarding the issues facing Division I and to take a national perspective on behalf of the NCAA; and

b. Were reminded that the Leadership Council must strive to develop a strong relationship with the Board by providing thoroughly developed positions on matters of national concern.

3. Review of three-to-five year national office strategies. [Reference LDC Supplement No. 2.]

LDC ACTION:

a. Received a presentation from the NCAA president in which he reviewed the three controlling goals that should be at the forefront of the Division I governance representatives' thought processes as they seek to develop positions and recommendations. These controlling goals are:

- Complete this cycle of academic reform;
- Subserve all business, corporate and championships efforts and decisions, especially those concerning basketball, to positioning for and negotiating new media contracts; and
- Focus on issues related to student-athletes and athletics personal well-being.

b. Were encouraged to review the NCAA's Strategic Plan in conjunction with consideration of the three controlling goals.

[Note: The staff will send the Leadership Council members a copy of the NCAA's Strategic Plan.]

4. Update regarding Fantasy Sports Leagues.

LDC ACTIONS:

a. Were informed by the NCAA President that a recent ruling by the 8th Circuit Federal Court of Appeals in the case of CSC Distrib. And Mkting. Inc. v. Major League Baseball L.P., in which the court applied Missouri state law to professional fantasy leagues, has led fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling;

b. Were advised that there is an apparent conflict with this ruling and a July 2008 NCAA rules interpretation, which states the use of a student-athlete's name in connection with a fantasy sports game even when there is not an entry fee or prize associated, is a violation of NCAA bylaws; and

c. Learned that a cease and desist letter would be sent by the Association on behalf of its members and student-athletes to any distributor engaged in such activities and that the Board, with the help of the Task Force on Commercial Activities and eventually the

Leadership Council, would be encouraged to address whether fantasy sports games that adhere to certain parameters necessarily violate the principles of amateurism.

5. **Discussion regarding the role and purpose of the Leadership Council (i.e., support the Division I Board of Directors and help to identify and manage the agenda for Division I.)** [Reference LDC Supplement No. 3.]

a. Flow of Council's work.

LDC ACTIONS:

(1) Learned that the meeting schedule for the new Division I governance structure is based on both the Division I Board of Directors' quarterly schedule and the annual Division I legislative cycle, which begins on July 15 with the legislation submission deadline and concludes with the Board's April meeting; and

(2) Discussed how the Leadership Council should seek to develop its meeting schedule so it can be helpful in identifying issues for the governance substructure's examination, while at the same time, seeking to be responsive to the Division I Board of Directors.

b. Structure and timing of meetings.

LDC ACTIONS:

(1) Agreed that given the number of issues the Council has been asked to examine, that the Leadership Council should meet prior to the meeting already scheduled on January 15 at the NCAA Convention; and

(2) Suggested trying to identify a time near the October Legislative Council and Board of Directors meetings, with the caveat, the meeting should be conducted in the early part of the week to avoid conflicts with travel associated with football games.

[Note: The staff will solicit availability calendars so that a meeting can be scheduled in the fall.]

c. Administrative Committee.

LDC ACTIONS:

(1) Were informed that under the new governance structure, while the formation of subcommittees are precluded unless legislatively prescribed, each governance body is permitted to form an administrative committee to help address the interim actions of the group; and

(2) Noted it might be too early to determine whether the Council would have interim work, although some members opined they felt an administrative committee would assist with the efficient administration of this Council.

d. Vice chair.

LDC ACTIONS:

(1) Learned that pursuant to the new Division I governance structure, each council and cabinet has discretion to appoint a vice chair if it is determined that the assignment of such a position would be helpful; and

(2) Determined that given that it was the council's first meeting and the current chair can serve up to two years, it would be prudent to wait before making a determination as to whether a vice chair is needed.

e. Other issues.

LDC ACTIONS:

(1) Discussed the importance of communication within the new governance structure and having a level of familiarity with the work of the committees that report to it; and

(2) Solicited the names of interested Leadership Council members to serve as liaisons to the following committees:

- Division I Student-Athlete Advisory Committee (1 FBS member and 1 Division I member);
- Minority Interests and Opportunities Committee; and
- Sportsmanship and Ethical Conduct.

[Note: Once the interest surveys have been compiled, liaisons will be selected and the Leadership Council notified.]

6. **Review of the functions of the Communications and Coordination Committee.** [Reference LDC Supplement No. 4.]

LDC ACTIONS:

a. Learned that as a feature of the new Division I governance structure, a Communications and Coordination Committee has been established, which is charged with helping to enhance the level of communication between Division I governance bodies and the membership so that there is a more cohesive approach to managing the Division I agenda; and

b. Were informed that the committee will convene via conference call before/after the grouping of councils and cabinets meetings to help coordinate the consideration of issues and that this committee's report will be shared with Leadership Council members.

7. **Reviewed agenda items identified by the Division I governance structure, including the Division I Board of Directors, for consideration and discussion by the Leadership Council.**

LDC ACTION: Were informed that the Division I Board of Directors has identified the following four issues as being appropriate for Leadership Council examination and that over the course of its next few meetings, the Leadership Council will be asked to engage in some hard work to offer recommendations to the membership and Board regarding these important issues.

a. Recommend initiatives that will enhance the level of diversity in the Division I governance structure. [Reference LDC Supplement No. 5.]

LDC ACTION:

(1) Received an overview of the governance subcommittee's efforts to enhance the level of ethnic, gender and positional diversity serving in the Division I governance structure and reviewed the legislative diversity requirements;

(2) Learned that the Board of Directors now plays a keen oversight role in the governance appointment process and has charged the Leadership Council with examining ways to enhance the level of diversity serving within the structure; and

(3) Entered into a preliminary discussion, in which individual members shared ideas to enhance diversity, including:

- Efforts need to focus on broadening the pool from which representatives are selected. There needs to be a focus on developing talent to ready representatives for leadership roles.

- The governance cabinets and the committee structure provides a good opportunity for young professionals to gain experience.

- Conferences may be able to provide assistance by including more and different representatives in their meeting structure.

- The NCAA Convention can serve as a forum to provide development opportunities to young professionals.

- Identifying minority and female professionals for additional exposure to NCAA meetings.

- Increased efforts to discuss employment opportunities in intercollegiate athletics with minority and female student-athletes should be pursued.

- Efforts should be made to learn from successful programs in higher education and elsewhere, as lack of diversity is a societal problem.

- Mentoring efforts, including providing access to reading materials, a dedicated web site and meetings, may be beneficial.

- An assessment of current NCAA professional development programs for females and minorities should be conducted.

[Note: The NCAA Diversity and Inclusion staff will be called upon to assist with this examination. For future discussions the Council asked to see governance service histories by conference.]

b. Update regarding preliminary plans to examine Division I membership standards.

LDC ACTION: Learned that as a result of the two-year moratorium in 2000, Division I developed a more detailed educational assessment program and standards to more clearly distinguish football playing institutions among subdivisions, but that the migration to Division I has not slowed down. Accordingly, in August 2007, the Division I Board of Directors established a four-year membership moratorium to take

time to assess and study the impact of this membership migration and develop reasonable philosophical expectations and legislative requirements that should be adhered to by all institutions desiring to transition to or remain in Division I; and

- Were informed that the Leadership Council has been charged with engaging in that study and offering recommendations concerning Division I membership standards.

- Were advised that the chair of the former Membership and Governance Subcommittees of the Management Council and the current chair of the Administrative Cabinet would be called upon to assist in this project.

[Note: Leadership Council members will be sent reading materials regarding current Division I membership standards in advance of the next meeting.]

c. Following review by the Board of Directors, offer recommendations concerning the report of the Task Force on Commercial Activity in Intercollegiate Athletics.

LDC ACTIONS:

(1) Were informed that the Task Force's charge is to develop guiding principles and instructive guidelines that clearly identify the balance point between unrealistic idealism and crass commercialism; and

(2) Learned that it is anticipated the Task Force will seek to complete its charge within the next few months, at which time the Leadership Council, in keeping with the three controlling goals, will be asked to provide additional strategic thinking by possibly addressing such questions as "should there be an attempt to regulate the environment?" and "if so, by whom, and with what level of consistency?"

d. Discuss appropriate strategies to consider certain Division I amateurism issues. [Reference LDC Supplement No. 6.]

LDC ACTIONS:

(1) Received a brief presentation from the vice president for Membership Service regarding the history of Division I amateurism legislation and the standard of review for amateurism cases, which has evolved over time as more international student-athletes have enrolled in Division I institutions; and

(2) Were informed that:

- The new Division I Amateurism Cabinet plans to review amateurism issues, with specific attention given to the definition of a professional team (and how one may become ineligible based on benefits received by a teammate), as well as issues related to actual and necessary expenses.

- The NCAA student-athlete reinstatement staff and the NCAA Division I Committee on Student-Athlete Reinstatement will discuss with the Legislative Council a desire for additional flexibility from the NCAA Division I Management Council directive regarding competition with professionals.

- The Committee on Student-Athlete Reinstatement (ultimately the NCAA Division I Legislative Council) will review and consider implementing more flexible application of Management Council amateurism directives.

8. **Identification of additional issues and themes of importance to the Leadership Council.**

LDC ACTIONS:

a. Were provided an opportunity to share ideas regarding other issues that Council members would like to see examined by the Leadership Council; and

b. Members shared the following areas for review:

- The issues of ethics in sports and how Division I and the Association as a whole can assist coaches associations and other constituent groups in having meaningful conversations regarding ethics and professionalism.

- A broad examination of time demands on student-athletes based on recent research findings, including consideration of restructuring or eliminating the non-championship segment.

- Hiring practices in intercollegiate athletics and whether there is adequate transparency in the process, consistent with typical hiring practices on campus.

- The need for additional professional development for coaches and the possible need for a coaching certification program whereby coaches receive education on a wide array of issues that are designed to assist coaches in focusing on the overall well-being of student-athletes.

- The problem of early recruitment and commitments.

9. News from the National Office.

a. Review of significant agenda items from the August 7, 2008, Division I Board of Directors meeting. [Reference Supplement No. 7.]

LDC ACTION: Learned that in addition to the items listed on the Leadership Council's agenda, the Board is scheduled to receive a brief overview regarding the preliminary efforts of the Football Academic Enhancement Group, an update from the Oversight and Monitoring Group and a report from the Committee on Academic Performance in which the committee is asking the Board to examine its role in the appellate process for Occasion Three and Four Penalties.

b. Status report on the work of the Men's Basketball Academic Enhancement Working Group. [Reference Supplement No. 8.]

LDC ACTIONS:

(1) Received an update on the ongoing work of the Men's Basketball Academic Enhancement Group, which was charged by the Board to think creatively to identify ways to improve the academic performance, and ultimately the graduation rates, of Division I men's basketball student-athletes;

(2) Heard from staff and members of the group that the basketball community appears committed to seeking to have meaningful, cultural change in the sport, mindful that the Academic Progress Rate is here to stay; and

(3) Learned that the Basketball Academic Enhancement Group will continue its work at its August 8, 2008, meeting, with the goal of providing the Board with a series of recommendations by October 2008, and that once the Board receives these recommendations, the Leadership Council will be asked to offer its guidance regarding the consideration of the recommendations.

c. Update regarding the membership's override request with regard to Proposal No. 2007-30-C. [Reference Supplement No. 9.]

LDC ACTIONS:

(1) Learned that 62 member institutions have submitted override requests regarding the adoption of Proposal No. 2007-30-C, which is intended to prohibit Division I men's basketball coaches from observing "non-scholastic events" during the April contact period;

(2) Were informed that the staff plans to recommend to the Board that it sustain its earlier action in adopting the proposal as the proposal is designed to address concerns about the increase in nonscholastic influences in the sport in the spring and poor academic performance and preparation; and

(3) Voted to recommend to the Division I Board of Directors that it sustain its earlier adoption of Proposal No. 2007-30-C, as the Leadership Council has concerns about the proliferation of nonscholastic events conducted during the April contact period and the resulting consequences to the well being of the prospective students who participate in these events. (Unanimous Voice Vote.)

10. Discussion of appropriate process to evaluate reports from committees that report to the Leadership Council.

LDC ACTION: Mindful that enhanced communication and more coordination between governance groups are key objectives of the Division I governance restructuring, discussed how it wants to receive information from committees that report to the Leadership Council; and noted it hopes to receive succinct reports that highlight salient points.

a. Committee on Women's Athletics. [Reference Supplement No. 10.]

LDC ACTION: Received the report and heard from the chair that the committee plans to broadly examine ways to enhance diversity both at the coaching and administrative levels, which, in turn, should assist the Leadership Council in its examination of ways to enhance diversity in the Division I governance structure.

b. Minority Opportunities and Interests Committee. [Reference Supplement No. 11.]

LDC ACTION: Received the report and learned that the Division I Management Council Administrative Committee declined to sponsor legislation in the 2008-09 legislative cycle to provide that each active member would be responsible for submitting annual data demonstrating that their employment practices are in compliance with their institutional employment practices when filling open positions within their athletics department. [Note: In deciding not to sponsor the legislation, the Administrative Committee suggested that MOIC should be encouraged to work

on the legislative concept over the course of this next year in an attempt to provide more detail and clarity to the recommendation.]

c. Sportsmanship and Ethical Conduct. [Reference Supplement No. 12.]

LDC ACTION: Received the report and took no action.

d. Division I Student-Athlete Advisory Committee. [Reference Supplement No. 13.]

LDC ACTIONS:

(1) Received the report and learned that the Division I SAAC will seek to provide feedback to the working group examining issues surrounding "at risk" student-athletes.

(2) Were invited to send representatives to the Division I Student-Athlete Regional Leadership Conference scheduled for November 7 – 9, 2008, in La Jolla, California.

11. Other business and issues for discussion.

LDC ACTION: Reviewed the draft 2009 NCAA Convention schedule, and learned the Leadership Council is scheduled to meet as follows:

Thursday, January 15

- Joint Leadership Council/Collegiate Commissioners Association (CCA) meeting – 10 – 11:30 a.m..
- Leadership Council/Legislative Council/CCA Luncheon – 11:30 a.m. – 1 p.m..
- Leadership Council meeting – 1 – 3:30 p.m.

Friday, January 16

- Leadership Council/Legislative Council/SAAC breakfast – 8 – 9:30a.m.
- Division I Issues Forum (suggested) 9:30 – 11:30 a.m.
- Leadership Council/Legislative Council/BOD luncheon 11:30 a.m. – 1 p.m.
- Legislative Forum (suggested) 1:30 – 3:30 p.m.

[Note: If there is a membership vote required with regard to the override request on Proposal No. 2007-30-C, it will occur in the Division I Business Session, which will be held at the conclusion of the Division I Legislative Forum.]

12. Adjournment.

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

NCAA National Office
Indianapolis, Indiana

August 7, 2008

Participants:

Michael Adams, University of Georgia, chair
Charles Bantz, Indiana University – Purdue University at Indianapolis
James Barker, Clemson University
Debbie Chin, University of New Haven
Damon Evans, University of Georgia
John Fry, Franklin & Marshall College
Bruce Grube, Georgia Southern University
Stephen Jordan, Metropolitan State College of Denver
Robert Kustra, Boise State University
Del Malloy, Salve Regina University
Eddie Moore, Virginia State University
Harvey Perlman, University of Nebraska, Lincoln
John Peters, Northern Illinois University
Thomas Powell, Mount St. Mary's University
Shirley Raines, University of Memphis
Edward Ray, Oregon State University
Paul Trible, Christopher Newport University
Nancy Zimpher, University of Cincinnati
Myles Brand, NCAA
Bernard Franklin, NCAA
Delise O'Meally, NCAA, recording secretary

Anthony DiGiorgio, Winthrop University, was not able to participate.

Also in attendance were: Gary Brown, director of NCAA News; Elsa Cole, vice president of legal affairs/general counsel; Joni Comstock, senior vice president of championships and education services/senior woman administrator (SWA); Dennis Cryder, senior vice president of branding and communications; Jim Isch, senior vice president of administration/chief financial officer (CFO); Corey Jackson, director of diversity and inclusion; Tom Jernstedt, executive vice president; Kevin Lennon, vice president of membership services; Keith Martin, managing director of finance and operations; Wallace Renfro, senior advisor to the NCAA president; Greg Shaheen, senior vice president of basketball and business strategies; Bob Williams, managing director of

public and media relations; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Beth DeBauche, Leah Nilsson and Terri Steeb, NCAA governance directors.

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

The meeting was called to order at 2:15 a.m. by the chair, President Adams. All members were present as noted above.

1. Welcome and announcements. Adams welcomed members and staff to the meeting. He recognized President Eddie Moore, whose term of service is ending, for his commitment, service and leadership in advancing the ideals, values and goals of the NCAA. He also presented Moore with a service award.

2. Approval of April 24, 2008, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the April 24, 2008, meeting as distributed."

3. NCAA President's report.

   a. Staff video. President Brand shared a specially produced video that highlights the NCAA national office staff and communicates the staff's common purpose and commitment to the student-athlete. The video is part of the 2008 NCAA brand campaign and is intended for internal staff usage.

   b. Facility expansion. Brand called on Bill Browne of Ratio Architects Inc. to provide a brief overview of discussions related to the expansion of the NCAA national office facility. Brand noted that the current facility does not adequately house the national office and eligibility center staff nor provide enough meeting space for committees. The new facility will highlight the educational mission of the Association and offer opportunities for closer ties to the campus of Indiana University – Purdue University at Indianapolis.

c. NCAA conflict of interest policies. Brand called on Franklin to discuss a draft conflict of interest policy for NCAA committees. Franklin noted that, over the past three months, an internal group engaged in a thorough review of existing conflict of interest policies. He noted variation in language and an overall lack of consistency across the committee structure. This draft policy speaks to the ethical and moral obligation associated with committee service, a general fiduciary duty and an obligation to disclose conflicts of interest and recuse where appropriate. The policy is broadly stated, recognizing the variances in committee function and the need for flexibility.

It was VOTED

"To approve the conflict of interest policy."

d. NCAA alcohol policy. Brand called on Shaheen to discuss the NCAA alcohol policy. The NCAA for years has banned sales and advertising of all alcohol at its 88 championships. The Association also limits broadcast advertising during championships to not more than 60 seconds per broadcast hour and two minutes in any championship telecast or broadcast. The Committee voted to reaffirm the alcohol policy and encourages member institutions to use the Association's policy as a guideline for reviewing their campus policies.

4. NCAA Executive Committee Finance Committee report.

a. Third quarter FY 2007-08 budget-to-actual. The Finance Committee reviewed third quarter budget-to-actual report with staff and feels comfortable that the Association is on track to meet its budget projections.

(1) Revenues. Results indicate the Association will exceed its revenue estimates for the fiscal year ending 2007-08. It has received 100 percent of the rights fee from CBS Sports and ESPN. The Association also has received some incremental revenue attributed to licensing and international television rights in the third quarter. It is expected fourth quarter revenues will be minimal in this area but will exceed planned expectations for the year.

It is anticipated that the Association will exceed its championships' revenue budget projections in the fourth quarter when a majority of the spring championships revenues will be received. The NCAA had strong 3rd quarter revenues as Men's Ice Hockey host revenue increased 18 percent over the prior year. Men's Lacrosse revenue was collected earlier than anticipated, and revenue results exceeded the plan. The committee noted

that the Association has not recorded its unrealized investment losses for the year, but only a minimal amount of investment earnings is included in the operating budget. The Association's investment earnings are allocated to the quasi-endowment. Finally, the $50 million of incremental planned revenue has been achieved for 2007-08 as of the end of the third quarter. The Association will have some surplus dollars at the end of our fiscal year.

(2) Expenses. Division I expenses are two percentage points above the prior year, primarily due to the increase in championship travel costs. More than one-half of the revenue distribution expenses to conferences and member institutions will occur in the fourth quarter.

Division I Men's Basketball game expenses have increased due to the stadium seating and uplink expenses. The investment in the stadium seating has a direct correlation in the Division I Men's Basketball revenue projections. The overall revenue projections increased approximately $10 million, and the financial results have been achieved.

Division I championships travel is anticipated to exceed its planned budget as year-to-date travel costs have increased 25 percent over the prior year. Travel cost is an area that will require close attention. The committee noted the need to make some adjustments in championships policies in order to minimize the financial risk. Division II also has a double digit increase in its travel costs, and it also made a supplemental distribution back to the membership from prior year surpluses. There are adequate reserves and resources to cover any budget variance from the Division II allocation. Division III has maintained its travel cost increases within single digits and will likely stay within budget allocations. However, the division does have adequate reserves in the event of any budget variance.

The Association-wide expenses of approximately $87.6 million are within the budget parameters, and the year-to-date actual Association-wide expenses have decreased from the prior year due to a decrease in legal expenses. Based on the third quarter financial results, the Association will stay within budget parameters and will likely have a year-end surplus for FY 2007-08. The Audit Committee will review the audited financial results for FY 2007-08 at its December meeting, and the Executive Committee will review the audited statements in January 2009.

b. Officiating plans. The Committee received an update on the College Football Officiating, LLC (CFO), a collaborative effort between the Collegiate Commissioners Association (CCA) and NCAA to improve the level of college football officiating and to create a central authority to monitor and correct inconsistencies nationally. The CFO was created to ensure consistent application of NCAA football playing rules and officiating mechanics, establish a central leader for officiating, enhance the existing conference officiating programs and to ensure officials and conferences adhere to NCAA and CCA policies. Additionally, the CFO hopes to best position the officiating community for the future in an attempt to present student-athletes, coaches and fans with the best experience possible.

5. Report from Executive Committee working group on life and work balance issues. The Committee received the working group's final report. In January 2007, the NCAA Executive Committee charged a working group, chaired by President Carol Cartwright, to oversee the implementation of life and work balance recommendations from a previous task and to engage the divisional governance bodies on this important issue.

The working group discussed the competitive nature of intercollegiate athletics and the impact this culture may have on an individual's attempts to appropriately balance personal and professional interests. The group noted that any new initiative should be multifaceted, and provide an educational framework that could guide an individual's decision-making process. The group noted that a multifaceted approach includes legislative proposals, engaging dialogue and collaborating with affiliate organizations.

To this end, the working group developed a philosophy statement indicating the NCAA's commitment to supporting an inclusive culture that fosters opportunities for growth, development and well-being. The Association also supports the concept of institutional autonomy and recognizes the responsibility of each institution to address these issues at the campus level. The working group reported on the development of several initiatives that are designed to continue raising the level of exposure of this very important issue, including a comprehensive resource Web site, and train-the-trainer workshops.

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

7. NCAA Division I Board of Directors and Divisions II and III Presidents Councils reports.

a. Division I Board of Directors. The Committee received an update on the actions of the Division I Board of Directors. These included:

(1) Controlling goals. Reviewed the three controlling goals for the Association for the next three to five years, which are:

(a) Complete this cycle of academic reform;

(b) Subserve all business, corporate and championships efforts and decisions, especially those concerning basketball, to positioning for and negotiating new media contracts; and

(c) Focus on issues related to student-athletes and athletes personal well-being.

(2) Sportsmanship and negative fan behavior. Discussed the issue of sportsmanship and negative fan behavior and agreed to establish a subgroup of the Board to help to further define the associated issues and identify the NCAA's role, if any, in helping to address these issues.

(3) Division I Task Force on Commercial Activity. Received an update on the work of the Division I Task Force on Commercial Activity in Intercollegiate Athletics, which is charged with developing principles that indentify the balance point between crass commercialism and unrealistic idealism.

(4) Fantasy leagues. Received an update regarding a recent ruling by the 8th Circuit Federal Court of Appeals in which the court applied Missouri state law to professional fantasy leagues. This has led fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling. The Board discussed the fact that this court ruling may conflict with current NCAA amateurism bylaws.

(5) Division I Men’s Basketball Academic Enhancement Group. Received an update on the ongoing work of the Division I Men's Basketball Academic Enhancement Group. This group has been charged with identifying ways to enhance the academic progress and graduation rates in men's basketball. The Board discussed the importance of this work to the broader academic reform agenda.

(6) Division I Committee on Academic Performance (CAP). Received a report from the CAP and approved a number of changes to the committee’s composition. The CAP anticipates an increase in the number of academic performance program penalty appeals as more severe sanctions are implemented.

(a) Approved, in principle, the Academic Performance Program policies and procedures, which include the procedures for Occasion-Three and Four Historical Penalty Waivers and Appeals but asked the committee, the NCAA general counsel's office and selected Board members to seek to further develop the language regarding the specific standard for appeal and to report back to the Board with that language at its October meeting.

(b) Supported the concept of permitting access to archived NCAA Division I Academic Progress Rate reports (including coaches' names) via the NCAA Web site to provide easier access for institutions conducting research during a coaching search and suggested the committee work with a small group of Board members and staff from the general counsel's office to consider a process, whereby APR Rates are assigned to coaches.

(c) Approved legislation to establish a definition of "education-impacting disability" as a current impairment that has a substantial educational impact on a student's academic performance and requires accommodation. This language will replace all references to "learning disabilities."

(7) Oversight and Monitoring Group. Received a report from the Oversight and Monitoring Group, which is the body charged with monitoring consideration by the governance structure of the recommendations of the Presidential Task Force on the future of Division I athletics. The Board received the good news that of the 62 initiatives identified by the task force nearly all have been considered or are in the process of being considered.

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

(1) Presidents Council election. Elected David F. Rankin, Southern Arkansas University, to serve as the new representative for Region 2. Dr. Rankin replaces John Cavanaugh, University of West Florida, who recently took the job as president of the Pennsylvania State System.

(2) Division II strategic plan. Met Wednesday evening to begin its review and provide input into the work that the Division II Strategic Planning Advisory Group has begun relative to the 2009-2012 strategic plan and its alignment with the Division II strategic positioning platform. The Presidents Council agreed with the five stated goals of academics and lifeskills;

athletics operations and compliance; game day and championships; membership and positioning initiatives; and diversity and inclusion. It is working toward having the plan in its final stages by the 2009 NCAA Convention.

(3) Make-A-Wish. Received a report that this year, under the leadership of the Division II Student-Athlete Advisory Committee, Division II student-athletes raised over $280,000 for the Make-A-Wish Foundation. It is the highest amount raised since the Division II relationship with Make-A-Wish began in 2003-04. Over the five-year relationship with Make-A-Wish, Division II student-athletes have collected more than $733,000. The amount raised by Division II is one of the largest grass-roots contributions to Make-A-Wish.

(4) Travel stipend. Approved a one-time allocation to institutions this year to help defray rising travel costs for athletics competition. The four-tiered allocation is based on the average distance between member institutions within a conference. While the dollar amounts of the allocations have yet to be determined, the highest distributions would go to schools in conferences with average travel distances for conference games of greater than 300 miles. The second greatest amount would go to institutions in conferences with average travel distances of greater than 200 miles. The other tiers are for average travel distances of greater than 100 miles and fewer than 100 miles. Given the tough economic climate that is compounded by rising fuel and other travel-related costs, the Council believes the one-time distribution is the best use of the membership fund balance from the 2007-08 budget.

(5) Membership destination. In an effort to continue Division II's work in demonstrating the division as a membership destination, agreed to pilot this fall an opportunity to support, through direct funding, the Dixie Rotary Bowl game. The game features competition between members of the Rocky Mountain Athletic Conference and the Great Northwest Athletic Conference. The Presidents Council sees this game as an opportunity to showcase the Division II identity and invite schools, colleges and universities in the west to see and understand the value of the Division II experience.

(6) Game environment. Received a report that Division II presidents and chancellors are signing a game-environment pledge to strive to provide a positive game atmosphere at all Division II athletics events. The pledge states that athletics events should reflect the values of higher education

and the mission of each institution. The game environment effort is connected to the division's community engagement initiative. As we hold athletics as the institution's front porch to the community, we want to ensure that, when the community attends our events, it is a positive and entertaining experience.

(7) Division II National Championships Festival. Received a report that, this past spring, Division II hosted its third National Championships Festival in Houston, Texas. The division crowned champions in men's and women's golf, men's and women's tennis, women's lacrosse and softball. Previous championships festivals occurred in the fall 2006 in Pensacola, Florida, and May 2004 in Orlando, Florida. The division is set to conduct its first winter championships festival in March 2009 in Houston and will host championships in men's and women's swimming and diving, men's and women's indoor track and field and wrestling. The festivals not only highlight the great athletics competition in Division II but demonstrate the division's commitment to community engagement. This past May, in Houston, student-athletes took part in building 10 homes for Habitat for Humanity and participated in youth clinics with local school children. The National Championships Festivals continue to be an important part of the Division II identity and its strategic direction.

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

(1) Membership growth. Reviewed a series of white papers on membership growth and related issues. The Wednesday evening President's Advisory Group included a thorough review of papers on the Division III philosophy and related role of presidents in governing the division, financial aid standards, academic report and eligibility issues, and membership requirements. The Presidents Council will finalize the white papers based on the advisory group's feedback and distribute to the full membership in the next month in order to establish context for the 2009 Convention discussions on this topic.

(2) Legislative proposals. Considered five proposals to sponsor for the 2009 Convention. It agreed to sponsor legislation to:

(a) Remove archery, badminton, synchronized swimming and team handball from the list of emerging sports for women.

(b) Add equestrian to the list of emerging sports for women.

(c) Specify that the end date for the fall nontraditional segment shall be the first date of final exams for that term.

(d) Establish October 15 as the first date of practice in ice hockey.

(e) Require that all head coaches be certified in first aid, cardiopulmonary resuscitation and automatic external defibrillator use.

(3) Drug education and testing pilot. Received an update on the drug education and testing pilot, noting that the first of two years has been completed. The Council examined preliminary year one testing results and considered recommended protocol changes for the pilot's second year. A comprehensive year one report will be presented to the Presidents Council during its October meeting.

(4) Strategic plan. Reviewed the division's 2008-10 strategic plan, noting a commitment to release an inaugural Division III annual report at the 2009 Convention. The report will include updates on the Division III budget, strategic initiatives and championships program.

8. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The Committee received a report from the NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The subcommittee received a series of updates on diversity related programming and highlighted the Women's Coaches Academy and the Football Coaches Academies. The subcommittee noted that the Women's Coaches Academy has grown significantly with participation increasing each of the past five years, exceeding 400 coaches with this summer's events. The subcommittee noted an ongoing need for mentoring opportunity for female coaches, as well as the need for the development of best practices resources from experienced coaches.

The subcommittee provided an update on the number of African-American head football coaches in all three divisions and also discussed the three academies designed to develop minority football coaches. The Future Football Coaches Academy is designed to assist individuals who have recently completed collegiate eligibility and have a desire to enter the college football coaching profession. A unique aspect of this program is the mentoring opportunities that the faculty provides to participants. The Football Coaches Academy is designed to assist ethnic minority football coaches with career advancement through skills enhancement, networking and exposure opportunities while raising awareness regarding the substantial pool of talented ethnic minority coaches. Interested applicants must have one to eight years of college coaching experience. Finally, the Expert Coaches Forum assists ethnic minority football coaches with career advancement.

through skills enhancement, networking and exposure opportunities while raising awareness regarding the substantial pool of talented ethnic minority coaches. Interested applicants must have at least eight years of college coaching experience.

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

10. Adjournment. Adams convened a brief executive session and adjourned the meeting at 4:15 p.m.

# # # # #

National Collegiate Athletic Association

Executive Committee

CONFLICT OF INTEREST POLICY

Conflict of Interest Statement

NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. Committee decisions should advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience.

NCAA committee members scrupulously shall avoid any conflict between their respective personal, professional or business interests and the interests of the Association, in any and all actions taken by them on behalf of the Association.

Committee members have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a Committee member shall not participate in the committee's discussion or vote on any action that might bring direct or indirect financial benefit to the member or any organization in which the member is financially interested (other than the member's institution or the conference of which it is a member). A violation of this rule by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the appropriate oversight body approves the action.

A committee member is responsible for advising the chair of potential conflicts of interest and should recuse himself or herself from participating in proceedings where a personal, professional or business interest would reasonably result in a conflict of interest. Abuse of one's position as a member of a committee may result in dismissal from that position. Where a conflict of interest appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation. (*August 2008 Executive Committee minutes)*

Speaking Agent Policy

The president of the Association and the chair of the Executive Committee are the only individuals authorized to speak on behalf of the Association except as outlined below.

An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Executive Committee of the Association as a speaking agent of the Association on that issue.

Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Executive Committee or the president of the Association.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association. *(April 2001 Executive Committee minutes)*

ADDENDUM
SUPPLEMENT NO. 2
DI Board of Directors 10/08

National Collegiate Athletic Association

Executive Committee

CONFLICT OF INTEREST POLICY

Conflict of Interest Statement

NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. Committee decisions should advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience.

NCAA committee members scrupulously shall avoid any conflict between their respective personal, professional or business interests and the interests of the Association, in any and all actions taken by them on behalf of the Association.

Committee members have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a Committee member shall not participate in the committee's discussion or vote on any action that might bring direct or indirect financial benefit to the member or any organization in which the member is financially interested (other than the member's institution or the conference of which it is a member). A violation of this rule by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the appropriate oversight body approves the action.

A committee member is responsible for advising the chair of potential conflicts of interest and should recuse himself or herself from participating in proceedings where a personal, professional or business interest would reasonably result in a conflict of interest. Abuse of one's position as a member of a committee may result in dismissal from that position. Where a conflict of interest appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation. (*August 2008 Executive Committee minutes)*

Speaking Agent Policy

The president of the Association and the chair of the Executive Committee are the only individuals authorized to speak on behalf of the Association except as outlined below.

An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Executive Committee of the Association as a speaking agent of the Association on that issue.

Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Executive Committee or the president of the Association.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association. *(April 2001 Executive Committee minutes)*

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED

MEMORANDUM

October 28, 2008

TO: NCAA Division I Board of Directors and Divisions II and III Presidents Councils.

FROM: Elsa Kircher Cole, Vice President of Legal Affairs/General Counsel.

SUBJECT: Summary of Legal Activity.

The following is a summary of significant legal activity in which the NCAA is or has been involved since last reported in August, 2008.

The NCAA is currently a defendant in 15 active cases. Five new cases were filed this quarter, two of which were resolved favorably.

New Cases

Dale Lloyd, a football student-athlete at Rice University, died approximately two years ago after collapsing following a football practice. His parents have filed a lawsuit in Texas state court against Rice, the team coach, physician, trainer, supplement manufacturer and the NCAA. They allege the NCAA was negligent in failing to create and/or implement adequate policies and procedures to address the known dangers of sudden death from sickle cell trait and/or rhabdomyolysis. Plaintiffs seek compensatory damages for loss of earnings, pain and suffering and medical and funeral bills.

Ben Mauk, a football student-athlete at the University of Cincinnati ("UC") sought and received a temporary restraining order from an Ohio state court restraining the NCAA from enforcing its rules and allowing him to practice and compete there although he had exhausted his seasons of eligibility. He alleged that the NCAA breached its fiduciary duty and arbitrarily and capriciously denied his request to participate in an additional year of athletics competition. He claimed he was injured his first year of competition at Wake Forest University where he played his second and third years before allegedly suffering additional injuries his fourth year. He transferred to UC where he played an additional year. UC requested a waiver to permit Mauk a sixth year of eligibility to compete in a fourth year of athletics which was denied as was an appeal to the NCAA Student-Athlete Reinstatement.

On September 9, 2008, the NCAA's motion to dismiss this case was granted by the court. However, Mauk had previously filed a motion for contempt against the NCAA and its outside counsel, claiming they sought to persuade UC not to allow him to play. That motion is set for hearing on

November 20, 2008. The court has said that a final, appealable order will not be issued until after the motion for contempt has been ruled upon.

Warrior Sports, Inc., a manufacturer of lacrosse sticks has filed a lawsuit in federal court in Michigan challenging the NCAA's Men's Lacrosse Rules Committee's decision to implement a change in the configuration of the head of lacrosse sticks beginning in 2010. Warrior alleges that the action violates the antitrust laws by restraining trade and eliminating competition between manufacturers as only one lacrosse head type will be permitted. It also claims that it constitutes tortious interference with a business relationship as it will lead to disruption and termination of Warrior's business relationships, and that because Warrior reasonably relied on the NCAA's promise that it would enforce its equipment rules and Warrior developed product in reliance on those rules, that promissory estoppels prevents a rule change now. Warrior claims $30 million in damages.

Resolutions

Michael Glover, a men's basketball student-athlete at Seton Hall University, was declared academically ineligible to compete his first year. Glover sought a temporary restraining order against the NCAA and the Big East Conference in federal court in Rhode Island allowing him to practice and compete his second year which is not permitted by Big East rules as he is permanently ineligible to compete in that conference if initially academically ineligible. Glover therefore sought to be declared retroactively "qualified" to play under the NCAA bylaws. He also sought to enjoin the NCAA and Big East from interfering with his financial aid and his participation in intercollegiate athletics. He further sought compensation equal to four years tuition at Seton Hall. Glover's motion for a temporary restraining order was denied on August 29, 2008. The court granted the NCAA's and Big East's motions to dismiss for lack of jurisdiction on October 14, 2008.

Colin Peek, a football student-athlete, transferred from Georgia Tech to the University of Alabama He was required to sit out the 2008 football season pursuant to NCAA Bylaw 14.5.2.10 (the one-year residency requirement). Alabama sought a waiver, which was denied by the NCAA. The court denied plaintiff's motion for a preliminary injunction on September 11, 2008. Plaintiff filed a dismissal of the lawsuit on September 29, 2008.

Recent Developments

The NCAA's motion for summary judgment in the Aloha Sports antitrust and breach of contract matter is set for hearing on December 16, 2008.

The unsuccessful applicants for Men's and Women's Final Four and Men's Frozen Four tickets in the George class action lawsuit against Ticketmaster and the NCAA who claim the distribution method is an illegal lottery filed a second amended complaint on September 9, 2008, which no longer alleges a RICO violation by the NCAA. The NCAA filed a motion to dismiss and a motion to transfer venue; both are scheduled for hearing on December 22, 2008.

The trial in the Houston Baptist University lawsuit, challenging the seven-year probationary period in Division I for new and returning members, is currently set for November 11, 2008, in state court in Texas.

The Oklahoma State baseball student-athlete, Andrew Oliver, who is challenging the NCAA's agent rule and procedures followed in the NCAA's investigation of his contact with a major league team, voluntarily dismissed the NCAA from his Ohio federal court lawsuit. However, on the same date, he re-filed the action in Ohio state court and received a TRO restraining the NCAA from continuing its investigation into possible rules infractions and allowing Oliver to practice and play. That TRO was subsequently dissolved by the court. Oliver has filed numerous procedural motions, which have not been granted. The matter is set for trial on December 8, 2008.

EKC:lev

cc: Selected NCAA Staff Members.

NCAA GOVERNMENT RELATIONS REPORT
(September 2008)

1. Congressional Overview.

Congress returned to Washington, DC for legislative business on September 8, 2008, after its annual August break. This break included a five week recess during which the Democratic and Republican National Conventions were held and the parties officially nominated their candidates for vice president and president. With 435 seats in the House of Representatives and 35 seats in the Senate up for election, many are already looking toward a competitive election cycle. However, Congress has several important matters to address prior to their target adjournment date of September 26, 2008.

Among the top agenda items, in addition to any legislation needed to address the recent financial markets situation, is the need to keep the government running when the new fiscal year begins on October 1, 2008. To date, the fiscal 2009 appropriations bills still remain to be enacted and as a result a continuing resolution must be passed to keep the government funded. In addition, energy and gas prices will continue to garner significant attention from Congress during the remaining days of the 110th Congress. It is expected that Congress will have a difficult time finalizing an energy plan before adjournment. In addition, Congress is expected to consider proposals addressing tax-cut extensions and a second stimulus package.

While Congress has set a target adjournment date of September 26, there still is a possibility that it might return for a lame duck session following the general election on November 4, 2008. The remaining schedule of the 110th Congress will be greatly influenced by its ability to pass many of the above discussed measures prior to its target adjournment date.

2. Highlights from the 110th Congress.

During the second session of the 110th Congress, sports related matters continued to receive significant attention. The release of a Major League Baseball (MLB)-commissioned report on the use of steroids and other performance enhancing substances by MLB players triggered three congressional hearings during the first two months of the session. NCAA President Myles Brand participated in one of those hearings, which was held before the House Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection. The subcommittee convened the hearing to take a broad look at the use of steroids and other performance-enhancing drugs among professional, college and high

school athletes in all sports. In addition, Congress held hearings on the use of tax exempt financing for the construction of professional league stadiums, the NFL retirement and disability plan, and horse racing safety.

Following five years and 14 extensions, Congress finally passed the Higher Education Opportunity Act, which was signed into law by President Bush on August 14th. This measure, which reauthorizes the Higher Education Act, includes increased reporting requirements aimed at addressing the increased cost of postsecondary education and creates dozens of new grant programs for institutions and students.

3. Federal Issues.

a. Americans with Disabilities Act.

On June 17, 2008, the Department of Justice issued a notice of proposed rulemaking to amend the Department's regulations implementing Title II and Title III of the American Disabilities Act of 1990 (ADA). The proposed rule changes, if adopted, would have an impact on a number of matters related to the collegiate athletic and higher education communities. As a result, the American Council on Education (ACE), the NCAA and the National Association of College and University Business Officers (NACUBO) took the lead and worked collectively with a number of higher education associations to submit joint comments on the proposed changes to the ADA. Among those groups involved in this effort were the American Association of Community Colleges, the APPA (formerly known as the Association of Physical Plant Administrators of Universities and Colleges), the Association of College and University Housing Officers-International, the National Association of Independent Colleges and Universities, and the National Association of State Universities and Land-Grant Colleges.

The proposed regulations addressed a number of issues that might require the modification of current policies and procedures at colleges and universities. Among the changes highlighted in the proposed regulations were those pertaining to sports stadiums, including: ticketing policies, the location and form of accessible seating, captioning, the use of mobility devices, and the accommodation of individuals who use service animals. While the higher education associations remained in support of the Department of Justice's efforts to enforce the ADA, they did express concern with

the significant burden that the higher education community might incur from additional compliance obligations.

The joint comments from the higher education community were submitted on August 18, 2008. It is not certain when the Department of Justice might issue final regulations.

b. Internet Gambling.

During the final months of the 110th Congress, Internet gambling continues to remain on the agendas of several members and key committees. Among those measures still being considered is HR 2140. As introduced by Representative Shelley Berkley (D-NV), HR 2140, the Internet Gambling Study Act, would require the National Research Council of the National Academy of Sciences to conduct a comprehensive study of Internet gambling, including the existing legal framework that governs such activities and transactions and the impact of the Unlawful Internet Gambling Enforcement Act on Internet gambling in the United States. Prior to Congress' adjournment for its August recess, HR 2140 was scheduled to be marked-up by the House Judiciary Committee. However, due to a controversial measure before the committee, the legislation was never considered. With a limited number of legislative days remaining on the calendar, HR 2140 faces a very uncertain future.

Also, Representative Jim McDermott (D-WA) introduced HR 6501, the Investing in our Human Resources Act of 2008, on July 15, 2008. Under this measure, the Social Security Act would be amended to allow taxes from regulated Internet gambling to provide monetary resources for the foster care system. To date, HR 6501 has not received any additional legislative attention. Representative McDermott is also the sponsor of HR 5523, the Internet Gambling Regulation and Tax Enforcement Act of 2008, which also attempts to regulate and tax Internet gambling.

On April 10, 2008, Representative Barney Frank (D-MA), Chairman of the House Financial Services Committee, introduced HR 5767, which would enjoin the Secretary of Treasury and the Federal Reserve Board from proposing, prescribing, or implementing any regulation that would regulate financial transactions involving unlawful Internet gambling. In a surprising development HR 5767 was defeated by the House Committee, which is chaired by Representative Frank. Despite this setback Representative Frank introduced a similar measure (H.R. 6870) on September

11, 2008. While H.R. 5767 and HR 6870 would both delay indefinitely regulations that implement the Unlawful Internet Gambling Enforcement Act, HR 6870 goes a step further by seeking a definition of unlawful Internet gambling and explicitly prohibiting sports betting on the Internet by exempting such wagers from the regulation process. On September 16, 2008, the House Financial Services Committee passed HR 6870 by a vote of 30-19. While it remains unclear whether HR 6870 will be scheduled for a vote on the House floor before Congress adjourns, it seems certain that the passage of this measure will encourage additional efforts during the 111th Congress to roll back the Internet gambling ban.

c. Athletics Equity for Students with Disabilities.

On July 22, 2008, the Women's Sports Foundation held a briefing on athletics equity for students with disabilities. The briefing, which was hosted by House Committee on Education and Labor Chairman George Miller (D-CA), consisted of a five person panel, which discussed the lack of opportunities for disabled student-athletes through community, high school and collegiate athletic programs and the importance of providing those opportunities. Panelists included Aimee Mullins, Paralympian and Women's Sports Foundation President; Dr. Garth Tymeson, Department of Exercise and Sport Science, University of Wisconsin at La Crosse; Steve Bobadilla, High School Student, Wheelchair Tennis Player; Ann Cody, Paralympian, BlazeSports America Public Policy Director; and Charlie Huebner, Chief of US Paralympics division of the USOC.

To provide more opportunities, the Women's Sports Foundation and other interested groups are planning to push for a federal law that is similar to Title IX, which would provide equitable opportunities for disabled student-athletes. In discussing the specifics of such legislation, a recently enacted Maryland law, the Fitness and Athletics Equity for Students with Disabilities Act, was often held up as a model in achieving this goal. While introduction of such legislation is unlikely before the end of the year, it is possible that an effort will be made to seek a Government Accountability Office (GAO) study to further examine this issue. Also, the introduction of a congressional resolution commending the passage of the Maryland law is possible.

d. Lobbying Disclosure and Contribution Reporting.

On September 14, 2007, the Honest Leadership and Open Government Act of 2007 (HLOGA) was signed into law by President George W. Bush. The passage of HLOGA signaled significant lobbying, gift, and ethics changes to federal law and Congressional rules. Also, in early 2007, the House of Representatives amended its gift and earmarking rules, which also impacted entities that employ federally registered lobbyists. Among the many changes caused by HLOGA and House Amendments was a ban on gifts from lobbyists and lobbyists' employers to Members of Congress and their staff. In addition, HLOGA established a new semi-annual report which requires disclosure of certain contributions and expenditures made by lobbyists' employers, lobbying firms, and lobbyists. The semi-annual report also requires lobbyists and lobbyists' employers to certify that they have knowledge of, and compliance with, Congressional gift and travel rules. These new requirements are coupled with strong civil and criminal penalties for those knowingly in violation of the law.

Prior to the filing of the first semi-annual report on July 30, 2008, the NCAA Government Relations staff worked extensively with NCAA CFO, Jim Isch and NCAA Human Resources Managing Director, Bob Fiala to ensure that the organization remained in compliance with the law. A memo, which outlined the gift ban and accompanying exemptions was sent out to all-staff and added to the employee handbook. In addition, a gift rules certification form was provided to all members of the NCAA President's Council, which required a signature showing compliance with the new law. We were pleased that the forms were returned showing compliance within all NCAA groups.

The NCAA Government Relations staff will continue to monitor this area and will provide information on any changes to the current law.

4. <u>State Issues</u>:

a. Sports Wagering.

The Delaware legislature adjourned on June 30, 2008, without taking additional action on a proposal that would allow betting on professional and collegiate sports teams, with the exception of Delaware schools. However, with continued concern regarding the State's budget, it is expected that Delaware lawmakers will again look

at sports betting as a solution to this issue when they return for legislative business in 2009. What is not certain is the policy position that Delaware's new governor will take on this issue. Current Governor Ruth Ann Minner, who has long been opposed to the reintroduction of sports betting, is in the final months of her last term in office.

NCAA Government Relations staff will continue to monitor the changing political landscape in Delaware and will work to educate legislators on the dangers involved with wagering on athletic competitions.

b. 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 National Association of State Universities and Land Grant Colleges (NASULGC), and the National Association of College and University Business Officers (NACUBO), 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.

REPORT OF THE OCTOBER 29, 2008, MEETING OF THE DIVISION I PRESIDENTIAL ADVISORY GROUP

Participants:

Charles Bantz, Indiana University/Purdue University - Indianapolis
William Beauchamp, University of Portland
Philip Dubois, University of North Carolina, Charlotte
Robert Fisher, Belmont University
Milton Gordon, California State University, Fullerton
Bruce Grube, Georgia Southern University (chair)
Walter Harrison, University of Hartford,
William (Bill) Meehan, Jacksonville State University
Ann Millner, Weber State University
Kevin Mullen, Siena College
Thomas Powell, Mount St. Mary's University
Randall Webb, Northwestern State University
Myles Brand, NCAA
S. David Berst, NCAA
Beth DeBauche, NCAA, recording secretary

Presidential Advisory Group members unable to participate were: Al Bowman, Robert Caret, Rebecca Chopp, Anthony DiGiorgio, William Harvey, Ronald Mason, David Sweet and James Wright.

Participating during portions of the meeting, NCAA staff members: Joni Comstock, Megan Coyne, Julie Cromer, Diane Dickman, Jim Isch, Damani Leech, Kevin Lennon, Steve Mallonee, Todd Petr, Dennie Poppe and Bill Regan.

1. Opening remarks. The chair recognized David Sweet, president of Youngtown State, and William Harvey, president of Hampton University, as new members of the Presidential Advisory Group.

2. **Report of the August 4, 2008, Division I Presidential Advisory Group conference call and highlights from the August 7, 2008, Division I Board of Directors meeting**. The group briefly reviewed actions from the August 7, 2008, Division I Board of Directors meeting relative to issues discussed by the Division I Presidential Advisory Group (PAG) during its conference call on August 4, 2008.

3. Report of the August 7 meeting of the NCAA Executive Committee. Bernard Franklin and Delise O'Meally provided the report of the August 7 meeting, as well as, an overview of the Executive Committee's October 30 meeting. As part of this report, the PAG learned more about the NCAA's new Conflict of Interest policy.

4. NCAA President's report. Dr. Brand provided the group with an update in which he highlighted the following:

a. Update regarding sportsmanship initiatives. The group learned that a subgroup of the Board has been put together to examine and assist with the initiatives of the Committee on Sportsmanship and Ethical Conduct.

b. Status report of the efforts of the Division I Task Force on Commercial Activity in Intercollegiate Athletics. The group learned that this task force has worked over the course of the summer and fall to develop a statement of principles regarding Commercial Activity in Intercollegiate Athletics to assist institutions, conferences and the national office in addressing these complex issues. Once this preliminary statement is developed, the plan is to share it with the Board of Directors and Presidential Advisory Group and then ask the Leadership Council to examine the statement of principles and fill in any necessary details regarding the application of these principles.

c. Discussion regarding value-based decision making. Dr. Brand informed the group that the Board will have an opportunity for an in-depth discussion regarding the need for making decisions about intercollegiate athletics that are based on the values of higher education. As part of the conversation, it is anticipated the Board will seek to identify the values of higher education that pertain to intercollegiate athletics and will consider how best to bring these values to bear both at the national and local levels.

5. Review of the agenda for the October 30, 2008, Board of Directors meeting.

a. Report from the Committee on Academic Performance meeting. The group received a report from the chair of the Committee on Academic Performance (CAP) on that group's October 27-28, 2008, meeting and learned that:

(1) Occasion-Three and Four Historical Penalties Waver/Appeal procedure. During its August 2008 meeting, the Board raised several issues and recommendations regarding the APP Occasion-Three and Four Historical Penalty waiver policies and procedures. Based on those recommendations, a series of edits were suggested

(2) Update regarding establishment of subgroup to examine APR data following coaches. The group learned that the Committee on Academic Performance would like more time to consider a recommendation from a subgroup of the Board of Directors that the head coaches names be collected through the NCAA Division I Academic Performance Program data collection program starting with the fall 2009 data collection and that the head coach's name(s) be published for each APR year as part of each institution's public report suite. That as part of this reporting, in instances in which more than one head coach was employed in a given year, the report would indicate the names of all head coaches.

(3) Interest in collecting more data regarding two-year transfer student-athletes.

b. Update on the work of the Division I Men's Basketball Academic Enhancement Group. The Presidential Advisory Group received an update on the ongoing work of the Men's Basketball Academic Enhancement Group, which was charged by the Board to not only identify characteristics that may improve the academic performance of Division I men's basketball student-athletes but to suggest changes that would enhance the academic progress and graduation rates of those student-athletes. The group learned that the Basketball Academic Enhancement Group is next expected to meet on December 3 to continue its work. Presidential Advisory Group members offered the following comments:

c. Championships travel initiatives. NCAA Senior Vice-Presidents Joni Comstock and Jim Isch joined the meeting to discuss recent travel industry trends and to review a series of recommendations related to travel issues. During the presentation, they noted that NCAA championships have been impacted by significant changes in the travel industry as illustrated by the fact travel costs increased approximately 31 percent in Division I since last year. Contributing to the high cost of championships transportation has been a reduction in flight capacity. Accordingly, a series of recommendations have been developed that fall within three tiers based on the level of approval required. Tier-one issues include measures the staff has begun to implement through the application of revised travel administrative procedures, Tier-two recommendations that expanded the fly/drive mileage threshold for fall 2008 championships, which were approved by the Division I Championships/Sports Management Cabinet, and Tier-three recommendations that are being reviewed by the membership right now and may include some legislative changes.

6. Update from the Division I Governance Structure.

a. News from the Cabinet and Council meetings. Beth DeBauche provided the PAG with a status report from the new Division I governance structure in which she highlighted the important agenda items identified by the cabinets and councils. As part of this report, she indicated those serving within the structure not only appear to be enthusiastic about their involvement in the structure but seem committed to enhancing the level of communication and coordination in the structure.

b. Legislative issues of interest in the 2008-09 annual cycle. Staff liaisons David Berst and Beth DeBauche briefly reviewed the modified legislative process whereby the Board of Directors has ultimate legislative authority to consider any proposal in the annual legislative cycle but does not have to consider every proposal, as the Legislative Council will provide a level of review. Thereafter, they highlighted proposals in the cycle that they thought would be of interest to the presidents, including:

Proposal No. 2008-32 ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES Intent: To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) offered by the certifying institution may be used to satisfy the full-time enrollment requirement for competition, provided the specified conditions are met.

Proposal No. 2008-34 ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- CORE CURRICULUM TIME LIMITATION -- STUDENTS WITH EDUCATION IMPACTING DISABILITIES Intent: To specify that if a prospective student-athlete with a diagnosed education-impacting disability graduates from high school within the core-curriculum time limitation, he or she may use up to three core courses completed after high school graduation to satisfy the core-curriculum or minimum grade-point average requirements, or both.

Proposal No. 2008-35 ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE -- NONTRADITIONAL COURSES Intent: To specify that nontraditional courses (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) completed at a four-year institution other than

the certifying institution, may be used to meet credit hour and percentage-of-degree requirements, provided the specified conditions are met.

Proposal No. 2008-40 FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- WOMEN'S VOLLEYBALL Intent: In women's volleyball, to increase the maximum institutional grant-in-aid limitation from 12 to 13.

Proposal No. 2008-41 FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- BASEBALL Intent: In baseball, to increase the annual limit on the value of financial aid awards (equivalencies) to counters from 11.7 to 14.

Proposal No. 2008-46 PLAYING AND PRACTICE SEASONS -- BASEBALL -- PRESEASON PRACTICE AND FIRST CONTEST -- CHAMPIONSHIP SEGMENT Intent: In baseball, to specify that in the championship segment, an institution shall not commence practice sessions prior to the Friday that is three weeks prior to the first permissible contest date for the championship segment and shall not play its first contest (game or scrimmage) with outside competition prior to the Friday in February that is 14 weeks before the Friday immediately preceding Memorial Day.

Proposal No. 2008-48 PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52 Intent: In baseball, to reduce the maximum number of contests from 56 to 52.

Proposal No. 2008-59 DIVISION MEMBERSHIP -- DEFINITIONS AND APPLICATIONS -- EMERGING SPORTS FOR WOMEN -- ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL AND SAND VOLLEYBALL Intent: To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).

Proposal No. 2008-62 COMMITTEES -- COMMITTEES REPORTING TO BOARD OF DIRECTORS -- DIVISION I PRESIDENTIAL ADVISORY GROUP -- DUTIES -- LEGISLATIVE ISSUES Intent: To specify that members of the NCAA Division I Presidential Advisory Group who represent Football Championship Subdivision conferences shall have the authority to act on behalf of the Football Championship Subdivision members of the Board of Directors on legislative issues that relate to championship subdivision football, subject to review by the full Board of Directors.

Proposal No. 2008-70 EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION -- ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- DEFINITION OF CORE INSTITUTION Intent: In sports other than men's basketball, to specify that for the purposes of multisport conference eligibility for automatic qualification in a particular sport, a core institution is an institution that has been an active member of Division I during the eight preceding years or an institution that has sponsored the sport at the Division I level the eight preceding years.

Proposal No. 2008-71 EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION --ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- EXCEPTION -- MEMBER THAT HAS SPONSORED THE SPORT AT THE DIVISION I LEVEL THE EIGHT PRECEDING YEARS Intent: In sports other than men's basketball, to specify that a multisport conference that falls below six core members may be considered for automatic qualification in that sport, provided the conference adds an institution to its membership (for a total of at least six members) that has sponsored the sport for the preceding eight years at the Division I level and at least six institutions (including the added institution) have conducted conference competition together at the Division I level in the sport the preceding two years.

Proposal No. 2008-72 EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION -- ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- EXCEPTION -- SPORTS SPONSORSHIP Intent: In sports other than men's basketball, to specify that a multisport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided at least six institutions have conducted conference competition together at the Division I level for the preceding two years and the sport is sponsored by less than 65 percent of the Division I membership.

c. Other legislative matters of interest. David Berst discussed the status of Proposal No. 2007-109, which was tabled by the Board of Directors at its August 2008 meeting to determine if an alternative approach could be identified. David reported that for every NCAA championship, the NCAA's footage/archival provider and each of the NCAA's broadcast partners have reviewed and consented to a model under which the

current videographer credential would be broadened in scope to allow the access and coverage intended in 2007-109. Under this policy, thought videographers will not be permitted access to the area designated for media photographers, rather the videographer location will be courtside/fieldside with the credentialed media photographers, as determined by the sport committee over each championship, consistent with current practice. Further, the institutional videographers will be permitted to shoot in the locker room, with the caveat that NCAA broadcast rights holders may assert a right to have access in such cases.

d. 2009 NCAA Convention schedule and updates. The group was encouraged to attend the 2009 NCAA Convention in Washington, D.C and briefly reviewed a schedule of key events, set forth below:

Thursday, January 15

- Opening Business Session. (4 – 5:30 p.m.)
- Delegates Reception and Honors Celebration. (6 – 10 p.m.)

- Division I Business Session – At the conclusion of the Legislative Forum. [Note: Vote on the override of Proposal Nos. 2006-40 and 2006-87 will occur during the Division I Business Session.]
- Association-wide Membership Issues Forum. (2:30 – 3:30 p.m.)
- Opening Business Session. (4 – 5:30 p.m.)
- Trade Show. (5:30 – 6:30 p.m.)

Friday, January 16

- Division I Issues/Legislative Forum. (9 - 11:30 a.m.)
- BOD/Leadership Council/Legislative Council Luncheon. (11:30 a.m. – 1 p.m.)
- Division I Issues/Legislative Forum (cont.) (1 – 3 p.m.)
- Division I Business Session – At the conclusion of the Legislative Forum. [Note: Vote on the override of Proposal No. 2007-30-c will occur during the Division I Business Session.]

Saturday, January 17

- Joint SAAC/BOD breakfast. (8 – 9:30 a.m.)
- Board of Directors meeting. (9:30 a.m. – 5 p.m.)
- Executive Committee meeting. (5:30 – 7:30 p.m.)
- President's Reception. (7:30 – 9 p.m.)

b. Review of override process. The group was informed that at its August meeting, the Board of Directors determined to sustain its previous adoption of Proposal No. 2007-30-c. Accordingly, a vote of the active Division I membership will occur on January 16, 2008, during the Division I Business Session at the NCAA Convention. At least a five-eighths majority vote of individual active members present and voting shall be required to override the legislative action taken by the Board. The vote shall be based on the principle of one institution, one vote and the vote shall be taken by roll call.

7. FCS Football and the Division I Football Championship update. Dennie Poppe and Damani Leech joined the group to discuss the recommendation of the Division I Football Championship Committee, which was recently approved by the Championships/Sports Management Cabinet to amend the date formula for the Division I Football Championship. Pursuant to this amendment, the championship game will occur annually during a window between December 29 and the day before the BCS National Championship game. This recommendation comes in response to an earlier action by the Championships/Sport Management Cabinet to expand the championships bracket from 16 to 20 teams in 2010. Under the current date formula, the bracket expansion was going to result in either the elimination of the regular season bye week or starting the regular season one week earlier. Therefore, the modification of the championship date formula appeared to the Cabinet to be the best way to accommodate bracket expansion. It was also noted during this discussion that efforts are being made to enhance the brand image for not only the Division I Football Championship but the Football Championship Subdivision.

8. Future meeting dates and times. The next conference call of the group is scheduled for January 12, 2009, at 3 p.m. Eastern. Group members are encouraged to send agenda topics to staff liaison Beth DeBauche.

Subcommittee chair: Bruce Grube, Georgia Southern University
Staff Liaisons: S. David Berst, Division I governance
Beth DeBauche, Division I governance

SUPPLEMENT NO. 7
DI Board of Directors 10/08

A G E N D A

National Collegiate Athletic Association

Division I Committee on Academic Performance

NCAA National Office
Indianapolis, Indiana

October 27-28, 2008

1. Welcome and announcements. [Supplement No. 1]

2. Review the July report of the NCAA Division I Committee on Academic Performance. [Supplement No. 2] (Julie Cromer)

   [Note: To save paper, Attachment B was removed. An updated version of the policies is available on the NCAA Web site, on the Committee on Academic Performance page.]

   a. Update on letter to Occasion-Two Historical Penalty institutions. [Supplement No. 3]

   b. Update on archived NCAA Division I Academic Progress Rate (APR) reports available for public viewing.

3. Remarks from President Brand.

4. Update from the NCAA Division I Board of Directors August meeting. [Supplement No. 4] (Walter Harrison)

   a. Update on penalties following coaches. [Supplement No. 5]

   b. Update on historical-penalty waiver policies. [Supplement No. 6]

5. Update on the NCAA Division I Men's Basketball Academic Enhancement Group. [Supplement No. 7] (Cromer)

6. Update on the NCAA Division I Football Academic Working Groups. [Supplement No. 8] (Cromer)

7. Update on women's basketball summer access concept. [Supplement No. 9] (Diane Dickman)

8. Update on wrestling coaches APR review. [Supplement No. 10] (Bill Regan)

9. Review the Coalition on Intercollegiate Athletics press release. [Supplement No. 11]

10. Discuss 2009 public release of NCAA Division I Academic Performance Program (APP) penalties. [Supplement No. 12] (Erik Christianson, Bob Williams and Katy Yurk)

11. Update regarding release of Graduation Success Rate data. [Supplement No. 13 to be distributed at the meeting.] (Todd Petr and Regan)

12. Review NCAA Division I Academic Cabinet report. [Supplement No. 14]

    [Note: Item No. 3e on Page No. 7 of the report has been referred to the NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting, and will be addressed during that report.]

13. Review and take action on the report from the NCAA Division I Committee on Academic Performance Subcommittee on Appeals. [Supplement No. 15] (Pete Boone and Yurk)

Anticipated Action Items:

a. NCAA Division I Academic Progress Rate Improvement Plans consider multiyear goals.

b. Establishing conditions based on APR goals; establishing minimum goals; and failure to meet goals or implement plan.

14. Review and take action on the report from the Subcommittee on Data Collection and Reporting. [Supplement No. 16] (Jack Evans and Binh Nguyen)

Anticipated Action Items:

a. Recommendation regarding student-athletes who graduate with eligibility remaining within the APP.

b. Recommendation regarding amendment to the calculation of the APR for transfer student-athletes at the subsequent institution.

c. Recommendation regarding data collection for two-year college transfers.

15. Review criteria to determine improvement within the APP structure. [Supplement No. 17] (Tom Paskus and Regan)

Anticipated Action Item:

- **Recommend change to determination of improvement within the APP structure.**

16. Legislative review. [Supplement No. 18] (Nguyen)

Anticipated Action Items:

a. Recommendations regarding NCAA Proposal No. 2008-60.

b. Update regarding Proposal No. 2008-21.

c. Other proposals of interest.

17. Discuss Occasion-Three and -Four Historical Penalties conflict of interest policy. [Supplement No. 19] (Dickman and Naima Stevenson)

Anticipated Action Item:

- **Possible change to existing policy.**

18. Discuss Occasion-Two practice restrictions in the following sports.

a. Football. [Supplement No. 20]

b. Other.

19. Review APR Improvement Plan and updates from the upcoming year. [Supplement No. 21]

Anticipated Action Items:

a. Authorize staff to establish annual deadlines.

b. Should the chancellor or president be required to approve all plans?

c. Should the chancellor or president be notified if the institution fails to implement the plan?

d. Update on searchable database.

e. Update on process.

20. Update on NCAA Division I Academic Performance Program Supplemental Support Fund.

21. Review future meeting schedule.

a. February 16-18, 2009; Indianapolis. [Note: This meeting will for the most part be spent hearing Occasion-Three and -Four Historical Penalty appeals.]

- February 15 - Travel anytime.
- February 16 - Full committee meets from 8 a.m. to 5 p.m.
- February 17 - Full committee meets from 8 a.m. to 5 p.m.
- February 18 - Full committee meets from 8 a.m. to noon.
  Return travel after noon.

b. April 27-28; Indianapolis. [Note: A portion of this meeting will be spent on appeal hearings.]

- April 26 - Travel anytime.
- April 27 - Full committee meets from 8 a.m. to 5 p.m.

- April 28 - Full committee meets from 8 a.m. to 3 p.m.
  Return travel after noon.

c. July 8-9; location tbd.

- July 7 - Travel anytime.
- July 8 - New member orientation 8 to 9 a.m.
  Subcommittees meet from 9 a.m. to noon.
  Recreational activity from 1 to 5 p.m.
- July 9 - Full committee meets from 8 a.m. to 5 p.m.
  Full committee celebratory dinner 6:30 p.m.
- July 10 – Return travel.

d. October 26-27; Indianapolis.

- October 25 - Travel anytime.
- October 26 – Subcommittees meet from 8 a.m. to noon.
  Full committee meets from 1 to 5 p.m.
- October 27 - Full committee meets from 8 a.m. to 3 p.m.
  Return travel after 5 p.m.

22. Other business.

23. Adjournment.

NCAA Division I Academic Performance Program
Occasion-Three and -Four Historical Penalties Waiver/Appeal Procedures
- Discussion Document -

The NCAA Division I Academic Performance Program (APP) policies and procedures, which include the procedures for Occasion-Three and -Four Historical Penalty waivers and appeals, were approved, in principle, August 2008 by the NCAA Division I Board of Directors. The intent of this document is to discuss issues raised by the Board regarding the procedures and subsequent changes made to the policies based on this feedback.

Amendments to the Policies and Procedures.

During its August 2008 meeting, the Board raised several issues and recommendations regarding the APP Occasion-Three and -Four Historical Penalty waivers policies and procedures. Based on the Board's recommendations, the following edits have been made to the policies and procedures:

1. Within the NCAA Division I Committee on Academic Performance procedures, there was a section that read "review standard," which provided a list of factors that the committee must review when rendering a decision on a waiver. The recommendation from the Board was that the heading needed to be amended to more accurately reflect that these are "factors" which should be reviewed at the committee level. The section now reads "review factors" and the factors were modified consistent with this approach. These changes were made and will hopefully provide more clarity to the membership regarding the committee's role during the waiver process. In addition, the procedures were amended to notify an institution that when it files a waiver it should address the review factors. [Attachment A]

2. When reviewing a waiver, the committee and staff have a list of review factors to aid them during deliberations. These review factors have been updated and are now referenced in the waiver filing procedures section so that an institution may reference these factors when filing its written waiver request. [Attachment A]

3. Under current policy, an institution may only present an argument at the Board subcommittee hearing that was raised in its appellate brief to the subcommittee. In addition, information and data included in the appellate brief must have been raised at the committee level. The Board subcommittee hearing procedures were amended to provide the committee chair, or acting chair, with the authority to review the appellate documents to ensure that new information/arguments have not been included. If the Committee on Academic Performance chair concludes that new information has been included and the new information would have reasonably led to a different decision at the committee level, he or she must raise the issue to the Board subcommittee during the appeal. The institution will have an opportunity to respond to the chair's assertions. If new information has been included, the Board subcommittee shall remand the appeal to the committee for review. [Attachment B]

4. The policies and procedures have been amended to permit the NCAA staff supporting the committee to be present and speak during the Board subcommittee appeal. This would allow the staff to provide its expertise regarding the waiver and APP policies and procedures, as well as to support the committee chair. However, staff may not participate or be present during Board deliberations. [Attachment C]

5. The policies and procedures have been amended to require the committee to annually submit a summary of all in-person hearing decisions. The summaries are not to include institutional names. In addition, the Board subcommittee's review of the summaries may not result in a different outcome in a case or a rehearing of a case. However, the Board subcommittee has broad policy oversight of the APP and as a result of the annual summary review may recommend policy changes to the policies and procedures. [Attachment D]

Standard of Review Background.

An institution subject to Occasion-Three and -Four Historical Penalties may file a waiver for review by the Committee on Academic Performance. The committee's decision may be appealed to a subcommittee of the Board. NCAA Bylaw 23.3.2-(b) states that an institution must demonstrate that the committee abused its discretion in applying the legislation and/or policy and procedures of the APP [Attachment E]. This limited basis for appeal was purposefully legislated so that an institution may not seek an appeal for substitution of the committee's judgment.

The Board subcommittee's current legislated scope of review is narrow and focuses the Board subcommittee's review on the committee's application of legislation and policies and procedures. Specifically, the scope is intended to prevent an appeal from being heard de novo (a new). The scope of review language was drafted after reviewing other appellate processes within the association and intended to balance due process and the time commitment of committee and Board members. It is able to do this in a number of ways.

1. First, as written, the procedures place the in-person hearing at the committee level, this allows the Board to rely on and defer to the committee's expertise regarding the APP. Under current legislation, the committee must be chaired by a president/chancellor and must have two presidents/chancellors serve as committee members.

2. In addition, the current process prevents an institution from presenting the same argument to two different bodies. It eliminates the cost to both the Board subcommittee/committee and institutions of having two separate in-person hearings.

3. And finally, the process is sensitive to the time commitments of the Board subcommittee, committee and institutions as the staff anticipates between 10 to 15 schools in the

upcoming academic year will find themselves with Occasion-Three Historical Penalties, and possibly more than this in the years to come.

There has been some discussion regarding modifying the Board's standard of review from "abuse of discretion" to "clearly erroneous." In the past, the clearly erroneous standard has been used in other waiver/appellate processes within the Association. A review of those processes highlighted the difficulty with using the clearly erroneous standard, namely that the language is broad enough to open the proverbial gate and allow any institution to appeal and use the appellate body's time even if the argument had no merit. Based on the experience of these other processes, the historical penalties waiver/appeals procedures were written purposefully to exclude the clearly erroneous language.

Abuse of Discretion.

In response to the discussions regarding abuse of discretion, the following example was developed to help illustrate the review standard and its application.

Institution X has a team subject to Occasion-Three Historical Penalties and presents its waiver to the Committee on Academic Performance at an in-person hearing. At the hearing, Institution X claimed that it was subject to historical penalties as a result of budget cuts that resulted in elimination of academic support staff, which had a negative impact on the student-athletes academic eligibility.

Outcome No. 1: The Committee on Academic Performance deliberates and chooses not to consider the budget cuts during its deliberations (e.g., Committee on Academic Performance does not allow the institution to present this mitigation and/or does not include this mitigation in its review of the case) and denies the institution's waiver. APP policy and procedures require the committee to consider certain factors when deliberating a case, including mitigating circumstances. The committee's failure to consider this mitigating circumstance would be an abuse of its discretion.

Outcome No. 2: The Committee on Academic Performance deliberates and considers the mitigation but determines that the budget cuts, which resulted in elimination of academic support staff were within the institution's control and did not warrant a waiver of the historical penalty. In this instance, the committee did review the mitigating circumstance and did not find it compelling to waive the penalty. This would not be an abuse of discretion, as the committee considered the mitigation in its review.

Excerpts from the NCAA Division I Academic Performance Program and NCAA Division I Committee on Academic Performance Policies and Procedures

[Note: In all of the enclosed attachments only applicable edited sections have been included. In many cases, entire sections that appear in the actual policies do not appear in these attachments if such sections are unchanged. The complete updated policies may be viewed at:

http://web1.ncaa.org/web_files/Misc_Committees_DB/CAP/Committee%20Guides%20and%20Documents/CAP_Policies_&_Procedures_September_2008.pdf

Application Procedures

All Occasion-Three waivers (i.e., seek relief of some or all applicable penalties or to delay imposing penalty) must be submitted electronically to the NCAA national office via the LSDB*i* portal. Waivers must be submitted within 21 calendar days of the institution entering the penalty waiver period. The online waiver application program will produce a signature page that must be signed by the institution's chancellor or president.

The waiver must set forth the reasons the institution believes that application of Bylaw 23.2.1.2.3 (e.g., Occasion-Three Penalties) should be waived. The waiver must identify all team penalties that an institution is appealing to the Committee on Academic Performance. The waiver will be considered a single waiver case and will not be complete until all team penalties being appealed are addressed. **The waiver should address the "Review Factors" that will be used by the committee in its deliberations. For a list of these factors please see the "Review Factors" section below.** The institution may include additional information and supporting documentation it believes is relevant to its request.

Review Factors

The committee will generally review each team separately, usually in the order contained in the notice of penalty. However, the committee may review teams together if the rationales for the waivers are similar.

Committee decisions will include consideration of the following:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the member institution and/or student-athlete(s).

2. Historical academic performance of the **respective penalized team(s)** and student-athlete(s).

3. Number of teams at the institution subject to historical penalties.

4. Size of variance between the team's APR and the historical-penalty "benchmark."

5. **History of penalties and waivers (e.g., contemporaneous penalties, historical penalties) for affected team**.

6. **Review of the historical penalty factors (i.e., resources, institutional characteristics, by-sport comparison).**

7. **Review of current APR Improvement Plan and implementation of previously created APR Improvement Plan(s).**

8. Other factors deemed relevant to the waiver.

Excerpts from the NCAA Division I Academic Performance Program and NCAA Division I Committee on Academic Performance Policies and Procedures

Appeal Procedures

All appeals must be submitted electronically to the NCAA national office using the LSDB*i* portal. All appeals must be submitted within 21 calendar days of written notification of the Committee on Academic Performance decision. The online appeal application program will produce a signature page that must be signed by the president or chancellor.

An institution will be required to submit an appellate brief explaining its rationale for appealing the committee's decision. Specifically, the institution's appellate brief may only address how it believes that the committee abused its discretion in applying the legislation and/or policy and procedures, and how these abuses reasonably could have resulted in a different decision. The subcommittee may not hear a case de novo (e.g., over again, anew). **The Committee on Academic Performance chair, or acting chair, has the authority to review the submitted appellate brief to determine whether it raises any arguments, data or information not previously presented to the committee. If the committee chair finds that new arguments, data or information has been raised he or she may raise the issue before the subcommittee. See Committee Issues below for more detail.**

In addition, the appeal must identify all team penalties that the institution is appealing. The appeal will be considered a single case and will not be complete until each team penalty is addressed.

All appeals of Committee on Academic Performance decisions must be submitted electronically to the national office via the LSDBi portal within 21 calendar days of written notification of the Committee on Academic Performance's decision.

Any appeal filed after 21 calendar days must include an explanation of why the appeal was not filed within the prescribed time period. The chair of the Board of Directors subcommittee must determine whether any appeal filed after the 21 calendar days may be considered.

The staff supporting the committee will work with the institution prior to the teleconference to prepare for the appeal. This must be done prior to the case being forwarded to the Board of Directors subcommittee.

Committee Issues

Prior to the review of the appeal, the committee chair may raise any issues he or she has regarding the documentation filed by the institution. Specifically, whether he or she believes that any of the arguments, data or information in the appellate brief is new and was not provided to the committee during the waiver hearing and the new argument, information or data would have reasonably led to a different decision at the committee level.

Following the committee chair's presentation, the institution will have an opportunity to respond.

After the committee chair's presentation and the institution's response, the subcommittee will deliberate. The subcommittee chair, or acting chair will ask everyone, other than subcommittee members and NCAA staff supporting the subcommittee to disconnect from the teleconference while they deliberate. After the subcommittee has deliberated appeal participants will be notified that the conference call will resume.

The subcommittee may render one of the following decisions:

1. **The arguments, data or information is not new and the appeal may continue as scheduled;**

   or

2. **The arguments, data or information is new and must be remanded back to the committee for reconsideration.**

Excerpts from the NCAA Division I Academic Performance Program and NCAA Division I Committee on Academic Performance Policies and Procedures

Review of the Appeal

The institution is provided an opportunity to present its basis for appealing the Committee on Academic Performance decision to the subcommittee. The institution's appeal should be based on the appellate brief submitted to the subcommittee. The institution's brief may only address, based on the facts that were presented to the Committee on Academic Performance, how it believes that the committee abused its discretion, as outlined in the review standard section, in applying the legislation and/or its policies and procedures and how such abuses could have reasonably resulted in a different outcome.

The appeal may not exceed one hour in length. The one-hour time period will conform to the following process:

The Committee on Academic Performance chair, or acting chair, will have 15 minutes to describe the facts of the appeal, applicable case precedent, the committee's decision and rationale and to address the allegations that it abused its discretion in applying the legislation and/or it policies and procedures. **The NCAA staff supporting the committee may participate in the opening statement as long as their comments are included in the 15 minute time limit.**

The institution's designated spokesperson will then have 15 minutes to describe the case and to address how it believes the committee abused its discretion in applying the legislation and/or its policies and procedures and may include comments in rebuttal to the committee's opening statement. The institution's president or chancellor and athletic director may participate in the opening statement as long as they are employed full time by the institution and their comments are included in the 15 minute time limit.

Following opening statements from the chair, or acting chair, of the Committee on Academic Performance and the institution, the Board of Directors subcommittee members may ask questions of all participants, including NCAA staff member supporting the committee. Once all questions have been answered, the teleconference will conclude with the committee and institution each providing a five-minute closing statement. The closing statement must be made by the institution's spokesperson and the committee member who presented the case.

The subcommittee may ask questions at any time. Any institutional representative, committee member or **NCAA staff supporting the committee** may be questioned on any relevant issue. It is possible that the parties will be asked to respond to questions prior to their formal presentations. The one hour period includes questioning by the subcommittee.

If the institution or Committee on Academic Performance desire to ask a question of another party, that question should be directed to the subcommittee chair, who will then decide if the question is appropriate and, if so, will direct it to the appropriate individual.

The chair of the Board of Directors subcommittee, or his or her designee, is responsible for monitoring the time.

Excerpts from the NCAA Division I Academic Performance Program and NCAA Division I Committee on Academic Performance Policies and Procedures

Reporting Committee Decisions

The committee shall annually submit summaries of all in-person hearing decisions made by the committee to the Board of Directors subcommittee. The summaries shall not provide institutional names. The Board's review of these summaries may not result in a different outcome for a particular case or a rehearing of the case. However, given the Board of Directors broad policy oversight for all APP matters, annual case review may result in the Board Subcommittee recommending the Board consider a policy matter.

NCAA Bylaw 23.3.2 Appeal of Committee on Academic Performance Decision.

An institution may appeal a decision issued by the Committee on Academic Performance to the designated subcommittee of the Board of Directors under the following conditions: *(Adopted: 4/29/04)*

(a) The penalty (or penalties) at issue in the appeal involves loss of access to postseason competition and/or reclassification of membership status to restricted or corresponding membership. No other issues or penalties (e.g., loss of scholarships, recruiting restrictions, academic or graduation rate issues, preseason competition restrictions) shall be appealed; and

(b) An institution or team appealing a decision of the Committee on Academic Performance must demonstrate that the committee abused its discretion in applying the legislation and/or policies and procedures of the academic performance program. An institution may not seek an appeal for substitution of the committee's judgment.

REVISED
SUPPLEMENT NO. 9
DI Board of Directors 10/08

REPORT OF

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION I COMMUNICATIONS AND COORDINATION COMMITTEE

CONFERENCE CALL

Participants: October 15, 2008

Grace Calhoun, Indiana University – (Awards, Benefits and Financial Aid Cabinet)
Carolyn Callahan, University of Virginia – (Academics Cabinet)
Joseph D'Antonio, Big East Conference – (Legislative Council)
Damon Evans, University of Georgia – (Leadership Council)
Rob Halvaks, Big West Conference – (Administration Cabinet)
Kerry Kenny, Patriot League – (SAAC)
Petrina Long, UCLA – (Recruiting Cabinet)
Mike Rogers, Baylor University – (Amateurism Cabinet)
Jeff Schemmel, San Diego State University – (Championships/Sports Management Cabinet)
Beth DeBauche, NCAA – recording secretary

NCAA staff: Wayne Burrow, Megan Coyne, Angie Cretors, Diane Dickman, Lynn Holzman, Michelle Hosick, Brad Hostetter, Amy Huchthausen, Kevin Lennon, Steve Mallonee, Delise O'Meally, Carol Reep, Geoff Silver, Jackie Thurnes, Sharon Tufano, and Leeland Zeller also participated on the call.

The conference call was called to order by the chair, Damon Evans, at 2:05 p.m.

1. **Welcome and opening remarks**. Damon Evans welcomed new Legislative Council chair Joseph D'Antonio to the call and thanked the group for their participation. He reminded the group that the purpose of the call is to identify the big issues on the Division I agenda that are of interest to other governance bodies to ensure a higher level of coordination in consideration of the issues.

2. **Reports from September Cabinet meetings**.

a. Academic Cabinet.

(1) Nonlegislative matters. Academic Cabinet chair, Carolyn Callahan reported that, during its first meeting, the Academic Cabinet focused on identifying big

issues on the Division I agenda and on taking a proactive approach. She reported that the cabinet has identified a number of priority topics to examine, including:

(a) The academic success of transfer students, especially two-year college transfer students. As part of this examination, the cabinet has asked the Division I Board of Directors and the Committee on Academic Performance to collect more data with regard to the academic performance of two-year college students.

(b) Nontraditional course work. [Note: Committee members noted the membership seems to have a number of questions regarding nontraditional course work generally and Proposal Nos. 2008-32 and 2008-35 more specifically. It was reported that the faculty, especially, seem to have questions regarding these proposals and the group suggested not only would education regarding these proposals be important, but faculty athletics representatives should be encouraged to take the lead on this issue.]

(c) The impact of academic reform on academic support personnel.

(d) Time demands on student-athletes.

(2) Legislative matters. Carolyn Callahan mentioned that, from a legislative standpoint, the cabinet:

(a) Recommends the Legislative Council adopt noncontroversial legislation to specify that institutions are required to submit a final high school transcript for student-athletes who were certified as early academic qualifiers; and that these transcripts must be submitted by November 15 following the individual's initial full-time collegiate enrollment.

(b) Supports Proposal No. 2008-48, which would reduce, in baseball, the maximum number of contests from 56 to 52. The cabinet believes this proposal would likely result in less missed class time.

b. Administration Cabinet.

(1) Nonlegislative matters. Administration Cabinet chair, Rob Halvaks reported that, during its first meeting, the cabinet developed some value-based guiding principles to direct its committee appointment process. The cabinet also identified issues for its agenda and plans to:

(a) Work with the Leadership Council to seek to identify ways to develop a broader and more diverse pool of representatives to serve in the governance structure. [Note: Committee members discussed the fact that diversity is more than ethnic and gender diversity and must include positional diversity as well. The group discussed the fact that while there are a number of FARs serving in the structure, their service is not distributed well throughout the structure. Identifying ways to achieve more positional balance in the structure must be part of the broader diversity conversation.]

(b) Begin developing an assessment tool for the new Division I governance structure.

(c) Start examining, along with the Championships/Sports Management Cabinet, the current number and structure of sport committee regions.

(d) Assign individual cabinet members to review the progress of reclassifying institutions to determine whether it is appropriate to advance the institution to the next year of the reclassification process.

(2) Legislative Matters. Rob Halvaks reported that, from a legislative standpoint, the cabinet:

(a) Supports Proposal No. 2008-59, which adds sand volleyball as an emerging sport for women and removes archery, badminton, synchronized swimming and team handball as emerging sports for women, but recommends that the proposal be divided to permit the Legislative Council to take one action to include sand volleyball as an emerging sport and one action to eliminate the other sports listed as emerging sports.

(b) Took no position on Proposal Nos. 2008-64, 2008-70 and 2008-71, which are intended to address membership-related issues; recommending that the Division I Legislative Council refer the proposals to the Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the moratorium.

c. Amateurism Cabinet.

(1) Nonlegislative Matters. Mike Rogers, chair of the Amateurism Cabinet, reported that the cabinet received a great deal of background education during its first meeting to ensure the members had the requisite understanding of the

issues pertaining to amateurism and identified the following matters for future examination:

(a) The issue of agents and advisors interaction with prospective student-athletes and student-athletes and the potential impact on eligibility.

(b) The challenges facing institutions and the Eligibility Center with regard to amateurism certification.

(c) The definition of a professional team and whether the current broad definition unfairly penalizes prospective student-athletes who never intended to professionalize themselves.

(2) Legislative Matters. Mike Rogers also explained that the cabinet supports Proposal No. 2008-13, which is intended, in an individual sport, to permit a student-athlete to accept prize money based on his/her place, finish or performance in an open event during any official vacation period, provided the prize money does not exceed actual and necessary expenses. He explained as this proposal would allow student-athletes participating in individual sports the same opportunity as is currently provided to prospective student-athletes.

d. Awards, Benefits, Expenses and Financial Aid Cabinet.

(1) Nonlegislative matters. Chair, Grace Calhoun reported that the cabinet, in seeking to address its charge, made the determination to face the big issues impacting the division head on rather than take a reactive approach. Based on that determination, the cabinet identified the following issues for thorough consideration over the course of the next few years:

(a) Examination of maximum grant-in-aid limitations, including individual and team limits along with equivalency versus head count designations. Grace noted the time appears right to focus on these important issues separate from competitive equity concerns. She also indicated that it may be helpful to gage the Leadership Council's level of interest in this examination.

(b) Multiyear scholarships/presumption of renewal concept.

(c) Educational outreach to financial aid administrators.

(2) Legislative Matters. From a legislative standpoint, Grace Calhoun noted the cabinet:

(a) Offered an alternative to Proposal 2008-25A. This alternative, Proposal No. 2008-25B, specifies that an institution shall not provide a high school, prepatory school or transfer prospective student-athlete a written offer of athletically related financial aid until he or she has completed the amateurism certification questionnaire administered by the NCAA Eligibility Center. Grace explained this modification eliminated the reference in Proposal No. 2008-25A to official visits out of concern that requiring the amateurism certification questionnaire to be completed prior to an official visit is cumbersome and could result in a delay of a visit.

(b) Recommends that Proposal Nos. 2008-40 and 2008-41, which calls for an increase in the grant-in-aid limits in women's volleyball and baseball, respectively, be tabled by the Legislative Council to allow for time for the cabinet to conduct a broader examination of maximum grant-in-aid limitations for all sports.

e. Championships/Sports Management Cabinet.

(1) Nonlegislative Matters. Cabinet chair, Jeff Schemmel reported that the cabinet:

(a) Received information on both the increase in travel costs for NCAA championships travel costs and the decrease in flight availability, which impacts the ability to transport teams and individual student-athletes to their championship destinations in a timely and efficient manner. He explained that the cabinet reviewed three tiers of recommendations designed to help address these problems. The first tier of recommendations did not require cabinet approval and are being implemented by staff. The cabinet approved the single recommendation in the second tier, which calls for an increase in the travel policy mileage limitation threshold and an increase in the policy regarding the ground commute from the nearest airport to the championships site. This tier-two recommendation was for fall sports only due to their immanency and the cabinet agreed to consider implementing the change for winter and spring championships after assessing the impact. The cabinet also received a summary of tier-three recommendations and agreed that additional discussion by the membership was needed. The cabinet agreed to solicit feedback from institutions, conferences and sports committees. Jeff noted that the cabinet members are mindful that, as a result of the suggested tier-three changes, cabinet members do not want to impede the progress that has been made in the areas of bracketing and seeding.

(b) In Men's and Women's Track and Field, the cabinet agreed to replace the current regional qualifying system with a two-site, three-day format effective with the 2010 championships.

(2) Legislative Matters. From a legislative standpoint, Jeff Schemmel noted the cabinet:

(a) Recommends the Legislative Council sponsor noncontroversial/emergency legislation to amend NCAA Bylaw 13.02.11 and 13.11.1.1., to specify that in the sport of men's basketball, for purposes of applying recruiting legislation, an individual becomes a prospective student-athlete when the individual begins classes for grade seven.

(b) Supports Proposal No. 2008–48, which, in baseball, reduces the maximum number of contests from 56 to 52. The cabinet believes this proposal will help reduce the challenges related to the compression of baseball schedules and would most likely result in less missed class time.

f. Recruiting and Athletics Personnel Cabinet.

(1) Nonlegislative Matters. Chair, Petrina Long reported that the cabinet, using its guiding principles, successfully reviewed a number of legislative proposals in the 2008-09 cycle. Additionally, she reported the cabinet plans to examine the following issues pertaining to recruiting:

(a) Coaching limits and the number of noncoaching staff members.

(b) Early offers of athletics aid. [Note: The committee discussed the fact the Leadership Council had also expressed concern regarding the issue of early offers. This is an issue that may involve a number of bodies in the Division I governance structure.]

(c) The need to stay abreast with technology due to its impact on recruiting and a willingness to review legislation to ensure it is current with advances in technology.

(2) Legislative Matters. From a legislative standpoint, Petrina expressed concern that a legislative concept originating from the Men's Basketball Issues Committee, which specifies in the sport of men's basketball, for purposes of applying recruiting regulations, an individual becomes a prospective student-athlete when the individual begins classes for grade seven, was only reviewed

by the Championships/Sports Management Cabinet and not also by the Recruiting/Athletics Personnel Cabinet.

3. **Lessons learned. What worked well under the new structure and where did you experience challenges**? The chairs all reported they had successful and productive first meetings, hallmarked by enthusiasm and a willingness to address the big issues facing Division I. Committee members indicated a desire to share successful practices in the future and noted that some cabinets had success using a round table discussion format. The chairs noted that together they, along with staff, must strive to identify issues and legislative proposals of interest to more than one governance body.

4. **Preview of the Legislative Council meeting**. Joe D'Antonio reminded the chairs that, under the new governance structure, the Legislative Council has more limited jurisdiction than the former Management Council, as its charge is specifically limited to the examination of legislation. This change in jurisdiction was purposeful as it was designed to bring a higher level of legislative expertise to the division's review of legislation. Joe explained that, at this meeting, the council hopes to provide the membership with more legislative direction in advance of the formal consideration of legislation in January and that as part of this process, the cabinets' positions on legislation will be vetted out. He also mentioned that the council hopes to have a new, simplified reporting format.

5. **Preview of the Leadership Council and Board meeting**. Leadership Council chair, Damon Evan reported that the council, at its meeting on November 5, is scheduled to focus its efforts on beginning its examination of Division I membership standards and continue its discussion regarding ways to enhance the level of diversity serving within the Division I governance structure.

   Board of Directors staff liaison Beth DeBauche reported that, while there are a number of big issues on the Division I agenda, such as the work of the Men's Basketball Academic Enhancement Working Group and the Task Force on Commercial Activity in Intercollegiate Athletics, none of the issues are ripe for immediate determination by the Board. She reported the Board is expected to enter into a value–based discussion, receive a report from the Committee on Infractions and Infractions Appeals Committee and receive an update on the work of the Committee on Academic Performance.

6. **Communication and membership outreach efforts**. The group discussed the importance of communication to the ultimate success of the new structure. The chairs discussed the fact there can be a legitimate expectation that those in the membership will read cabinet

and Council reports, but that every effort should be made to make the volume and type of information shared with the membership more manageable. The chairs shared communication ideas, including more uniformity in report writing and listing the names of the cabinet and Council members with each report. Beth DeBauche requested that the staff be given time to work together to seek to identify ways to streamline the report writing process, with the goal of having more uniform and succinct Division I governance reports. The results of the staff work will be shared with the chairs in advance of the February cabinet meetings. Additionally, the Division I governance staff agreed to work with the multisport conferences and affiliate groups to seek to identify communication strategies that best meet their needs.

7. **Updated cabinet and Council meeting schedule**. The cabinet chairs and staff liaisons were encouraged to work with Shorts Travel to identify meeting dates for 2009 and beyond.

8. **Future calls and meeting dates**. The committee members recommended that they have their next conference call in November/December after the Legislative and Leadership Council meetings, but before the NCAA Convention. Additionally, it was confirmed that the Communications and Coordination Committee would meet on January 16 at the NCAA Convention. Specifically, the chairs' schedule will be as follows:

a. Board of Directors, Legislative and Leadership Council luncheon 11:30 a.m. – 1 p.m.

b. Division I Forum 1 – 3 p.m.

c. Meeting and reception 4 – 6 p.m.

9. **Adjournment.** Communications and Coordination Committee chair Damon Evans adjourned the call at 3:15 p.m.

Videographer Policy

The Championship Videographer policy is intended to provide participating institutions the ability to capture and utilize championship footage for various non-commercial purposes while assuring the integrity of the NCAA's multimedia rights to the event.

Institutional videographers will be permitted to capture competition footage from the still photographer areas. These areas are designated by the championship sports committees in conjunction with the championship media coordinator. Each institution will be permitted to have one videographer for this purpose and will only be permitted to capture footage of events/contests in which it is participating. In addition, institutional videographers will be permitted inside the locker room, with approval of the institution's head coach, during periods that are closed/off limits to general, non-NCAA media rightsholding members of the media.

The institution will be permitted to videotape the event for non-commercial uses only. Non-commercial uses include university banquet videos, recruiting videos, institutional PSAs, video boards, and institutional athletic halls of fame. In addition, institutions are permitted to use institutional videographer footage captured for the following commercial uses: 1) On the official institution athletic Web site, and 2) Institution coach's shows. The following restrictions will apply to such usages:

- Institutional athletic Web sites.

    1) Institutions may only use videographer footage if the NCAA championship competition is not being televised by an NCAA media partner. In this case, the NCAA National Office will provide the highlights through NCAA.com. These highlights may be showcased on the institutional athletic Web site. The NCAA will provide highlights of the event in conjunction with its media partners either in the form of an embedded video player or direct link to the NCAA.com video player.

    2) If the NCAA championship event/contest is not being televised, up to five (5) minutes of institutional videographer footage may be used from the championship event/competition.

    3) Footage shall be removed not more than 30 days after the event.

- Coach's shows

    1) Institutions may utilize up to five (5) minutes of footage of the actual NCAA championship event/contest per show for broadcast/cable television only.

    2) Each show may appear twice per station over a seven-day period following the completion of the championship event/contest.

The university cannot sell, reproduce, duplicate this footage or use the footage for any commercial purposes without the express written consent of the NCAA or its licensing agent, in its sole discretion. Commercial uses include but are not limited to the following: 1) Highlight videos/DVDs that are distributed (includes both paid and free videos) to the public (public includes, but is not limited to parents, donors, alumni, and students that are not student-athletes.), 2) Any documentary or other program airing on a commercial television station; 3) Future television game broadcasts that includes the university or 4) Any use that would result in a rights fee or in-kind contribution of product or services. If an institution wishes to use footage captured at an NCAA championship for a commercial purpose, it must contact the NCAA or its licensing agent. The footage obtained may not be given out to third parties, including but not limited to the following: 1) News agency (i.e. local/regional news station or national network) 2) Video production companies, 3) Corporate partners/ sponsors of the institution; or 4) Individuals requesting a copy of the game for personal viewing.

Any request that the institution receives for championship footage should be directed to the NCAA or its licensing agent.

The participating institution will be asked to identify its institutional videographer(s) authorized to shoot video during an NCAA championship. Unauthorized representatives of the institution shall retain no rights, and the institution shall be responsible for any and all violations of the Agreement. The NCAA retains all rights to all NCAA championship events.

If requested by the NCAA, the university will provide a beta SP dub of the footage capture at without charge. The NCAA reserves the right to use footage for any commercial or non-commercial purpose as described above.

Report of the National Collegiate Athletic Association Division I Leadership Council Meeting

The NCAA Division I Leadership Council submits the following report from its August 6, 2008, meeting:

1. Understanding the new Division I governance structure.

LDC ACTION:

a. Received an overview of the new Division I governance structure to ensure the members had a thorough understanding of the goals and objectives behind restructuring and the importance of the Leadership Council's role in helping the Board of Directors as it seeks to lead Division I; and

b. Learned that the Leadership Council will:

- Serve as the primary advisory group to the Board of strategic and policy issues;
- Provide background information, advice and counsel to the Board on legislative and nonlegislative matters;
- Receive authority from the Board through agendas that mirror the Board of Directors;
- Suggest concepts for the legislative agenda;
- Have a national focus rather than a local/conference one; and
- Retain much of the former Management Council's jurisdiction, except legislation.

2. Discussion with NCAA President Myles Brand.

LDC ACTION:

a. Entered into a conversation with the NCAA President regarding the vitally important role of the Leadership Council as it seeks to think strategically regarding the issues facing Division I and to take a national perspective on behalf of the NCAA; and

b. Were reminded that the Leadership Council must strive to develop a strong relationship with the Board by providing thoroughly developed positions on matters of national concern.

3. Review of three-to-five year national office strategies.

LDC ACTION:

a. Received a presentation from the NCAA president in which he reviewed the three controlling goals that should be at the forefront of the Division I governance representatives' thought processes as they seek to develop positions and recommendations. These controlling goals are:

- Complete this cycle of academic reform;
- Subserve all business, corporate and championships efforts and decisions, especially those concerning basketball, to positioning for and negotiating new media contracts; and
- Focus on issues related to student-athletes and athletics personal well-being.

b. Were encouraged to review the NCAA's Strategic Plan in conjunction with consideration of the three controlling goals.

[Note: The staff will send the Leadership Council members a copy of the NCAA's Strategic Plan.]

4. Update regarding Fantasy Sports Leagues.

LDC ACTION:

a. Were informed by the NCAA President that a recent ruling by the 8th Circuit Federal Court of Appeals in the case of CSC Distrib. And Mkting. Inc. v. Major League Baseball L.P., in which the court applied Missouri state law to professional fantasy leagues, has led fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling;

b. Were advised that there is an apparent conflict with this ruling and a July 2008 NCAA rules interpretation, which states the use of a student-athlete's name in connection with a fantasy sports game even when there is not an entry fee or prize associated, is a violation of NCAA bylaws; and

c. Learned that a cease and desist letter would be sent by the Association on behalf of its members and student-athletes to any distributor engaged in such activities and that the Board, with the help of the Commercial Activities Task Force and eventually the Leadership Council, would be encouraged to address whether fantasy sports games that adhere to certain parameters necessarily violate the principles of amateurism.

5. Discussion regarding the role and purpose of the Leadership Council (i.e., support the Division I Board of Directors and help to identify and manage the agenda for Division I.)

a. Flow of Council's work.

LDC ACTION:

(1) Learned that the meeting schedule for the new Division I governance structure is based on both the Division I Board of Directors' quarterly schedule and the annual Division I legislative cycle, which begins on July 15 with the legislation submission deadline and concludes with the Board's April meeting; and

(2) Discussed how the Leadership Council should seek to develop its meeting schedule so it can be helpful in identifying issues for the governance substructure's examination, while at the same time, seeking to be responsive to the Division I Board of Directors.

b. Structure and timing of meetings.

LDC ACTION:

(1) Agreed that given the number of issues the Council has been asked to examine, that the Leadership Council should meet prior to the meeting already scheduled on January 15 at the NCAA Convention; and

(2) Suggested trying to identify a time near the October Legislative Council and Board of Directors meetings, with the caveat, the meeting should be conducted in the early part of the week to avoid conflicts with travel associated with football games.

[Note: The staff will solicit availability calendars so that a meeting can be scheduled in the fall.]

c. Administrative Committee.

LDC ACTION:

(1) Were informed that under the new governance structure, while the formation of subcommittees are precluded unless legislatively prescribed, each governance body is permitted to form an administrative committee to help address the interim actions of the group; and

(2) Noted it might be too early to determine whether the Council would have interim work, although some members opined they felt an administrative committee would assist with the efficient administration of this Council.

d. Vice chair.

LDC ACTION:

(1) Learned that pursuant to the new Division I governance structure, each council and cabinet has discretion to appoint a vice chair if it is determined that the assignment of such a position would be helpful; and

(2) Determined that given that it was the council's first meeting and the current chair can serve up to two years, it would be prudent to wait before making a determination as to whether a vice chair is needed.

e. Other issues.

LDC ACTION:

(1) Discussed the importance of communication within the new governance structure and having a level of familiarity with the work of the committees that report to it; and

(2) Solicited the names of interested Leadership Council members to serve as liaisons to the following committees:

- Division I Student-Athlete Advisory Committee (1 FBS member and 1 Division I member);
- Minority Interests and Opportunities Committee; and
- Sportsmanship and Ethical Conduct.

[Note: Once the interest surveys have been compiled, liaisons will be selected and the Leadership Council notified.]

6. Review of the functions of the Communications and Coordination Committee.

LDC ACTION:

a. Learned that as a feature of the new Division I governance structure, a Communications and Coordination Committee has been established, which is charged with helping to enhance the level of communication between Division I governance bodies and the membership so that there is a more cohesive approach to managing the Division I agenda; and

b. Were informed that the committee will convene via conference call before/after the grouping of councils and cabinets meetings to help coordinate the consideration of issues and that this committee's report will be shared with Leadership Council members.

7. Reviewed agenda items identified by the Division I governance structure, including the Division I Board of Directors, for consideration and discussion by the Leadership Council.

LDC ACTION: Were informed that the Division I Board of Directors has identified the following four issues as being appropriate for Leadership Council examination and that over the course of its next few meetings, the Leadership Council will be asked to engage in some hard work to offer recommendations to the membership and Board regarding these important issues.

a. Recommend initiatives that will enhance the level of diversity in the Division I governance structure.

LDC ACTION:

(1) Received an overview of the governance subcommittee's efforts to enhance the level of ethnic, gender and positional diversity serving in the Division I governance structure and reviewed the legislative diversity requirements;

(2) Learned that the Board of Directors now plays a keen oversight role in the governance appointment process and has charged the Leadership Council with examining ways to enhance the level of diversity serving within the structure; and

(3) Entered into a preliminary discussion, in which individual members shared ideas to enhance diversity, including:

- Efforts need to focus on broadening the pool from which representatives are selected. There needs to be a focus on developing talent to ready representatives for leadership roles.

- The governance cabinets and the committee structure provides a good opportunity for young professionals to gain experience.

- Conferences may be able to provide assistance by including more and different representatives in their meeting structure.

- The NCAA Convention can serve as a forum to provide development opportunities to young professionals.

- Identifying minority and female professionals for additional exposure to NCAA meetings.

- Increased efforts to discuss employment opportunities in intercollegiate athletics with minority and female student-athletes should be pursued.

- Efforts should be made to learn from successful programs in higher education and elsewhere, as lack of diversity is a societal problem.

- Mentoring efforts, including providing access to reading materials, a dedicated web site and meetings may be beneficial.

- An assessment of current NCAA professional development programs for females and minorities should be conducted to assess their level of success.

[Note: The NCAA Diversity and Inclusion staff will be called upon to assist with this examination. For future discussions the Council asked to see governance service histories by conference.]

b. Update regarding preliminary plans to examine Division I membership standards**.**

LDC ACTION: Learned that as a result of the two-year moratorium in 2000, Division I developed a more detailed educational assessment program and standards to more clearly distinguish football playing institutions among subdivisions, but that the migration to Division I did not slow down. Accordingly, in August 2007, the Division I Board of Directors established a four-year membership moratorium to take time to assess and study the impact of this membership migration and develop reasonable philosophical expectations and legislative requirements that should be adhered to by all institutions desiring to transition to or remain in Division I; and

- Were informed that the Leadership Council has been charged with engaging in that study and offering recommendations concerning Division I membership standards.

- Were advised that the chair of the former Membership and Governance Subcommittees of the Management Council and the current chair of the Administrative Cabinet would be called upon to assist in this project.

[Note: Leadership Council members will be sent reading materials regarding current Division I membership standards in advance of the next meeting.]

c. Following review by the Board of Directors, offer recommendations concerning the report of the Task Force on Commercial Activity in Intercollegiate Athletics.

LDC ACTION:

(1) Were informed that the Task Force's charge is to develop guiding principles and instructive guidelines that clearly identify the balance point between unrealistic idealism and crass commercialism; and

(2) Learned that it is anticipated the Task Force will seek to complete its charge within the next few months, at which time the Leadership Council, in keeping with the three controlling goals, will be asked to provide additional strategic thinking by possibly addressing such questions as "should there be an attempt to regulate the environment?" and "if so, by whom, and with what level of consistency?"

d. Discuss appropriate strategies to consider certain Division I amateurism issues.

LDC ACTION:

(1) Received a brief presentation from the vice president for Membership Service regarding the history of Division I amateurism legislation and the standard of review for amateurism cases, which has evolved over time as more international student-athletes have enrolled in Division I institutions; and

(2) Were informed that:

- The new Division I Amateurism Cabinet plans to review amateurism issues, with specific attention given to the definition of a professional team (and how one may become ineligible based on benefits received by a teammate), as well as issues related to actual and necessary expenses.

- The NCAA student-athlete reinstatement staff and the NCAA Division I Committee on Student-Athlete Reinstatement will discuss with the Legislative Council a desire for additional flexibility from the NCAA Division I Management Council directive regarding competition with professionals.

- The Committee on Student-Athlete Reinstatement (ultimately the NCAA Division I Legislative Council) will review and consider implementing more flexible application of Management Council amateurism directives.

8. Identification of additional issues and themes of importance to the Leadership Council.

LDC ACTION:

a. Were provided an opportunity to share ideas regarding other issues that Council members would like to see examined by the Leadership Council; and

b. Members shared the following areas for review:

- The issues of ethics in sports and how Division I and the Association as a whole can assist coaches associations and other constituent groups in having meaningful conversations regarding ethics and professionalism.

- A broad examination of time demands on student-athletes based on recent research findings, including consideration of restructuring or eliminating the non-championship segment.

- Hiring practices in intercollegiate athletics and whether there is adequate transparency in the process, consistent with typical hiring practices on campus.

- The need for additional professional development for coaches and the possible need for a coaching certification program whereby coaches receive education on a wide array of issues that are designed to assist coaches in focusing on the overall well-being of student-athletes.

- The problem of early recruitment and commitments.

9. News from the National Office.

a. Review of significant agenda items from the August 7, 2008, Division I Board of Directors meeting.

LDC ACTION: Learned that in addition to the items listed on the Leadership Council's agenda, the Board is scheduled to receive a brief overview regarding the preliminary efforts of the Football Academic Enhancement Group, an update from the Oversight and Monitoring Group and a report from the Committee on Academic Performance in which the committee is asking the Board to examine its role in the appellate process for Occasion Three and Four Penalties.

b. Status report on the work of the Men's Basketball Academic Enhancement Working Group.

LDC ACTION:

(1) Received an update on the ongoing work of the Men's Basketball Academic Enhancement Group, which was charged by the Board to think creatively to identify ways to improve the academic performance and ultimately the graduation rates, of Division I men's basketball student-athletes;

(2) Heard from staff and members of the group that the basketball community appears committed to seeking to have meaningful, cultural change in the sport, mindful that the Academic Progress Rate is here to stay; and

(3) Learned that the Basketball Academic Enhancement Group will continue its work at its August 8, 2008, meeting, with the goal of providing the Board with a series of recommendations by October 2008, and that once the Board receives these recommendations, the Leadership Council will be asked to offer its guidance regarding the consideration of the recommendations.

c. Update regarding the membership's override request with regard to Proposal No. 2007-30-C.

LDC ACTION:

(1) Learned that 62 member institutions have submitted override requests regarding the adoption of Proposal No. 2007-30-C, which is intended to prohibit Division I men's basketball coaches from observing "non-scholastic events" during the April contact period;

(2) Were informed that the staff plans to recommend to the Board that it sustain its earlier action in adopting the proposal as the proposal is designed to address concerns about the increase in nonscholastic influences in the sport in the spring and poor academic performance and preparation; and

(3) Voted to recommend to the Division I Board of Directors that it sustain its earlier adoption of Proposal No. 2007-30-C, as the Leadership Council has concerns about the proliferation of nonscholastic events conducted during the April contact period and the resulting consequences to the well being of the prospective students who participate in these events. (Unanimous Voice Vote.)

10. Discussion of appropriate process to evaluate reports from committees that report to the Leadership Council.

LDC ACTION: Mindful that enhanced communication and more coordination between governance groups are key objectives of the Division I governance restructuring, discussed how it wants to receive information from committees that report to the Leadership Council; and noted it hopes to receive succinct reports that highlight salient points.

a. Committee on Women's Athletics.

LDC ACTION: Received the report and heard from the chair that the committee plans to broadly examine ways to enhance diversity both at the coaching and administrative levels, which, in turn, should assist the Leadership Council in its examination of ways to enhance diversity in the Division I governance structure.

b. Minority Opportunities and Interests Committee.

LDC ACTION: Received the report and learned that the Division I Management Council Administrative Committee declined to sponsor legislation in the 2008-09 legislative cycle to provide that each active member would be responsible for submitting annual data demonstrating that their employment practices are in compliance with their institutional employment practices when filling open positions within their athletics department. [Note: In deciding not to sponsor the legislation, the Administrative Committee suggested that MOIC should be encouraged to work on the legislative concept over the course of this next year in an attempt to provide more detail and clarity to the recommendation.]

c. Sportsmanship and Ethical Conduct.

LDC ACTION: Received the report and took no action.

d. Division I Student-Athlete Advisory Committee.

LDC ACTION:

(1) Received the report and learned that the Division I SAAC will seek to provide feedback to the working group examining issues surrounding "at risk" student-athletes.

(2) Were invited to send representatives to the Division I Student-Athlete Regional Leadership Conference scheduled for November 7 – 9, 2008, in La Jolla, California.

11. Other business and issues for discussion.

LDC ACTION: Reviewed the draft 2009 NCAA Convention schedule, and learned the Leadership Council is scheduled to meet as follows:

Thursday, January 15

- Joint Leadership Council/Collegiate Commissioners Association (CCA) meeting – 10 – 11:30 a.m..
- Leadership Council/Legislative Council/CCA Luncheon – 11:30 a.m. – 1 p.m..
- Leadership Council meeting – 1 – 3:30 p.m.

Friday, January 16

- Leadership Council/Legislative Council/SAAC breakfast – 8 – 9:30a.m.
- Division I Issues Forum (suggested) 9:30 – 11:30 a.m.
- Leadership Council/Legislative Council/BOD luncheon 11:30 a.m. – 1 p.m.
- Legislative Forum (suggested) 1:30 – 3:30 p.m.

[Note: If there is a membership vote required with regard to the override request on Proposal No. 2007-30-C, it will occur in the Division I Business Session, which will be held at the conclusion of the Division I Legislative Forum.]

12. Adjournment.

A G E N D A

National Collegiate Athletic Association
Division I Legislative Council

Westin - Indianapolis
Indianapolis, Indiana

October 20-21, 2008

(Note: Items in bold are anticipated action items.)

1. Opening remarks.

2. Report of the August 6, 2008, NCAA Division I Leadership Council meeting. [Supplement No. 1]

3. Report of the August 7, 2008, NCAA Division I Board of Directors meeting. [Supplement No. 2]

4. Report of the August 8, 2008, NCAA Executive Committee meeting. [Supplement No. 3]

5. Litigation update. [Supplement No. 4]

6. Governmental relations report. [Supplement No. 5]

7. Report of the NCAA Division I Communications and Coordination Committee. [Supplement No. 6]

8. **NCAA Division I Legislative Council Policies and Procedures.** [Supplement No. 7]

9. NCAA Division I Committee/Subcommittee and Cabinet reports.

   [Note: The Legislative Council will focus its review only on legislative action and information items included in the reports.]

a. **Reports of the NCAA Division I Championships/Competition Cabinet (June meeting) and NCAA Division I Championships/Sports Management Cabinet (September meeting). [Supplement Nos. 8-a and 8-b]**

b. Report of the NCAA Division I Administration Cabinet. [Supplement No. 9]

c. **Report of the NCAA Division I Academic Cabinet.** [Supplement No. 10]

d. Report of the NCAA Division I Student-Athlete Awards, Benefits, Expenses and Financial Aid Cabinet. [Supplement No. 11]

e. Report of the NCAA Division I Amateurism Cabinet. [Supplement No. 12]

f. Report of the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet. [Supplement No. 13]

g. **Report of the NCAA Division I Legislative Review/Interpretations Committee.** [Supplement No. 14]

h. Report of the NCAA Division I Subcommittee on Legislative Relief. [Supplement No. 15]

i. Report of the NCAA Division I Committee on Athletics Certification. [Supplement No. 16]

j. Report of the NCAA Division I Student-Athlete Advisory Committee (SAAC). [Supplement No. 17]

k. Report of the NCAA Division I Student-Athlete Reinstatement Committee. [Supplement No. 18]

l. Report of the NCAA Division I Committee on Academic Performance. [Supplement No. 19]

m. Report of the NCAA Division I Football Championship Subdivision Governance Committee meeting. [Supplement No. 20]

n. Report of the NCAA Division I Men's Basketball Academic Enhancement Working Group. [Supplement Nos. 21-a and 21-b]

o. Report of the NCAA Division I Football Academic Enhancement Working Group. [Supplement No. 22]

10. NCAA Association-wide committee reports.

    a. Report on the NCAA Committee on Women's Athletics. [Supplement Nos. 23-a and 23-b]

    b. Report on the NCAA Minority Opportunities and Interests Committee. [Supplement No. 24]

    c. Report on the joint meetings of the Committee on Women's Athletics and Minority Opportunities and Interest Committee. [Supplement No. 25]

    d. Report on the NCAA Committee on Sportsmanship and Ethical Conduct. [Supplement No. 26]

    e. Report of the NCAA Life-Work Balance Task Force recommendations. [Supplement No. 27]

11. Legislative issues.

    a. Status of override requests following August Board of Directors meeting.

    b. **Legislation recommended as emergency or noncontroversial.** [Supplement No. 28-a]

    c. Discussion regarding legislation scheduled for initial consideration in January. [See Supplement No. 28-b for legislative proposals.]

        (1) Points to consider related to 2008-09 proposals. [Supplement No. 28-c]

        (2) Question and Answer Document related to 2008-09 proposals. [Supplement No. 28-d]

        (3) Comments received from various constituent groups – if available. [Supplement No. 28-e]

    [Note: This time is being reserved for all the Legislative Council members to thoroughly review and learn more about pending proposals and to ask questions. The Legislative Council can offer suggestions and modifications to pending proposals during this discussion. Accordingly, Legislative Council members should come to the meeting prepared to discuss the legislation by reviewing Supplement Nos. 28-b through 28-e.]

12. What is expected at the 2009 NCAA Convention?

    a. Schedule of events. [Supplement No. 29]

    b. Discussion regarding luncheon meeting with Leadership Council and Board of Directors.

    c. Discussion of override votes: [Supplement No. 30]

        - Proposal No. 2007-30-C – Recruiting – Contacts and Evaluations – Men's Basketball Evaluations – April Contact Period.

13. Future meeting dates.

    a. January 14-15, 2009, in conjunction with the NCAA Convention, Washington D.C.

    b. April 20-21, 2009, Indianapolis, Indiana.

    c. October 12-13, 2009, Indianapolis, Indiana.

14. Key discussion points summary.

15. Other business.

16. Adjournment.

REPORT OF THE OCTOBER 20-21, 2008,
NCAA DIVISION I LEGISLATIVE COUNCIL MEETING

ACTION ITEM.

- **Legislative Item - Request for Action by the NCAA Division I Board of Directors.**

  - **NCAA Proposal No. 2008-75 Eligibility -- Freshmen Academic Requirements -- Eligibility for Financial Aid, Practice and Competition -- Qualifier -- Exception -- Early Academic Certification -- Submission of Transcript [Attachment A]**

    (1) Recommendation. The NCAA Division I Legislative Council recommends that the Board of Directors sponsor Proposal No. 2008-75 into the current 2008-09 legislative cycle.

    (2) Effective Date. August 1, 2009.

    (3) Rationale. Proposal No. 2008-75 was sponsored by the NCAA Division I Academic Cabinet and recommended to the Legislative Council for adoption as noncontroversial legislation. The Legislative Council defeated a motion to consider the proposal as noncontroversial legislation; however, the Legislative Council agreed that the proposal merits consideration by the membership in the 2008-09 legislative cycle. The Legislative Council recognizes the vital importance of collecting the academic data on the final transcripts of prospective student-athletes who meet the early academic certification exception and that at the time the exception was adopted, there was an understanding that a process would be developed to ensure the collection of final transcripts. By including the proposal in the regular legislative cycle, issues related to the potential burden on institutions and specificity of application of the proposal may be fully vetted without delaying its potential implementation.

    (4) Estimated Budget Impact. None to minimal, as institutions generally receive a final high school transcript for admissions purposes.

    (5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. Legislative Actions.

a. Legislation Recommended as Emergency or Noncontroversial. A list of the Legislative Council's actions are in Attachment B, and voting results are in Attachment C.

[Note: Per NCAA Constitution 5.3.2.2.4.1, legislation adopted by the Legislative Council shall be subject to possible review by the 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.]

b. Actions, Preliminary Positions, Points to Consider, Comments and Mootnicity Implications Related to 2008-09 Legislative Cycle Proposals. The voting results related to the Legislative Council's sponsorship of alternative proposals are listed in Attachment C. Reference Attachment D for details regarding the actions, positions, points to consider, comments and mootnicity implications related to legislation scheduled for initial consideration in January 2009.

2. Report of NCAA Division I Legislative Review/Interpretations Committee.

a. The Legislative Council approved minutes from the following 2008 Teleconference Nos. 4, 6, 7, 9, 10, 11, 14 and 17 as distributed.

b. The council used its authority pursuant to Constitution 5.4.1.1 to reverse a previously approved official interpretation and issue the following official interpretation:

Baseball and Softball are Separate Sports for Purposes of Amateurism and Outside Competition Legislation. (I) The Legislative Council determined that baseball and softball are considered separate sports for purposes of amateurism and outside competition legislation. [References: NCAA Bylaws 12.1.1 (amateur status), 12.1.3 (amateur status if professional in another sport), 14.7.1 (outside competition – sports other than basketball), official interpretations (3/11/96, Item No. 2 and 7/2/08, Item No. 2) and staff interpretation (1/26/94, item a), which have been archived.]

c. The Legislative Council discussed issues related to prospective student-athletes participating in recreational activities on an institution's campus during official or unofficial visits. It was noted that in many instances, although an institution does not advertise or publicize a prospective student-athlete's visit to its campus, the media are often apprised of details regarding such visits, including plans for the prospective student-athlete to participate in recreational activities (e.g., pick-up games) with enrolled student-athletes. The NCAA membership services staff has previously advised the membership to take steps to avoid allowing permissible recreational activities to become public spectacles (e.g., closing facilities, restricting recreational activities during particular times, such as immediately before or after intercollegiate athletics contests). The council recommended that the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet review the issue and recommend possible interpretive or legislative solutions.

3. Report of the NCAA Division I Men's Basketball Academic Enhancement Group. The Legislative Council received a report and discussed the continuing work of the Men's Basketball Academic Enhancement Group. The Legislative Council recommends that the Board of Directors allow the final recommendations and proposals presented by the working group to be fully reviewed through the governance structure and legislative process, including feedback from the NCAA Division I Student-Athlete Advisory Committee. It was noted that the NCAA Division I Women's Basketball Issues Committee is working on an academic access model involving both summer school attendance and access for women's basketball student-athletes on initial enrollment at the certifying institution. The Legislative Council noted that the same process for review recommended for the men's basketball recommendations and proposals should apply to any women's basketball recommendations or proposals.

4. Legislative Council Policies and Operating Procedures. The Legislative Council approved formal policies and operating procedures to provide direction and clarity regarding council authority, individual member responsibilities, operational procedures, governance reporting structures and related guidelines. The Legislative Council did not approve specific deadlines for submission of materials, except for legislated deadlines. The Legislative Council directed the staff to establish deadlines as close to the scheduled meetings as logistically possible and to include provisions in the policies and procedures by which flexibility may be used to address additional issues as circumstances require. In addition, the Legislative Council recommended that information related to the legislative sunset provision be included in the policies and procedures.

5. Future Meeting Dates.

a. January 14-15, 2009, in conjunction with the NCAA Convention, Washington, D.C.

b. April 20-21; Indianapolis.

c. October 19-20; Indianapolis.

Council Chair: *Joseph D'Antonio, Big East Conference*
Council Liaisons: *Lynn Holzman, Membership Services*
Amy Huchthausen, Membership Services
Steve Mallonee, Membership Services
Leeland Zeller, Membership Services

NCAA Division I Legislative Council Action Related to Proposals Recommended as Emergency or Noncontroversial Legislation

Proposal Number	Title	Source	Effective Date	Intent	LGC Action
2008-61	COMMITTEES -- DIVISION I CABINETS AND COMMITTEES -- WOMEN'S SOCCER COMMITTEE -- COMPOSITION -- REGIONS	NCAA Division I Championships/Competition Cabinet.	Immediate	To specify that the composition of the NCAA Division I Women's Soccer Committee shall include one member from each of the eight Division I women's soccer regions and two members selected at large.	Supported as noncontroversial legislation. Adopted.
2008-69	ADMINISTRATIVE REGULATIONS -- SUMMER BASKETBALL LEAGUES AND CERTIFIED BASKETBALL EVENTS -- ADDITIONAL CRITERIA -- APPROVAL OF EVENT AND LEAGUE OPERATORS -- BASKETBALL	NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).	Immediate	In basketball, to specify that in order for a summer basketball league or a basketball event to be certified, the event or league operator or manager must be approved in accordance with guidelines established by the NCAA basketball certification staff.	Supported as noncontroversial legislation. Adopted.
2008-73	EXECUTIVE REGULATIONS -- NATIONAL STATISTICS PROGRAM	NCAA Division I Championships/Competition Cabinet.	Immediate	To specify that the NCAA Division I Championships/Sports Management Cabinet shall oversee the national statistics program and approve its policies and procedures; further, to specify that the policies and procedures shall be published on the NCAA Web site.	Supported as noncontroversial legislation. Adopted.

_____

Proposal No. 2007-109 – Executive Regulations -- NCAA Properties and Marketing Restrictions -- Exception for Institutions Participating in NCAA Championship Events -- Number of and Access of Videographers and Photographer.

Status: Board of Directors Consideration

Intent: To permit an institution to designate two videographers and one photographer to be present at NCAA championship events involving the institution's teams; further to specify that one videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes and to specify that one videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion.

Administrative: Amend 31.6.4.3, as follows:

31.6.4.3 Photographs, Films and Videotapes. The Association reserves all rights to the use of still photographs, films and videotapes of its championships. All rights to photograph, film and videotape NCAA championships may be assigned to media representatives for news purposes but otherwise are to be controlled exclusively by NCAA Productions, a unit of the NCAA. NCAA Productions shall film or videotape certain NCAA championships, as recommended by the governing sports committees and approved by the Championships/Competition Cabinet. Its cost in filming or videotaping an NCAA championship and producing prints or video dubs for the NCAA library of films shall be entered as an item of game expenses for that championship. The filming or videotaping of NCAA championships by parties other than NCAA Productions (participating institutions or commercial film production companies) for any purpose other than news purposes may be permitted only with the advance written consent of the NCAA president.

31.6.4.3.1 Exception. An institution is permitted to designate *one* **two** videographers and one photographer to be present at NCAA championships for the purposes of capturing video and still photographs of the member institution's competition in an NCAA championship for the sole use of the institution (not released for further commercial or news purposes). **One videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes. The other videographer shall be limited to capturing scouting video. One videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion.**

Source: Big 12 Conference.
Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Executive Regulations

Rationale: Current legislation permits an institution to designate a videographer and a photographer to capture video and still photographs at NCAA championships. However, the legislation has been interpreted such that the one video camera that is already being used for scouting purposes constitutes the one permissible videographer. Institutions should be able to continue capturing the various images necessary to prepare scouting tapes in addition to having a videographer that is present to capture the video for institutional highlight videos and shows. In addition, this type of video is typically captured throughout the season and during conference tournaments in the areas designated for media photographers and videographers. Finally, institutional videographers and photographers are being denied access to their team's locker room at some NCAA championships. Such a decision should be left to the institution's discretion.

Estimated Budget Impact: None.
Impact on Student Athlete's Time: None.

Position Statement(s)
Championships/Competition Cabinet: Based on a recommendation from the NCAA Division I Championships/Competition Cabinet Administrative Committee, the cabinet agreed to oppose Proposal No. 2007-109. The cabinet expressed significant concern over the friction such a proposal could cause with the NCAA broadcast partners, which have exclusive video rights to NCAA championships. Further, for most championships, space designated for photographers is already full and allowing a videographer access to this space would create additional space concerns and could result in local or national media not having the access they deserve. With additional individuals being provided the access as suggested by this proposal, the safety of the participants may be compromised in championships, such as swimming. Finally, the cabinet did note that, if this proposal is defeated, it is important that institutions have access to quality, institution-specific video from the championships to include in institutional videos that are designed to capture a team's accomplishments.

Primary Contact Person:
Lori Ebihara, Assistant Commissioner
Big 12 Conference
400 E John Carpenter Freeway
Irving, TX 75062
Phone: 469/524-1005 FAX: 469/524-1044 Email: lori@big12sports.com

---

History

Jul 05, 2007 Submit; Submitted for consideration.
Sep 20, 2007 Championships/Competition Cabinet, Recommends Defeat
Jan 13, 2008 Leg Council Init Review, Approved
Jan 13, 2008 Mgmt Council 1st Review, Approved
Jan 14, 2008 Board Consideration, Tabled

_____

Proposal No. 2008-61 -- Committees -- Division I Cabinets and Committees -- Women's Soccer Committee -- Composition -- Regions

Status: Legislative Council Initial Consideration

Intent: To specify that the composition of the NCAA Division I Women's Soccer Committee shall include one member from each of the eight Division I women's soccer regions and two members selected at large.

Bylaws: Amend 21.7.6.5.5.3.20, as follows:

21.7.6.5.5.3.20 Women's Soccer Committee. The Women's Soccer Committee shall consist of 10 member, including one member from each of the *six* **eight** Division I women's soccer regions and *four* **two** members selected at large. No more than two members of the committee may be appointed from the same region. Six members shall be representatives from Football Bowl Subdivision institution's, and four members shall be representatives from Football Championship and Division I Subdivision institutions.

Source: NCAA Division I Championships/Competition Cabinet.
Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Committees

Rationale: This change will make the committee composition for women's soccer consistent with the composition for men's soccer and will reduce the number of teams for regional advisory committees to evaluate. Further, the change will help alleviate a public perception that teams are not being fairly evaluated and selected due to having fewer regions as compared to other championships, such as women's volleyball (with a sport sponsorship of 316), men's soccer (198) and women's softball (272). This change will not impact the selection process and will allow the committee to place all teams in a member conference in the same region. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

Estimated Budget Impact: None.
Impact on Student Athlete's Time: None.
Primary Contact Person:
na

History

Jun 24, 2008 Submit; Submitted for consideration.

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

Jun 25, 2008 Championships/Competition Cabinet, Recommends Approval as Noncontroversial Legislation

---

Proposal No. 2008-69 -- Administrative Regulations -- Summer Basketball Leagues and Certified Basketball Events -- Additional Criteria -- Approval of Event and League Operators -- Basketball

Status: Legislative Council Initial Consideration

Intent: In basketball, to specify that in order for a summer basketball league or a basketball event to be certified, the event or league operator or manager must be approved in accordance with guidelines established by the NCAA basketball certification staff.

A. Administrative: Amend 30.14, as follows:

30.14 SUMMER BASKETBALL LEAGUES. In order for a summer basketball league to be certified, a certification application form must be submitted each year to the NCAA national office. To be certified, the following criteria must be met by each league:

[30.14-(a) through 30.14-(i) unchanged.]

(j) Awards. League participants may receive an award, provided the cost of the award is included in the participant's entry fee; *and*

(k) Medical Insurance. The league operator must provide proof of medical insurance coverage for league participants.**; and**

(l) Approval of League Operator or Manager. Individuals involved in operating or managing a league must be approved in accordance with guidelines established by the NCAA basketball certification staff.

B. Administrative: Amend 30.15, as follows:

30.15 SUMMER BASKETBALL EVENT CERTIFICATION -- MEN'S BASKETBALL. In men's basketball, in order for a summer basketball event (e.g., camp, league, tournament or festival) to be certified, a certification application form must be submitted each year to the NCAA national office 45 days before the start of the event. An event review form for each event also must be submitted to the national office not later than three months after the event sessions. The following criteria must be met by each event in order to be certified:

[30.15-(a) through 30.15-(i) unchanged.]

(j) Individuals involved in coaching activities **and in operating or managing the event** must have been approved in accordance with guidelines established by the NCAA basketball certification staff;

[30.15-(k) through 30.15-(p) unchanged.]

C. Administrative: Amend 30.16, as follows:

30.16 BASKETBALL EVENT CERTIFICATION -- WOMEN'S BASKETBALL. In women's basketball, in order for a basketball event (e.g., camp, league, tournament or festival) to be certified, a certification application form must be submitted each year to the NCAA national office 45 days prior to the start of the event. An event review form for each event also must be submitted to the NCAA national office not later than three months following the event sessions. The following criteria must be met by each event in order to be certified:

[30.16-(a) through 30.16-(i) unchanged.]

(j) Individuals involved in coaching activities **and in operating or managing the event** must have been approved in accordance with guidelines established by the NCAA basketball certification staff;

[30.16-(k) through 30.16-(p) unchanged.]

D. Administrative: Amend 30.17, as follows:

30.17 WOMEN'S FINAL FOUR BASKETBALL EVENT CERTIFICATION. In women's basketball, coaches are permitted to attend a single basketball event selected at the discretion of the institution, certified by the NCAA and held in conjunction with and conducted within a 30-mile radius of the championship site and host city of the NCAA Division I Women's Basketball Championship. The opportunity to attend such an event is limited to one per institution and is available for all coaching staff members. Institutional staff members are precluded from in-person face-to-face contacts with prospective student-athletes during such events. The following criteria must be met by each event in order to be certified:

[30.17-(a) through 30.17-(b) unchanged.]

(c) Individuals involved in operating or managing the event must have been approved in accordance with guidelines established by the NCAA basketball certification staff;

[30.17-(c) through 30.17-(h) relettered as 30.17-(d) through 30.17-(i), unchanged.]

Source: NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).
Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Administrative Regulations

Rationale: Current legislation requires that an individual involved in coaching activities at an NCAA certified event must have been approved in accordance with guidelines established by the basketball certification staff. No such requirement exists for operators of these events. There have been recent situations involving operators of events who have engaged in questionable activities, yet still were able to operate a certified event. In one case, the participants and the event site involved with the operator were victims of fraud. These types of activities potentially could be avoided if the requirement of a background check is extended to event operators. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing legislation or proposed legislation.

Estimated Budget Impact: Minimal additional costs for background checks. **Impact on Student Athlete's Time:** None.

Position Statement(s)

Championships/Sports Management Cabinet: Recently, there have been situations involving event operators who have engaged in questionable activities, yet these operators were still able to operate a certified event. If background checks had been required of the event operators, these types of questionable activities potentially could have been avoided. The concerns this proposal seeks to address are the same regardless of whether it is men's or women's basketball. Therefore, for the well-being of the game and the participants at the certified events, the cabinet modified this proposal to include women's basketball. Additionally, the cabinet supports the Legislative Council's consideration of this proposal as noncontroversial legislation.

Women's Basketball Issues Committee: The committee supports the proposal. Recently, there have been situations involving event operators who have engaged in questionable activities, yet these operators were still able to operate a certified event. If background checks had been required of the event operators, these types of questionable activities potentially could have been avoided. The concerns this proposal seeks to address are the same regardless of whether it is men's or women's basketball. Therefore, for the well-being of the game and the participants at the certified events, the committee recommends expanding this proposal to include women's basketball. Additionally, the committee supports the Legislative Council's consideration of this proposal as noncontroversial legislation.

Primary Contact Person:

na

History

Jun 13, 2008 Submit; Submitted for consideration.

Jun 16, 2008 Men's Basketball Issues Committee, Recommends Approval

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

Jun 25, 2008 Championships/Competition Cabinet, Recommends Approval as Noncontroversial

	Legislation
Aug 18, 2008	Women's Basketball Issues Committee, Recommends Modification; Recommends that the proposal be modified to include women's basketball.
Sep 17, 2008	Championships/Sports Management Cabinet, Modified the Proposal; Proposal modified to include women's basketball.

Proposal No. 2008-73 -- Executive Regulations -- National Statistics Program

Status: Legislative Council Initial Consideration

Intent: To specify that the NCAA Division I Championships/Sports Management Cabinet shall oversee the national statistics program and approve its policies and procedures; further, to specify that the policies and procedures shall be published on the NCAA Web site.

Administrative: Amend 31.9, as follows:

31.9 NATIONAL STATISTICS PROGRAM. A national statistics program shall be maintained for active member institutions in football, men's and women's basketball, baseball, men's and women's ice hockey, men's and women's lacrosse, men's and women's soccer, women's softball and women's volleyball. The Championships/Sports Management Cabinet shall *determine* **oversee** the statistics *program's* **program and approve its** policies and procedures. **The national statistics program policies and procedures shall be published on the NCAA Web site.**

31.9.1 General Policies.

31.9.1.1 Statistics Reporting. For a member institution to be eligible for either an individual or a team national statistics title, it shall have filed reports with the national office before the midway point in its regular-season schedule and shall have reported weekly thereafter. If a conference office files the reports, both the league and the institution share the responsibility for providing the updates on a regular basis as described above.

31.9.1.2 Substantiation of Statistics. Filing a statistics report does not ensure automatically a member institution's inclusion in the NCAA's national statistics rankings. The report shall be mathematically accurate. Unusual statistics that cannot be promptly supported will not be included in the rankings. The NCAA shall withhold such reports from the ranking until a satisfactory explanation and substantiation of the statistics are submitted by an appropriate official of the member institution involved.

31.9.1.3 Correlation with Conference Statistical Rules. If a conference adopts a statistical rule different than that of the NCAA, the Executive Committee shall determine on a case-by-case basis how the statistics resulting from use of the special rule will be related to the national statistics program.

31.9.1.4 Countable Opponents. Only contests against varsity intercollegiate teams of four-year, degree-granting institutions shall be included in individual and team statistics, won-lost record and coaching records. Contests against service teams, professional teams, semiprofessional teams, amateur teams, two-year colleges and club teams are specifically excluded. Further, only contests against varsity intercollegiate teams of four-year, degree-granting institutions that play

a majority of their contests in that sport against varsity intercollegiate teams (per Constitution 3.2.4.5) of United States four-year, degree-granting institutions shall be tabulated for inclusion in such statistics (and counted for purposes of team selection for an NCAA championship per Bylaw 31.3.3.1).

31.9.1.5 Ranking Minimums. Ranking minimums shall be determined by the national office to assure a valid comparative basis. The minimums shall be based on the normal participation or performance levels of the "field" in a given category and shall be reviewed annually.

31.9.1.6 Individual Minimum -- Games Requirement. To be ranked, a student-athlete must appear in 75 percent of the team's games (a volleyball student-athlete must appear in 66.6 percent of the team's games, an ice hockey goaltender must play in 33.3 percent of the team's minutes and a lacrosse goaltender must play in 60 percent of the team's minutes). National per-game rankings shall be based on the number of games an individual actually plays; and even if a player is in the lineup for only one play, the player shall be charged with a game played whether or not the player touches the ball.

31.9.1.6.1 Exception. For statistical purposes only, if a player appears in a football game only to hold the ball on point-after-touchdown kick attempts, he shall not be charged with a game played. However, if he becomes statistically involved on the play (e.g., successfully runs, passes or kicks following an aborted kick attempt), he shall be charged with a game played.

31.9.1.7 Less Than Minimum -- Game Rule. If a player has participated in fewer than the required percentage of the team's games, but the player's per-game average still would be highest if charged with the necessary required games, the player shall be declared champion. However, if no player shall be declared champion by the application of both the necessary required games and the minimums required for punting and kick-return championships (see Bylaws 31.9.4.6 and 31.9.4.7).

31.9.1.8 Statistics of Ineligible Student-Athletes.

31.9.1.8.1 Declared Ineligible During Season. The individual statistics of any student-athlete declared ineligible by a member institution, a conference or the NCAA for any remaining portion of a season shall not be included in the national statistics rankings from the date the student-athlete is declared ineligible.

31.9.1.8.2 Declared Ineligible After Championship Competition. When a participant in an NCAA championship is declared ineligible after the championship competition, all of the student-athlete's statistics in the championship; the team's championships won-lost record and all of its statistics shall be asterisked and footnoted, and its place in the final standings shall be asterisked and noted as vacated. All team and individual statistics for the offending team's opponents shall remain unaffected.

31.9.2 Baseball and Softball Statistics.

31.9.2.1 Fall Games. For purposes of national statistics, games played during the fall shall not be included in a team's won-lost record and statistics.

31.9.2.2 Exhibition Games. A game will be counted by both teams as an official contest for purposes of won-lost records and team and individual statistics unless both institutions agree in writing before the game that it is to be an exhibition contest. If it is an exhibition contest, the team and individual statistics and records cannot be counted for either team.

31.9.2.3 Batting Championships. The national batting championship shall be based on a minimum of 2.5 times at bat per game played for baseball and 2.0 times at bat per game for softball, as well as a minimum total number of official at-bats established annually by the national office based on current conditions and the division involved. However, if there is a player with fewer than the required number of at-bats whose average would be the highest if the player were charged with the required number of at-bats with zero additional hits, that player shall be declared champion.

31.9.2.4 Strikeout Ratio (Strikeouts per Seven or Nine Innings). The national individual strikeout ratio champion for pitchers shall be based on at least one inning pitched for every game played by that player's team, as well as a minimum total number of innings pitched established annually by the national office based on current conditions and the divisions involved. However, If there is a player with fewer than the required number of innings pitched whose ratio would be the highest if the player were charged with the required number of innings with zero strikeouts, that player shall be declared champion.

31.9.3 Basketball Statistics. All tournament games (e.g., holiday, postseason and conference play-offs) shall be included in the official statistics.

31.9.4 Football Statistics.

31.9.4.1 Seven-Game Requirement. An institution shall be required to play at least seven games against four-year, degree-granting varsity opposition (per Bylaw 31.9.1.4) to be eligible for national statistics rankings.

31.9.4.2 Conference Championship Game. A conference game that matches two divisional winners for the purpose of determining the league championship shall be counted in statistics and won-lost records.

31.9.4.3 Bowl Games, Conference Playoffs, National Playoffs. Postseason bowl, conference playoffs and national-championship playoff games shall be included in the official records and statistics.

31.9.4.4 Overtime Games. Statistics of extra-period (overtime) games are included in the contest's total statistics.

31.9.4.5 Passing Champion. The national passing champion shall be determined by a rating formula with a minimum number of pass attempts required per game. However, if a player has fewer than the required number of pass attempts per game and his rating points still would be highest if he were charged with the necessary required pass attempts, and counting each attempt as an interception, he shall be declared champion.

31.9.4.6 Punting Champion. The national individual punting champion shall be determined by the average yards per punt with a minimum number of punts per game. However, if a player has fewer than the required number of punts per game and his average per punt still would be the highest if he were charged with the necessary required punts for zero additional yards, he shall be declared champion.

31.9.4.7 Kick-Return Champions. The national individual punt-return and kick-off return champions shall be determined by average per return with a minimum number of returns required per game. However, if there is a player with fewer than the required minimum returns per game whose average per return would be the highest if he were charged with the necessary required returns with zero additional yards, he shall be declared the champion.

31.9.4.8 Minimum-Games Requirement. For purposes of Bylaws 31.9.4.6 and 31.9.4.7, if a player has not participated in the required 75 percent of the team's games but has the required minimum number of returns or punts per game played, he is not to be charged with the number of games necessary for qualification because it cannot be assumed that he would have maintained his average in the additional games.

31.9.5 Forfeits. Neither the outcome nor the statistics in any completed contest are reversible by a forfeit due to postgame administrative actions, except as provided in Bylaw 31.9.5.4 or by Committee on Infractions' decisions. The actual results of the contest and the statistics shall be entered as such in both teams' all-time records, as well as in the coaches' records and in individual statistics. Contests later forfeited shall be denoted by the institution with an asterisk and a footnote.

31.9.5.1 Consistency of Application. Each member institution involved in a forfeited contest is encouraged, but not required, to enter the results of the contest in its records in the same manner as the Association to prevent confusion in national rankings of team and coaching records.

31.9.5.2 "No Contest" Declaration. There is no forfeit of a contest until all participating teams are present and the referee or other appropriate contest official has assumed jurisdiction in accordance with applicable playing rules. When a team does not appear (e.g., due to weather conditions, accidents, breakdown of vehicles, illness or catastrophic causes), a forfeit is not recorded. An institution shall not, for statistical purposes, declare a forfeit for nonfulfillment of

a contract. Such instances shall be considered as "no contest." In circumstances involving institutions from the same conference, the league office has the option to declare a forfeit win and loss for conference-standing purposes only but this does not change an institution's overall win-loss record.

31.9.5.2.1 Basketball, Men's. If, under the NCAA Men's and Women's Basketball Rules Committee's interpretation regarding interrupted games, the officials do not declare a winner or loser in such a contest, the status shall be "no contest." Statistics shall not be counted, nor shall either team's won-lost record or coach's record be changed.

31.9.5.3 Contest in Progress. If a forfeit is declared while a contest is in progress or a situation occurs that forces a premature end to the contest, all statistics (other than won-lost and coach's records) are voided unless the contest has progressed to a "reasonable point of conclusion" (e.g., three quarters in football and lacrosse, 30 minutes in basketball and five innings in baseball and softball and two periods in ice hockey; for volleyball, all completed games in a match shall count, as well as a partial game if the team ahead has scored at least 10 points), in which case all statistics shall count and shall be reflected in all records. The team's won-lost record shall include the forfeit, but if the statistics are voided, all averages in future rankings shall be computed without inclusion of the forfeited contests.

31.9.5.4 Actions by the NCAA Management Council. An institution required to forfeit contests under the restitution provisions of Bylaw 19.7 shall vacate and strike from its records the individual records and performances achieved by the ineligible player during the period of ineligible participation in the following manner:

(a) Team victories shall be abrogated and coaching records altered by the institution and the national office for those contests in which the player participated while ineligible;

(b) It is not required that similar action be taken in regard to the individual records an performances of other players (teammates and opponents) who participated in contests during the period in which the player participated while ineligible;

(c) While neither the forfeiting institution nor the national office has the authority to require opponents receiving those forfeits to alter their season records, the forfeiting institution should actively encourage its opponents to do so; and

(d) These same conditions shall be applicable to the records of a conference. Neither the institution nor the national office has the authority to require a conference to alter its records. However, the institution should actively encourage such a result.

31.9.6 Career Records.

31.9.6.1 Co-head Coaches. In the event that an institution designates a co-head-coaching system, the won-lost records of both coaches for each season that they co-head coaches, are to be included in each coach's total career record. In such instances, both coaches' career records shall be denoted by an asterisk and a footnote [e.g., includes 40-20 record as a co-head coach with (name of other coach) during the years indicated].

31.9.6.2 Division Classification. For career record purposes, a player's statistics are recognized by the Association only for the years that the individual's college was an active member of the Association. In the event an individual's college changed divisions while a member, career statistics for the individual are credited only in the division in which he or she actually competed each year.

31.9.6.3 Collegiate Record Category. In the above-mentioned case where an individual's college changed divisions while a member, the player's full career statistics are to be entered in the collegiate record category.

31.9.6.4 Determination of Head Coach at an Institution. In order for a coach to be credited with wins, losses or ties, that individual must be designated as the institution's head coach for the entire sports season. Individuals serving on an advisory or preseason basis may not be credited with the wins, losses, or ties. If the head coach is not present at a contest due to illness of other unexpected circumstances, or otherwise is unable to complete the sports season, it is up to the institution to determine whether the win, loss or tie for that contest(s) shall be credited to the head coach or to an interim or assistant coach, as determined by the institution prior to the contest(s).

Source: NCAA Division I Championships/Competition Cabinet.
Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Executive Regulations

Rationale: Removing the policies and procedures of the national statistics program from the legislative process while having the Championships/Sports Management Cabinet continue to oversee and approve changes will eliminate the current bureaucracy and confusion in the process. This action also will help ensure the statistics program is applied consistently across all three divisions of the Association. The national statistics program policies and procedures are already provided to the membership via the NCAA Web site. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

Estimated Budget Impact: None.

Impact on Student Athlete's Time: None.
Primary Contact Person:
na

History

Jun 24, 2008 Submit; Submitted for consideration.

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

Jun 25, 2008 Championships/Competition Cabinet, Recommends Approval as Noncontroversial Legislation

---

Proposal No. 2008-75 -- Eligibility -- Freshman Academic Requirements -- Eligibility for Financial Aid, Practice And Competition -- Qualifier -- Exception -- Early Academic Certification -- Submission of Transcript

Status: Legislative Council Initial Consideration

Intent: To specify that if a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment; further, to specify that a violation of this provision shall be considered an institutional violation, however, the student-athlete's eligibility shall not be affected.

Bylaws: Amend 14.3.1, as follows:

14.3.1 Eligibility for Financial Aid, Practice and Competition. A student-athlete who enrolls in a member institution as an entering freshman with no previous full-time college attendance shall meet the following academic requirements, as certified by the NCAA Eligibility Center, as approved by the Executive Committee, and any applicable institutional and conference regulations, to be considered a qualifier and thus be eligible for financial aid, practice and competition during the first academic year in residence.

[14.3.1.1 unchanged.]

14.3.1.1.1 Exception -- Early Academic Certification. A student-athlete shall be certified as a qualifier, provided he or she has achieved the following academic criteria:

[14.3.1.1.1-(a) through 14.3.1.1.1-(b) unchanged.]

14.3.1.1.1.1 Submission of Final Transcript. If a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission of his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment.

14.3.1.1.1.1.1 Effect of Violation. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected.

[Remainder of 14.3.1 unchanged.]

Source: NCAA Division I Academics Cabinet.
Effective Date: August 1, 2009
Proposal Category: Amendment
Topical Area: Eligibility

Rationale: Current legislation permits an individual to be certified as a qualifier based on core courses, grades and test score through six semesters of high school. In these circumstances, the individual is not required to submit a final high school transcript to the NCAA Eligibility Center. For the current academic year, the Eligibility Center has not received final transcripts from approximately 40 percent of the individuals who were certified as early academic qualifiers. These missing transcripts represent a significant gap in academic data available to the NCAA research staff, which is vital for future policy decisions. Without such data, the ongoing review of initial-eligibility and progress-toward-degree rules (e.g., the impact of the increase from 14 to 16 core courses) is threatened. In addition, since the submission of a final transcript is not necessary for certification of initial eligibility pursuant to the early certification exception, a transcript could be official or unofficial and will be accepted in any form (e.g., copy, fax). Finally, it is recommended that the Eligibility Center Web site is updated to provide clear information to institutions regarding the final transcripts that are required to be submitted.

Estimated Budget Impact: None to minimal, as institutions generally receive a final high school transcript for admissions purposes.

Impact on Student Athlete's Time: None.
Primary Contact Person:
na

History

Sep 08, 2008 Submit; Submitted for consideration.
Sep 09, 2008 Academics Cabinet, Recommends Approval as Noncontroversial Legislation
Sep 09, 2008 Academics Cabinet, Sponsored
Oct 17, 2008 Mgmt Council 1st Review
Oct 17, 2008 Leg Council Init Review

Proposal No. 2008-76 -- Recruiting -- Tryouts and Sports Camps and Clinics -- Definition of Prospective Student-Athlete -- Men's Basketball

Status: Legislative Council Initial Consideration

Intent: In men's basketball, for purposes of the tryout rule and the regulations related to camps and clinics, to specify that a prospective student-athlete is an individual who has started classes for the seventh grade.

A. Bylaws: Amend 13.11.1, as follows:

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaw**s** 13.11.1.1 **and 13.11.1.2**) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

13.11.1.1 Definition of "Prospective Student-Athlete" for Tryout-Rule Purposes **-- Sports other than Men's Basketball**. **In sports other than men's basketball,** *For* **for** purposes of the tryout rule, the phrase "prospective student-athlete" shall include any individual who has started classes for the ninth grade and is not enrolled in the member institution at the time of the practice or test therein described.

13.11.1.2 Definition of "Prospective Student-Athlete" for Tryout-Rule Purposes -- Men's Basketball. In men's basketball, for purposes of the tryout rule, the phrase "prospective student-athlete" shall include any individual who has started classes for the seventh grade and is not enrolled in the member institution at the time of the practice or test therein described.

[13.11.1.2 through 13.11.1.6 renumbered as 13.11.1.3 through 13.11.1.7, unchanged.]

B. Bylaws: Amend 13.12, as follows:

13.12 SPORTS CAMPS AND CLINICS

13.12.1 Institution's Sports Camps and Clinics.

13.12.1.1 Definition. An institution's sports camp or instructional clinic shall be any camp or clinic that is owned or operated by a member institution or an employee of the member institution's athletics department, either on or off its campus, and in which prospective student-athletes participate.

13.12.1.1.1 Definition of Prospective Student-Athlete -- Men's Basketball. In men's basketball, for purposes of Bylaw 13.12, the phrase "prospective student-athlete" shall include any individual who has started classes for the seventh grade.

[13.12.1.1.1 through 13.12.1.1.3 renumbered as 13.12.1.1.2 through 13.12.1.1.4, unchanged.]

Source: NCAA Division I Championships/Sports Management Cabinet (Men's Basketball Issues Committee).

Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Recruiting

Rationale: Current legislation prohibits basketball coaches or noncoaching staff members with basketball-specific responsibilities from being employed at other institutional camps or clinics or at noninstitutional privately owned camps or clinics. However, the prohibition applies only to camps or clinics in which prospect-aged participants (grade nine and above) are involved. Further, current legislation requiring camps or clinics to be open to any or all entrants does not apply to those conducted for non-prospect-aged participants. Noninstitutional camp operators conduct elite basketball camps for seventh and eighth graders and are employing Division I basketball coaches. Coaches feel pressured work at the camps since many of the operators also have ties to nonscholastic teams that include prospects. This situation increases the nonscholastic influence in youth basketball, creates potential recruiting advantages for coaches who are employed at the camps and encourages the practice of early verbal offers and commitments, which can be detrimental to the well-being of the youth and the collegiate institutions. Additionally, some coaches are conducting elite basketball camps for seventh and eighth graders and are using this unfettered access to further their own recruiting interests. This proposal furthers the creation of a healthier environment for the recruitment of men's basketball prospective student-athletes. It is recommended that this proposal be adopted as noncontroversial or emergency legislation inasmuch as it is simply an attempt to adopt a common sense principle that coaches should not be involved in recruiting activities of youth of in seventh and eighth grade and it attempts to address some of the concerns related to the current youth basketball environment, particularly the increase in nonscholastic influences and the early recruitment of youth, which are issues that have been identified by the NCAA Division I Board of Directors and the NCAA Division I Leadership Council that infringe on a core principle of the Association related to the recruitment of prospective student-athletes.

Estimated Budget Impact: None.
Impact on Student Athlete's Time: None.
Primary Contact Person:
na

History

Sep 17, 2008	Championships/Sports Management Cabinet, Recommends Approval as Emergency or Noncontroversial Legislation
Oct 03, 2008	Submit; Submitted for consideration.
Oct 17, 2008	Leg Council Init Review
Oct 17, 2008	Mgmt Council 1st Review

National Collegiate Athletic Association
Videographer Policy Update

OVERARCHING DIRECTIVES

- Explore and pursue potential solutions with appropriate stakeholders
- Refine current videographer policies to clearly outline intent and usage guidelines
- Study and explore ways to assure cost controls toward non-commercial video needs from the membership

ACTIVITY TIMELINE

DATE	ACTIVITY	LOCATION
April 24	Board of Directors Meeting	Indianapolis
April 29	NCAA Internal Championships/Media Discussion	Indianapolis
April 30	Conference Call with Thought Equity	Indianapolis
May 2	Meeting with CBS	New York City
May 13	Briefing with Division I Men's Basketball Committee	Detroit
May 22	Meeting with Big 12 Directors of Athletics	Colorado Springs
May 27	Meeting with ESPN	Bristol
May 28	E-mail to Texas A&M	
June 6	Follow-up meeting with CBS	New York City
June 8	Working session with Thought Equity to review cost structure	Indianapolis
June 8	E-mail to Texas A&M	
June 13	Meeting with CCA Television Schedulers - 16 conferences present (including all FBS)	San Francisco
June 18	Discussion with CCA	Chicago
June 24	Discussion with Men's Basketball Committee	Newport
July 1	Phone message to Texas A&M	
July 17	E-mail to Texas A&M	
August 5	Materials received from Texas A&M	
August 7	Board of Directors Meeting	Indianapolis
Aug-Sept	Meetings with CBS, Thought Equity, NCAA Championship Administrators	
October	Finalize all policy language, complete audit of all materials to assure consistency, provide update for governance meetings by October 17.	

STATUS REPORT

Videotapes, Films and Still Photographs for all NCAA Championships
[Reference: Bylaw 31.6.4.3 in the NCAA Manual.]

Institutions are permitted to videotape championship competition by their teams or their individual student-athletes for archival, coaching or instructional purposes. Each institution is permitted to use two cameras and may videotape only the portion of the playoffs in which it participates. The videotapes may not be used for any commercial purposes. An institutional representative shall contact the event coordinator at the host site to arrange for camera space.

Each participating team is permitted to staff its respective games with a single camera crew (videotape or film). In addition, each institution may designate one videographer to be present during competition for purposes of capturing video of the institutions participation in the event for the sole use of the institution (i.e., not to be released for commercial purposes). The location and operations of the videographer shall be determined by the NCAA and the football championship committee.

If a participating institution chooses not to film or videotape its own game, it may make other arrangements with the host institution or competing teams.

NCAA Championship Footage for use by Member-Institutions

There is a $250 dollar administration fee associated with any request.

It includes Thought Equity fulfilling the request, research for the request and proper paperwork. It permits for the member institution to use 5 minutes of footage for non-revenue generating areas. These areas include PSAs, video boards, ticket spots, hall of fames, etc. It does not include DVD sales.

DVD project rates will be negotiated in good faith. However, for end-of-year reviews produced on DVD, we have established a rate of $1.00 (i.e. school produces 5,000 copies, rights fee is $5,000) per DVD that is produced allowing the institution to utilize 15 minutes of championship footage. This will protect smaller schools from paying enormous fees when they are only producing 1,000 copies, but want to use a great deal of footage; and will also protect the financial integrity of the archive for circumstances when a school wishes to produce 30,000 copies.

We are finalizing a marketing piece that spells out the program to all member-institutions which will be distributed shortly, but the policies are in place going forward.

Proposal No. 2007-109 – Executive Regulations -- NCAA Properties and Marketing Restrictions -- Exception for Institutions Participating in NCAA Championship Events -- Number of and Access of Videographers and Photographer.

Status: Board of Directors Consideration

Intent: To permit an institution to designate two videographers and one photographer to be present at NCAA championship events involving the institution's teams; further to specify that one videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes and to specify that one videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion.

Administrative: Amend 31.6.4.3, as follows:

31.6.4.3 Photographs, Films and Videotapes. The Association reserves all rights to the use of still photographs, films and videotapes of its championships. All rights to photograph, film and videotape NCAA championships may be assigned to media representatives for news purposes but otherwise are to be controlled exclusively by NCAA Productions, a unit of the NCAA. NCAA Productions shall film or videotape certain NCAA championships, as recommended by the governing sports committees and approved by the Championships/Competition Cabinet. Its cost in filming or videotaping an NCAA championship and producing prints or video dubs for the NCAA library of films shall be entered as an item of game expenses for that championship. The filming or videotaping of NCAA championships by parties other than NCAA Productions (participating institutions or commercial film production companies) for any purpose other than news purposes may be permitted only with the advance written consent of the NCAA president.

31.6.4.3.1 Exception. An institution is permitted to designate *one* **two** videographers and one photographer to be present at NCAA championships for the purposes of capturing video and still photographs of the member institution's competition in an NCAA championship for the sole use of the institution (not released for further commercial or news purposes). **One videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes. The other videographer shall be limited to capturing scouting video. One videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion.**

Source: Big 12 Conference.
Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Executive Regulations

Rationale: Current legislation permits an institution to designate a videographer and a

photographer to capture video and still photographs at NCAA championships. However, the legislation has been interpreted such that the one video camera that is already being used for scouting purposes constitutes the one permissible videographer. Institutions should be able to continue capturing the various images necessary to prepare scouting tapes in addition to having a videographer that is present to capture the video for institutional highlight videos and shows. In addition, this type of video is typically captured throughout the season and during conference tournaments in the areas designated for media photographers and videographers. Finally, institutional videographers and photographers are being denied access to their team's locker room at some NCAA championships. Such a decision should be left to the institution's discretion.

Estimated Budget Impact: None.
Impact on Student Athlete's Time: None.

Position Statement(s)
Championships/Competition Cabinet: Based on a recommendation from the NCAA Division I Championships/Competition Cabinet Administrative Committee, the cabinet agreed to oppose Proposal No. 2007-109. The cabinet expressed significant concern over the friction such a proposal could cause with the NCAA broadcast partners, which have exclusive video rights to NCAA championships. Further, for most championships, space designated for photographers is already full and allowing a videographer access to this space would create additional space concerns and could result in local or national media not having the access they deserve. With additional individuals being provided the access as suggested by this proposal, the safety of the participants may be compromised in championships, such as swimming. Finally, the cabinet did note that, if this proposal is defeated, it is important that institutions have access to quality, institution-specific video from the championships to include in institutional videos that are designed to capture a team's accomplishments.

Primary Contact Person:
Lori Ebihara, Assistant Commissioner
Big 12 Conference
400 E John Carpenter Freeway
Irving, TX 75062
Phone: 469/524-1005 FAX: 469/524-1044 Email: lori@big12sports.com

---

History

Jul 05, 2007 Submit; Submitted for consideration.
Sep 20, 2007 Championships/Competition Cabinet, Recommends Defeat
Jan 13, 2008 Leg Council Init Review, Approved
Jan 13, 2008 Mgmt Council 1st Review, Approved
Jan 14, 2008 Board Consideration, Tabled

Legislative Item - Request for Action by the NCAA Division I Board of Directors

Proposal No. 2008-75

ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION -- QUALIFIER -- EXCEPTION -- EARLY ACADEMIC CERTIFICATION -- SUBMISSION OF TRANSCRIPT

Intent: To specify that if a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment; further, to specify that a violation of this provision shall be considered an institutional violation, however, the student-athlete's eligibility shall not be affected.

Bylaws: Amend 14.3.1, as follows:

14.3.1 Eligibility for Financial Aid, Practice and Competition. A student-athlete who enrolls in a member institution as an entering freshman with no previous full-time college attendance shall meet the following academic requirements, as certified by the NCAA Eligibility Center, as approved by the Executive Committee, and any applicable institutional and conference regulations, to be considered a qualifier and thus be eligible for financial aid, practice and competition during the first academic year in residence.

[14.3.1.1 unchanged.]

14.3.1.1.1 Exception -- Early Academic Certification. A student-athlete shall be certified as a qualifier, provided he or she has achieved the following academic criteria:

[14.3.1.1.1-(a) through 14.3.1.1.1-(b) unchanged.]

14.3.1.1.1.1 Submission of Final Transcript. If a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission of his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment.

14.3.1.1.1.1.1 Effect of Violation. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected.

[Remainder of 14.3.1 unchanged.]

Source: NCAA Division I Academics Cabinet.
Effective Date: August 1, 2009
Category: Amendment
Topical Area: Eligibility

Rationale: Current legislation permits an individual to be certified as a qualifier based on core courses, grades and test score through six semesters of high school. In these circumstances, the individual is not required to submit a final high school transcript to the NCAA Eligibility Center. For the current academic year, the Eligibility Center has not received final transcripts from approximately 40 percent of the individuals who were certified as early academic qualifiers. These missing transcripts represent a significant gap in academic data available to the NCAA research staff, which is vital for future policy decisions. Without such data, the ongoing review of initial-eligibility and progress-toward-degree rules (e.g., the impact of the increase from 14 to 16 core courses) is threatened. In addition, since the submission of a final transcript is not necessary for certification of initial eligibility pursuant to the early certification exception, a transcript could be official or unofficial and will be accepted in any form (e.g., copy, fax). Finally, it is recommended that the Eligibility Center Web site is updated to provide clear information to institutions regarding the final transcripts that are required to be submitted.

Budget Impact: None to minimal, as institutions generally receive a final high school transcript for admissions purposes.

Impact on S-A's Time: None.

History

Sep 08, 2008: Submit; Submitted for consideration.

Sep 09, 2008: Academics Cabinet, Recommends Approval as Noncontroversial Legislation

Sep 09, 2008: Academics Cabinet, Sponsored

Oct 17, 2008: Leg Council Init Review; Not Supported as Noncontroversial Legislation

MEMORANDUM

October 17, 2008

TO: Members of the NCAA Division I Board of Directors
Members of the NCAA Division I Presidential Advisory Group.

FROM: S. David Berst
Vice President for Division I

Beth DeBauche
Director of Division I.

SUBJECT: Division I Legislative Review Process.

At its November 1, 2007, meeting, the Division I Board of Directors adopted a series of modifications to the Division I governance structure and process, effective August 2008. The objectives behind this revised governance structure at the Board of Directors level included a desire to strengthen the foundation for the Board's policy setting role, and an effort reduce the legislative load on the Board so the Board did not have to spend time addressing the minutiae in the legislative process.

In order to achieve these objectives, the revised structure and process provides for a slight, although we hope meaningful, change in the legislative process. Pursuant to the modifications, the new Legislative Council has assumed most of the legislative functions on behalf of Division I subject to oversight by the Board of Directors. The Legislative Council is responsible for considering and ultimately voting on all legislative proposals being considered in the annual legislative cycle. It is intended that the Legislative Council will take final action on the day-to-day legislative matters necessary for the efficient management of Division I, leaving discretion to the Board of Directors to act on the broader issues facing the division. To ensure appropriate Board oversight, the Legislative Council's action will not be considered final until the conclusion of either the Board's January or April meetings (as appropriate) to ensure the Board has the opportunity for final review. Simply put, pursuant to this modification the Board properly has authority to consider any legislative proposal in the annual legislative cycle, but it does not have to examine each of the 60-plus proposals in this year's cycle.

Attached to this memorandum, you will find a chart listing all the legislative proposals currently scheduled to be considered as part of the 2008-09 Division I legislative cycle. These legislative proposals will first formally be considered by the Legislative Council at its January 2009 Convention meeting. At this Board of Directors meeting, the staff plans to highlight proposals that we anticipate will be of interest to the Board and to provide you with an opportunity to ask questions or discuss any of the proposals in the cycle that are of interest. While October is not considered a legislative meeting for either the Legislative Council or the Board, the purpose of this discussion will be to try to identify issues early in the cycle where the Board clearly wants

to provide direction and serve as the final legislative authority. Your discussion at the October meeting will in no way impact your ability to consider any proposal at your January meeting, rather it is intended to help you prepare for the January meeting and also assist the membership and councils in appreciate those proposals that rise to the level of Board review.

EED:vlm

NCAA DI Legislative Proposals Scheduled for Initial Consideration in January.

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-9	NCAA MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- OPERATING AND CAPITAL FINANCIAL DATA REPORT	To specify that an institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis, as specified, as a condition and obligation of membership and in order to be eligible to enter a team or individual in NCAA championship competition.	This recommendation is a result of the work of the Presidential Task Force on the Future of Division I Intercollegiate Athletics. The task force found that the threats to the future of intercollegiate athletics are nearly all connected to the need for ensuring the financial integrity of intercollegiate athletics. In order to bring focus to the financial realities for intercollegiate athletics and relieve the financial stress, or even avert a looming crisis, it will fall to chancellors and presidents to give impetus and direction to the effort. Creating a national policy to collect and promulgate clear and concise data will allow chancellors and presidents to use the data to align athletics budgeting with institutional mission to strengthen the enterprise. Financial data related to athletics departments and programs will be collected in a timely manner using uniform and common definitions. A full and comprehensive financial picture of revenues, expenditures and capital improvements related to intercollegiate athletics will be readily available to decision-makers for use in strategic planning and policy development. Ratios or data points (dashboard indicators) will provide simple comparisons among institutions. Finally, collected data will be codified and presented in a manner that protects institutional and individual privacy.	NCAA Division I Board of Directors.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-10	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- MINORITY GRADUATE ASSISTANT COACH -- CHAMPIONSHIP SUBDIVISION FOOTBALL	To establish a program by which a minority graduate assistant coach position is awarded annually to each NCAA Division I Football Championship Subdivision (FCS) conference and to establish the parameters of the program and position, as specified.	This proposal would provide qualified minority candidates with an entry into the football coaching profession. The minority graduate assistant position would serve as an additional prong in the Association's multifaceted effort to address the critical shortage of ethnic minorities in head coaching positions in college football, primarily at the Division I level.	Southern Conference.	August 01, 2009
2008-11	PERSONNEL -- LIMITATIONS ON THE DUTIES OF COACHES -- NONCOACHING ACTIVITIES -- EXCEPTION -- STUDENT MANAGER -- BASEBALL	In baseball, to specify that a student manager may be involved in on-field activities (e.g., catching in the bullpen, pitching batting practice, hitting fungoes, shagging balls) without counting in the institution's coaching limitations, provided the student manager participates in the activities within	Routine on-field activities such as catching in the bullpen, pitching batting practice, hitting fungoes and shagging balls have been defined as on-field coaching activities, which must be performed by a countable coach. These duties could be performed by student managers, which would permit coaches to spend more time providing instruction to student-athletes. These activities are not inherently coaching, and no advantage exists if they are performed by a student manager. Similar activities in other sports (e.g., feeding balls to the quarterback in football drills, retrieving balls for shooters in basketball) are performed by student managers. Limiting such on-field activities to	Pacific-10 Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		five years of his or her initial full-time collegiate enrollment and does not provide instruction to student-athletes or engage in other coaching activities.	student managers who are within five years of their initial full-time collegiate enrollment would alleviate concerns that an institution may have former professional players or other nonstudents become "managers" and engage in countable coaching activities.		
2008-12	PERSONNEL -- LIMITATIONS ON NUMBER OF OFF-CAMPUS RECRUITERS AT ANY ONE TIME -- EXCEPTION -- WOMEN'S BASKETBALL -- JULY EVALUATION PERIODS	In women's basketball, to specify that during the July evaluation periods, a coach replaced for the purpose of off-campus recruiting activities is not required to return to the institution's campus before engaging in additional recruiting activities, provided no more than three coaches engage in off-campus recruiting activities each day.	During the July evaluation periods, women's basketball coaches travel the country in order to identify prospective student-athletes. Only three of the four coaches are permitted to recruit at any one time, and this is regulated by requiring a coach who comes "off the road" to return to campus before being permitted to resume recruiting activities. Due to the intense nature of the July evaluation periods, it is preferable that the three-coach limit be regulated by permitting only three coaches to engage in off-campus recruiting each day, and by permitting a coach who is replaced as an off-campus recruiter to resume recruiting without returning to campus first. This proposal would allow three coaches to evaluate while the fourth coach travels from one certified event directly to the location of another. Under the current rule, coaches must take turns flying back to campus, creating needless expenses and using valuable time.	Big East Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-13	AMATEURISM -- EXCEPTION FOR PRIZE MONEY FOR STUDENT-ATHLETES -- OUTSIDE THE PLAYING SEASON DURING AN OFFICIAL VACATION PERIOD -- INDIVIDUAL SPORTS	In individual sports, to permit a student-athlete to accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during any official vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event.	Currently, a prospective student-athlete may accept prize money based on place finish, up to actual and necessary expenses, in order to offset costs incurred while participating in an open athletics event. In the interest of student-athlete well-being and consistency in the rules, the same opportunity should be available to enrolled student-athletes. The current post-enrollment amateurism rule adversely affects student-athletes in individual sports. Student-athletes who participate in team sports and who compete on outside teams during vacation periods are able to travel extensively and have their expenses paid in full or subsidized heavily by their teams, team sponsors and/or event organizers. Student-athletes in individual sports should have the same opportunity to compete at a high level during vacation periods while having some or all of their expenses covered. The scope of this proposal is limited to the receipt of actual, incurred, out-of-pocket expenses. A student-athlete would not be able to profit from competing in events and accepting money based on place finish. Moreover, in order to safeguard against student-athletes missing class to compete in outside events, this proposal would apply only to open events taking place during official vacation periods and outside of the playing and practice season.	Pacific-10 Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-14	RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE STUDENT-ATHLETE -- ENROLLMENT AND ATTENDANCE IN SUMMER CLASSES PRIOR TO INITIAL FULL-TIME ENROLLMENT	To specify that an individual shall no longer be considered a prospective student-athlete for purposes of the contact limitations in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 at the point in which he or she officially registers and enrolls and attends classes in an institution's summer term prior to initial full-time enrollment.	Current legislation permits any individual who is enrolled in the institution's summer term prior to his or her initial, full-time enrollment at the certifying institution to be provided academic support services and to use the institution's training room facilities without signing a National Letter of Intent (NLI). In addition, in football and basketball, any individual who is enrolled in the institution's summer term prior to his or her initial, full-time enrollment at the certifying institution may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach regardless of whether the individual has signed an NLI or is receiving athletically related financial aid during the summer term. Although these individuals have not signed an NLI and are not receiving summer financial aid, they are no longer being recruited by the institution and they receive the same access to institutional facilities and services as individuals who have signed an NLI or are receiving summer financial aid. Accordingly, these individuals should also be provided the benefits of student-athletes for purposes of Bylaw 16 and the institutions at which they are enrolled should not be subject to the contact restrictions of Bylaw 13.	NCAA Division I Academics/Eligibility /Compliance Cabinet (Subcommittee on Recruiting).	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-15	RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE STUDENT-ATHLETE -- INSTITUTIONAL ORIENTATION SESSION	To specify that a prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport or for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to a required institutional orientation session within 14 calendar days prior to the opening day of classes of a regular academic year term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-	Currently, prospective student-athletes who are required to attend an institutional orientation session in late July or early August are considered prospective student-athletes until they begin classes unless they have attended summer school and received athletically related financial aid. In some cases, issues arise related to the well-being of prospective student-athletes who travel long distances for a required orientation. Once the orientation ends the prospective student-athletes must either return home or find lodging, meals and transportation on their own until they begin classes as full-time students. A current student-athlete may not provide local transportation to a prospective student-athlete and the prospective student-athlete may not receive an occasional meal from a staff member. Since this proposal limits the effective time period to a 14-day period prior to the start of classes and limits the scope to prospective student-athletes who have signed a National Letter of Intent, the potential for abuse is limited. This proposal would permit the affected prospective student-athletes to interact with future teammates and coaches in a logical and reasonable manner. An individual in this situation may not engage in any countable athletically related activities during the time period and may not receive room or board expenses.	Southeastern Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		athlete for purposes of Bylaw 16 as of the opening day of the required orientation.			
2008-16	RECRUITING -- CONTACTS AND EVALUATIONS -- CONTACTABLE INDIVIDUALS -- STUDENT-ATHLETE WITHDRAWN FROM FOUR-YEAR COLLEGE -- EXCEPTION -- OFFICIAL CHURCH MISSION	To specify that an institution shall not contact a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed a National Letter of Intent (NLI) and attended the institution (with which he or she signed the NLI) as a full-time student; further, to specify that if such a student-athlete has completed his or her official	An official church mission is a time when an individual should not have to deal with distractions due to numerous recruiting contacts by coaches. In many cases, the missionary's church may restrict contact between the missionary and his or her family and friends to correspondence and two phone calls per year. Current legislation allows for active recruitment of such a student-athlete to recommence after he or she has been officially withdrawn from a four-year institution. Recruitment during the mission experience detracts from the goals and focus of the mission. In addition, many resources are expended in recruiting prospective student-athletes. The fact that a student-athlete who serves an official church mission will once again become eligible for recruitment discourages many schools from recruiting those prospective student-athletes prior to their missions. This proposal would protect such student-athletes and the institutions with which they sign National Letters of Intent from external recruiting interferences during the student-athletes' missionary service.	Western Athletic Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		church mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution.			
2008-17	RECRUITING -- CONTACTS AND EVALUATIONS -- PERMISSIBLE RECRUITERS -- BOWL SUBDIVISION FOOTBALL -- HEAD COACH RESTRICTIONS -- SPRING EVALUATION PERIOD -- OTHER OFF-CAMPUS ACTIVITIES	In bowl subdivision football, to specify that the head coach shall not participate in an off-campus coaching clinic, visit a prospective student-athlete's educational institution for any reason or meet with a prospective student-athlete's coach at an off-campus location during the April 15 through May 31 evaluation period.	The current restriction on off-campus recruiting activities was adopted with the intent of prohibiting head football coaches from engaging in any off-campus recruiting activities during the spring evaluation period. Following the adoption of the restriction, confusion arose regarding the activities in which head coaches were allowed to engage off an institution's campus. This proposal further defines the activities in which head coaches may not participate during the spring evaluation period. A head coach would be permitted to speak at engagements held at locations other than a prospective student-athlete's educational institution that are open to the general public or engagements organized for institutional (NCAA institution) fundraising purposes.	Southeastern Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-18	RECRUITING -- TELEPHONE CALLS INITIATED BY A PROSPECTIVE STUDENT-ATHLETE AT HER OWN EXPENSE -- WOMEN'S LACROSSE	In women's lacrosse, to specify that an institutional coaching staff member may receive telephone calls placed by a prospective student-athlete at her own expense before July 1 following her junior year in high school, provided the coaching staff member does not request that the a prospective student-athlete call at a specific time or otherwise prearrange the telephone call; further; to specify that telephone calls placed after July 1 following the prospective student-athlete's junior year in high school may be prearranged.	Current legislation permits coaches to receive telephone calls from prospective student-athletes at any time. However, coaches may not place calls to prospects until July 1 following the prospect's junior year in high school. Coaches often circumvent the July 1 restriction by prearranging calls from prospective student-athletes. For example, a coach may ask the prospects he or she is recruiting to call the coach's office every Tuesday night or arrange for regular conference calls that include the coach, the prospect and his or her parents, high school coach, guidance counselor, or club coach. The women's lacrosse coaches believe that this practice unnecessarily intrudes on the lives of high school juniors, who feel pressure to demonstrate interest by making such calls to college coaches at the coaches' requests. This proposal would ensure that prospective student-athletes are initiating calls solely at their discretion prior to July 1 following their junior year. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.	Ivy Group.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-19	RECRUITING -- CONTACTS AND EVALUATIONS -- FOOTBALL -- ONE CONTACT WITH JUNIORS OR SENIORS -- SPRING EVALUATION PERIOD	In football, to specify that during the spring evaluation period, an institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athletes in their junior year) at the prospective student-athlete's educational institution; further, to specify that an institution may use an additional evaluation in conjunction with the contact.	Between NCAA Division I Academic Progress Rate considerations, off-field behavioral expectations, and trends such as increased mid-year enrollment by high school prospective student-athletes, there has never been more pressure to have an early, accurate assessment of a prospective student-athlete's ability to succeed academically and assimilate culturally in a collegiate environment. Permitting an additional recruiting opportunity per prospective student-athlete during the spring evaluation period will enhance a coaching staff's assessment of the character and academic qualifications of a prospective student-athlete. The additional recruiting opportunity would permit a contact with a prospective student-athlete (including juniors) at the prospective student-athlete's educational institution or a contact plus an evaluation in conjunction with that contact on the same day. At most, the additional recruiting opportunity would result in one additional visit to a prospective student-athlete's educational institution during the spring evaluation period. In addition to improving the accuracy of a staff's assessment of a prospective student-athlete earlier in the recruiting process, another benefit of this proposal is that impermissible contacts ("bumps") with juniors and	Big Ten Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			seniors during the spring evaluation period would be reduced. Finally, confining the additional recruiting opportunity to the prospective student-athlete's educational institution is consistent with and furthers the effort to focus recruiting on the scholastic environment.		
2008-20	RECRUITING -- FOOTBALL EVALUATIONS -- SCHOLASTIC AND NONSCHOLASTIC ACTIVITIES -- EVENTS ORGANIZED AND CONDUCTED BY SCHOLASTIC ATHLETICS GOVERNANCE BODIES -- OTHER EVALUATION EVENTS	In football, to specify that live athletics evaluations are permissible at events organized and conducted solely by a scholastic athletics governing body (e.g., state high school athletics association, junior college athletics association); further, to specify that institutional staff members shall not attend a recruiting event in which information (e.g., athletics or academic credentials, highlight video) related to prospective student-	This proposal seeks to permit coaches' attendance at coaching clinics, all-star game practices and competitions that are solely conducted and organized by a state high school athletics association or by a junior college athletics association. In addition, the current limitations on evaluations apply only to live athletics activities. This proposal would preclude attendance at recruiting events (other than the permissible live events) in which information (e.g., athletics or academic credentials, highlight or combine video) related to prospective student-athletes is presented or otherwise made available, but it would not preclude an institution's coach from engaging in other individual evaluation activities (e.g., individually meeting with a high school coach to discuss a prospective student-athlete athletics or academic credentials).	Southeastern Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		athlete is presented or otherwise made available.			
2008-21	RECRUITING -- ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS -- REPORTS AND NOTIFICATION -- ELIGIBILITY CENTER	To specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data, academic progress rate and graduation success rate to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list; further, to specify that the Eligibility	Current legislation places an unnecessary administrative burden on institutions to distribute information that could be efficiently provided to prospective student-athletes by the Eligibility Center. This is particularly true in the case of initial-eligibility standards. The necessary information related to admissions and graduation-rate data, the academic progress rate and the graduation success rate is already collected and published by the NCAA. The creation of the Eligibility Center has provided increased efficiency and customer service to prospective student-athletes and their parents. This proposed role in the central coordination and distribution of required reports would greatly enhance the Eligibility Center's service to the membership. The close relationship between the NCAA national office and the Eligibility Center will facilitate the sharing of the necessary data. The required information could be provided to prospective student-athletes by the most efficient method (e.g., through e-mail or other technology), as determined by the Eligibility Center. This shift in report distribution is merely administrative in nature. Institutions would remain responsible for	Big 12 Conference.	August 01, 2010

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center.	responding to any questions raised by prospective student-athletes and their parents or legal guardians regarding initial-eligibility, academic rates, the NCAA banned drug list and nutritional supplements.		
2008-22	RECRUITING -- PRINTED RECRUITING MATERIALS -- INSTITUTIONAL POSTCARDS	To specify that an institutional postcard may be provided to a prospective student-athlete, his or her parents or legal guardians, his or her coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved, provided its dimensions do not exceed 4 1/4 by 6 inches, it contains only	The distinction between institutional postcards and note cards can be confusing and prone to misapplication. This proposal will alleviate many questions regarding what constitutes a postcard and what constitutes a note card for recruiting purposes. Further, postcards are less expensive to produce and require less postage to mail. This proposal does not eliminate the option of sending a blank postcard issued by the U.S. postal service to a prospective student-athlete as general correspondence.	Big 12 Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		the institution's name and logo or an athletics logo on one side when produced and it includes only handwritten information, (e.g., words, illustrations) on the opposite side when provided to a prospective student-athlete.			
2008-23	RECRUITING -- RECRUITING MATERIALS -- ELECTRONIC TRANSMISSIONS -- AFTER NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT	To specify that after the calendar day on which a prospective student-athlete signs a National Letter of Intent (NLI), signs an institution's written offer of admission and/or financial aid, or submits a room or tuition deposit in response to the institution's written offer of admission, there shall be no limit on the forms of	This proposal would establish an exception to the electronic correspondence legislation that would be similar to the current legislation regarding publicity released by an institution after a prospective student-athlete has evidenced his or her commitment to attend the institution. A key factor in the membership's desire to eliminate text messaging and other electronically transmitted correspondence is the intrusive nature of these particular methods of communication during the recruiting process. However, such communication to prospective student-athletes who have already committed to the institution does not present a recruiting advantage and is not overly invasive. Prospective student-athletes who have signed an institutional financial aid agreement or have	Southern Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		electronically transmitted correspondence sent by the institution with which the prospective student-athlete has committed.	submitted a tuition or room deposit may not have signed a National Letter of Intent, but they have shown the same level of commitment as those prospective student-athletes who have. Institutions should be able to communicate with those prospective student-athletes via the same electronic methods. This proposal would allow for a consistent application to all prospective student-athletes who have committed to attend the institution.		
2008-24	RECRUITING -- RECRUITING MATERIALS -- OTHER RECRUITING MATERIALS POSTED TO INSTITUTION'S WEB SITE	To permit an institution to print and provide other recruiting information that is posted on its Web site to prospective student-athletes via regular mail as attachments to general correspondence or electronic mail, via facsimile or during any permissible on- or off-campus contact.	Currently, recruiting information that is posted on the institution's Web site may not be sent to a prospective student-athlete as an attachment to general correspondence unless it appears in the list of permissible recruiting materials. In order for information that does not appear on the list of permissible materials to be sent as an attachment, the institution must find it elsewhere (e.g., newspaper, other Web site). A typical institution's Web site contains valuable and important information beyond what appears on the list of permissible materials. Such information could easily be sent to prospective student-athletes. Some prospective student-athletes do not have daily access to computers and, therefore, are not able to access this additional information. This change would not result in significant increases in costs associated with producing and sending the	Atlantic Coast Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			information since these items are already being produced and posted to the institution's Web site.		
2008-25-A	RECRUITING -- OFFICIAL VISIT AND LETTER OF INTENT PROGRAMS -- REQUIREMENTS FOR OFFICIAL VISIT AND OFFERS OF ATHLETICALLY RELATED FINANCIAL AID -- COMPLETION OF AMATEURISM CERTIFICATION QUESTIONNAIRE	To specify that a high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center before an institution may provide the prospective student-athlete an official visit; further, to specify that an institution shall not provide a high school, preparatory school or transfer prospective student-athlete a written offer of athletically related financial aid until he or she has completed the	Current legislation requires that a prospective student-athlete present an institution with a high school (or college) academic transcript and register with the Eligibility Center prior to taking an official visit to the institution. Prior to the official visit, the institution must also place the prospective student-athlete on its institutional request list. Requiring prospective student-athletes to take the additional step of completing the amateurism questionnaire prior to taking an official visit and prior to receiving a written offer of athletically related aid will allow the Eligibility Center to begin the process of certifying prospective student-athletes' amateur status at an earlier date and will help ease case volume leading up to and after the start of the academic year when competition is pending. The effective date of August 1, 2009, will provide adequate notice to institutions and prospective student-athletes.	NCAA Division I Academics/Eligibility /Compliance Cabinet (Subcommittee on Agents and Amateurism and Subcommittee on Recruiting).	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		amateurism certification questionnaire with the Eligibility Center.			
2008-25-B	RECRUITING -- LETTER OF INTENT PROGRAMS -- REQUIREMENTS FOR OFFERS OF ATHLETICALLY RELATED FINANCIAL AID -- COMPLETION OF AMATEURISM CERTIFICATION QUESTIONNAIRE	To specify that an institution shall not provide a high school, preparatory school or transfer (if applicable) prospective student-athlete a written offer of athletically related financial aid until he or she has completed the amateurism certification questionnaire administered by the NCAA Eligibility Center.	Requiring the amateurism certification questionnaire to be completed prior to an official visit is cumbersome and could result in a delay of the visit. Despite adequate planning, many official visits are arranged or changed at the last minute due to schedule changes or other complications. The appropriate timing for the completion of the amateurism certification questionnaire is prior to issuing a written offer of athletically related financial aid. This timing may address the concerns related to late registrations by prospective student-athletes currently experienced by the Eligibility Center, while still supplying institutions with important amateurism information before financial aid commitments are made.	NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet.	August 01, 2009
2008-26	RECRUITING -- OFFICIAL VISIT -- MEALS ON OFFICIAL VISIT -- MEALS AT AIRPORT OR BUS OR TRAIN STATION	To specify that meals may be provided to a prospective student-athlete on an official visit at the airport or bus or train station at the time of his or her arrival or departure.	This proposal supports the well-being of prospective student-athletes and recognizes the liability and responsibility placed on an institution during official visits. It is necessary to account for the realities of travel as well as the importance of a coaching staff member's availability to assist and supervise prospective student-athletes who travel alone for an official visit. Security issues are	Big 12 Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			unpredictable and travel delays are common. It is reasonable for an institutional staff member to provide a meal to a prospective student-athlete while he or she waits at the airport or bus or train station as the result of such issues or delays. Although it is currently permissible to pay a prospective student-athlete's costs for meals incurred while in transit, this proposal accounts for the prospective student-athlete who is not able to pay for such meals. Additionally, this proposal creates equity among institutions that are located various distances from airports or bus or train stations. For example, those institutions that have a major airport within 30 miles of campus have a greater number of flight options available and also have the option to provide supervision along with a meal at the airport when travel issues arise.		
2008-27	RECRUITING -- UNOFFICIAL VISIT -- HOUSING -- LODGING IN DORMITORIES -- ADDITIONAL RESTRICTION -- WOMEN'S LACROSSE	In women's lacrosse, to specify that an institution's athletics department staff member shall not arrange lodging for a prospective student-athlete on an unofficial visit in an enrolled student-athlete's residence (e.g.,	Current legislation permits an institution to arrange for prospective student-athletes on unofficial visits to stay overnight in the dormitory room or other residence of current student-athletes. Prospective student-athletes who are juniors in high school or younger, are often not mature enough to handle the freedoms associated with staying overnight without supervision and problems have been known to arise. Restricting the arrangement of overnight on-campus lodging to prospective student-athletes who are entering their senior year	Ivy Group.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		dormitory room, apartment) until August 1 following the prospective student-athlete's junior year in high school.	in high school will help to alleviate this problem while still permitting younger prospective student-athletes to visit an institution overnight if they make other lodging arrangements. This restriction is not intended to impact visits that are not arranged by an athletics department staff member. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.		
2008-28	RECRUITING -- FINANCIAL AID AGREEMENTS -- OFFERS OF AID BEFORE JULY 1 FOLLOWING JUNIOR YEAR -- WOMEN'S LACROSSE	In women's lacrosse, to specify that an institution shall not offer (or indicate that it will or may offer), orally or in writing, athletically related financial aid, other institutional financial aid or admissions assistance before July 1 following the prospective student-athlete's junior year in high school; further, to specify that an	The Women's Lacrosse Coaches Association believes that stopping the trend of college coaches providing verbal offers of admissions and scholarship support and asking for and receiving verbal commitments from prospective student-athletes during their junior year in high school will result in a higher quality recruiting process for prospective student athletes and coaches. This proposal seeks to take the pressure and "fear" approach out of recruiting (e.g., fear that if the prospect does not accept an offer she may not receive another one) and replace it with the opportunity for prospects to make informed decisions. In addition, waiting until July 1 following a prospect's junior year in high school to make offers and accept commitments allows	Ivy Group.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		institution shall not accept any commitment from a prospective student-athlete before July 1 following the prospective student-athlete's junior year in high school.	coaches to use the early summer months for evaluations at high school games and tournaments, thereby giving a more accurate view of a prospective student-athlete's talent and potential, as well as her academic qualifications. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.		
2008-29	RECRUITING -- TRYOUTS -- EXCEPTIONS -- VOLUNTARY SUMMER CONDITIONING -- SPORTS OTHER THAN FOOTBALL AND BASKETBALL	In sports other than football and basketball, to specify that a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieval basis), provided he or she is enrolled in the institution's summer term prior to the	Current legislation permits football and basketball prospective student-athletes to participate in voluntary conditioning activities during the summer with the institution's strength and conditioning coach, provided the prospective student-athletes are enrolled in the institution's summer term. This proposal extends the same opportunity to incoming student-athletes in all other sports. Currently, incoming student-athletes in other sports who elect to enroll in summer school prior to initial full-time enrollment may not work out with their future teammates and are forced to lift weights and condition on their own, and in some cases, without proper guidance from a skilled strength and conditioning coach. This proposal will allow all incoming student-athletes the opportunity to receive proper instruction and to	Southeastern Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		student's initial full-time enrollment at the certifying institution.	work with their future teammates.		
2008-30	RECRUITING -- SPORTS CAMPS AND CLINICS -- EMPLOYMENT AT CAMP OR CLINIC -- HIGH SCHOOL, PREPARATORY-SCHOOL TWO-YEAR COLLEGE COACHES OR OTHER INDIVIDUALS INVOLVED WITH PROSPECTIVE STUDENT-ATHLETES -- EMPLOYMENT AS SPEAKER -- BASKETBALL	In basketball, to specify that an institution shall not employ (either on a salaried or a volunteer basis) a speaker in any basketball camp or clinic (including a coaches clinic or a camp or clinic involving nonprospects) who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball; further, to specify that such an individual may be employed as a camp counselor, but may not	Current legislation does not preclude institutions from providing honorariums to a prospective student-athlete's coach to speak at an institution's camp or clinic. Such a fee is often independent of any compensation for employment as a camp counselor and is used as a recruiting inducement, either to pay for the costs of the coach's players to attend the camp or to solicit the enrollment of a prospective student-athlete associated with that coach. In some cases, the fee may be exorbitant unless institutional policy restricts the amount. This proposal would address those recruiting concerns without precluding institutions from employing a prospective student-athlete's coach as a legitimate counselor. Current legislation governs such employment and requires compensation paid to all counselors to be commensurate with the going-rate based on like teaching ability and camp experience.	NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		perform speaking duties other than those normally associated with camp counselor duties (e.g., skill instruction).			
2008-31	RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING SERVICES -- VIDEO SERVICES	To eliminate the requirement that off-campus observation of a prospective student-athlete on a video that is made available by a scouting service be considered an evaluation activity subject to applicable evaluation regulations.	Technological advances have permitted coaches to have easy and inexpensive access to video at locations other than work. No competitive advantage is gained by a coach viewing a video of a high school or two-year college contest off campus. Coaches have relatively equal access to view video from scouting services in various formats (e.g., online, on DVD, video cassette). Therefore, coaches should not be limited by the viewing location and should not be required to count off-campus observation as an evaluation. In addition, off-campus observation of video should not be regulated by the recruiting calendar. The observation of prospective student-athletes on video should be permissible at any time and at any location without restrictions.	Big 12 Conference.	Immediate
2008-32	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT --	To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet	After extensive review of traditional and nontraditional courses, the NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Continuing Eligibility defined traditional courses as those involving regular in-person, classroom-based instruction.	NCAA Division I Academics/Eligibility /Compliance Cabinet (Subcommittee on Continuing Eligibility).	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES	courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) offered by the certifying institution may be used to satisfy the full-time enrollment requirement for competition, provided the specified conditions are met.	Nontraditional courses were defined as those involving little or no classroom-based instruction (e.g., distance-learning, correspondence, extension, Internet courses, independent study and any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student). Technological trends within postsecondary instruction require a modernization of the language used to refer to various methods of course delivery. Generally, a student-athlete should be permitted to use nontraditional courses to satisfy the full-time enrollment requirement, provided the institution considers enrollment in such a course as regular course enrollment for all students; however, this proposal establishes minimum standards that must be met in order for nontraditional courses to be used for purposes of full-time enrollment for competition.		
2008-33	ELIGIBILITY -- SEASONS OF COMPETITION -- FIVE-YEAR RULE -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- DELAYED	In women's volleyball, to specify that a student-athlete who does not initially enroll full time in a collegiate institution within one year following the high school graduation date of the student-athlete's	There is support among members of the American Volleyball Coaches Association (AVCA) for this legislation to address concerns regarding the current organized competition legislation. It is becoming increasingly common for women's volleyball prospective student-athletes to intentionally delay initial collegiate enrollment in order to compete and train at an elite level. Under the current legislation, these prospective student-	NCAA Division I Academics/Eligibility /Compliance Cabinet (Subcommittee on Continuing Eligibility).	August 1, 2010, for student-athletes initially enrolling full time in a collegiate institution on or after August

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	ENROLLMENT -- WOMEN'S VOLLEYBALL	class and participates in organized events after the one-year period, shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.	athletes may delay enrollment until age 21 and train and compete for three to four years before entering college. This proposal adds women's volleyball to the legislation by which tennis and swimming and diving have addressed similar concerns.		1, 2010.
2008-34	ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- CORE CURRICULUM TIME LIMITATION -- STUDENTS WITH EDUCATION IMPACTING	To specify that if a prospective student-athlete with a diagnosed education-impacting disability graduates from high school within the core-curriculum time limitation, he or she may use up to three core courses completed	Current legislation permits a prospective student-athlete with a diagnosed education-impacting disability to use all core courses up to the individual's initial full-time enrollment to satisfy the core-curriculum or minimum grade-point average requirements or both. This proposal provides a more consistent application of the core-curriculum time limitation legislation for all prospective student-athletes, while still providing individuals with diagnosed education-impacting disabilities the reasonable accommodation of	NCAA Division I Academics/Eligibility /Compliance Cabinet (Subcommittee on Initial-Eligibility Issues).	August 1, 2009, for student-athletes initially enrolling full time in a collegiate institution on or after August 1, 2009.

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	DISABILITIES	after high school graduation to satisfy the core-curriculum or minimum grade-point average requirements, or both.	completing up to three core courses after high school graduation. This proposal also would protect the well-being of prospective student-athletes with education-impacting disabilities, particularly those individuals who require accommodations to complete their course work, by limiting the number of core courses they are completing in a short amount of time. Pursuant to current initial-eligibility waiver policies and procedures, consideration may be given to all courses taken by a prospective student-athlete with an education-impacting disability up to initial full-time enrollment. Consideration of all courses taken would continue as a part of the waiver process under this proposed change to the legislation.		
2008-35	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE -- NONTRADITIONAL COURSES	To specify that nontraditional courses (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor	After extensive review of traditional and nontraditional courses, the Academics/Eligibility/Compliance Cabinet Subcommittee on Continuing Eligibility defined traditional courses as those involving regular in-person, classroom-based instruction. Nontraditional courses were defined as those involving little or no classroom-based instruction (e.g., distance-learning, correspondence, extension, Internet courses, independent study and any other course or credit that is not earned in a typical face-to-face classroom environment with regular in-person interaction between the instructor and the	NCAA Division I Academics/Eligibility /Compliance Cabinet (Subcommittee on Continuing Eligibility).	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		and the student) completed at a four-year institution other than the certifying institution, may be used to meet credit hour and percentage-of-degree requirements, provided the specified conditions are met.	student). Technological trends within postsecondary instruction require a modernization of the language used to refer to various methods of course delivery. Generally, a student-athlete should be permitted to use nontraditional courses from any four-year institution to satisfy progress-toward-degree requirements, provided they are accepted by the certifying institution and satisfy graduation requirements for all students at the certifying institution. It is important to respect institutional discretion and authority in setting course content and curriculum and to trust institutional integrity with regard to use of nontraditional courses. However, this proposal establishes minimum standards that must be met in order for nontraditional courses to be used for progress-toward-degree requirements.		
2008-36	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- INTERNATIONAL COMPETITION WAIVER -- USE OF CREDITS EARNED	To specify that credits earned by a student during the term or terms to which an international competition waiver applies may be used to satisfy the 24/36 hour, percentage-of-degree and grade-point average progress-	Currently, credits earned by a student during the term or terms to which a medical absence waiver applies may be used to satisfy the 24/36 hour, percentage-of-degree and grade-point average progress-toward-degree requirements. This proposal affords student-athletes who participate in the specified international competition the same benefit. Currently, hours earned during the term or terms associated with an international competition waiver may not be used to satisfy progress-toward-degree requirements. Permitting the use of such	Big 12 Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		toward degree requirements.	hours to satisfy these elements of the progress-toward-degree requirements is consistent with the NCAA's intent to ensure that students are progressing toward completion of a degree. Moreover, such hours still would not be applicable toward the six hour or 18/27 credit hour requirement.		
2008-37	ELIGIBILITY -- TRANSFER REGULATIONS -- EXCEPTIONS FOR TRANSFERS FROM FOUR-YEAR COLLEGES -- CHURCH MISSION	To eliminate the church mission exception to the transfer residence requirement for transfers from four-year colleges.	Current legislation provides an exception to the residence requirement for a transfer student from a four-year institution if the student-athlete actively serves at least 12 months on an official church mission. The exception essentially makes a student-athlete who is serving an official church mission a "free agent," because he or she is not required to fulfill a year in residence on returning and transferring to another institution. Since the current legislation provides an exception to the transfer residence requirement, many institutions are discouraged from investing the time, energy and finances into recruiting prospective student-athletes who plan to serve missions. As a result, an individual who would otherwise serve a mission may choose not to do so in order to receive a scholarship offer, which may be contingent on not serving a mission. Legislation affecting official church mission service should be distinguished from active military service due to a recent increase in the recruitment of student-athletes who	Western Athletic Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			serve official church missions.		
2008-38	ELIGIBILITY -- TRANSFER REGULATIONS -- FOUR-YEAR COLLEGE TRANSFERS -- COMPETITION AND RECEIPT OF ATHLETICALLY RELATED FINANCIAL AID IN YEAR OF TRANSFER -- TENNIS	In tennis, to specify that a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year and received athletically related financial aid during the same academic year from the previous four-year institution.	Current legislation precludes a student-athlete from engaging in competition in a particular sport at two different institutions in the championship segment of the same academic year. In tennis, the season of competition is typically divided into two segments, but the Intercollegiate Tennis Association (ITA) is concerned about situations in which a student-athlete may compete for two different institutions in the same academic year and the difficulty some institutions have in replacing a student-athlete midyear. Accordingly, the ITA supports this proposal, which limits the ability of a midyear tennis transfer student-athlete to compete for two four-year institutions in the same academic year if the student-athlete received athletically-related financial aid at the first institution. Additionally, this proposal encourages and promotes more careful consideration by the coach and the student-athlete during the recruiting process and helps to solidify the commitment made by both parties.	NCAA Division I Academics/Eligibility /Compliance Cabinet (Subcommittee on Continuing Eligibility).	August 01, 2010
2008-39	ELIGIBILITY -- OUTSIDE	In women's ice hockey, to specify that a	In previous years leading up to the Winter Olympic Games, NCAA Division I Subcommittee	Ivy Group.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	COMPETITION, EFFECTS ON ELIGIBILITY -- EXCEPTION -- CONFERENCE ALL-STAR COMPETITION AGAINST U.S. NATIONAL TEAM -- WOMEN'S ICE HOCKEY	student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for competition at the time of the competition.	for Legislative Relief (formerly Administrative Review Subcommittee) waivers have been granted for conference women's ice hockey all-star teams to play a maximum of two contests each against the U.S. women's national team. In granting the waiver related to the 2006 Winter Olympic Games, the subcommittee encouraged the applicant conferences to propose legislation to address the issue. This proposal will decrease bureaucracy by permitting participation in such contests without requiring institutions or conferences to request a waiver.		
2008-40	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- WOMEN'S VOLLEYBALL	In women's volleyball, to increase the maximum institutional grant-in-aid limitation from 12 to 13.	In 2004, an ad hoc group made up of members of the NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Financial Aid, the NCAA Division I Management Council and the NCAA Division I Committee on Women's Athletics performed a comprehensive review of the appropriateness of the maximum institutional grant-in-aid limitations in women's sports. As a result of its review, the group recommended legislation to increase the institutional grant-in-aid	Pacific-10 Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			limitation in women's volleyball from 12 to 13 to reflect the addition of the "libero" position. The legislation was adopted by the Board of Directors in 2005, but it was narrowly overridden by the membership in January 2006. Data continues to support the recommendation to increase the institutional grant-in-aid limitation in this sport. The addition of the libero and specialization by position has resulted in an increase in squad sizes in the sport (up to 14.5 in 2005-06 from 14.0 in 2003-04). High school participation also has increased, resulting in a larger pool of viable prospective student-athletes who are worthy of athletics scholarships. The proposed increase also takes into consideration that the average number of volleyball student-athletes receiving athletics grant-in-aid is relatively consistent among Division I institutions. This fact is an important competitive and recruiting equity consideration.		
2008-41	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- BASEBALL	In baseball, to increase the annual limit on the value of financial aid awards (equivalencies) to counters from 11.7 to 14.	Currently, institutions are limited to providing a maximum of 27 student-athletes with at least 25 percent of an equivalency beginning August 1, 2009. This is a step forward in improving the academic success of baseball student-athletes, but additional steps are necessary to further the initiative to increase graduation rates and retain student-athletes. Many baseball student-athletes receive only token amounts of athletically related	Southeastern Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			financial aid. Low scholarship amounts are byproducts of the numbers needed to field a baseball team and the low number of equivalencies that are available. An increase to the maximum equivalencies will allow institutions the flexibility to provide student-athletes with increased athletically related financial aid to further reduce the likelihood of transfer to another institution. Further, as a result of small equivalency values during the academic year, many student-athletes are required to pay the majority of the cost to attend summer terms. Given the expense, many student-athletes choose to participate in summer baseball rather than make additional progress toward a degree. Finally, the increase in equivalencies would provide a better financial opportunity for prospective student-athletes from lower income families to participate in baseball. This proposal furthers student-athlete well-being as well as student-athlete retention and academic progress toward a degree.		
2008-42	AWARDS, BENEFITS AND EXPENSES -- COMPLIMENTARY ADMISSIONS AND TICKET BENEFITS --	To specify that an institution may provide each student-athlete who participates in or is a member of a team participating in a postseason event (e.g.,	This proposal would simplify and bring consistency to the application of the complimentary admissions legislation and permit a student-athlete to receive six complimentary admissions to postseason events in which the student-athlete participates or is a member of a team participating in the event.	Big Ten Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	POSTSEASON EVENTS	conference championship, NCAA championship, National Invitation Tournament, bowl game) with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates.			
2008-43	AWARDS, BENEFITS AND EXPENSES -- HOUSING AND MEALS -- FRUIT, NUTS AND BAGELS	To specify that an institution may provide fruit, nuts and bagels to student-athletes at any time.	Current legislation allows for an institution to provide student-athletes with energy bars, carbohydrate/electrolyte drinks, and carbohydrate boosters, but does not allow them to provide actual food items, such as fruits, nuts, or bagels. Dietitians working with student-athletes work to convince student-athletes and coaches that nutrition can have a very big impact on his or her athletics performance, and to convince them that they are not immune to the same types of health risks that nonathletes face. While some sports nutrition supplements have an important role in the lives of athletes, encouraging a diet of healthy and natural foods is a key for establishing a long term healthy lifestyle. Additionally, many permissible nonmuscle-building nutritional supplements may	Atlantic Coast Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			not be as healthy as they seem. Many contain high-fructose corn syrup, which has raised concern among nutritional experts because of the way it is broken down in the body. Excessive amounts of fructose have been theorized to be one of the contributors to the obesity epidemic. Fructose has also been linked, through research, to an increased risk for heart disease and accelerated bone loss.		
2008-44	AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- DEPARTURE/RETURN EXPENSE RESTRICTIONS -- EXCEPTIONS -- TRAVEL FOLLOWING CHAMPIONSHIPS EVENTS AND POSTSEASON FOOTBALL GAMES	To specify that return transportation following contests in NCAA championship events, national governing body championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms are exempt from the requirement that a student-athlete remain no longer than 36	Current legislation provides an exception to the 48-hour departure restriction for travel prior to contests in NCAA championship events, National Governing Body championships in emerging sports or licensed postseason football games; however, there is no exception for departing the competition site more than 36 hours following the conclusion of a competition. When these events take place during institutional vacation periods and classes are not in session, many student-athletes and their families choose to stay in the locale of the competition for an extended period after the competition. However, under the current rule, if a student-athlete remains at the site more than 36 hours after the conclusion of the competition, the institution is not permitted to pay for that student-athlete's return transportation. Current legislation provides an exception to the 36-hour return restriction for regular-season competition that takes place during the institution's official vacation	Atlantic Coast Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		hours following the conclusion of the competition in order to receive actual and necessary expenses to return to campus.	period during the academic year and between terms. This proposal would bring consistency to the application of the return restriction for regular-season and championship competition that occurs during the institution's vacation period. The same rationale for an exception for regular-season competition would logically apply to championship competition and postseason football games.		
2008-45	PLAYING AND PRACTICE SEASONS -- GENERAL REGULATIONS -- SKILL INSTRUCTION -- SPORTS OTHER THAN FOOTBALL -- CONCURRENT SESSIONS	In sports other than football, to specify that prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any one facility.	The current legislation governing skill-related instruction was implemented to prevent teams from essentially conducting regular practice at certain times during the off-season. However, as applied, it places unnecessary time demands on student-athletes and institutional staff members because it does not allow more than four student-athletes to participate in skill-related instruction with their coaches at any one time in any facility prior to September 15 and after April 15. Allowing separate, autonomous groups of student-athletes to participate in skill-related instruction at the same time does not compromise the intent of the original legislation. Clearly, it is not possible to conduct regular practice by allowing more than one group to participate in skill-related instruction in separate locations at the same time. The most significant benefit of this proposal would be the reduction in the total amount of time that would be required to	Big 12 Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			conduct skill-related instruction for the entire team. For sports with larger rosters, such as baseball, which may have up to 40 student-athletes, allowing multiple groups to participate in skill-related instruction at one time would permit three baseball coaches to conduct skill instruction for their 40 student-athletes in five hours, rather than ten.		
2008-46	PLAYING AND PRACTICE SEASONS -- BASEBALL -- PRESEASON PRACTICE AND FIRST CONTEST -- CHAMPIONSHIP SEGMENT	In baseball, to specify that in the championship segment, an institution shall not commence practice sessions prior to the Friday that is three weeks prior to the first permissible contest date for the championship segment and shall not play its first contest (game or scrimmage) with outside competition prior to the Friday in February that is 14 weeks before the Friday immediately preceding Memorial	The 2008 baseball season was the first season in which institutions experienced a compacted 13-week playing season due to the uniform start dates for practice and competition during the championship segment. An unintended consequence of the legislation is that institutions are playing the same number of contests in a shorter period of time. As a result, institutions are participating in more weekday games, thereby increasing the number of missed class days and reducing student-athletes' time for academics in the spring term. Some conferences have experienced a 15 percent increase in the number of missed class days. Given the focus on the academic performance of baseball student-athletes, it is necessary to reconsider the first contest date for the championship segment. This proposal would allow for flexibility with scheduling, would reduce missed class time and would allow more time for student-athletes to fulfill academic requirements.	Conference USA.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		Day.			
2008-47	PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52 DURING THE CHAMPIONSHIP SEGMENT AND FOUR DURING THE NONCHAMPIONSHIP SEGMENT	In baseball, to specify that an institution shall limit its total playing schedule with outside competition during the institution's playing season to 52 contests (games and scrimmages) during the championship segment and four contests (games and scrimmages) during the nonchampionship segment.	The 2008 baseball season was the first season in which institutions experienced the compacted 13-week playing season caused by the mandatory competition start date in February. Institutions are challenged to fit 56 games into a shortened season. The compacted season is inconsistent with the academic enhancement measures that were recently implemented in baseball. The same number of games in a shorter time period only increases the stress and academic pressure on student-athletes. A reduction of four games during the championship segment would reduce the academic hardships placed on student-athletes in the spring. Moving those games to the fall would allow institutions to maintain an overall 56-game schedule.	Pacific-10 Conference.	August 01, 2009
2008-48	PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52	In baseball, to reduce the maximum number of contests from 56 to 52.	Based on the experience of the compacted baseball schedule during the 2008 season, which resulted from the new competition start date, it has become apparent that institutions are challenged to fit 56 games into a shortened season. Although institutions are not required to participate in the maximum permissible number of games, they are reluctant to schedule fewer than maximum because of the potential effect on consideration for postseason participation. A four game reduction would reduce the hardships placed on baseball	Pacific-10 Conference, Big South Conference and West Coast Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			programs generally and student-athletes and coaches specifically.		
2008-49	PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST CONTEST -- EXCEPTIONS -- INFORMAL PRACTICE SCRIMMAGES -- NO MISSED CLASS TIME	In basketball, to specify that no class time shall be missed in conjunction with an informal practice scrimmage, including activities associated with such scrimmages (e.g., travel, pregame and postgame activities).	Current legislation permits an institution to participate in an informal basketball scrimmage after the start date for on-court practice. Such a scrimmage may be conducted against another Division I institution. The current rules have established conditions to ensure that the scrimmage is conducted in privacy and does not, in essence, become an additional contest. However, there is no requirement that student-athletes do not miss class time to participate in such a scrimmage. In recent years, there have been some instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions. These scrimmages originally were designed to permit institutions in close proximity to each other to engage in an informal type of practice session. As such, student-athletes should not be missing class time to participate. This proposal will help further the original intent of the legislation.	NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee) (Playing and Practice Seasons Subcommittee).	August 01, 2009
2008-50	PLAYING AND PRACTICE SEASONS -- WOMEN'S BASKETBALL -- FIRST CONTEST	In women's basketball, to eliminate the exception to the first contest date and the annual exemptions for exhibition contests	Currently, in women's basketball, institutions are permitted to schedule preseason exhibition contests against noncollegiate club teams. Many of these club teams are directly associated with junior club teams populated by recruitable prospective student-athletes. These contests have become	Big East Conference.	August 1, 2009; contracts signed before August 15, 2008 may be honored.

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	EXCEPTIONS AND ANNUAL EXEMPTIONS -- FOREIGN TEAM IN U.S. AND USA BASKETBALL CLUB	against club members of USA Basketball and foreign teams in the U.S.	intertwined with access to recruits who play on noncollegiate teams. There is concern that these games create a relationship between institutions and club teams that result in an unfair recruiting advantages. Limiting exhibition games to contests against four-year collegiate institutions fosters a healthier competitive environment for collegiate teams and eliminates potential recruiting advantages. Finally, this same legislative change was adopted from men's basketball in 2004.		
2008-51	PLAYING AND PRACTICE SEASONS -- PRESEASON PRACTICE -- CROSS COUNTRY, FIELD HOCKEY, WOMEN'S RUGBY, SOCCER, WOMEN'S VOLLEYBALL AND MEN'S WATER POLO	In cross country, field hockey, women's rugby, soccer and men's water polo, to specify that an institution shall not commence practice sessions before 16 days prior to the date on which the first permissible contest or date of competition may occur; further, in women's volleyball, to specify that an institution shall not commence practice sessions before 20 days	The current practice unit calculation for fall sports results in institutions beginning preseason practice on different days. This proposal identifies a consistent time period of practice days prior to the date on which the first permissible contest or date of competition may occur for each fall sport except football. One result of this proposal would be greater predictability and consistency since the preseason practice period would always be the same length. The proposal would allow programs to maintain a consistent preseason training program and period of time for preseason practice from season to season. It would also result in fiscal equity among institutions. Student-athletes would report to campus at approximately the same time they do under current legislation. Finally, the proposal would eliminate the complicated and time-consuming formula that is necessary to	West Coast Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		prior to the date on which the first permissible contest may occur.	calculate each institution's first permissible practice date annually.		
2008-52	PLAYING AND PRACTICE SEASONS -- FOOTBALL -- PRESEASON PRACTICE -- LIMIT ON NUMBER OF PARTICIPANTS -- REPLACEMENT OF STUDENT-ATHLETE DUE TO INJURY OR ILLNESS	In football, to specify that a student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice.	Current legislation limits the number of student-athletes who may participate in and receive expenses related to preseason practice activities. In addition, current legislation does not allow an injured or ill student-athlete to be replaced in the limit on preseason participants. This proposal would permit replacement of a student-athlete who sustains an injury or illness that prevents further participation in preseason practice. For the student-athlete to be replaced, he must immediately cease participation in all athletically related activities and may not resume participation in athletically related activities prior to the institution's first day of classes or first contest, whichever occurs first. The replaced student-athlete would not be permitted to return to practice for the remainder of the preseason-practice period; however, football programs that lose student-athletes to injuries or illnesses would be able to maintain a consistent number of preseason practice participants.	Southeastern Conference.	Immediate
2008-53	PLAYING AND PRACTICE SEASONS -- GOLF -- MAXIMUM	In golf, to eliminate the provision by which an institution is considered to have	Currently, if one or more student-athletes participate in a golf event, it constitutes an institutional date of competition. As a result, institutions have created junior varsity programs	Big 12 Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	CONTEST LIMITATIONS -- DETERMINATION OF DATE OF COMPETITION	used a date of competition if one or more student-athletes participate on behalf of the institution on a particular date.	with teams carrying enough student-athletes to fill two or more teams. Pursuant to current legislation and interpretations, student-athletes competing as individuals trigger a varsity date of competition if 50 percent or more of the student-athletes participating in the event compete "primarily on the varsity level" (defined as playing in 50 percent or more of a team's varsity contest). Applying and tracking this standard has created substantial confusion and has made scheduling and planning difficult. Although this proposal does not remove these interpretations for those institutions that want to conduct a junior varsity and/or a freshman squad, it gives institutions flexibility without creating competitive advantages. Finally, each student-athlete is limited to 24 dates of competition and there is no increase in missed class time or additional dates of competition for any individual.		
2008-54	PLAYING AND PRACTICE SEASONS -- GOLF -- ANNUAL EXEMPTIONS -- HAWAII OR ALASKA	In golf, to specify that any dates of competition in Hawaii or Alaska either against or under the sponsorship of an active Division I member located in Hawaii or Alaska, by a member located	The current legislation applies only to dual golf competition against an active Division I member located in Hawaii or Alaska; however, intercollegiate golf is typically played in a tournament format with more than two teams competing against each other. Therefore, the current exception is not practical. This proposal would extend the same exemption that is currently available in other sports to golf. Furthermore, this proposal provides a greater incentive for member	Western Athletic Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		outside the area in question are exempted from the maximum number of dates of competition.	institutions located outside of Hawaii and Alaska to schedule competition in those states, despite the geographical distance, which further supports the original intent of the legislation.		
2008-55	PLAYING AND PRACTICE SEASONS -- WOMEN'S SOCCER -- FIRST CONTEST OR DATE OF COMPETITION -- 12-WEEK SEASON	In women's soccer, to specify that an institution shall not play its first contest or engage in its first date of competition (game) with outside competition prior to the 12th weekend prior to the start of the women's soccer championship.	The first contest date in men's soccer was amended in 2007, resulting in a 12-week season in five of the next 11 years: 2007, 2008, 2012, 2013 and 2014. The first contest date in women's soccer was amended in 2008 in order to give women's soccer the same 12 weeks between the first contest and the start of the championship in the same years as men's soccer. For scheduling purposes, it is more beneficial in women's soccer to have a consistent 12-week season every year. This change does not result in additional time demands on student-athletes because the total playing season in women's soccer would continue to be limited to 132 days.	Atlantic Coast Conference.	August 01, 2009
2008-56	PLAYING AND PRACTICE SEASONS -- TENNIS -- MAXIMUM NUMBER OF DATES OF COMPETITION -- INDIVIDUAL	In tennis, to increase from three to four the number of student-athletes who may participate in an individual singles or doubles tournament without counting the event as one of the	This proposal would permit institutions to send two doubles teams to such an individual singles or doubles tournament without using an institutional date of competition. Under the current limit of three student-athletes, one student-athlete is not able to participate in doubles competition at such a tournament. The additional student-athlete will not result in additional missed class time or an increase to the number of dates of competition for	NCAA Division I Championships/Competition Cabinet (Playing and Practice Seasons Subcommittee).	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	SINGLES OR DOUBLES TOURNAMENT LIMITATIONS -- NUMBER OF PARTICIPANTS	institution's dates of competition.	individual student-athletes because participation in tournaments would still count against the individual student-athlete's maximum dates of competition. Even though an additional student-athlete would be able to travel to a particular individual singles or doubles tournament, that student-athlete would presumably be traveling to the same number of total events throughout the playing season under the current rule.		
2008-57	PLAYING AND PRACTICE SEASONS -- TRACK AND FIELD -- SAFETY EXCEPTION -- HURDLES AND STEEPLECHASE	To specify that a coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in jumping hurdles or the jumping element of the steeplechase.	When the legislation establishing the safety exception was adopted in 1991, it included fencing, gymnastics, rifle, skiing, swimming and diving, the field events of track and field and water polo. Since then, the exception has been added for archery, equestrian, rowing, synchronized swimming and wrestling. Extending the application of the safety exception to the hurdles and the steeplechase is consistent with the original intent of the safety exception legislation, which was to allow a coach to provide safety instruction to student-athletes while participating in voluntary workouts in sports that include elements that pose risks of bodily harm. Considering the physical demands and risks that are involved in the hurdles and the steeplechase, it is appropriate for a coach to provide safety supervision. In addition, these specific track events include a substantial degree of technique that is imperative in avoiding accidents	Big 12 Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			and preventing injuries. It is important that a coach is available to spot and provide skill instruction in order to ensure the student-athlete's safety and well-being.		
2008-58	CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CRITERIA FOR ESTABLISHMENT OR CONTINUATION OF CHAMPIONSHIPS -- MINIMUM SPONSORSHIP FOR CHAMPIONSHIPS -- WOMEN'S SPORTS	To specify that a National Collegiate Championship or a division championship may be established in a women's sport if at least 40 institutions sponsor the sport.	The current legislation was developed to promote gender equity by providing a slightly lower threshold of institutions sponsoring the sport for the establishment of new women's championships. The initial legislation outlined 1994-95 through 1998-99 as a specified time period that the threshold of 40 institutions was necessary in order for the Association to establish a new women's championship. The legislation was later extended to 2003-04 and then to 2008-09. As the emerging sports program has evolved beyond its initial 10-year-period with additional sports being added and the ongoing development of existing championships, including bracket expansion, there continues to be a need to permit the establishment of new championships if at least 40 institutions sponsor a sport. Removal of the specified time periods will eliminate the need for additional legislative action to extend this provision. The expansion of men's championship opportunities makes it prudent to retain the overall principle that 40 institutions are necessary in order for a women's championship be established to ensure gender equity in NCAA championship and other	NCAA Division I Management Council (Administrative Committee) (Committee on Women's Athletics).	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			postseason opportunities for men and women. Also, institutions that are in the process of adding women's sports have more viable options as the number of women's championship sports increase.		
2008-59	DIVISION MEMBERSHIP -- DEFINITIONS AND APPLICATIONS -- EMERGING SPORTS FOR WOMEN -- ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL AND SAND VOLLEYBALL	To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).	There is wide-spread support for sand volleyball to be added as an emerging sport for women, including support from institutions and governing bodies. Data indicates that over 200,000 females ages 6-17 play sand volleyball and over 60 percent play only sand volleyball. Also, there were over 40 teams from NCAA institutions competing in sand volleyball tournaments in spring 2008. It is expected that the addition of sand volleyball will produce a significant increase in participation opportunities for women. The delayed effective date for sand volleyball will provide the divisions time to develop the necessary regulations. NCAA regulations require that emerging sports gain championship status within 10 years or show steady progress toward that goal. Four sports on the original list, (archery, badminton, synchronized swimming and team handball) have seen minimal sponsorship growth over the past 14 years. In July 2007, the institutions, conferences and national governing bodies supporting these four sports were notified that they needed to provide a minimum of 10 commitment letters from institutions by July 2008 and that failure to meet that request would	NCAA Division I Management Council (Administrative Committee) (Committee on Women's Athletics).	August 1, 2009, for the removal of archery, badminton, synchronized swimming and team handball; August 1, 2010 for the addition of sand volleyball.

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			result in a recommendation for their removal from the list. None of the four sports were able to meet this requirement.		
2008-60	DIVISION MEMBERSHIP -- PROVISIONAL MEMBERSHIP PROCESS AND REQUESTING RECLASSIFICATION -- INSTITUTIONS SUBJECT TO ACADEMIC PERFORMANCE PROGRAM PENALTIES	To specify that the NCAA Division I Administration Cabinet may deny an institution's advancement to active Division I membership for any Division II institution seeking reclassification to Division I or any provisional member seeking active Division I status, if any of the institution's sport programs are subject to penalties pursuant to the NCAA Division I Academic Performance Program.	Pursuant to the policy established by the NCAA Division I Committee on Academic Performance, institutions that are transitioning to Division I are required to submit data pursuant to the Division I Academic Performance Program policies and procedures beginning with the year the institution is required to comply with Division I legislation (year one for reclassifying members reclassifying from Division II to Division I and year two for provisional members). However, the NCAA Division I Academic Progress Rate of these institutions' teams currently is not taken into consideration when determining whether such institutions should be advanced to active Division I status. At the conclusion of the required membership transition period, the institution will have submitted multiple years of academic data and will be subject to potential penalties for failure to meet the appropriate academic benchmarks. The academic performance of an institution transitioning to Division I is an appropriate tool for determining its eligibility for election to Division I status. This proposal would provide authority to the Administration Cabinet to carefully review the circumstances regarding any institution that is	NCAA Division I Management Council (Membership Subcommittee).	August 1, 2009; applicable to institutions in the provisional or reclassifying processes as of August 1 2009, and those beginning either process on or after August 1, 2009.

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			subject to any academic performance program penalty at the conclusion of the transitioning period and determine if an institution should be approved for advancement to active Division I status.		
2008-61	COMMITTEES -- DIVISION I CABINETS AND COMMITTEES -- WOMEN'S SOCCER COMMITTEE -- COMPOSITION -- REGIONS	To specify that the composition of the NCAA Division I Women's Soccer Committee shall include one member from each of the eight Division I women's soccer regions and two members selected at large.	This change will make the committee composition for women's soccer consistent with the composition for men's soccer and will reduce the number of teams for regional advisory committees to evaluate. Further, the change will help alleviate a public perception that teams are not being fairly evaluated and selected due to having fewer regions as compared to other championships, such as women's volleyball (with a sport sponsorship of 316), men's soccer (198) and women's softball (272). This change will not impact the selection process and will allow the committee to place all teams in a member conference in the same region. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.	NCAA Division I Championships/Competition Cabinet.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-62	COMMITTEES -- COMMITTEES REPORTING TO BOARD OF DIRECTORS -- DIVISION I PRESIDENTIAL ADVISORY GROUP -- DUTIES -- LEGISLATIVE ISSUES	To specify that members of the NCAA Division I Presidential Advisory Group who represent Football Championship Subdivision conferences shall have the authority to act on behalf of the Football Championship Subdivision members of the Board of Directors on legislative issues that relate to championship subdivision football, subject to review by the full Board of Directors.	Given the strategic importance football plays at NCAA Division I Football Championship Subdivision (FCS) institutions, it is important that all FCS conferences have an equal voice in the decision oversight process related to FCS-specific legislation. This proposed change is consistent with the manner in which Football Bowl Subdivision conference representatives are permitted to vote on a legislative issue involving bowl subdivision football that is considered by the Board of Directors. Discussions and decisions related to championship subdivision football legislative matters would occur during the Presidential Advisory Group meetings.	NCAA Division I Management Council (Governance Subcommittee).	Immediate
2008-63	DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS -- MINIMUM PARTICIPANTS REQUIREMENTS	In track and field, to specify that if the number of student-athletes participating in a multi-day meet on behalf of the institution over the course of the	In track and field, many meets are conducted over the course of two days for a variety of reasons, including facility availability, weather, hours of daylight, large field sizes and the safety of involved student-athletes. Currently, in the case of a multi-day meet, 14 student-athletes must compete on each day of the meet in order for the	Big East Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	FOR SPORTS SPONSORSHIP -- TRACK AND FIELD -- MULTI-DAY MEETS	entire meet equals or exceeds the minimum number of participants required for sports sponsorship and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements.	meet to count toward the institution's minimum number of contests for the purpose of sport sponsorship. As a result, in many instances involving multi-day meets, coaches are forced to make roster and travel decisions that are not based on competitiveness or the student-athlete's well-being, but on satisfying the requirement that 14 student-athletes participate each day. This proposal would help assure that student-athletes will no longer be asked to compete in meets based solely on the day that an event is contested and that coaches will not be required to transport an unnecessarily high number of student-athletes. Further, institutions will not be penalized for choosing to attend two-day rather than single-day meets.		
2008-64	DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS -- FOOTBALL BOWL SUBDIVISION REQUIREMENTS -- WAIVERS	To specify that the members of the NCAA Division I Administration Cabinet representing NCAA Division I Football Bowl Subdivision (FBS) conferences, by a two-thirds majority of those members present and voting, may grant waivers of	The membership cannot anticipate the array of circumstances an institution may encounter that would prevent it from meeting the FBS membership requirements, particularly in the area of athletics aid. Currently, the opportunity to request a waiver of those requirements does not exist. For example, a number of public institutions with very low tuition costs are unable to expend at least four million dollars on grants-in-aid even though they fully fund the required minimum number of sports for sports sponsorship. In addition, the maximum number of grants-in-aid	Conference USA.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
		the FBS membership requirements.	some institutions are able to offer during the academic year is very close to the required minimum of 200. In that regard, institutions should have the opportunity to petition for relief of the membership requirements for situations that are beyond the control of the institution or for situations in which consideration of the totality of the circumstances would indicate that relief should be granted.		
2008-65	ADMINISTRATIVE REGULATIONS -- FOREIGN TOURS AND COMPETITION -- TIMING OF TOUR -- PROHIBITION DURING ACADEMIC YEAR LABOR DAY VACATION PERIOD	To specify that an institution shall not participate in a foreign tour that occurs in conjunction with a Labor Day academic year vacation period.	Currently, an institution may participate in a foreign tour during Labor Day weekend provided it recognizes Labor Day as a vacation period. Institutions that do not recognize Labor Day or only recognize it for institutional staff and administration (e.g., not extended to students and professors) have sought NCAA Division I Management Council Administrative Review Subcommittee (now NCAA Division I Legislative Council Subcommittee for Legislative Relief) waivers in order to participate in tours. Eleven requests from men's basketball programs have been submitted since July 2005. Relief has been provided to those institutions that recognize Labor Day in some manner (e.g., administrative day for staff and administration). The intent of a foreign tour is to provide student-athletes with additional cultural and educational opportunities. However, competitive equity concerns have been raised.	NCAA Division I Management Council (Administrative Review Subcommittee).	August 1, 2009; however, institutions may honor a contract beyond this date if a contract for participation was signed before April 14, 2008.

Proposal Number	Title	Intent	Rationale	Source	Effective Date
			Those concerns relate to the fact that institutions are allowed ten days of practice before the start of the tour and that freshmen student-athletes may participate on such tours if the institution's academic year has begun. This legislation would not apply to institutions for which Labor Day occurs during the summer vacation period before the start of the regular academic year (e.g., quarter institutions). The current legislation does not permit incoming freshman to participate in summer foreign tours. Therefore, this proposal promotes competitive equity as it relates to freshman participation.		
2008-66	ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- FOOTBALL -- DEAD PERIOD	In football, to specify that an institution shall designate two weeks (not required to be consecutive) during the months of June and July as a dead period.	This proposal requires each institution to set aside two weeks during the summer as a dead period, which prohibits in-person contact with recruits either on or off campus. Currently, coaches feel it necessary to be in the office at all times in case a prospective student-athlete visits unexpectedly. This dead period would provide coaches, particularly assistant coaches, with down time before training camp and the football season. Because of varying academic calendars, each school would determine its own dead period. In order to be implemented for summer 2009, this proposal has an immediate effective date.	Big Ten Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-67	ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- SOFTBALL -- CONTACT PERIOD AUGUST 1 THROUGH THE DAY PRIOR TO THANKSGIVING DAY	In softball, to establish a contact period from August 1 through the day prior to Thanksgiving Day.	Under the current softball recruiting calendar, fall evaluations are limited to a narrow window of time (second Friday in October through the first Sunday in November). The short duration of this period presents several problems for the fall recruiting process. Prospective student-athlete well-being was a primary reason for the structure of the current calendar. However, the truncation of the fall evaluation period has put more stress on prospective student-athletes by causing an increase in missed class time due to tournaments being held for longer periods during the permissible evaluation weekends, in addition to the proliferation of events taking place during weekdays. Additionally, the short time period for evaluations in the fall has created increased pressure on coaches to recruit as much as possible within the allowable timeframe, thereby decreasing time spent on campus with current student-athletes. Moreover, if a single tournament is canceled due to weather conditions or other reasons, a considerable recruiting opportunity is lost. The recruiting calendar should allow for greater flexibility to use the 50 permissible evaluation days instead of limiting the time period in which it is permissible to evaluate prospective student-athletes.	Big East Conference.	Immediate

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-68	ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- WOMEN'S LACROSSE -- FALL EVALUATIONS	In women's lacrosse, to specify that during the fall contact period, evaluations of prospective student-athletes participating in lacrosse activities who have not started their senior year in high school are limited to the three weekends prior to Thanksgiving.	Prospective student-athletes are incurring travel expenses and withdrawing from other activities in order to be seen at fall tournaments by college coaches. Substantial evaluation opportunities already exist in the spring and summer. The recruiting process should not unnecessarily impose on these prospective student-athletes' time in the fall. This proposal would allow younger prospective student-athletes to participate in fall sports and other activities in September and October and still have the opportunity to be evaluated by college coaches. This proposed limitation does not apply to senior prospective student-athletes since the fall evaluation period is the last scheduled opportunity for college coaches to evaluate their athletics ability prior to the signing dates. Therefore, it would be permissible for coaches to evaluate at senior-only tournaments. This proposal is not intended to prohibit other types of evaluations (e.g., academic evaluations, evaluations of prospective student-athletes playing other sports) during the fall contact period. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.	Ivy Group.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
2008-69	ADMINISTRATIVE REGULATIONS -- SUMMER BASKETBALL LEAGUES AND CERTIFIED BASKETBALL EVENTS -- ADDITIONAL CRITERIA -- APPROVAL OF EVENT AND LEAGUE OPERATORS -- BASKETBALL	In basketball, to specify that in order for a summer basketball league or a basketball event to be certified, the event or league operator or manager must be approved in accordance with guidelines established by the NCAA basketball certification staff.	Current legislation requires that an individual involved in coaching activities at an NCAA certified event must have been approved in accordance with guidelines established by the basketball certification staff. No such requirement exists for operators of these events. There have been recent situations involving operators of events who have engaged in questionable activities, yet still were able to operate a certified event. In one case, the participants and the event site involved with the operator were victims of fraud. These types of activities potentially could be avoided if the requirement of a background check is extended to event operators. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing legislation or proposed legislation.	NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).	Immediate
2008-70	EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS	In sports other than men's basketball, to specify that for the purposes of multisport conference eligibility for automatic qualification in a	Currently, there are many sports sponsored at the Division I level by non-Division I institutions, which have shown a commitment to the sports, but are not eligible for an automatic qualification. In addition, there are sports programs that are unable to secure membership in a conference principally due to geographic location. There are at least ten to	Mid-American Conference.	Immediate (for the 2009-10 academic year championships).

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	PARTICIPATION -- AUTOMATIC QUALIFICATION -- ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- DEFINITION OF CORE INSTITUTION	particular sport, a core institution is an institution that has been an active member of Division I during the eight preceding years or an institution that has sponsored the sport at the Division I level the eight preceding years.	twelve sport programs that participate without access to an automatic qualification (at-large with limited RPI scheduling possibilities). This situation has contributed to institutions dropping sports because they cannot find a conference to assist with the difficulties of scheduling and because of the lack of access to an automatic qualification due to the small number of at-large bids. This proposal would help encourage conferences to consider adding such institutions as members for a particular sport.		
2008-71	EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION --ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL --	In sports other than men's basketball, to specify that a multisport conference that falls below six core members may be considered for automatic qualification in that sport, provided the conference adds an institution to its membership (for a total of at least six members) that has sponsored the sport for	Currently, there are many sports sponsored at the Division I level by non-Division I institutions, which have shown a commitment to the sports, but are not eligible for an automatic qualification. In addition, there are sports programs that are unable to become members of conferences principally due to geographic location. This situation has led to institutions dropping some sports because they cannot find a conference to assist with the difficulties of scheduling and because of the lack of access to an automatic qualification due to the small number of at-large bids. This proposal would help encourage conferences to consider adding such institutions as members for a particular sport.	Mid-American Conference.	Immediate (for the 2009-10 academic year championships).

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	MULTISPORT CONFERENCE -- EXCEPTION -- MEMBER THAT HAS SPONSORED THE SPORT AT THE DIVISION I LEVEL THE EIGHT PRECEDING YEARS	the preceding eight years at the Division I level and at least six institutions (including the added institution) have conducted conference competition together at the Division I level in the sport the preceding two years.			
2008-72	EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION -- ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- EXCEPTION --	In sports other than men's basketball, to specify that a multisport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided at least six institutions have conducted conference competition together at the Division I level for the preceding two years and the sport is sponsored by less than 65 percent of the	Five men's sports for which NCAA championships are conducted are sponsored by at least 80 percent of the Division I membership. There is a distinct drop off to 60 percent for men's soccer. A great disparity exists between sponsorship of men's soccer and the sponsorship of sports such as baseball and men's basketball, which are sports that have particularly high percentages of sponsorship at member institutions. This proposal recognizes and accounts for the sponsorship percentages in order to facilitate the addition of sports that are currently sponsored by less than 65 percent of the membership as conference-sponsored sports.	Mid-American Conference.	Immediate (for the 2009-10 academic year championships).

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	SPORTS SPONSORSHIP	Division I membership.			
2008-73	EXECUTIVE REGULATIONS -- NATIONAL STATISTICS PROGRAM	To specify that the NCAA Division I Championships/Sports Management Cabinet shall oversee the national statistics program and approve its policies and procedures; further, to specify that the policies and procedures shall be published on the NCAA Web site.	Removing the policies and procedures of the national statistics program from the legislative process while having the Championships/Sports Management Cabinet continue to oversee and approve changes will eliminate the current bureaucracy and confusion in the process. This action also will help ensure the statistics program is applied consistently across all three divisions of the Association. The national statistics program policies and procedures are already provided to the membership via the NCAA Web site. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.	NCAA Division I Championships/Competition Cabinet.	Immediate
2008-74	PLAYING AND PRACTICE SEASONS -- BASEBALL -- FIRST CONTEST -- CHAMPIONSHIP SEGMENT --	In baseball, to permit an alumni contest to be conducted the weekend prior to the first permissible contest date of the championship segment.	The recent changes to the playing and practice season legislation essentially eliminated the opportunity for an alumni contest to be played in the championship segment. Alumni contests must now be played in the fall or during the first week of a condensed schedule. Many professional baseball players are not available for alumni	Big West Conference.	August 01, 2009

Proposal Number	Title	Intent	Rationale	Source	Effective Date
	ALUMNI CONTEST		contests in the fall segment. Allowing one contest the weekend prior to the start of the championship segment will allow more alumni to participate in these contests. Many institutions use these contests as fundraising opportunities, which have lost opportunities with the adoption of the new legislation. Earlier start dates for a single alumni contest already exist in other sports.		

PLAYING AND PRACTICE SEASONS -- GENERAL REGULATIONS -- SKILL INSTRUCTION -- SPORTS OTHER THAN FOOTBALL -- PUBLICITY

Intent: In sports other than football, to specify that skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.

Bylaws: Amend 17.1.6.2, as follows:

17.1.6.2 Weekly Hour Limitations -- Outside the Playing Season.

[17.1.6.2-(a) through 17.1.6.2-(c) unchanged.]

> [17.1.6.2.1 unchanged.]
>
> 17.1.6.2.2 Skill Instruction -- Sports other than Baseball and Football. Participation by student-athletes in individual skill-related instruction in sports other than baseball and football is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes from the team may be involved in skill-related instruction with their coaches from September 15 through April 15. Prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any facility. **Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.**
>
> 17.1.6.2.3 Skill Instruction -- Baseball. In baseball, participation by student-athletes in skill-related instruction is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes may be involved in skill-related instruction with their coaches from September 15 to one week prior to the final examination period for the fall term and from January 15 through April 15. No more than four student-athletes may be involved in skill-related instruction with their coaches at any one time in any facility prior to September 15, from the opening day of classes of the institution's second academic term to January 15 (for those institutions that begin classes prior to January 15) and after April 15. **Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.**

Source:

Effective Date: Immediate

Proposal Category: Amendment

Topical Area: Playing and Practice Seasons

Rationale: Current legislation permits student-athletes (in sports other than football) outside the playing season to engage in eight hours of required conditioning and skill-related instruction, with no more than two of those hours being devoted to skill-related instruction activities. After September 15 and prior to April 15th, there are no limitations on the number of student-athletes who may be involved in such activities at any one time. The increase in the number of student-athletes who may be involved in such activities at any one time was adopted a few years ago to address concerns related to facility availability and the time demands placed on both student-athletes and coaches. Skill-related instruction is not designed to be used as a recruiting tool to permit institutions to schedule activities that give the appearance of full-fledged practice prior to the first permissible in-season practice date and create a celebrity atmosphere during campus visits by prospective student-athletes. This proposal will ensure that out-of- season activities will focus on their true intent by prohibiting institutions from conducting such activities before a public audience.

Estimated Budget Impact: None.

Impact on Student Athlete's Time: None.

Proposal No. 2007-109 – Executive Regulations -- NCAA Properties and Marketing Restrictions -- Exception for Institutions Participating in NCAA Championship Events -- Number of and Access of Videographers and Photographer.

Status: Board of Directors Consideration

Intent: To permit an institution to designate two videographers and one photographer to be present at NCAA championship events involving the institution's teams; further to specify that one videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes and to specify that one videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion.

Administrative: Amend 31.6.4.3, as follows:

31.6.4.3 Photographs, Films and Videotapes. The Association reserves all rights to the use of still photographs, films and videotapes of its championships. All rights to photograph, film and videotape NCAA championships may be assigned to media representatives for news purposes but otherwise are to be controlled exclusively by NCAA Productions, a unit of the NCAA. NCAA Productions shall film or videotape certain NCAA championships, as recommended by the governing sports committees and approved by the Championships/Competition Cabinet. Its cost in filming or videotaping an NCAA championship and producing prints or video dubs for the NCAA library of films shall be entered as an item of game expenses for that championship. The filming or videotaping of NCAA championships by parties other than NCAA Productions (participating institutions or commercial film production companies) for any purpose other than news purposes may be permitted only with the advance written consent of the NCAA president.

31.6.4.3.1 Exception. An institution is permitted to designate *one* **two** videographers and one photographer to be present at NCAA championships for the purposes of capturing video and still photographs of the member institution's competition in an NCAA championship for the sole use of the institution (not released for further commercial or news purposes). **One videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes. The other videographer shall be limited to capturing scouting video. One videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion.**

Source: Big 12 Conference.
Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Executive Regulations

Rationale: Current legislation permits an institution to designate a videographer and a photographer to capture video and still photographs at NCAA championships. However, the

legislation has been interpreted such that the one video camera that is already being used for scouting purposes constitutes the one permissible videographer. Institutions should be able to continue capturing the various images necessary to prepare scouting tapes in addition to having a videographer that is present to capture the video for institutional highlight videos and shows. In addition, this type of video is typically captured throughout the season and during conference tournaments in the areas designated for media photographers and videographers. Finally, institutional videographers and photographers are being denied access to their team's locker room at some NCAA championships. Such a decision should be left to the institution's discretion.

Estimated Budget Impact: None.
Impact on Student Athlete's Time: None.

Position Statement(s)
Championships/Competition Cabinet: Based on a recommendation from the NCAA Division I Championships/Competition Cabinet Administrative Committee, the cabinet agreed to oppose Proposal No. 2007-109. The cabinet expressed significant concern over the friction such a proposal could cause with the NCAA broadcast partners, which have exclusive video rights to NCAA championships. Further, for most championships, space designated for photographers is already full and allowing a videographer access to this space would create additional space concerns and could result in local or national media not having the access they deserve. With additional individuals being provided the access as suggested by this proposal, the safety of the participants may be compromised in championships, such as swimming. Finally, the cabinet did note that, if this proposal is defeated, it is important that institutions have access to quality, institution-specific video from the championships to include in institutional videos that are designed to capture a team's accomplishments.

Primary Contact Person:
Lori Ebihara, Assistant Commissioner
Big 12 Conference
400 E John Carpenter Freeway
Irving, TX 75062
Phone: 469/524-1005 FAX: 469/524-1044 Email: lori@big12sports.com

---

History

Jul 05, 2007 Submit; Submitted for consideration.
Sep 20, 2007 Championships/Competition Cabinet, Recommends Defeat
Jan 13, 2008 Leg Council Init Review, Approved
Jan 13, 2008 Mgmt Council 1st Review, Approved
Jan 14, 2008 Board Consideration, Tabled

<u>Videographer Policy</u> [Proposal 2007-109}

The Championship Videographer policy is intended to provide participating institutions the ability to capture and utilize championship footage for various non-commercial purposes while assuring the integrity of the NCAA's multimedia rights to the event.

Institutional videographers will be permitted to capture competition footage from the still photographer areas. These areas are designated by the championship sports committees in conjunction with the championship media coordinator. Each institution will be permitted to have one videographer for this purpose and will only be permitted to capture footage of events/contests in which it is participating. In addition, institutional videographers will be permitted inside the locker room, with approval of the institution's head coach, during periods that are closed/off limits to general, non-NCAA media rightsholding members of the media.

The institution will be permitted to videotape the event for non-commercial uses only. Non-commercial uses include university banquet videos, recruiting videos, institutional PSAs, video boards, and institutional athletic halls of fame. In addition, institutions are permitted to use institutional videographer footage captured for the following commercial uses: 1) On the official institution athletic Web site, and 2) Institution coach's shows. The following restrictions will apply to such usages:

- Institutional athletic Web sites.

    1) Institutions may only use videographer footage if the NCAA championship competition is not being televised by an NCAA media partner. In this case, the NCAA National Office will provide the highlights through NCAA.com. These highlights may be showcased on the institutional athletic Web site. The NCAA will provide highlights of the event in conjunction with its media partners either in the form of an embedded video player or direct link to the NCAA.com video player.

    2) If the NCAA championship event/contest is not being televised, up to five (5) minutes of institutional videographer footage may be used from the championship event/competition.

    3) Footage shall be removed not more than 30 days after the event.

- Coach's shows

    1) Institutions may utilize up to five (5) minutes of footage of the actual NCAA championship event/contest per show for broadcast/cable television only.

    2) Each show may appear twice per station over a seven-day period following the completion of the championship event/contest.

The university cannot sell, reproduce, duplicate this footage or use the footage for any commercial purposes without the express written consent of the NCAA or its licensing agent, in its sole discretion. Commercial uses include but are not limited to the following: 1) Highlight videos/DVDs that are distributed (includes both paid and free videos) to the public (public includes, but is not limited to parents, donors, alumni, and students that are not student-athletes.), 2) Any documentary or other program airing on a commercial television station; 3) Future television game broadcasts that includes the university or 4) Any use that would result in a rights fee or in-kind contribution of product or services. If an institution wishes to use footage captured at an NCAA championship for a commercial purpose, it must contact the NCAA or its licensing agent. The footage obtained may not be given out to third parties, including but not limited to the following: 1) News agency (i.e. local/regional news station or national network) 2) Video production companies, 3) Corporate partners/ sponsors of the institution; or 4) Individuals requesting a copy of the game for personal viewing.

Any request that the institution receives for championship footage should be directed to the NCAA or its licensing agent.

The participating institution will be asked to identify its institutional videographer(s) authorized to shoot video during an NCAA championship. Unauthorized representatives of the institution shall retain no rights, and the institution shall be responsible for any and all violations of the Agreement. The NCAA retains all rights to all NCAA championship events.

If requested by the NCAA, the university will provide a beta SP dub of the footage capture at without charge. The NCAA reserves the right to use footage for any commercial or non-commercial purpose as described above.

National Collegiate Athletic Association
Videographer Policy Update

OVERARCHING DIRECTIVES

- Explore and pursue potential solutions with appropriate stakeholders
- Refine current videographer policies to clearly outline intent and usage guidelines
- Study and explore ways to assure cost controls toward non-commercial video needs from the membership

ACTIVITY TIMELINE

DATE	ACTIVITY	LOCATION
April 24	Board of Directors Meeting	Indianapolis
April 29	NCAA Internal Championships/Media Discussion	Indianapolis
April 30	Conference Call with Thought Equity	Indianapolis
May 2	Meeting with CBS	New York City
May 13	Briefing with Division I Men's Basketball Committee	Detroit
May 22	Meeting with Big 12 Directors of Athletics	Colorado Springs
May 27	Meeting with ESPN	Bristol
May 28	E-mail to Texas A&M	
June 6	Follow-up meeting with CBS	New York City
June 8	Working session with Thought Equity to review cost structure	Indianapolis
June 8	E-mail to Texas A&M	
June 13	Meeting with CCA Television Schedulers - 16 conferences present (including all FBS)	San Francisco
June 18	Discussion with CCA	Chicago
June 24	Discussion with Men's Basketball Committee	Newport
July 1	Phone message to Texas A&M	
July 17	E-mail to Texas A&M	
August 5	Materials received from Texas A&M	
August 7	Board of Directors Meeting	Indianapolis
Aug-Sept	Meetings with CBS, Thought Equity, NCAA Championship Administrators	
October	Finalize all policy language, complete audit of all materials to assure consistency, provide update for governance meetings by October 17.	

STATUS REPORT

Videotapes, Films and Still Photographs for all NCAA Championships
[Reference: Bylaw 31.6.4.3 in the NCAA Manual.]

Institutions are permitted to videotape championship competition by their teams or their individual student-athletes for archival, coaching or instructional purposes. Each institution is permitted to use two cameras and may videotape only the portion of the playoffs in which it participates. The videotapes may not be used for any commercial purposes. An institutional representative shall contact the event coordinator at the host site to arrange for camera space.

Each participating team is permitted to staff its respective games with a single camera crew (videotape or film). In addition, each institution may designate one videographer to be present during competition for purposes of capturing video of the institutions participation in the event for the sole use of the institution (i.e., not to be released for commercial purposes). The location and operations of the videographer shall be determined by the NCAA and the football championship committee.

If a participating institution chooses not to film or videotape its own game, it may make other arrangements with the host institution or competing teams.

NCAA Championship Footage for use by Member-Institutions

There is a $250 dollar administration fee associated with any request.

It includes Thought Equity fulfilling the request, research for the request and proper paperwork. It permits for the member institution to use 5 minutes of footage for non-revenue generating areas. These areas include PSAs, video boards, ticket spots, hall of fames, etc. It does not include DVD sales.

DVD project rates will be negotiated in good faith. However, for end-of-year reviews produced on DVD, we have established a rate of $1.00 (i.e. school produces 5,000 copies, rights fee is $5,000) per DVD that is produced allowing the institution to utilize 15 minutes of championship footage. This will protect smaller schools from paying enormous fees when they are only producing 1,000 copies, but want to use a great deal of footage; and will also protect the financial integrity of the archive for circumstances when a school wishes to produce 30,000 copies.

We are finalizing a marketing piece that spells out the program to all member-institutions which will be distributed shortly, but the policies are in place going forward.

Division I Meetings
2009 Annual Convention Meeting Schedule

	Wednesday January 14		Thursday, January 15			Friday, January 16		Saturday, January 17
7:30		Conference Meetings 7:30 a.m.–7 p.m.						
8			Legislative Council (LGC) (8 – 11:30 a.m.)			Joint SAAC/LDC/LGC Breakfast *(8 – 9:30 a.m.)*		Joint SAAC/BOD Breakfast *(8 – 9:30 a..m)*
8:30					Conference Meetings (8:30 a.m.–3:30 p.m.)			
9							Conference Meetings (8:30 a.m.–3:30 p.m.)	
9:30				Assn-wide Programming *(9:30 – 11a.m.)*		DI Issues Forum (9:30 – 11:30 a.m.)		Board of Directors Meeting *(9:30 a.m. – 5 p.m.)*
10			LDC/CCA (10 – 11:30 a.m.)					
10:30								
11				Assn-wide Programming *(11:15 – 12:15)*				
11:30			LGC/LDC/CCA Luncheon (11:30 a.m. – 1 p.m.)			BOD/LDC/LGC Luncheon (11:30 a.m. – 1 p.m.)		
Noon								Luncheon /BOD *(12 - 1 p.m.)*
12:30								
1	Legislative Council (LGC) (1-7 p.m.)		Leadership Council (LDC) (1 – 3:30 p.m.)			DI Legislative Forum (1 – 3:30 p.m.) Override vote (3 p.m.)		Board of Directors Meeting continues
1:30				Assn-wide Programming *(1:30 – 3 p.m.)*				
2								
2:30								
3								
3:30								
4			Opening Business Session (4 – 5:30 p.m.)			Communication and Coordination Committee Meeting/Reception (4 – 6 p.m.)		
4:30								
5								
5:30								Executive Committee Meeting *(5:30 – 8 p.m.)*
6			Delegates Reception and Honors Celebration (6 – 10 p.m.)					
6:30								
7								
7:30								
8								President's Reception (7:30 – 9 p.m.)
8:30								
9								
10								

Meetings either DI LGC/LDC Councils should attend.
Meetings DI Board of Directors would be interested in attending.
Additional Association-wide events.

10/15/08:vlm

SUPPLEMENT NO. 14
DI Board of Directors 10/08

DIVISION I ISSUES AND LEGISLATIVE FORUM
JANUARY 16, 2009

This year's Division I Issues and Legislative Forum will have a new look from previous years. The forum will be organized based on the new governance structure and will highlight the important issues and legislative proposals examined by the leadership bodies in Division I.

SESSION I (9:30 – 11:30 A.M.)

DIVISION I BOARD OF DIRECTORS.

1. Update from the Division I Board of Directors – A visit with Board of Directors chair James Barker, president Clemson University, as he discusses important issues on the Board of Directors agenda.

   a. A status report from the Committee on Academic Performance – Where we are, what the research says and what are the challenges ahead? – Update from committee chair Walter Harrison, president University of Hartford.

   b. Review of the recommendations of the Men's Basketball Academic Enhancement Working Group – Report from working group chair Dan Guerraro, director of athletics at UCLA.

   c. News from the Football Academic Enhancement Working Group – Presentation by chair Joe Castiglione, director of athletics at the University of Oklahoma.

LEADERSHIP COUNCIL AND LEGISLATIVE COUNCIL.

2. Report from the Leadership Council – A conversation with Leadership Council chair Damon Evans, director of athletics at the University of Georgia, as he discusses issues on the Council's agenda.

3. Legislative Council Debrief – Legislative Council chair Joe D'Antonio, associate commissioner Big East Conference, will provide an overview of the Council's legislative actions during its January 14-15 meeting, in advance of the Board of Directors January 17 meeting.

SESSION TWO (1:00 – 3:00 P.M.)

CABINETS.

4. A panel discussion with the chairs of the six Division I cabinets as they review the important issues on the Division I agenda. Panel members include: Carolyn Callahan, University of Virginia – Academic Cabinet, Grace Calhoun, Indiana University – Awards, Benefits and Financial Aid Cabinet, Rob Halvaks, Big West Conference – Administration Cabinet, Petrina Long, UCLA – Recruiting and Athletics Personnel Cabinet, Mike Rogers, Baylor University – Amateurism Cabinet, and Jeff Schemmel, San Diego State University – Championships and Sports Management Cabinet.

   a. A discussion of Division I championships travel initiatives and other travel-related issues in light of today's economy.

   b. Amateurism issues and the NCAA Eligibility Center.

   c. Update from the Division I Working Group to Review "At-Risk" Student-Athlete Issues.

DIVISION I STUDENT-ATHLETE ADVISORY COMMITTEE.

5. Update from the Division I Student-Athlete Advisory Committee. SAAC leaders Kerry Kenny and Matt Baysinger along with other student-athlete representatives serving in the governance structure will review key issues on their agenda.

SESSION THREE (3:00 – 3:30 P.M.)

DIVISION I BUSINESS SESSION.

6. Membership consideration of the override request on Proposal No. 2007-30 – C.

Statement of Travel Industry Trends and Status of Recommendations

NCAA championships have been impacted by significant changes in the travel industry.

In 2007-08, NCAA championships travel costs increased approximately 23 percent for all divisions compared to the previous year; 31 percent for Division I, 13 percent for Division II and 7 percent for Division III.

Contributing to the high costs of championships transportation has been a reduction in flight capacity. Commercial flight seats (domestic) in the fall of 2008 are projected to decrease by approximately 10 percent (20 million seats) over the same period last year (fall 2007) [1], with the possibility that some cities, accessed for championships travel, will experience capacity losses on a far greater scale. These challenges require both short- and long-term evaluation and action.

Subsequent to the Executive Committee Finance Committee action on September 12, 2008, an introductory presentation was made by staff to each divisional championship governance body at their respective September, 2008 meetings. The presentation included the Travel Cost Management/Airline Capacity Recommendations (the "Recommendations"), relevant background information in support thereof, and a discussion of the potential impact on the delivery of the championships.

The Recommendations are divided into three "tiers" based on the level of approval required, the governance timeline, and the desire to balance the sense of urgency with deliberation and consultation with the membership. Tier-one includes measures the staff has begun to implement through the application of revised travel administrative procedures. The Division I Championships/Sports Management Cabinet took action to approve the tier-two recommendation (extending fly/drive mileage threshold) for Division I 2008 fall championships. The cabinet will evaluate the impact of the changes on the fall championships prior to making a decision on the winter and spring championships. This evaluation will be done concurrently with the review of tier-three recommendations, which are being reviewed by the membership.

At the time of this status update, with the response due date ahead, the majority of the responses are expressing general support for the Recommendations in context with the travel industry trends. Specific comments have been made regarding impacts on individual sports and are being noted and logged for further review and consideration in accordance with the timeline directed by the Executive Committee Finance Committee.

---

[1] Beckerman, David. "Ten Year View." Official Airline Guide. 2008 OAG Worldwide Limited. 5 August 2008. <http://www.oag.com/oagcorporate/pressreleases>

FY 2008-2009 Budget

Championships Travel Strategic Review

DATE	COMMITTEE/STAFF	ACTION
Sept 8-12	Executive Committee Finance Committee (ECFC)	1) Statement of travel industry trends: increasing costs/declines in capacity. 2) Explanation of tiers 3) Implementation timeline 4) Request that ECFC approve travel review with discussions occurring at Oct. presidential meetings.
Sept 12	NCAA Staff	1) Letter to divisional championship cabinets/committees and sport committees 2) Letter to conference commissioners 3) Copy letter to chairs of LC and MC
Sept 16-17	Championships Cabinet /Championships Committees (CC)	4) Statement of travel industry trends: increasing costs/declines in capacity. 2) Explanation of tiers 3) Implementation timeline 4) Explain Tier 1 and request CC support of Tier 2 recommendations. 5) Seek other recommendations from CC
Sept 22-26	NCAA staff	NCAA news article
Oct 1-2	NCAA staff	Presidential newsletter
Oct 20-21 Nov 5	Management Councils (MC) Leadership Council (LC)	1) Statement of travel industry trends: increasing costs/declines in capacity. 2) Explanation of tiers 3) Implementation timeline 4) Explain Tier 1 and request LC support of Tier 2 recommendations from CC
October 30	Divisional presidential bodies	1) Statement of travel industry trends: increasing costs/declines in capacity. 2) Explanation of tiers 3) Implementation timeline 4) Explain Tier 1 and Tier 2 recommendations; refers Tier 3 recommendations to divisional governance structure for action.
October 30	Executive Committee (EC)	Report of presidential bodies' action.
Nov	Championships Cabinet and Committees	Prioritize Tier 3 recommendations to presidential bodies
January 14	Management Council	Review actions of Championships Cabinet/Committees
January 15	Leadership Council	Review actions of Championships Cabinet/Committees
January 15	Presidential bodies and EC	Receive recommendations and take action if appropriate

Travel Cost Management/Airline Capacity

	Tier-One Recommendations: Proposals to bring focus and awareness of actions which will contain costs and/or provide greater flexibility to airline travel options. Staff action/no legislative action needed.	**Division**	**Approval Required**	**Targeted Implementation**	**Estimated Impact**
1	**Encourage Championship Managers and Sport Committees to consider:** **- Revising selection times to allow a minimum of 48 hours between selection release to the time a team has to depart for competition site.**	All	Staff	Fall 2008	Prospective
2	**Encourage Championship Managers and Sport Committees to consider:** **- Timing of first practice session or team assigned to that practice if it could allow for better transportation alternatives.**	All	Staff	Fall 2008	Prospective
3	**Encourage Championship Managers and Sport Committees to consider:** **- Avoid obvious capacity conflicts in air travel (e.g., common Spring Break destinations mid-March through mid-April and high cost cities with little capacity) .**	All	Staff	Fall 2008	Prospective
4	**Amend Travel Policy that NCAA shall reimburse for incremental commercial airline baggage charges for a maximum of two (2) bags per traveler, including any sports equipment (e.g., Golf Clubs, Bat Bags).** May be some reasonable accommodation where specific sports equipment presents practical difficulties-- at discretion of staff.	All	Staff	Fall 2008	Hypothetical $1.5 million expense

5	**Explore options to "bulk" ship equipment from campus to the Championship sites by more efficient modes of transportation (e.g., truck, air-freight). If successful, establish Travel Policy that where this bulk ship option is available, the <u>NCAA shall reimburse the lesser</u> of the bulk ship amount or the incremental cost by an airline or charter transporting the travel party.** First contact will be with NCAA Corporate Partner **Enterprise,** school would retain custody of equipment and provide driver, in this example. FedEx, UPS and others would be likely additional contacts. NCAA staff will have discretion to consider cases where this is not a viable alternative.	All	Staff	Fall 2008	Significant ($10,000 per trip)
6	**Implement the use of "Bracketing" software (NCAA proprietary software currently developed) as a tool for all Sport Committees in determining brackets and preliminary round match-ups. (Has fly-drive and length - of-flight positive implications.)** Software provides for instant mileage calculations from participant campus to campus/host sites. Cost per mile can be built into the functionality, but for now a manual application of distance multiplied by cost can be useful. Average Cost per mile for charter and commercial air travel needs to be computed.	All	Staff	Fall 2008	Tool to minimize flights and flight distances
7	**Continue to work with airlines and charter companies to enhance or expand discounts.**	All	Staff	Fall 2008	Prospective

	Tier-Two Recommendation: Proposal to be presented for Division I governance bodies approval in order to contain costs and/or provide greater flexibility among airline/ground transportation options.	**Division**	**Approval Required**	**Targeted Implementation**	**Estimated Impact**
1	**Increase Travel Policy mileage limitation threshold from 350 miles to 400 miles (excluding Division I Basketball). Additionally, increase the policy regarding ground commute from nearest airport to site from 120 to 150 miles and add discretion for travel staff to increase the mileage (minimally) as needed.** *D-II and D-III currently impose a commute at 150 miles, so this would be bringing it to a consistent level.*	Division I	Governance	Fall 2008	$500,000

	Tier-Three Recommendations: Proposals for discussion by divisional governance bodies, for consideration.	**Division**	**Approval Required**	**Targeted Implementation**	**Estimated Impact**
1	**Consider increasing Travel Policy mileage limitation threshold from 300 miles to 350 miles for Division I Men's and Women's Basketball. Additionally, consider increasing the policy regarding ground commute from the nearest airport to site from 120-150 miles and add discretion for travel staff to increase the mileage (minimally) as needed.**	Division I	Governance	TBD	$825,000

2	**Award regional championship sites to a participating team who resides in a more centrally geographic location in the region regardless of seeding considerations. Additionally, select sites two weeks in advance of the selections of teams.** Other regionalization principles of Division II would remain in effect.	Division II	Governance	TBD	$437,200
3	**The number of seeded teams shall be limited to twenty-five (25) % of the bracket and all sports including "revenue generating" sports must adhere to the selection "Working Principles" approved by the Championships/Sports Management Cabinet. Combined with the "first-step" set forth above, amend Working Principle #4 to specifically clarify that geographic proximity is a factor for all sports, revenue generating included, in the bracket pairing process and should be emphasized at the sport committee level.** **Exception:** Division I Men's and Women's Basketball. **Significant Impact:** Baseball, Ice Hockey (M) and Lacrosse (M-W) will be most affected by this Proposal.	Division I	Governance	TBD	$631,600
4	**Eliminate the application of Working Principle #2 (Avoiding conference matchups) where it has been extended to include second round contests in the Championship bracket for certain sports.** For example, two teams from the same conference can be assigned to same Regional, but not meet in the first game. **Exception:** Division I Men's and Women's Basketball **Significant Impact:** Soccer (M-W), Volleyball (W), Football, Ice Hockey (M), Softball and Baseball will be most affected by this Proposal.	Division I	Governance	TBD	$517,894

5	**Establish policy regarding limitation on frequency of selecting Championship sites in high-cost destinations (e.g., Swimming/Seattle); on moving Championships to locations more remote from heavy concentration of likely participants (e.g., Lacrosse/East Coast); or on hosting frequency of selecting hosts who are not in the continental US.**	All	Governance	TBD	Prospective
6	**Establish policy amending the "Championship date formula" to exclude the days including Wednesday through Sunday of Thanksgiving week (for applicable sports) as game or travel days. If competition on this weekend is absolutely necessary, contest should be scheduled excluding air travel or to facilitate travel on Thursday and Saturday or Sunday. No air travel should be scheduled for Wednesday.** **Exception:** Football (All Divisions) **Significant Impact:** Soccer (M-W) will be most affected by this Proposal.	All	Governance	TBD	Prospective
7	**Impose a moratorium on any new Bracket expansion requests by Sport Committees through the 2012-13 Championship Cycle (co-terminus with CBS contract term).**	All	Governance	TBD	Prospective

2008-09 DIVISION I COMMITTEE ON INFRACTIONS

Legislated Requirements: Ten members, seven of whom shall be at present or previously on the staff of an active member institution or member conference of the Association, no more than three but no less than two of whom shall be from the general public and shall not be associated with a collegiate institution, conference, or professional or similar sports organization, or represent coaches or athletes in any capacity. One of the members shall serve as chair and one as vice-chair. Two positions shall be allocated for men, two for women and six unallocated. Two members shall be elected as the coordinators of appeals. 19.1.1.3

There shall be no subdivision restrictions except that all nonpublic members may not be from the same subdivision; however the coordinator of appeals shall not be considered in determining whether such a requirement is satisfied.

Appointed for three-year term. A member may be reappointed but shall not serve more than nine years on the committee, with the exception of the coordinator of appeals, which may be filled by a former member of the committee who had previously served nine years. (Three years must elapse before a former member can be appointed to fill the coordinator of appeals slot.)

Vacancies: **One immediate vacancy. No restrictions.**

Reappoint: **Halloran and Lechner.**

Staff Liaison: Shep Cooper, Jim Elworth

Chair: Josephine Potuto (9/1/06-9/1/08)

DIV.	GEN	EM	POS	NAME AND INSTITUTION	CONFERENCE	9/08-9/09	9/9-9/10	9/10-9/11
FBS	M	N	AD	Paul Dee University of Miami	Atlantic Coast Conference	Dee (term 3)	Dee* (term 3)	
FBS	M	N	Comm	Britton Banowsky Conference USA	Conference USA	Banowsky (term 1)	Banowsky (Term 1)	Banowsky (Term 1)
FBS	M	N	DEAN LAW SCHOOL	Jerry Parkinson University of Wyoming (coordinator of appeals)	Mountain West	Parkinson* (term 3)		
FBS	**F**	**N**	**PROF of LAW**	**Josephine R. Potuto University of Nebraska**	**Big 12**			
FBS	F	N	Deputy Dir of Ath	Melissa Conboy University of Notre Dame	Big East	Conboy (term 1)	Conboy (term 1)	Conboy (term 1)
FBS	F	N	General Counsel	Eileen Jennings Central Michigan University	Mid-American	Jennings (term 1)		
FCS	M	Y	Comm	Dennis Thomas Mid-Eastern Athletic Conference	Mid-Eastern Athletic	Thomas term 1)		
PUBLIC	**M**	**N**	**Attorney**	**Brian Halloran (coordinator of appeals)**		**Halloran (term 3)**	**Halloran (term 3)**	**Halloran* (term 3)**
PUBLIC	**M**	**N**	**Attorney**	**Alfred Lechner Jr.**		**Lechner (term 3)**	**Lechner (term 3)**	**Lechner* (term 3)**
PUBLIC	M	N	Attorney	John Black		Black (term 1)	Black (term 1)	Black (term 1)

*Not eligible for reappointment. 10/6/08

2008-09 INFRACTIONS APPEALS COMMITTEE

Legislated Requirements: Five members, including one from the general public and no members shall serve on the Board of Directors. There shall be no subdivision restrictions except that all nonpublic members may not be from the same subdivision. Appointed for three-year term. A member may be reappointed but shall not serve more than nine years on the committee.

Vacancies:

Reappoint: **Williams and Griffin.**

Staff Liaison: Wendy Walters, Alex Smith

Chair:

DIV	POS	GEN	EM	NAME AND INSTITUTION	CONFERENCE	9/08-9/09	9/09-9/10	9/10-9/11
FBS	**Vice-Chan Gen Counsel**	**M**	**Y**	**David Williams II Vanderbilt University**	**Southeastern**	**Williams (term 1)**	**Williams (term 1)**	**Williams (term 1)**
FBS	FAR	F	N	Susan Lipnickey Miami University (Ohio)	Mid-American	Lipnickey (term 1)		
FBS	FAR	F	N	Noel Ragsdale University of Southern California	Pacific-10	Ragsdale (term 3)	Ragsdale* (term 3)	
DI	Prof of Law	M	N	Jack Friedenthal George Washington University	Atlantic-10	Fridenthal (term 1)	Fridenthal (term 1)	Fridenthal (term 1)
PUBLIC	**PUBLIC**	**M**	**N**	**Christopher Griffin Foley & Lardner**	**N/A**	**Griffin (term 3)**	**Griffin (term 3)**	**Griffin* (term 3)**

* Not eligible for reappointment

10/6/08

SUPPLEMENT NO. 17B
DI Board of Directors 10/08

Report of the October 29 - 30, 2008, Division I Board of Director

Table of Contents of Key Issues

NCAA president's Report. 1

Report of the Division I Presidential Advisory Group's October 29, 2008, meeting. 4

Report of the Committee on Academic Performance (CAP) 4

Update on the work of the Division I Men's Basketball Academic Enhancement Group..... 6

News from the Division I Governance Structure 6

NCAA 2009 NCAA Convention..... 11

Update regarding championships travel initiatives 12

Appeal from the University of California – Davis. 12

Committee appointments 13

Report of the NCAA Division I Board of Directors meeting
October 29 - 30, 2008

Session 1

Special Closed Session October 29, 2008

1. Opening remarks.

2. **Presentation and discussion regarding value-based decision making.** Had a session to discuss the current financial landscape for intercollegiate athletics and the need for making decisions about intercollegiate athletics that are based on the values of higher education.

3. Adjournment.

Session 2

October 30, 2008

1. Opening remarks.

2. Minutes of the August 7 Board of Directors meeting. [Reference BD Supplement No. 1]

BOARD ACTION: Approved the minutes as distributed. (Unanimous Voice Vote.)

3. Report of the August 7 meeting of the NCAA Executive Committee. [Reference BD Supplement No. 2]

BOARD ACTION: Received an update, which included information about the new committee Conflict of Interest Policy, the establishment of the Jim McKay Postgraduate Scholarship and the NCAA's enhanced data sharing efforts.

4. NCAA president's report.

BOARD ACTIONS: Received a report from the NCAA president in which he:

a. Update on NCAA Committee on Sportsmanship and Ethical Conduct Initiative. Informed the group that a subgroup of the Board has been established to offer

comments and direction to the Committee on Sportsmanship and Ethical Conduct as that committee seeks to enhance the level of sportsmanship in intercollegiate athletics and address the problem of negative fan behavior. As part of this update, the Board heard from the chair of the subgroup who explained the committee has done extensive work and has reached the following conclusions, which the subgroup generally supports, including:

- Fan conduct is the most serious and pressing issue.
- Coaches and student-athletes believe they should be responsible for establishing expectations of appropriate behavior.
- Athletics administrators should enforce guidelines for appropriate behavior; addressing negative incidents when they occur.
- In terms of defining sportsmanship, r*espect* and *integrity* are two words that consistently resonate with the membership.

b. Status report of the efforts of the Division I Task Force on Commercial Activity in Intercollegiate Athletics. Informed the Board that the task force is close to completing its goal of developing a statement of principles that reflects the values of higher education and protects the unique amateur status of student-athlete.

[Note: Once developed, this statement of principles will be forwarded to the Board of Directors for preliminary review and then to the Leadership Council so that body can address the necessary application details. Any recommended legislative changes will be addressed by the Division I governance structure and ultimately the Board of Directors.]

5. Litigation update.

BOARD ACTION: Received a report from the NCAA general counsel regarding current cases involving the Association.

6. Governmental relations report. [Reference BD Supplement No. 4.]

BOARD ACTION: Received a report and took no action.

7. Appearance by representatives from the Division I Committee on Infractions. [Reference BD Supplement No. 5.]

BOARD ACTIONS:

a. Received a report from the chair of the Division I Infractions Appeals Committee in which he not only provided background information about the committee's jurisdiction and policies and procedures, but noted recent changes to the committee's operations as a result of adoption of the Duff Report recommendations. As part of this report, the chair indicated the committee hopes to provide the membership with more information regarding this appellate process and would like to be included in Regional Rules programming.

b. Heard from the former chair of the Division I Committee on Infractions who informed the Board that the committee has conducted a review of the current infraction penalty structure to ensure the penalties are substantially greater than the benefits gained from violating the NCAA rules, reflect the severity of the violations and are in line with penalties given by other NCAA bodies. As a result of this review, the committee is recommending changes to the penalty structure that would provide the committee with more substantial penalties and with a wider array of sanctions options.

[Note: While not all of the recommendations set forth in the Report of the Division I Committee on Infractions will require approval by the Board of Directors, the committee would like Board affirmation that it is moving in the correct direction. It is anticipated that these recommendations will be reorganized in another document by the level of Board action required. Membership feedback will be sought where appropriate before the Board is requested to take formal action.]

8. Report of the Division I Presidential Advisory Group. [Reference BD Supplement No. 6.]

BOARD ACTION: Received a report from the Division I Presidential Advisory Group's October 29, 2008, meeting and heard comments from the group's chair throughout the meeting regarding pertinent points raised by the group.

9. Report of the Committee on Academic Performance (CAP). [Reference BD Supplement No. 7.]

BOARD ACTIONS: Received an update from the Division I Committee on Academic Performance, and as part of that presentation:

a. Reviewed Graduation Success Rate (GSR) data, which shows student-athletes continue to perform well in the classroom, with more student-athletes graduating from college. The GSR data indicates that 79 percent of student-athletes in the 2001 cohort graduated within six years.

b. Learned that of the 270 institutions that have initiated APR data submission, the preliminary information appears to be positive as estimates indicate approximately half of the teams subject to historical penalties appear to have improved enough to reduce or avoid penalties this year. The Board discussed the importance of trying to share this good news broadly.

c. Discussed the value of gaining a better understanding of the high school academic profiles of 2-4 transfers in order to develop sound policy and legislative requirements and used its authority to sponsor Proposal No. 2008- 77 in the 2008-09 legislative cycle. This proposal will require a two-year college transfer to have his/her initial academic eligibility certified by the NCAA Eligibility Center prior to the end of the student-athlete's first regular academic term of full-time enrollment at a Division I institution. (Effective Date: August 1, 2010, for those enrolling in a Division I institution on or after August 1, 2010.) (Unanimous Voice Vote.)

[Note: This recommendation is the second of two initiatives to obtain additional academic data on 2-4 transfers, as requested by four separate NCAA governance groups currently studying the academic progress of this student-athlete subgroup. The CAP has also agreed to update its own data collection requirement to collect information regarding the academic performance of 2-4 transfers while enrolled at the two-year institution.]

d. Approved amendments to the committee's policies and procedures to incorporate a conflict of interest policy for committee members and to reflect revisions drafted since the August 2008 Board meeting. (Unanimous Voice Vote.)

e. Agreed to grant the Committee on Academic Performance time to fully develop the particulars of the mechanism to track the academic performance of head coaches and to engage various coaches associations regarding the reporting format. In discussing such a rate, Board members noted this information would serve as a helpful tool for presidents in their leadership role and the Board suggested the development of a detailed reporting mechanism to be used by

institutions and a more general tool for public dissemination. Board members also mentioned that they would appreciate easy and quick access to such information and suggested the possible inclusion of GSR information.

f. Discussed the fact that while academic reform is an institutional responsibility, some coaches may be slow in adapting to the cultural changes brought on by academic reform, and as a result, there is potential for academic support personnel to experience undue pressure to ensure student-athletes succeed. Mindful of institutional autonomy the members discussed whether there was optimum structure for academic support units for student-athletes.

g. Asked that the issues of professional development and certification for academic support personnel, along with frequency of external reviews of academic support units, be placed on a future agenda for discussion.

10. Update on the work of the Division I Men's Basketball Academic Enhancement Group.

BOARD ACTIONS:

a. Received a progress report on the work of the Men's Basketball Academic Enhancement Group, which was charged by the Board with offering recommendations to enhance the academic progress and graduation rates of men's basketball student-athletes;

b. Learned that the group is scheduled to meet on December 3, at which time it is expected to examine playing and practices season recommendations and to continue its discussion regarding summer school and transfer issues; and

c. Noted that while this examination has taken longer than originally anticipated due to the complexity of the issues, the membership must be clear that the Board has a genuine commitment to academic reform and changing the culture in men's basketball. The Board noted that while the group should work expeditiously it is important that the group also take the necessary time to develop a meaningful response.

11. News from the Division I Governance Structure.

a. Update from the substructure, including a report from the Communications and Coordination Committee. [Reference BD Supplement No. 9A and 9B.]

BOARD ACTION: Received an update from the chair of the Leadership Council regarding the work of that council and the Communications and Coordination Committee and learned those serving within the governance structure appear to have a high level of enthusiasm and a commitment to communicating more effectively with the membership. As part of this report, the chair also reviewed the cabinets and councils priorities.

b. Report of the October 20-21, 2008, Division I Legislative Council. [Reference BD Supplement No. 10.]

BOARD ACTIONS:

(1) Received a report from the chair of the new Legislative Council in which he explained, that under the new Division I legislative process, which assigns a high level of legislative responsibility to the Legislative Council, it is imperative that there is trust in the system and that the council earn that trust.

(2) Learned that the Legislative Council not only had a dynamic first meeting as it reviewed the 68 proposals in the annual cycle but used its emergency or noncontroversial legislative authority to adopt the following three legislative proposals:

(a) Proposal No. 2008-61 -- Committees -- Division I Cabinets and Committees -- Women's Soccer Committee -- Composition – Regions. Intent: To specify that the composition of the NCAA Division I Women's Soccer Committee shall include one member from each of the eight Division I women's soccer regions and two members selected at large.

(b) Proposal No. 2008-69 -- Administrative Regulations -- Summer Basketball Leagues and Certified Basketball Events -- Additional Criteria -- Approval of Event and League Operators – Basketball. Intent: In basketball, to specify that in order for a summer basketball league or a basketball event to be certified, the event or league operator or manager must be approved in accordance with guidelines established by the NCAA basketball certification staff.

(c) Proposal No. 2008-73 -- Executive Regulations -- National Statistics Program. Intent: To specify that the NCAA Division I Championships/Sports Management Cabinet shall oversee the national statistics program and approve its policies and procedures; further, to

specify that the policies and procedures shall be published on the NCAA Web site.

[Note: The Board of Directors accepted the Leadership Council's legislative action.]

(d) Used its authority at the request of the Legislative Council to sponsor the following proposal in the 2008-09 legislative cycle:

Proposal No. 2008-75—Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Qualifier – Exception – Early Academic Certification – Submission of Transcript. Intent: To specify that if a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission of his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment; further, to specify that a violation of this provision shall be considered an institutional violation, however, the student-athlete's eligibility shall not be affected. (Unanimous Voice Vote.)

c. Other emergency legislation/legislative sponsored proposals.

BOARD ACTIONS:

(1) Used its emergency legislative authority to adopt Proposal No. 2008-78 -- Playing and Practice Seasons – General Regulations – Skill Instructions – Sports Other Than Football – Publicity. Intent: In sports other than football, to specify that skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience. (Unanimous Voice Vote.)

[Note: In adopting this proposal, Board members state this practice of using two hours of skill instruction prior to the start of the season as a celebratory event for the public and potential recruits warranted the use of the Board's emergency authority and cautioned that if this practice were allowed to continue it could harm the trust that has been built up in recent years between the coaching community and presidential leadership.**]**

(2) Used its legislative authority to place the following proposal in the 2008-09 legislative cycle:

Proposal No. 2008-79 – Amateurism -- Involvement with Professional Teams -- Professional Basketball Draft -- Four-Year College Student-Athlete -- Men's Basketball. Intent: In men's basketball, to specify that an enrolled student-athlete may enter a professional league's draft one time during his collegiate career without jeopardizing eligibility in the sport, provided the student-athlete requests that his name be removed from the draft list and declares his intent to resume intercollegiate participation by the end of the day prior to the first day of the spring National Letter of Intent signing period for the applicable year; the student-athlete's declaration of intent is submitted in writing to the institution's director of athletics; and the student-athlete is not drafted. (Unanimous Voice Vote.)

d. Legislative issues of interest in the 2008-09 annual cycle. [Reference BD Supplement No. 12.]

(1) Were reminded that pursuant to the new Division I legislative process it is intended that the Legislative Council will take final action on the day-to –day legislative matters necessary for the efficient management of Division I, leaving discretion to the Board to act on the broader issues facing the division. Therefore, to ensure appropriate Board oversight, the Legislative Council's actions in January (and April) will not be considered final until the conclusion of the Board meeting.

(2) Learned that the staff and Councils will seek to assist the Board in identifying legislative issues that should rise to the level of presidential review and briefly reviewed a few legislative proposals in the cycle including, Proposal Nos. 2008-32, 2008-35, 2008-40, 2008-41, 2008-46 and 2008-48.

(3) In reviewing Proposal No. 2008-48 – Playing and Practice Seasons – Baseball – Maximum Number of Contests – 52, discussed the fact that:

- At its April 2006 meeting, the Board tabled Proposal No. 2006-2, which called for a reduction in the maximum number regular season baseball games from 56 to 52.

- At that time, the Board established the Baseball Enhancement Working Group to develop a proposal to address concerns regarding academic performance in baseball and "indicated an intention to review the impact of any changes resulting from the baseball community's proposal in three years to determine whether additional changes to baseball would be warranted to help enhance the overall level of academic performance in that sport."

- In April 2007 the Board adopted the reform package presented by the Baseball Enhancement Working Group and implementation of those recommendations began in August 2008.

- The Board indicated a lack of support for Proposal No. 2008-48 at this time noting there has been insufficient time to assess the impact of the baseball reform package.

e. Follow up from the August meeting: [Reference BD Supplement No. 13.]

BOARD ACTIONS:

(1) Received an update from staff regarding efforts to address membership concerns regarding the application of current legislation pertaining to videographers and were informed that the revised policy is intended to provide participating institutions the ability to capture and utilize championship footage for various non-commercial purposes while assuring the integrity of the NCAA's multimedia rights to the event. Under this policy institutional videographers will be permitted to capture competition footage from the still photographer areas as designated by the championship sports committees in conjunction with the championship media coordinator. Each institution will be permitted to have one videographer for this purpose and will only be permitted to capture footage of events/contests in which it is participating. Further, institutional videographers will be permitted inside the locker room, with approval of the institution's head coach, during periods that are closed/off limits to general, non-NCAA media rights holding members of the media. In addition, institutions are permitted to use institutional videographer footage captured for specified commercial uses subject to specific usage restrictions, which are set forth in the NCAA Videographer Policy as found in Supplement 13B.

(2) Discussed the fact that pursuant to the Board's earlier request, it appears a workable compromise has been reach but indicated a desire for periodic updates regarding the application of this videographer policy.

(3) Defeated Proposal No. 2007-109 -- Executive Regulations – NCAA Properties and Marketing Restrictions – Exception for Institutions Participating in NCAA Championship Events – Number of and Access of Videographers and Photographer. Intent: To permit an institution to designate two videographers and one photographer to be present at NCAA championship events involving the institution's teams; further to specify that

one videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes and to specify that one videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion. (Unanimous Voice Vote.)

f. 2009 NCAA Convention. [Reference BD Supplement No. 14.]

BOARD ACTIONS:

(1) Reviewed the schedule of pertinent Division I and Association-wide events scheduled for the 2009 NCAA Convention in Washington D.C. The events are set forth below as follows:

Thursday, January 15

- Opening Business Session. (4 – 5:30 p.m.)
- Delegates Reception and Honors Celebration. (6 – 10 p.m.)

Friday, January 16

- Division I Issues/Legislative Forum. (9 - 11:30 a.m.)
- BOD/Leadership Council/Legislative Council Luncheon. (11:30 a.m.–1 p.m.)
- Division I Issues/Legislative Forum (cont.) (1 – 3:30 p.m.)
- Division I Business Session – At the conclusion of the Legislative Forum. [Note: Vote on the override of Proposal No. 2007-30-c will occur during the Division I Business Session.]

Saturday, January 17

- Joint SAAC/BOD breakfast. (8 – 9:30 a.m.)
- Board of Directors meeting. (9:30 a.m. – 5 p.m.)
- Executive Committee meeting. (5:30 – 7:30 p.m.)
- President's Reception. (7:30 – 9 p.m.)

(2) Review of override process. Were reminded that as a result of its determination to sustain its previous adoption of Proposal No. 2007-30-c, a vote of the active Division I membership will occur on January 16, 2008, at 3 p.m. during the Division I Business Session. At least a five-eighths majority vote of individual active members present and voting shall be required to override the legislative

action taken by the Board. The vote shall be based on the principle of one institution, one vote and the vote shall be taken by roll call.

12. Update regarding championships travel initiatives. [Reference BD Supplement Nos. 15A, 15B, 15C.]

BOARD ACTIONS:

a. Received a brief update from the NCAA senior vice president of administration and CFO regarding the general financial landscape for intercollegiate athletics in these volatile financial times.

b. Heard a presentation from the NCAA senior vice president for championships regarding recent travel industry trends and were informed:

- With most expenses in for the 2007-08 championships year, the NCAA has incurred an additional $8 million on championships travel over 2006-07, which represents an increase of approximately 23 percent over the 2006-07 fiscal year. If the trend continues, the Association's travel costs will have increased from $33 million in 2006-07 to $50 million in 2008-09, an unsustainable trend.

- These increases are largely attributable to the current travel landscape in which fuel costs are rising and carriers are reducing their flight capacity. In addition, when charter flights are necessary, their costs have risen dramatically, primarily due to fuel costs. Often site locations, bracketing and seeding practices further exacerbate these factors.

c. Learned that the staff has sought to address these concerns by developing a series of recommendations that fall within three tiers based on the level of approval required and were told the Board will be kept informed regarding the impact of changes that have been enacted.

13. Appeal from the University of California – Davis. [Reference BD Supplement No. 16.]

BOARD ACTION:

The Board reviewed and discussed correspondence and pertinent points submitted by the University of California – Davis related to the university's request to receive a portion of Division I broad-based revenue distribution. It

was noted that the 2007-08 funds were distributed during the summer based upon calculation of Division I grants-in-aid and sports sponsored during the

2006-07 academic year and that this policy has been followed since 1990-91. The Board voted to sustain the policy, which would not permit the university to receive funds for grants-in-aid awarded and sports sponsored prior to the date the university became an active member of Division I. (Unanimous Voice Vote.)

14. Committee appointments. [Reference BD Supplement Nos. 17A, 17B.]

BOARD ACTIONS: Made the following committee reappointments:

a. Committee on Infractions.

- Brian Holloran - public member (Term 3)
- Alfred Lechner Jr. – public member (Term 3)

b. Infractions Appeals Committee.

- Christopher Griffin – public member (Term 3)
- David Williams – Vanderbilt University, Southeastern Conference (Term 2)

15. Report of the Executive Committee Subcommittee on Gender and Diversity Issues.

BOARD ACTION: Did not receive a report due to time constraints but learned that the subcommittee is soliciting for four new Division I members from the NCAA Executive Committee to serve on this important governance body. [Note: 2 FBS members, 1 FCS member and 1 Division I subdivision member are needed.]

16. Future meeting dates.

a. January 17, 2009, Washington D.C., held in conjunction with the NCAA Annual Convention. [Note: there is a BOD luncheon scheduled for January 16.]
b. April 30, 2009, National Office, Indianapolis, Indiana.
c. August 6, 2009, National Office, Indianapolis, Indiana.
d. October 29, 2009, National Office, Indianapolis, Indiana.

17. Adjournment.

The National Collegiate Athletic Association
October 31, 2008 SDB/EED:vlm