A G E N D A

National Collegiate Athletic Association
Division I Board of Directors

NCAA National Office — August 6, 2009
Indianapolis, Indiana — 8 a.m. – 3 p.m.

1. Opening remarks.

2. Minutes of the April 30, 2009, Board of Directors meeting. [Supplement No. 1] [**Anticipated Action Item]**

3. Report of the Division I Presidential Advisory Group August 3, 2009, teleconference. [Supplement No. 2 – An addendum will be distributed at the meeting.] [No action anticipated.]

4. NCAA report. [No action anticipated.]

5. News regarding a men's basketball enforcement initiative. [No action anticipated.]

6. Update regarding the new NABC communications plan. [Supplement No. 3] [No action anticipated.]

7. Final report and recommendations of the Men's Basketball Academic Enhancement Group. [Supplement No. 4 will be provided at a later date.] **[Anticipated Action Item – Referral into the governance structure.]**

8. Report from the Committee on Academic Performance. [Supplement No. 5A and 5B]

   a. Update regarding APR portfolio, including the committee's perspective on adding chancellor or president and director of athletics to the APR Portfolio.

   b. Request to sponsor legislative changes to Bylaw 23. **[Anticipated action Item.]**

   c. Preliminary review by the Academic Cabinet and the Committee on Academic Performance of current Initial Eligibility Standards.

d. Discussion regarding the current Occasion Three and Four Penalties appeals process.

9. Division I Governance Structure Update.

a. Report of the Division I Governance Substructure. [Supplement No. 6] [No action anticipated.]

b. Report from the May 6 and 11, 2009, Division I Leadership Council teleconferences. [Supplement No. 7] [No action anticipated.]

c. Report of the July 30, 2009, Division I Legislative Council. [Supplement No. 8. An addendum will be distributed in advance of the meeting.]

- Override request regarding Proposal Nos. 2008-46 Playing and Practice Seasons -- Baseball -- Preseason Practice and First Contest -- Championship Segment and 2008-59 Division Membership -- Definitions and Applications -- Emerging Sports for Women -- Sand Volleyball. **[Action Possible.]**

10. Division I Committee on Infractions.

a. Request to sponsor legislation. [Supplement No. 9] **[Anticipated Action Item.]**

b. Committee appointment. [Supplement No. 10A & 10B] **[Anticipated Action Item.]**

11. AFCA/NCAA Respect Weekend. [Supplement No. 11] [No action anticipated.]

12. Report of the April 30, 2009, meeting of the NCAA Executive Committee. [Supplement No. 12] [No action anticipated – for information only.]

13 Litigation update. [Supplement No. 13 will be distributed at the meeting.] [No action anticipated.]

14. Governmental relations report. [Supplement No. 14] [No action anticipated – for information only.]

15. Other business.

16. Future meeting dates.

    a. January 16, 2010, NCAA Convention, Atlanta, Georgia.

    b. April 29, 2010, National Office, Indianapolis, Indiana

    c. August 12, 2010, National Office, Indianapolis, Indiana

    d. October 28, 2010, National Office, Indianapolis, Indiana

    e. January 15, 2011, NCAA Convention, San Antonio, Texas

    f. April 28, 2011, National Office, Indianapolis, Indiana

    g. August 11, 2011, National Office, Indianapolis, Indiana

    h. October 27, 2011, National Office, Indianapolis, Indiana

17. Adjournment.

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION I BOARD OF DIRECTORS

National Office
Indianapolis, Indiana

April 30, 2009

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
Robert Bruininks, University of Minnesota, Big Ten Conference,
Bruce Grube, Georgia Southern University, Southern Conference
Robert Kustra, Boise State University, Western Athletic Conference
Ann Millner, Weber State University, Big Sky 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
Gary Ransdell, Western Kentucky University, Sun Belt Conference (alternate)
Edward Ray, Oregon State University, Pacific-10 Conference
David Schmidly, University of New Mexico, Mountain West 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: Frank Brogan, Florida Atlantic University, Sun Belt Conference and Anthony Di Giorgio, Winthrop University, Big South Conference were unable to attend.]

Judy Genshaft, president, University of South Florida, Big East Conference was in attendance as an observer given her role as a future member of the Board of Directors. Additionally, Damon Evans, University of Georgia, Southeastern Conference, chair of the Division I Leadership Council and Joe D'Antonio, Big East Conference, chair of the Division I Legislative Council were in attendance.

NCAA staff members Erik Christianson, Elsa Cole, Joni Comstock, Julie Cromer, Lynn Holzman, Michelle Hosick, Jim Isch, Tom Jernstedt, Kevin Lennon, Steve Mallonee, Delise

O'Meally, Todd Petr, Wallace Renfro, Greg Shaheen, Robert Vowels, Charlotte Westerhaus and Bob Williams were also present during portions of the meeting.

[NOTE: Please refer to the report of the April 30, 2009, Division I Board of Directors meeting for the actions taken (formal votes or "sense of the meeting"), in accordance with the NCAA policy governing the minutes of all Association entities. While certain items on the Board's agenda were acted upon at various times throughout the meeting, all final actions within a given topic are combined in the report for convenience of reference. The information contained in this document includes only those items that are not contained in the report of the Board of Directors (Attachment No. 1).]

The meeting was called to order at 8:05 a.m. on April 30, 2009, by the chair, President Barker. All were present as noted above.

1. Opening Remarks. Board of Directors chair, James Barker, welcomed the members to the meeting and acknowledged Gary Ransdell, president at Western Kentucky University, who was attending as an alternate representing the Sun Belt Conference and future Board member Judy Genshaft, president, University of South Florida, who was attending as an observer.

2. President's Report. NCAA President Myles Brand provided his quarterly report to the Board of Directors. Additionally, President Brand introduced the following topics for the Board's discussion:

   a. Youth Basketball Initiative. Kevin Weiberg, the new CEO of the NCAA - NBA Youth Basketball Initiative presented this update regarding this exciting new undertaking.

   b. NCAA Bundled Rights Agreement. NCAA senior vice president for basketball and business strategies, Greg Shaheen, led this discussion regarding the NCAA Bundled Rights Agreement.

3. **Financial Issues.**

   a. Update regarding the Empirical Effects of Intercollegiate Athletics. Mark Israel Senior Vice President at Compass Lexecon, LLC, an economic consulting firm and NCAA research consultant, presented the updated findings under this study.

   b. Update regarding financial dashboard indicators. Jim Isch, senior vice president of administration/CFO, presented this update regarding financial dashboard indicators.

c. Update regarding national office cost savings initiatives. Jim Isch also talked with the Board about cost savings measures initiated at the national office level.

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

5. **Report of the Division I Presidential Advisory Group (PAG).** The Division I Presidential Advisory Group chair, Bruce Grube, provided an update from the group's April 29, 2009, meeting.

6. **Report from the Committee on Academic Performance**. Walter Harrison, as chair of the Committee on Academic Performance, presented this report. Additionally, Kevin Lennon, Todd Petr, Tom Paskus and Diane Dickman assisted with this presentation and discussion.

7. Update on the work and recommendations of the Men's Basketball Academic Enhancement Group. David Berst, as primary staff liaison, presented an update on the recommendations of this group.

8. **Status report on the efforts of the Football Academic Working Group.** NCAA vice president of football and baseball, Dennie Poppe, and director Damani Leech, as primary staff liaison to this group, presented this status report on the efforts of the Football Academic Working Group.

9. Division I Governance Structure Update.

a. Update from the cabinet via the report of the Communications and Coordinations Committee. Beth DeBauche, as staff liaison to this committee, provided this update to the Board regarding the work of the Division I governance substructure.

b. Report of the March 24, 2009, Division I Leadership Council. Damon Evans, as chair of the Leadership Council, provided this update regarding this Council's March 24 meeting.

c. Report of the April 20, 2009, Division I Legislative Council. Joe D'Antonio, chair of the Legislative Council, reviewed the actions from this Council's most recent meeting.

10. **Expression of appreciation.** The Board chair, James Barker, thanked departing Board members Anthony DiGiorgio, president, Winthrop University, Big South Conference, Bruce Grube, president, Georgia Southern University, Southern Conference and Nancy Zimpher, president, University of Cincinnati, Big East Conference for their service to Division I.

11. **Adjournment**. President Barker adjourned the meeting at 2:45 p.m.

# # #

ATTACHMENT
SUPPLEMENT NO. 1
DI Board of Directors 8/09

Report of the April 30, 2009, Division I Board of Directors Meeting

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Report of the NCAA Division I Board of Directors meeting
April 30, 2009

1. Opening remarks.

2. **Minutes of the January 17, 2009, Board of Directors meeting.** [Reference BOD Supplement No. 1.]

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

3. **Report of the January 17, 2009, meeting of the NCAA Executive Committee**. [Reference BOD Supplement No. 2.]

   BOARD ACTIONS:

   (1) Received a preview of the agenda for the April 30 Executive Committee meeting, which included, among other things, an update regarding the national office's review of diversity programming, information regarding the proposed new committee travel policy and a financial update; and

   (2) Were informed, Michael Adams, president at the University of Georgia, had been asked to remain as chair of the Executive Committee until April 2010, and as a result had been granted a one-year term extension on both the NCAA Executive Committee and on the Division I Board of Directors. President Adams was asked to remain in the chair position to assist in providing a level of continuity in the leadership of the Association during these challenging times.

4. **NCAA report.**

   a. **Youth Basketball Initiative.** [Reference BOD Supplement No. 3.]

      BOARD ACTIONS:

      (1) Were introduced to the new CEO of the NCAA/NBA Youth Basketball Initiatives and received an overview of this exciting new effort. As part of this presentation, the CEO explained that the initiative is focused on:

         - Building of robust website to serve the youth basketball community;

         - Establishing an Event Registration Program including standards for event conduct;

- Developing Coach Training and Certification as well as Officiating Development and Certification;

- Creating an Elite Player Program including elements of NCAA First Team; and

- Developing a Grassroots Skill Development Program including elements of the Jr. NBA.

The above listed efforts are intended to result in:

- Players and families who are armed with more information about the value of education, the collegiate recruiting process and eligibility rules, the values of the game and the importance of good citizenship;

- Better prepared coaches who receive enhanced training to improve their ability to teach the game;

- A renewed emphasis on the health and safety of youth basketball participants;

- More uniformity in the conduct of non-scholastic basketball events;

- Athletes who are better trained in the basic skills needed to excel in the sport;

- An improved system for training and advancing officials;

- A more unified set of key stakeholders who are pulling in a common direction regarding youth basketball; and

- An increasing number of boys and girls participating in the sport.

(2) Expressed support for the potential of this initiative but stressed the need to focus on sending messages regarding the importance of academics and early classroom preparation.

b. **NCAA Bundled Rights Agreement.** Received information regarding the general terms of the NCAA Bundled Rights Agreement and the timelines associated with that agreement and learned that the staff is actively monitoring the current market

situation to ensure the staff and NCAA leadership groups are well informed at the time critical decisions need to be made.

5. Financial Issues.

a. Update regarding the Empirical Effects of Intercollegiate Athletics. [Reference BOD Supplement No. 4.]

BOARD ACTIONS:

(1) Received a presentation on a study entitled "The Empirical Effects of Collegiate Athletics: An Update Based on 2004-07 Data," which is a follow-up to two previous studies commissioned by the NCAA designed to investigate trends in operating expenditures for athletics by FBS schools and the relationship between these expenditures and athletics revenues;

(2) Learned that this report re-examined ten hypotheses regarding trends in athletics spending and the relationship between spending and revenue using more recent data along with a new eleventh hypothesis concerning the relationship between changes in a college's athletic capital stock and revenue from athletics.

[Note: To review the actual findings of this study relative to the eleven hypotheses please go to Supplement No. 4A.]

(3) Noted the importance of this information in helping presidents and athletics administrators in making informed leadership decisions relative to intercollegiate athletics and recommended that this information be broadly shared especially with athletics directors.

b. Update regarding financial dashboard indicators. [Reference BOD Supplement No. 5a.]

BOARD ACTIONS:

(1) Were informed that when the second year of the NCAA dashboard indicators program is released in a few weeks, not only will it include four years of data for the first time but that it will include some new features developed as a result of membership feedback. As a result of these new features, presidents will have more indicators with which to compare their institutions with others, including the Academic Progress Rate and educational and general expenditures.

Additionally, presidents will also be able to compare their institutions with more peer groups and have the opportunity to build their own categories; and

(2) Learned that as the program evolves officials hope to devise a measure to illustrate how athletics contributes to the overall university community.

c. Update regarding national office cost savings initiatives. [Reference BOD Supplement No. 5b.]

BOARD ACTIONS: Heard from the NCAA's senior vice president for finance/CFO regarding the national office's efforts to identify strategies to assist the membership during this period of economic downturn with a plan for immediate, midterm and long term responses, which are set forth below as follows:

(1) Immediate Responses.

- The national office has targeted savings of $4,000,000 for fiscal year 2009, with the plan of distributing funds back to the membership in January 2010.

(2) Mid-term Responses.

- **Charged the Division I councils and cabinets to begin an immediate review of all operational aspects under their purview and to identify bylaws and practices that could possibly be modified to provide financial relief to the members. Pursuant to this charge, each Division I cabinet and council at its next meeting shall start developing an exhaustive list of possible bylaw and policy changes ranked in priority order with the relevant projected financial impact on the members. In conducting these reviews, the cabinets and councils should consider the impact of the proposed changes on the principles of fair competition, the well-being of student-athletes, sound academic standards, the integrity of the sport, and costs. The recommendations should be consistent with the NCAA principle governing the economy of athletics program operation, which states that intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to assume the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience.** (Unanimous Voice Vote.)

[Note: The Leadership Council with the assistance of the Legislative Council is assigned to provide a coordinated approach to this review.]

(3) Long-term Response.

- The national office and the governance structure shall seek to engage experts in brainstorming regarding possible options to provide long term relief and shall conduct further economic research to assist with informed decision making.

6. Litigation update.

BOARD ACTION: Received a report from the NCAA general counsel regarding current cases involving the Association and suggested as a future agenda item a discussion regarding the development of a process for evaluating court cases that are filed against the NCAA.

7. Governmental relations report. [Reference BOD Supplement No. 7.]

BOARD ACTION: Received a report and took no action.

8. Report of the Division I Presidential Advisory Group April 29, 2009, meeting. [Reference BOD Supplement No. 8.]

BOARD ACTIONS:

a. Received a report from the Presidential Advisory Group April 29, 2009, meeting, learned that the group's discussion were enhanced by the inclusion of the FCS and Division I commissioners and heard pertinent comments from the group's chair throughout the meeting.

b. Appointed Ann Millner, president of Weber State University, as chair of the Division I Presidential Advisory Group. President Millner will replace Bruce Grube, president of Georgia State University, whose term on the Board of Directors and Presidential Advisory Group ends at the conclusion of the April 2009 meetings. (Unanimous Voice Vote.)

9. Report from the Committee on Academic Performance. [Reference BOD Supplement No. 9.]

BOARD ACTIONS:

a. Received a report from the chair of the Committee on Academic Performance regarding that group's April 28 – 29, 2009, meeting in which he shared the following highlights:

(1) Data Collection for Study of Two-Four Transfer Issues. With the Legislative Council's recent adoption of NCAA Proposal Nos. 2008-75 (as amended) and 2008-77 (as amended), the committee is positioned to begin data collection this fall to inform the membership's impending examination of issues pertaining to the academic performance of two-year transfer student-athletes.

(2) Head Coaches' APR Portfolio. The committee has worked to resolve remaining procedural questions related to the development of a public database for reporting NCAA Division I Academic Progress Rates (APR) for all Division I head coaches. The committee has determined the portfolio will include APR information dating back to the 2003-04 academic year, which was the first year for which scores were reported. To ease administrative burden, information will be collected and reported over the next two years as follows:

(a) Institutions will submit information regarding head coaches for baseball, men's and women's basketball, football and women's indoor and outdoor track and field during the fall 2009 Academic Performance Census (APC) data collection phase. The portfolios for these sports will be available beginning in 2010.

(b) Submission of information for head coaches from all other sports will occur during the fall 2010 APC data collection phase. The portfolios for these sports will be available beginning in 2011.

(3) Occasion-Three Historical Penalty Waiver Hearings. The committee has completed its first round of Occasion-Three Historical Penalty waiver hearings. Six teams from five institutions participated in hearings.

(4) Release of Public APR and Penalty Reports. The public recognition lists (i.e., "Top Ten" by sport) were released April 22 and are available on the NCAA Web site. The APR and penalty reports will be released May 6. Institutions and conferences have access to their institutional APR and penalty reports now.

b. Received a detailed presentation from the NCAA research staff regarding the APR data submitted last fall for the 2007-08 academic year, which represented the fifth year of APR data collection, along with information regarding the APP penalty program.

[Note: The PAG expressed a desire to receive more information in the future specifically regarding the academic performance of FCS student-athletes.]

c. Were informed that it is anticipated that both the CAP and the Academic Cabinet will examine issues pertaining to initial eligibility standards in the future as the concepts of academic preparation and readiness are further discussed by the structure and membership.

10. Update on the work and recommendations of the Men's Basketball Academic Enhancement Group. [Reference BOD Supplement No. 10.]

BOARD ACTIONS:

a. Received a copy of the April 6, 2009, Men's Basketball Academic Enhancement Group report, which includes the latest recommendations of that group related to summer school enrollment, playing and practice seasons, and academic preparation issues and were informed that this work, which represents the efforts of presidents, coaches, administrators and faculty to come together to develop recommendations to improve the academic performance of men's basketball, is in its first phase, as the Division positions itself to gather more data to address issues pertaining to transfer students; and

b. Learned that the Men's Basketball Academic Enhancement Group after receiving comments and feedback from the membership through conference spring meetings, hopes to provide the Board with its final recommendations in August, thereby placing the Board in the proper position to sponsor any necessary legislative proposal at its October 2009, meeting for inclusion in the 2009-10 cycle.

11. Status report on the efforts of the Football Academic Working Group. [Reference BOD Supplement No. 11.]

BOARD ACTIONS:

a. Received a status report from the Football Academic Working Group, which is a vertically-integrated group charged with examining the academic performance of football student-athletes with the goal of identifying strategies for improving;

b. Learned that the group's current direction informed by research, includes requiring football student-athletes, who do not successfully complete a minimum number of credit hours in the fall term, to be ineligible for participation in the first two contests of the following football season;

c. Recommended that the group consider establishing a substantial credit-hour requirement of perhaps eight hours given the importance of students establishing the proper academic foundation with the possibility of students reducing the two-game penalty by one with successful academic performance in the spring term; and

d. Heard that the group will share its preliminary recommendations with conferences during spring meetings and plans to forward final recommendations to the Division I Board of Directors for consideration during its August or October meetings.

12. Division I Governance Structure Update.

a. Update from the cabinet via the report of the Communications and Coordination Committee. [Reference BOD Supplement No. 12.]

BOARD ACTIONS:

(1) Received a status report regarding progress being made under the new Division I governance structure and heard that while early, the new structure appears to be doing a good job of developing a more coordinated Division I agenda that is focused on the major issues facing the Division, enhancing communication between governance bodies and providing a higher level of expertise in the governance structure; and

(2) Learned that in an effort to ensure the objectives of restructuring are achieved there are plans to not only enhance the level of membership outreach regarding governance activities but to develop a research-based assessment tool to help address any short-comings with the Division's structure.

b. Report of the March 24, 2009, Division I Leadership Council. [Reference BOD Supplement No. 13.]

BOARD ACTIONS:

(1) Received a report on the March 24, 2009, Leadership Council meeting from its chair who reported the group had its most productive meeting to date as it had a more limited agenda focused on examining of possible new Division I membership standards, managing of consideration by the governance structure of the Report of the Task Force of Commercial Activities in Intercollegiate Athletics and enhancing the level of diversity serving in the Division I governance structure;

(2) Learned that the Leadership Council has been discussing how best to serve its leadership advisory role for the Board mindful of the Council's desire to maintain their national and global perspectives on issues as free from parochial political pressures as is practical; and acknowledged while issues are different and may require different strategies, suggested that as a general rule the Board would appreciate receiving advice, counsel and recommendations from the Leadership Council after being fully developed and vetted by the substructure and membership.

(3) Reconfirmed its charge to the Leadership Council to examine the level of diversity serving in the governance structure, including positional diversity, noting the importance of ensuring the faculty voice is adequately heard throughout the structure and asked the Leadership Council to thoroughly examine the structure, provide an analysis as to where the faculty voice is most needed and where it might currently be missing. Additionally, asked the Leadership Council to provide recommendations designed to address the situation with supporting rationale. (Unanimous Voice Vote.)

[Note: In issuing this charge, the Board noted academic voices need to be heard on different cabinets and councils, particularly because the faculty perspective is often most similar to the presidential perspective but indicated a preliminary reluctance to set a percentage minimum.]

c. Report of the April 20, 2009, Division I Legislative Council. [Reference BOD Supplement No. 14.]

<u>BOARD ACTIONS</u>:

(1) Received a report from the chair of the Legislative Council regarding that group's April 20, 2009, meeting in which he explained the Legislative Council understands the importance of earning the Board of Directors trust and is working hard to be responsive to the Board's priorities in its consideration of legislation;

(2) Learned that the Legislative Council adopted six legislative proposals as either emergency or noncontroversial, in addition to considering the proposals remaining in the 2008-09 cycle, and reviewed the Council's actions paying particular attention to the following proposals:

- **Proposal No. 2008-46 – Playing and Practice Seasons -- Baseball -- Preseason Practice and First Contest -- Championship Segment.** (Adopted. LGC Vote 26.4 – 24.6 – 0)

- **Proposal No. 2008-59 – Division Membership -- Definitions and Applications -- Emerging Sports for Women -- Sand Volleyball.** (Adopted. LGC Vote 37.8 – 13.2 – 0)

- **Proposal No. 2008-79 (as amended) – Amateurism -- Involvement With Professional Teams -- Professional Basketball Draft -- Four-Year College Student-Athlete -- Men's Basketball Adopted, as amended.** (Adopted – LGC Vote 45.6 – 4.2 – 0)

- **Proposal No. 2008-32-B – Eligibility -- General Eligibility Requirements -- Full-Time Enrollment -- Requirement for Competition -- Nontraditional Courses -- Up to 50 Percent of Minimum Requirement.** (Defeated. – LGC Vote 24.3 – 25.5 – 1.2)

  [NOTE: During this discussion, the Board noted the importance of addressing issues associated with the nontraditional delivery of courses as current legislation does not appear to adequately address academic practices. Members expressed support for the Academic Cabinet continuing its efforts to examine such issues.]

- **Proposal No. 2008-48 – Playing and Practice Seasons -- Baseball -- Maximum Number of Contests – 52.** (Defeated. – LGC Vote 24.9 – 26.1 – 0)

(3) Accepted the Legislative Council's report as presented and took no further legislative action.

(4) Proposal No. 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. (Effective Date: Immediate)

[NOTE: At its January 17, 2009, meeting, the Board of Directors tabled this proposal, which had been adopted by the Division I Legislative Council to allow time to received feedback from the Division I Presidential Advisory Group.]

(a) Learned that the Division I Presidential Advisory Group unanimously indicated support this proposals during its April 29, 2009, meeting.

(b) Removed Proposal No. 2009-62 from the table and adopted the proposal. (Unanimous Voice Vote.)

13. Committee on Infractions and Infractions Appeals Committee. [Reference BOD Supplement No. 15.]

a. Committee on Infractions.

BOARD ACTION: Appointed/reappointed the following members to the Division I Committee on Infractions: (Unanimous Voice Vote.)

- James M. O'Fallon, University of Oregon, Pacific 10 Conference. (Immediate)
- Dennis Thomas, Mid-Eastern Athletic Conference. (Reappointment)
- Rodney J. Uphoff, University of Missouri, Columbia, Big Twelve Conference. (May 1, 2009)

b. Infractions Appeals Committee.

BOARD ACTION: Reappointed Susan Lipnickey, Miami University, Mid-American Conference, to the Division I Committee on Infractions effective after its April meeting: (Unanimous Voice Vote.)

14. Governance transitional issues. [Reference BOD Supplement No. 16.]

a. Board of Directors.

- **<u>BOARD ACTION</u>: Appointed/reappointed the following members to the Division I Board of Directors effective after the April its meeting:** (Unanimous Voice Vote.)

    - Judy Genshaft, president, University of South Florida, Big East Conference.
    - William Harvey, president, Hampton University, Mid-Eastern Athletic Conference.
    - William Meehan, president, Jacksonville State University, Ohio Valley Conference.
    - Harvey Perlman, president, University of Nebraska, Lincoln Big 12 Conference. (Reappointment)
    - John Peters, president, Northern Illinois University, Mid-American Conference. (Reappointment)

b. Presidential Advisory Group.

<u>BOARD ACTION</u>: Appointed/reappointed the following members to the Division I Presidential Advisory Group effective after the April Board of Directors' meeting: (Unanimous Voice Vote.)

- Robert Caret, president, Towson University, Colonial Athletic Association (reappointment).
- Drew Gilpin Faust, president, Harvard University, Ivy Group.
- Joanne Glasser, president, Bradley University, Missouri Valley Conference.
- Penelope Kyle, president, Radford University, Big South Conference.
- Kenneth Peacock, chancellor, Appalachian State University, Southern Conference.

c. Executive Committee.

<u>BOARD ACTION</u>: Appointed the following Board members to the NCAA Executive Committee effective after the April meeting: (Unanimous Voice Vote.)

- Frank Brogan, president, Florida Atlantic University, Sun Belt Conference.
- Ann Millner, president, Weber State University, Big Sky Conference.
- Kevin Mullen, president, Siena College, Metro Atlantic Athletic Association.

15. Future meeting dates.

    a. August 6, 2009, National Office, Indianapolis, Indiana.
    b. October 29, 2009, National Office, Indianapolis, Indiana.

A G E N D A

National Collegiate Athletic Association
Division I Presidential Advisory Group

Conference call
Dial-In number: 1-866-328-4271
Reservation number: 1703686#
Ann Millner, chair

August 3, 2009
2 p.m. EDT

1. Opening remarks.

2. Report of the April 29, 2009, Division I Presidential Advisory Group meeting. [Supplement No. 1]

   Background: *The PAG will be asked to approve the minutes.*

3. NCAA report.

   Background: *The PAG will receive its quarterly update regarding issues of note from the national office perspective.*

4. Discussion regarding possible cost saving ideas.

   Background: *The PAG will be asked to share ideas regarding possible changes in policies and bylaws that could result in cost savings for member institutions.*

5. Review of the agenda for the August 6, 2009, Board of Directors meeting. [Supplement No. 2]

   a. Final report and recommendations of the Men's Basketball Academic Enhancement Group. [Supplement No. 3]

      Background: *The PAG will have an opportunity to discuss the final recommendations in the report. It is anticipated the Division I Board of Directors will be asked to sponsor the recommended legislative changes at its October 2009 meeting.*

b. Report from the Committee on Academic Performance. [Information Item] [Supplement No. 4]

(1) Update regarding APR portfolio, including the committee's perspective on adding chancellor or president and director of athletics to APR portfolio.

(2) Preliminary review of current Initial Eligibility Standards.

c. News from the Division I Governance Structure.

(1) Status report regarding the Division I Leadership Council's review of Division I membership standards. [Information Item] [Supplement No. 5]

Background: *The PAG will receive an update on the Leadership Council's ongoing discussion of possible new Division I membership standards. The PAG will have an opportunity to provide comment both during this call and at its October meeting.*

(2) Update regarding the Division I Legislative Council's consideration of the override requests on Proposal Nos. 2008-46 Playing and Practice Seasons -- Baseball -- Preseason Practice and First Contest -- Championship Segment and 2008-59 Division Membership -- Definitions and Applications -- Emerging Sports for Women -- Sand Volleyball. [Supplement No. 6]

Background: *The PAG will have an opportunity to provide comments on the actions of the Legislative Council when that council on July 30 considers the membership's submission of requests to override the two legislative proposals noted above.*

d. News regarding a new NCAA enforcement initiative. [Information Item]

Background: *The PAG will receive information regarding an enforcement initiative involving men's basketball programs.*

6. Plans for the October 28, 2009, in-person meeting of the Division I Presidential Advisory Group.

Background: *The PAG will have an opportunity to discuss possible ways to enhance the level of dialogue during the PAG conference calls and meetings.*

7. Other business.

8. Future meeting dates and times.

   a. October 28, 2009, Indianapolis, Indiana.
   b. January 11, 2010, conference call at 3 p.m. EST.
   c. April 27, 2010, Indianapolis, Indiana.
   d. August 9, 2010, conference call at 3 p.m. EST.
   e. October 27, 2010, Indianapolis, Indiana.

9. Adjournment.

ADDENDUM
SUPPLEMENT NO. 2
DI Board of Directors 8/09

REPORT OF THE AUGUST 3, 2009, CONFERENCE CALL OF THE DIVISION I PRESIDENTIAL ADVISORY GROUP

Participants:

William Beauchamp, University of Portland
Robert Caret, Towson University
Joanne Glasser, Bradley University
Franklin Hagenbeck, United States Military Academy
Walter Harrison, University of Hartford
William Harvey, Hampton University
Penelope Kyle, Radford University
William Meehan, Jacksonville State University
Ann Millner, Weber State University (chair)
Kenneth Peacock, Appalachian State University
David Sweet, Youngstown State University
Randall Webb, Northwestern State University
S. David Berst, NCAA
Beth DeBauche, NCAA, recording secretary

Presidential Advisory Group (PAG) members unable to participate were: Charles Bantz, Indiana University-Purdue University Indianapolis; Philip Dubois, University of North Carolina, Charlotte; Drew Gilpin Faust, Harvard University; Robert Fisher, Belmont University; Milton Gordon, California State University, Fullerton; Ronald Mason Jr., Jackson State University; Kevin Mullen, Siena College; and Thomas Powell, Mount St. Mary's University.

Participating during portions of the conference call were NCAA staff members Julie Cromer, Diane Dickman, Kevin Lennon, Steve Mallonee, and David Price.

1. Report of the April 29, 2009, Division I Presidential Advisory Group meeting. The group briefly reviewed and then approved the Report of the April 29, 2009, Division I Presidential Advisory Group.

2. Discussion regarding possible cost saving ideas. The staff updated the group on efforts both at the national office and in the Division I governance structure to identify potential cost saving opportunities that can either be passed on to the membership or result in cost savings for the membership. The group was informed that at its April meeting, the Division I Board of Directors charged the governance substructure with reviewing bylaws to identify changes that could potentially result in cost savings for the membership. The ideas and concepts identified by the Division I cabinets will be prioritized by the Leadership and Legislative Councils this fall. In October, the PAG and Board will have an opportunity to review the priority list developed by the substructure and the Board will be asked to

consider sponsoring suggested legislative changes in this year's cycle. During this discussion, the PAG members briefly mentioned possibly regionalizing NCAA championships brackets as a potential cost saving measure.

3. Review of the agenda for the August 6, 2009 Board of Directors meeting.

a. **Final report and recommendations of the Men's Basketball Academic Enhancement Group.** The PAG received an overview of the final report and recommendations of the Men's Basketball Academic Enhancement Group. The group was encouraged to become familiar with recommendations in the final report as it is anticipated that the Board of Directors will be asked to sponsor the recommended concepts as legislative proposals at its October 2009 meeting. As the group reviewed the recommendations, some group members expressed some concerns over the additional cost of providing for a parent or legal guardian to accompany a prospective student-athlete on an official visit. The group asked for an opportunity to discuss the recommendations included in this report during its October 2009 in-person meeting.

b. **Report from the Committee on Academic Performance.** The group received an overview of the work and recommendations resulting from the July 2009 Committee on Academic Performance meeting.

c. **News from the Division I Governance Structure.**

(1) Status report regarding the Division I Leadership Council's review of Division I membership standards. The group was reminded that the four-year moratorium on institutions entering the Division I membership process is set to expire in August 2011, and as such, the Leadership Council is busy exploring possible new Division I membership standards. The group was informed that the Leadership Council is currently exploring the concept of requiring new Division I members to receive a bona fide offer of membership in a Division I multisport conference before officially beginning the membership process. The group questioned whether institutions desiring to move from FCS to FBS would need a bona fide offer of membership from a FBS conference in order to make that subdivisional transition.

(2) Update regarding the Division I Legislative Council's consideration of override requests. The PAG briefly reviewed the override process, in light of the fact sufficient override requests were received from the membership with regard to Proposal No. 2008-46 Playing and Practice Seasons – Baseball – Preseason Practice and First Contest –Championship Segment and Proposal No. 2008-59 Division I Membership – Definitions and Applications – Emerging Sports for

Women – Sand Volleyball. The group learned that during a July 30 conference call, the Legislative Council sustained its prior actions in adopting both proposals. The PAG was informed that the staff is planning to recommend to the Board that it support the Legislative Council's determination to sustain its early adoption of the proposals thereby allowing the matters to be considered by the Division I membership during the 2010 NCAA Convention. The PAG offered no formal objection to the approach suggested by staff.

d. **News regarding an NCAA enforcement initiative.** The PAG heard from the NCAA's vice president of enforcement, who discussed a potential shift in the interpretations process regarding the application of recruiting rules in the sport of men's basketball given concerns regarding recruiting the environment in that sport. The PAG requested an update regarding any developments at its October meeting.

4. **Structure and focus of Presidential Advisory Group meetings and conference calls**. The chair encouraged the group to share ideas regarding ways to possibly make the meetings and conference calls more engaging. Group members suggested that more focus be placed on identifying three or four major discussion topics for each agenda and that less time be spent on disseminating information. It was also suggested that the staff seek to provide the group with a summary of key issues that include the pros and cons associated with each issue so the presidents have a better understanding of major topics.

Group chair: Ann Millner, Weber State University
Staff Liaisons: S. David Berst, Division I governance
Beth DeBauche, Division I governance

Memorandum

To: President Myles Brand
Members of the NCAA Division I Board of Directors

From: Dale Clayton, President
Jim Haney, Executive Director
Reggie Minton, Deputy Executive Director

Date: June 20, 2009

Re: Communication Plan

One of the unforeseen benefits of the nearly two year work of the NCAA Basketball Enhancement Group (BAEG) was the healthy exchange of perspectives and insights of presidents and coaches serving on the committee. During the NCAA Final Four and NABC Convention in Detroit several months ago, President Walt Harrison of the University of Hartford, President Gregory Geoffroy of Iowa State University and NCAA President Myles Brand attended the NABC Board of Directors meeting. They attended to specifically discuss the BAEG recommendations with the coaches on the board. During the 90 minutes there was an exchange of information that was very positive among the presidents, coaches and NCAA staff.

As a result of the experiences that presidents and coaches shared on the BAEG, there was a recommendation that the NABC develop a communication plan that would be a catalyst for dialogue between presidents and coaches on individual campuses, within conferences and nationally. The purpose of these joint meetings would be to foster improved understanding of the academic and athletic issues impacting the men's basketball program at the institution, within their respective conferences and at the national level. It is the NABC's belief that the end result of these joint meetings will be increased respect of the president and the coach, their varied perspectives and the development of shared academic and athletic goals.

In an effort to provide the best presentation for the Board of Directors to review, NABC staff reached out to NCAA staff members including Dave Berst, Steve Mallonee and Kevin Lennon for their feedback and recommendations on how to improve communication. Each has been very helpful. Attached are two documents. One is from Kevin Lennon titled, "Communication Strategies for Coaches". Kevin and members of his staff developed a terrific roadmap for increased communication not only between the coaches and presidents but also to include communication involving faculty representatives, directors of athletics, and other individuals who are stakeholders in the academic and athletic success of their men's basketball program. We encourage the Board of Directors' public support of this document to become a model for improved communication on each campus, within the conferences and on the NCAA governance structure.

The second attachment is a general listing of the topics for discussion on campus, in the conference and nationally.

Communication or lack thereof is a critical issue in resolving conflict, fostering teamwork and building trust. There is a significant lack of trust of men's basketball coaches by presidents, faculty representatives, compliance coordinators and others. In general, presidents trust their own coach but not anyone else's coach. This lack of trust of the coaches and their motives impacts decisions at all levels. Coaches know they are accountable. We are encouraging on each campus and at each level (campus, conference, NCAA) an effort to work together - coaches, presidents and others - to address APR, graduation, competition, student-athlete welfare and other areas of common concern.

The NABC Board of Directors is requesting an opportunity to meet with the NCAA Division I Board of Directors at its August 6 meeting to discuss the plan.

Thank you for your consideration.

Communications Strategies for Coaches

The National Association of Basketball Coaches (NABC) members have indicated a desire to more effectively participate in the governance processes that often result in rules or policies impacting their work. This document is intended to provide coaches with suggestions and best practices for enhancing communications at the campus, conference and national levels to help ensure that all voices are heard in the various governance processes. The following are tools and best practices for enhancing coaches' communications at all three levels.

Campus-level communications strategies.

1. On their own campuses, coaches can be most effective when working within the existing organizational structure to voice opinions regarding local, conference and national policies. This may include communication with compliance personnel, academic advisors, faculty athletic representatives, directors of athletics and/or chancellors or presidents. The following strategies may assist with these efforts:

    a. In some instances, a head coach will find it necessary to communicate with the institution's chancellor or president regarding issues of local, conference or national significance. Such discussions can be productive when conducted appropriately. For example, if a head coach reports to the director of athletics, the coach should communicate with the director of athletics first regarding these matters and then set up a meeting with the chancellor or president. The session with the chancellor or president may be most effective if the coach and director of athletics jointly share their perspectives.

    b. It may be less effective over time for coaches to speak to campus authorities about issues or concerns without first communicating with their direct supervisor (e.g., director of athletics). While solo communication with the institution chancellor or president can be beneficial, doing so without alerting the director of athletics is less effective.

    c. Topics that lend themselves to dialog with campus leaders include: financial and other resource matters, the academic success of student-athletes, and legislative or policy issues at the local, conference or national level. Academic topics may warrant dialog with the institution's faculty senate (or appropriately named campus faculty body). Periodic dialog between a head coach and this faculty body regarding the academic well-being of student-athletes can be useful in furthering the academic mission and goals of the institution and the coach.

    d. When meeting with the chancellor or president, faculty body or other campus leaders, it is helpful to determine in advance of the meeting, ideally with involvement from the director of athletics, the topics for discussion and goals of a particular meeting.

2. Coaches may want to communicate with compliance personnel when waivers are being filed on behalf of student-athletes on their team. Rather than relying entirely on others to pursue waiver options, coaches may want to review a draft of the waiver or seek to be included on a teleconference if that is part of the waiver process.

3. Similarly, coaches of teams that are academically underperforming should be engaged with academic advisors, faculty and other campus leaders in developing and implementing the institution's NCAA Division I Academic Progress Rate (APR) Improvement Plan. Such a plan may identify strategies in which the coach's role is critical to success.

Conference-level communications strategies.

Each conference has its own unique governance structure and coaches will be most effective by identifying the most appropriate strategies for their particular conference. The following concepts may not apply in all conference governance settings.

1. Individually or collectively as a group of conference coaches, work with the conference office to provide feedback on a specific piece of legislation (national or conference legislation). In the case of national legislation, request the conference office consider this input when communicating with various governance representatives prior to key voting meetings.

2. During conference meetings, request time with the chancellors or presidents and/or athletics administration leaders to share issues, concerns or positions on legislation or policy. Coaches may be most effective in these settings when:

    a. They speak with one voice on key issues. This may necessitate coaches meeting in advance to determine their collective viewpoint on a matter of importance.

    b. They use the time allotted on a few critical matters. Sometimes these sessions dissolve into a general disgruntled potpourri of voices on an assortment of topics. Coaches may find greater success in making change when they collectively focus their efforts on one or a few key issues.

    c. They choose a leader among their peers to speak on behalf of the group. While such discussions should include a variety of coaches speaking, establishing a leader to initially present and direct the coaches share perspective can be useful.

    d. They communicate in advance to conference office leaders. If coaches have identified one or more key issues for dialog at a conference meeting, coaches will find greater success in moving their agenda when they work in advance with

conference administrators to strategize and assist in their efforts. Conference administrators are experienced in understanding the intricacies of the legislative and governance processes within the conference and nationally. Working alongside these professionals will enhance the effectiveness of the coaches' voice in the governance process.

National-level communications strategies.

The NCAA Division I structure is a representative form of governance. Conferences hold various "seats" in appointed leadership bodies such as the NCAA Division I Board of Directors, NCAA Division I Leadership Council, NCAA Division I Legislative Council and cabinets. The following strategies may be helpful in ensuring that coaches have a voice on key national issues:

1. Empower the NABC Board to take a position on particular legislative proposals or concepts and provide such input to the national office staff liaisons of the various governance bodies prior to its meeting. The national office stands ready to assist in this process by:

    a. Identifying a few key issues in each legislative cycle that the NABC may have the most interest in.

    b. Facilitating the NABC's communication with particular cabinet or body with jurisdiction on the identified issues.

    c. Providing education and background to the NABC for distribution to help inform coaches and ultimately assist the NABC board in formulating a position.

    d. Providing perspective on key issues that are being addressed by the structure in a given year. The governance process cannot address all topics in any given legislative cycle. In a given year there are generally a few major themes that arise for consideration (e.g., academic standards, technology in recruiting). Working with the staff, the NABC can effectively use these windows of opportunity to solidify its voice on these issues at the time they are ripe for consideration.

2. Be solution oriented, identifying not only the problem or concern, but recommending possible solutions. There may be instances in which the NABC Board needs assistance in identifying solutions to a particular concern. The national office staff can assist in identifying possible solutions.

3. The national office staff can provide a mechanism for the NABC to annually meet with the Board of Directors and/or Leadership Council to exchange ideas and share concerns.

4. The national office staff can provide a mechanism for the NABC to periodically meet with each cabinet and other committee's in the structure as agenda topics invite coaches perspectives.

Other "best practices."

1. Coaches have considerable influence by virtue of their public personas. This influence can be diminished by a poor communication style or conversely enhanced by superior communications skills. Style and approach when communicating with other leaders in college athletics is critically important. For example, coaches communicating with other leaders at the local, regional or national level are most effective when embracing the NABC's "guardians of the game" six pillars of character which include respect, caring, and trustworthiness.

2. As influencers within the governance structure, a key role coaches can play is educating others regarding the environment, issues, and realities of college basketball. Using each communications opportunity to educate others and provide a coaches perspective is an important function and coincides with the NABC's "guardians of the game" framework.

3. The governance process, locally, regionally and nationally generally involves compromise. For example, a legislative proposal is rarely adopted as originally drafted. Through the governance process, edits and sometimes substantive changes are incorporated based on feedback and input for various parties. All involved in this symphony of governance benefit from understanding that, in most cases, this compromise is effective at balancing the needs and interest of intercollegiate athletics. No one set of voices in the process (e.g., chancellors or presidents, faculty, athletics administrators, coaches) has cornered the market on good ideas. Appreciating the value of all voices being heard is critical to success.

Draft Outline of Communication Plan

The Communication Plan is to improve communication between presidents and coaches in three areas:

1. To improve communication between presidents and coaches on campus
2. To improve communication between conference presidents and coaches
3. To improve communication between presidents and coaches on the national level (NCAA)

On Campus:

1. Meetings should include the director of athletics
2. Analysis of men's basketball APR Plan and a review of the program's yearly APR numbers including recommendations by the coach where the institution could help improve the student-athletes academic success.
   a. Overview
   b. Academic support
   c. Admissions/entering academic profile
   d. Travel schedule
   e. Transfers
   f. Summer School
   g. Special Needs
3. Communicate the issues impacting the university's men's basketball program
   a. Facilities
   b. Academic support
   c. Admissions Standards
   d. Staffing
   e. Student-athletes transferring
   f. Dependence on transfers to be competitive
   g. Recruiting practices
4. Trust Issues between Presidents and FAR and coaches
   a. How trustworthy are other coaches
   b. President/FAR/AD/Coach work together reviewing the APR plan for the program
   c. Coaches support the student-athletes' ability to be successful and graduate
5. Review of NCAA proposed legislation
   a. How does the proposed legislation fit within the "best interests of the game" perspective
   b. How each proposal will impact the institution's basketball program and how it will impact the conference
   c. How each proposal will advantage or disadvantage institutions nationally
   d. How the legislation impacts on student-athletes' ability to achieve academic success

In Conference:

1. Meetings between coaches or representatives of coaches with conference presidents at fall and spring meetings
2. State of the Game and how issues impact conference
3. NCAA Proposed Legislation for next year
   a. Coaches perspective
   b. Unintended consequences
4. Trust Issues

NCAA and Nationally:

1. Regular meetings with NABC Board coaches and members of NCAA Board of Directors
2. Identification of committees in which coaches and presidents could serve together
3. Members of NCAA Board of Directors attend NABC Board meeting at Final Four
4. Staff/NABC Board interaction on issues impacting basketball
5. NABC outreach to FAR, Compliance Coordinators, Commissioners and others impacting the image of coaches and their attitudes toward academic reform, APR, etc.

MEMORANDUM

July 24, 2009

TO: Division I Board of Directors.

FROM: S. David Berst
Vice President for Division I

Beth DeBauche
Director of Division I.

SUBJECT: Men's Basketball Academic Enhancement Group – Recommended process and timeline for consideration of recommendations.

At its August 6, 2009, meeting, the Board of Directors will receive the final report of the Men's Basketball Academic Enhancement Working Group and hear a presentation on that group's findings and recommendations from its chair Dan Guerrero, director of athletics at UCLA. Dan Guerrero will be joined by working group members Jack Evans, faculty athletics representative, University of North Carolina, Chapel Hill; Walter Harrison, president, University of Hartford, and Paul Hewitt, head men's basketball coach, Georgia Institute of Technology to help ensure the Board receives a broad perspective regarding the working group's deliberations and recommendations.

The Board will be asked to support the concepts identified in the final report and to charge the staff with drafting appropriate legislative proposals necessary to implement the recommendations of the report.

At its October meeting, the Board will review the draft proposals and consider sponsoring them for consideration in the 2009-10 Division I legislative cycle.

EED:vlm

Final Report of the Division I Men's Basketball Academic Enhancement Group (Presented to the Division I Board of Directors on August 6, 2009)

Background.

In April 2007, the NCAA Division I Board of Directors approved the formation of an NCAA Division I Men's Basketball Academic Enhancement Group, a working group composed of presidents and chancellors, head coaches, commissioners, directors of athletics and faculty athletics representatives, which was established to develop strategies to enhance academic performance and graduation rates in NCAA Division I men's basketball. Graduation rates in the sport of men's basketball are among the lowest in Division I. Overall, data reviewed reflects that men's basketball student-athletes are less prepared academically than student-athletes who participate in other sports. It was essential, therefore, that NCAA constituent groups work together to evaluate the causes and develop meaningful strategies to improve academic performance. The success of a similar group in baseball and discussions involving head basketball coaches and representatives of several governance committees and NCAA staff at the 2007 Men's Final Four supported the establishment of the Division I Men's Basketball Academic Enhancement Group as a meaningful step toward identifying solutions.

The group was provided a charge to:

1. Analyze available data, research and literature regarding the academic performance trends of Division I men's basketball student-athletes.

2. Identify characteristics and factors in the sport that may be serving to impair the academic performance of Division I men's basketball student-athletes.

3. Identify changes that would enhance academic progress and graduation rates in Division I men's basketball.

4. Submit to the Division I Board of Directors, a set of recommendations and proposals that would enhance Academic Progress Rates (APR) and graduation rates in Division I men's basketball.

5. Maintain ongoing communication with, and seek reactions from, the NCAA governance structure, and the National Association of Basketball Coaches (NABC) membership and conference offices during the course of the project.

The Division I Men's Basketball Academic Enhancement Group conducted its initial meeting in August 2007, and agreed that the project could most effectively be accomplished through the use of subcommittees. The following subcommittees were formed and charged with identifying and developing potential solutions, legislative and non-legislative, for consideration by the full group.

1. Subcommittee on Academic Preparation and Academic Support.
2. Subcommittee on Coach/Player Relationships.
3. Subcommittee on Playing and Practice Seasons.
4. Subcommittee on Transfers – Both Incoming and Outgoing.
5. Subcommittee on the 0 for 2 Phenomenon.

The subcommittees conducted several meetings, both in-person and by conference call, and developed recommendations/solutions specific to their respective areas for consideration by the full group. The group also received and considered feedback from various constituencies in the Division I governance structure. The following information sets forth the group's final recommendations.

Recommendations

1. Initiate a Formal Summer Retention-Focused Program to Support Academic, Athletic and Learning Skills Development.

Background and Rationale. The group supported a summer academic preparation and college acclimatization model for designated men's basketball student-athletes that includes summer school attendance and the development of learning- and athletics-skills development that involves interaction with the coaching staff. Data reviewed by the group clearly demonstrates that student-athletes who enroll in summer school, particularly early in their academic careers, tend to experience enhanced academic success during their collegiate enrollment. This finding holds for both academically at-risk and high achieving student-athletes. Contributing to this recommendation was a survey of Division I men's basketball student-athletes attending summer school, which revealed that time spent voluntarily on athletically related activities while enrolled in summer school has been approximately 12-14 hours per week.

In proposing this model, the group is not only recognizing the importance of the accrued academic benefits of summer school attendance (e.g., faster progress toward a degree), but is also focusing on the fact that retention problems drive the low APR in men's basketball. One need look no farther than to the fact that approximately 40 percent of entering freshmen in the sport have left their initial institutions by the end of the second year to understand the significance of the retention issue. One of the core messages seen in the academic literature on retention of students is that development of an institutional connection is a critically important factor in retaining students. Summer bridge programs have been shown to be particularly effective in this regard.

Coaches report that prospective and enrolled student-athletes at all levels in Division I basketball are inundated by third parties who have unregulated direct contact and who push the young men to either commit early to a professional career or to seek a new institution to pursue perceived opportunities to better display athletic talents. Pressure is also applied to enrolled student-athletes to participate in summer training for a potential professional career in locations that have no connection to the institution or to academic development. Given the critical importance of the coach/player relationship, it is fair to consider that enhancing that relationship will also enhance the connection that a student-athlete feels toward the institution. It is also clear that student-athletes in this sport desire opportunities in the summer to enhance their athletics skills. The group, in proposing a model that provides opportunities for both academic and athletic improvement, is trying to achieve greater retention of student-athletes by providing the type of skills enhancement that is desired by the athletes and coupling that opportunity with academic requirements, learning skills training and an enhanced relationship with the coaching staff. For this plan to succeed, coaches, faculty and administrators will have to work together at the local level.

The recommended model proposes a structure that is designed to encourage greater academic commitment by building connections to the institution that can encourage persistance, while also providing an opportunity for coaches and student-athletes to interact and build the coach/player relationship. While many athletics administrators and faculty members have been quick to criticize the perceived motives of coaches, the group believes coaches are key to offset the non-academic influences that now pervade the lives of student-athletes in this sport. It is anticipated that engaging in limited athletically related activities in a structured environment under the supervision of the coaching staff will not significantly impact competitive equity and should prove beneficial in establishing a stronger coach/player relationship, which in turn enhances the bond to the institution. For this model to succeed, coaches may have to modify summer recruiting practices and will have to be attentive to this need in order to effectively use this new opportunity to influence their student-athletes. Descriptions of summer athletic development opportunities and summer school academic requirements are included below to assist in understanding the practical application of this model.

a. Summer School Bridge for Designated Men's Basketball Student-Athletes.

NCAA financial aid rules now permit institutions to provide athletics aid during the summer prior to initial full-time enrollment under conditions prescribed by NCAA Bylaw 15.2.8.1.4. Further, NCAA Bylaw 15.2.8 and its subsections, outline legislation related to summer financial aid for enrolled student-athletes.

The new recommended model requires that each institution formally assess the academic preparedness of all incoming men's basketball student-athletes (including transfers) who have signed financial aid agreements for the ensuing regular academic

year, using institutionally-defined criteria to identify those who need an academic head start to put the individual on a track to predict graduation in five years of initial enrollment. The data shows that student-athletes who undergo these early institutional assessments and receive the necessary additional academic support or attend additional summer school sessions are more likely to graduate within a five-year time frame. These identified student-athletes shall be required to attend summer school in a summer bridge session prior to their initial year of regular enrollment at the certifying institution. Such incoming student-athletes shall be provided financial aid and must be enrolled in a minimum of six hours (and pass three for eligibility to compete in the first term) of acceptable degree credit in addition to receiving institutional learning skills education.

[Note: Consistent with the provisions of Bylaw 14.4.3.4.4, required hours may include remedial courses, provided the courses are prerequisites for specific courses acceptable toward any degree program.]

For subsequent summers, men's basketball student-athletes shall be reevaluated using institutionally-defined criteria to determine those who should attend summer school to achieve graduation in a five-year period. Continuing student-athletes who are not on track to graduate in five years shall be strongly encouraged to attend summer school and shall be provided financial aid if they choose to do so. Enrolling in a minimum of six hours shall be required to receive financial aid and passing six hours of acceptable degree credits shall be required for eligibility in the fall term.

The group encouraged [but did not require] that institutions use a management system "The NCAA Facilitating Learning and Achieving Graduation Program" to identify those incoming men's basketball student-athletes who should be required to attend summer school and those continuing men's basketball student-athletes who should be strongly recommended to attend summer school. This is an example of a model that provides for a dynamic assessment of student-athletes (through the identification of factors and characteristics) who are at-risk of not graduating from the institution in five years.

The group also recommended that institutions document academic assessments in the event of future consideration of penalties or waiver requests involving the Committee on Academic Performance.

b. Exceptions for Summer School.

An exception should be available to institutions that do not offer summer courses to the general student body. However, such institutions would not be able to take advantage of the summer athletic development component described later. Further,

institutions that offer summer courses, but that do not offer any athletically related financial aid (e.g., award only need-based aid) would have two options.

The first option would be to use the previously noted exception applicable to institutions that do not offer summer courses to the general student body. Institutions electing to use this option would not be required to award summer financial aid, but its men's basketball student-athletes would be prohibited from participation in summer athletics development.

A second option would be available for those institutions that wish to participate in the summer athletics development. Those institutions would be subject to the summer-aid requirement for those recruited student-athletes who are required, using institutionally-defined criteria, to attend summer school. The summer athletics development provisions of this model would be applicable to those student-athletes enrolled in the requisite minimum number of hours of acceptable degree credit and who are receiving nonathletically related financial assistance or covering their own cost of summer school.

c. Learning Skills Assessments and Education.

Institutions would be required to provide incoming men's basketball student-athletes learning skills assessments and education. The purpose of this educational program is to address several key learning objectives that would help a student "learn how to learn" and this recommendation is intended to address retention through the establishment of institutional connections. The program could start with an educational assessment that would identify a student-athlete's strengths, weaknesses, attitudes, and beliefs associated with learning. This assessment could also capture information regarding personal, medical, financial or family concerns that can compromise a student-athlete's ability to perform well academically and athletically. Institutions could work with their campus community to identify the best assessment tool to capture this information. Upon the completion of an educational assessment, institutions could establish educational activities that address motivation, attention, concentration, memory, procrastination, anxiety, stress, time management, note taking and test taking skills and learning strategies. These activities can be structured in the form of a course, seminar, individual sessions, or small group activities, and could be organized in a manner to assist coaches and academic support personnel in developing individual academic support plans that will assist the student-athletes in their transition to college and focus on career planning and "life after basketball" skills. Such education would be encouraged in future years as deemed necessary.

d. Summer Athletic Development-Retention Model.

Under current legislation, coaches and student-athletes are limited in the amount of time spent on athletics activities and the nature of those activities during the regular academic year and institutional vacation periods, including the summer. Specifically, it is not permissible for coaches and student-athletes to participate in countable athletically related activities during the summer vacation period.

The recommended model permits summer athletics development based on the view that this provides an opportunity for student-athletes and coaches to work together to improve aspects of the student-athletes' individual athletics skill in a more personal structure while also building a more intimate coach/player relationship and an emotional attachment to the institution. The focus on athletics development addresses concerns from the men's basketball community that increased one-on-one access to student-athletes to work on skills during the summer would be beneficial, but also continues to prevent full-team practice on a year-round basis. These contacts also help develop a direct bond to the institution, which is key to persistence rates.

The proposed model would permit institutions to designate an eight-week period during which incoming or continuing men's basketball student-athletes enrolled in and attending summer school (in a minimum of six credit hours) would be allowed to participate in a maximum of eight hours per week in strength and conditioning activities and a portion of that time in skill instruction conducted and supervised by the coaching staff. There would be a limit of no more than two hours of skill-related instruction. This length of time is consistent with current legislation governing athletics activities outside the playing season during the academic year. Based on current legislation, it appears eight hours per week is a reasonable balance between the academic and athletic needs of student-athletes in the summer while not imposing an undue burden on time. Similarly, while cognizant of time demand issues that also exist during the summer, this proposed model recognizes that the structured athletics training will simply replace a portion of the 12-14 hours student-athletics already spend on their own in the gym.

For comparison purposes, the identification of an eight-week period presents a consistent length of time as provided for in the football summer conditioning period. The remaining time outside the eight-week period should be designated as student-athlete discretionary time as outlined in existing legislation in which a student-athlete can only participate in athletics activities at his discretion.

[Note: Summer athletics development would be available to any entering or continuing men's basketball student-athlete who is enrolled in a minimum of six

credit hours during the summer, regardless of whether the student-athlete is required to attend such sessions.]

e. First-Term Eligibility Requirements.

The group determined that for those attending summer school and engaging in athletics development activities, a minimum number of summer school credits should be required for eligibility in the first academic term in the fall to ensure that incoming and continuing men's basketball student-athletes are making a meaningful academic commitment. A credit-hour requirement would be established such that incoming men's basketball student-athletes who are required to attend summer school must satisfactorily complete a minimum of three hours of academic credit during the summer as a prerequisite for eligibility in the first fall term. In subsequent summers, such men's basketball student-athletes who enroll in the summer term would be required to satisfactorily complete a minimum of six hours of academic credit as a prerequisite for eligibility in the ensuing fall term. As noted, this requirement also applies to incoming and continuing men's basketball student-athletes who are not required to attend summer school, but who elect to do so in order to avail himself of the athletics development benefits. A student-athlete who is not eligible for competition in the fall, based on unsuccessful completion of appropriate academic credit during the summer, would be permitted to regain eligibility at the conclusion of the fall term, provided he meets all other applicable progress-toward-degree regulations.

[Note: A nonqualifier must complete an academic year of residence before being eligible for competition; however, he would be eligible for summer financial aid and athletics summer development during the summer prior to initial full-time collegiate enrollment to aid in establishing a proper academic foundation and a tie to the institution.]

f. Status as a Student-Athlete.

Upon summer enrollment, incoming recruited men's basketball student-athletes, who have signed financial aid agreements for the ensuing regular academic year, would be considered student-athletes under all NCAA legislation. Currently, under NCAA Bylaw 13.02.11.1, these individuals are not subject to contact regulations in Bylaw 13 and are considered student-athletes only for purposes of Bylaw 16. They are considered prospective student-athletes for the remainder of Bylaw 13 and all other bylaws.

2. Proposed Playing and Practice Season Model.

The group supported the following playing and practice season model that provides for a slight reduction in the current maximum number of games, a staggered schedule for the start of team practice to acclimate to the practice season and other legislative modifications designed to minimize missed class time during the season. The group believes that the implementation of a basic scheduling philosophy with the key components listed below will reduce missed class time during the playing season and thereby promote better academic performance.

a. Preseason Conditioning and Practice.

(1) Permissible Preseason Conditioning Activities (Beginning of academic year). The current rule that permits men's basketball student-athletes to engage in a maximum of eight hours per week of conditioning or physical-fitness activities, of which not more than two hours may be spent on skill-related workouts, would remain unchanged.

(2) On -Court Team Practice Activities. Beginning October 1 (regardless of the day of the week), instead of eight hours per week for conditioning or physical-fitness activities, an institution's men's basketball team shall be allowed to participate in activities as follows:

October 1-7: Of the eight hours per week allowed for strength/conditioning and/or skill instruction, allow coaches the option to conduct on-court practice for a maximum of four of the eight hours. All countable athletically related activities shall be prohibited during two calendar days.

October 8-14: Instead of eight hours, increase the number of hours to 12 per week for strength/conditioning and/or skill instruction and allow coaches the option to conduct on-court practice for a maximum of eight of the 12 hours. All countable athletically related activities shall be prohibited during two calendar days.

October 15: Regular team practice begins with the current 20 hours-per-week limitation, with one day off per week during which no countable athletically related activities shall occur.

Permitting institutions to utilize a "staggered schedule" for the start of team practice earlier (October 1 rather than mid-October) will allow freshman student-athletes more time to become acclimated to college life, and for further development of the coach/player relationship to occur prior to the beginning of the traditional on-court team practice time.

(3) Missed Class Time Policies. Policies must be implemented to limit missed class time due to athletics participation. For example, an institution may establish a policy that a student-athlete may not miss more than 10 percent of class meetings per semester due to athletics participation. Athletics participation schedules that include the amount of missed class time due to athletics participation must be approved prior to each semester by the faculty athletics representative or faculty oversight committee.

b. Practice Scrimmages/Exhibition games. The group recommended modifications to the current legislation regarding informal preseason scrimmages to specify that such practice scrimmages shall not result in missed class time for the student-athletes of the participating institutions.

[Note: Such legislation was adopted through the Division I legislative process during the 2008-09 legislative cycle.]

c. Playing season.

(1) An institution shall conduct a maximum of 28 regular-season games (reduction of one game) or, a maximum of 26 games if the institution participates in a Qualifying Regular-Season Multiple Team Event.

(2) As a best practice, institutions should be strongly encouraged to participate in no more than an average of two games per week (Monday through Sunday) while classes are in session, should not participate in any games during the week of final examinations as defined in the institution's catalog and should not participate in more than one away-from-home regular season conference game Monday through Friday of any given week. The group noted that these would not be legislative requirements, but agreed that conference offices should monitor these practices and require documentation from institutions not meeting them prior to the beginning of the season that provides an explanation as to noncompliance and a future plan to meet such practices.

(3) Institutions shall depart an away-from-home competition site no later than 24 hours (reduced from 36 hours) after the conclusion of the competition. (Current legislative exceptions would remain applicable.)

3. <u>Transfer - Recommended Concepts to Address the Academic Performance of Transfers in the Sport of Men's Basketball</u>.

Data reflects that the transfer rate and overall academic performance of transfers should be addressed. The group considered several potential recommendations to address concerns regarding the poor academic performance of transfer student-athletes in the sport of men's basketball, particularly two-year college transfer student-athletes. It discussed the concept of a "year of readiness" for all entering men's basketball student-athletes who may satisfy NCAA initial eligibility standards, but who do not satisfy institutional admissions standards and are not predicted to succeed academically and graduate in a timely manner. Some recruiting equity concerns were raised if national standards are not established to determine those student-athletes who should be subject to the "year of readiness."

The group noted that current data indicates that two-year college basketball transfers graduate at a lesser rate than basketball student-athletes who initially enroll at a four year institution and remain at that institution until graduation. The data also shows that two-year college basketball transfers graduate at a lesser rate than their counterparts who transfer from a four-year institution. The group agreed the issue of transfers appears to be a concern, and ultimately agreed though that current data available for review is not adequate to make any definitive recommendations at this time, especially given its charge to make data-driven decisions. Additional data should be collected to help determine the characteristics of a successful Division I men's basketball two-year college transfer student-athlete. Specific gaps in current NCAA data include a lack of information on the academic preparedness of two-year transfers as they leave high school, and a complete lack of data on the academic experiences of these students at the two-year colleges. Division I has already adopted legislation to fill these gaps. Later in the 2009-2010 academic year, data will be available that will allow a better assessment of the number and types of courses that two-year transfers have taken, and it is anticipated that such information will assist the NCAA in identifying patterns of course selection at two-year institutions that lead to better academic success once these students transfer to Division I institutions.

In addition to academically based data, the group also believes that focus groups consisting of current and former two-year college transfers should be formed to determine what

academic and nonacademic factors contribute to the academic success or failure of two-year college transfers in men's basketball.

The group recommended that the Board of Directors request that the Academics Cabinet continue to collect the necessary data to fully review and evaluate the issues related to academic performance of men's basketball transfer student-athletes and make appropriate recommendations for consideration by the Division I membership through the normal legislative process.

The group also made the following additional recommendations:

a. **Use of Nontraditional Courses to Meet Transfer Requirements.** The group recommended that the NCAA Division I Academics Cabinet should continue to review the use of nontraditional courses to meet academic transfer requirements for 2-4 transfer student-athletes and its impact on their academic success.

b. **Physical Education Activity Courses.** The group recommended that legislation be sponsored to limit physical education activity courses used to satisfy two-year transfer requirements to no more than two credit hours. For those student-athletes matriculating at the four-year institution immediately into a physical education degree program or an education program requiring physical education activity courses as a part of the degree program (courses cannot be used to fulfill free elective requirements), student-athletes can use up to the number of degree specific courses to meet transfer requirements.

4. **Academic Progress Rate (APR) Policies.**

The group engaged in lengthy discussions regarding the factors that may negatively impact the academic success of men's basketball student-athletes. Given the institutional responsibility to foster an environment that supports student-athlete academic achievement and retention, as well as membership feedback noting concerns with any action that would dilute the NCAA Division I Academic Performance Program. The group agreed that the "historical" sanctions currently being imposed by the Committee on Athletics Performance would likely facilitate change in the academic performance and /or profile of Division I men's basketball student-athletes and ultimately, the group did not recommend changes at this time regarding the calculation of the academic progress rates for men's basketball.

The group received feedback from several conferences and academic associations expressing concern regarding possible recommendations.

The group supported the following related to the application of the Academic Progress Rate (APR):

a. **Provide consistent flexibility in the historical and contemporaneous penalty waiver processes during head coaching transitions.** Traditionally, the NCAA Division I Committee on Academic Performance considers a head coaching transition as a potential mitigating factor when examining historical penalty waiver requests. The group recommended to the committee that it use the same approach during appeals of contemporaneous penalties when a coaching transition occurs and circumstances warrant consideration of reduction or relief of penalties.

b. **Examine current professional tryout practices with the National Basketball Association (NBA) and the Federation of International Basketball Associations (FIBA)**. The NCAA should work with the NBA (also NBAPA) and FIBA to determine whether other options are available to encourage less missed class time among student-athletes still enrolled while exploring or pursuing professional or other opportunities.

c. **Adopt legislation granting "noncounter" status to a men's basketball student-athlete who wishes to remain at the institution, but not participate in athletics, after the departure of the head coach who recruited him.** Such men's basketball student-athletes would continue to receive athletics aid, but would not count against team scholarship limits as long as they do not return to athletics participation. If such a student-athlete was granted "noncounter" status, then elected to return to the men's basketball team in a subsequent term or season, he would become a counter for all years during which athletics aid was received. This legislative change would provide additional flexibility to student-athletes when their coaches leave, particularly for those who are in their final two to three semesters of a degree program who may not wish to transfer. The group does recognize, however, that many student-athletes are motivated to continue participating in basketball and still may choose to transfer for basketball reasons at a different institution, regardless of the scholarship opportunity at the original institution.

d. **Remove legislative barriers that may prevent a student-athlete from returning to an institution to complete a degree after a professional career.** Current legislation allows for five years of athletics aid to be provided within a six-year time period. Athletics aid awarded beyond those parameters must be "earned" aid. Flexibility in

this area may encourage more former student-athletes to return to complete their degrees. The group recommended that the Awards, Benefits, Expenses and Financial Aid Cabinet develop legislation for consideration by the Division I membership through the normal legislative process.

5. <u>Other Recommendations</u>.

- **Official Visits – Travel Expenses for Parents/Legal Guardians.** The group recommended legislation to allow institutions to provide travel expenses to the parents or legal guardians to accompany the prospective student-athlete on the prospect's official visit. Such a practice will ensure that coaches have greater opportunities to develop the player/coach relationship with the entire family, provide an avenue to emphasize the importance of education/academics and also provide greater insight into the family background that may assist coaches in making more sound decisions in the recruiting process.

6. <u>Best Practices</u>. The group developed a comprehensive list of best practices designed to assist institutions in implementing policies/practices to improve the academic performance of Division I men's basketball student-athletes. The list will include many practices/policies identified by the National Association of Academic Advisors for Athletes **(**N4A). [See Appendix A]

Respectfully submitted to the Division I Board of Directors.

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APPENDIX
SUPPLEMENT NO. 4
DI Board of Directors 8/09

BEST PRACTICES.

The following is a list of nonlegislative "best practices" identified by the Division I Men's Basketball Academic Enhancement Group designed to assist Division I institutions in enhancing the academic preparation and success of its Division I men's basketball student-athletes. Many of these practices were developed through a collaborative effort of The NCAA and a group of National Association of Academic Advisors for Athletics (N4A) members. The factors identified by the group impacting the academic performance, retention and vulnerability of non-graduation of men's basketball student-athletes include: academic preparedness, at-risk factors beyond academic preparedness (e.g., socioeconomic status), number of two-four transfers, time demands and the visibility of men's basketball programs. Further, the number of professional opportunities available to NCAA Division I men's basketball student-athletes is a factor impacting the motivation and engagement of the student-athletes. It should be noted that the best practices that have been shaded may require higher resource commitment by the institution.

Program Area	BEST PRACTICES
Orientation/ Continuing Education of Staff	***Academic Support Personnel.*** • Veteran academic support personnel provide training and orientation for new hires including: campus degree requirements, admissions requirements, NCAA rules, philosophy and mission of the academic support unit, and advising policies and procedures. • Academic support personnel in athletics participate in campus advisor training sessions to learn campus requirements and changes in curriculum. • Compliance staff provides academic support personnel ongoing training on NCAA rules and regulations. • Academic support personnel participates in professional development opportunities (e.g., N4A Regional and National Conventions, N4A Professional Development Institute, NCAA Regional Rules Seminars).
	• Identify academic support staff member to serve as liaison to each college/department within the university. Liaison is responsible for attending college/departmental meetings and updating entire academic support staff on curriculum changes.
	Departmental Academic Advisors. • Academic support personnel and athletics department staff conducts annual training of departmental advisors to assist with the understanding of NCAA eligibility issues and the daily lives of men's basketball student-athletes. • Director of academic support unit encourages departmental academic advisors who work with a large population of student-athletes to participate in ongoing training on NCAA rules and regulations (e.g., NACADA academic reform online course).

Program Area	BEST PRACTICES
Orientation/ Continuing Education of Staff (continued)	***Coaching Staff.*** • Require all new coaches to participate in a campus orientation session including information about the university (e.g., university mission, campus history), admissions calendars and impact on recruiting, academic information and other pertinent campus information (e.g., highly regarded academic programs, university rankings). • Require all coaches to participate in annual admissions training covering: criteria to meet minimum admission standards; special admission procedures; and minimum thresholds requiring review by Faculty Committee (e.g., grade point average, test score). • Require coaches to participate in APR Education sessions covering: NCAA initial-continuing eligibility rules; APR adjustments; and team specific APR/GSR information.
Recruiting	***Incoming Freshmen.*** • Academic support personnel meet with recruits and their parents/guardians during all official visits and scheduled unofficial visits. • Coaches submit the academic credentials (e.g., high school transcript, test scores) of prospective student-athlete to academic support personnel for review not later than the conclusion of the prospective student-athlete's junior year. Academic support personnel provides written evaluation of the likelihood of the prospect meeting necessary requirements to coaches. • Coaches talk with prospective student-athlete to determine major(s) of interest prior to the official visit. Academic support personnel prepares information for the visit based on major interest (e.g., course curriculum of major, entrance requirements for the major, typical graduation plan). • Academic support personnel schedules academic meeting with a representative from the prospective student-athlete’s major area of interest during the recruiting visit. • Evaluate high school disciplinary record (e.g., suspensions). Conduct police background checks.Academic support personnel contact academic advisor at secondary school for insight on prospect’s academic profile and character.
	Incoming Transfers: • Once prospective student-athlete is identified, coach submits the academic credentials (e.g., high school transcripts, test scores, and transcripts from all institutions attended) of prospect to academic support personnel for review. Academic support personnel provides written evaluation of the likelihood of the prospect meeting necessary requirements to coaches.

Program Area	BEST PRACTICES
Recruiting (continued)	• Coaches talk with prospect to determine major(s) of interest prior to the visit. Academic support personnel prepares information for the visit based on major interest (e.g., course curriculum of major, entrance requirements for the major, typical graduation plan). • Academic support personnel schedules academic meeting with representative from the prospective student-athlete's major area of interest during the recruiting visit.
	• Academic support personnel contact academic advisor at previous institution(s) for insight on prospect's academic profile and character. • Evaluate high school/previous college disciplinary record (e.g., suspensions). Conduct police background checks.
Evaluation of Academic Readiness	***Incoming Freshmen:*** • Academic support personnel complete academic evaluations to review coursework completed and enrolled courses to assess prospective student-athlete's ability to meet NCAA requirements and institutional requirements, and to determine potential for academic success at the institution. • Academic support personnel examine academic record to determine impact on academic preparation for prospects who: attended multiple high schools; attended prep school; completed coursework in narrow timeframe (less than 60 days); had a grade point average increase of .5 or greater in an academic year; used multiple nontraditional courses to meet NCAA/graduation requirements; and/or repeated multiple courses. • Director of academic support program, athletics director, provost, and faculty athletics representative establish minimum thresholds (e.g., high school grade point average, test score) for faculty review of marginal students. • A faculty-based committee (outside of admissions) reviews all incoming student-athletes below established minimum threshold prior to the athletics department advocating for student-athlete's admission. • Head coach meets with Faculty Review Committee to advocate for student-athletes below minimum thresholds and to explain why he believes the student should be admitted to the university.*

Program Area	BEST PRACTICES
Evaluation of Academic Readiness (continued)	***Incoming Transfers:*** • Academic support personnel complete academic evaluation of all incoming transfer student-athletes. Evaluation includes review of: academic work at all institutions attended, academic coursework versus free-elective and activity coursework, grade point average in academic coursework compared to overall grade point average, high school transcripts and test scores. Evaluate student-athlete's ability to meet: NCAA transfer- requirements; progress-toward-degree requirements on enrollment at the four-year institution; and progress-toward-degree requirements after enrollment (determine how many credits the student-athlete will need to meet the next percentage-of-degree benchmark). • A faculty-based committee (outside of admissions) reviews all two-four transfers who were nonqualifiers and any transfer with a transfer grade point average below 2.5. • Head coach meets with Faculty Review Committee to advocate for student-athletes below minimum thresholds and to explain why he believes the student should be admitted to the university. • Work with academic officials and the two-year college community to identify policies/programs that will provide effective academic support for student-athletes at the two-year institution to enable the student-athlete to be academically successful at the two-year institution and prepare the student-athlete for a four-year institution [See Best Practices for Two-Year College Transfer Men's Basketball Student-Athletes While Enrolled at the Tow-Year Institution].
Admissions	• Discourage direct communication from coaching staff to admissions' office personnel on admissions decisions. • Require the prospective student-athlete to present official documentation (e.g., transcripts, test scores) to the Admissions Office prior to admission decision (final documentation prior to enrollment). • Academic support personnel reports annually to the Faculty Review Committee and Faculty Athletics Council the academic performance of special or alternate admits (e.g., grade point average, hours attempted, hours earned, degree progress). • Faculty Review Committee considers the academic performance of previous year's special admits as each class is considered. If a coach demonstrates that he is able to support these students, the committee will be more likely to take future risks. If the students are not academically successful, the committee will be less likely to approve decisions for students not meeting the minimum thresholds. • Limit the number of special admits based on team's APR. • Do not encourage signees to come to campus until they are admissible and/or admitted.

Program Area	BEST PRACTICES
Transfer Student-Athletes	• Academic support personnel meets with all transfer student-athletes on initial enrollment prior to the start of classes to ensure that courses from previous institution transferred appropriately and that all courses that should be counting toward degree are counting toward degree. • Collaboration between academic support personnel and student-athlete's departmental advisor to create graduation plan for all transfer student-athletes. • Academic support personnel creates individualized academic support plan for transfer based on academic preparation. Support plan may include required weekly meetings with advisor, study hall, and/or scheduled tutoring appointments. Consequences for failure to attend academic meetings/appointments should be developed in conjunction with and enforced by coaches.
Academic Support Program Structure & Personnel	• No academic support personnel should report to a coach. • Recommend that the academic support provided to basketball student-athletes be under the purview of the institution's general academic support program and coordinated with the athletics department. • Experienced staff member (e.g., advising experience, knowledge of NCAA rules, experience in direct interaction with coaches) assigned to work with men's basketball student-athletes. • Director of the academic support unit should carefully evaluate caseload of men's basketball advisor to determine the staff member's ability to provide appropriate level of support (e.g., staff assigned to men's basketball should not be assigned other team(s) with a large percentage of at-risk student-athletes). • Compare peer institutions to identify successful academic support programs and implement new programs where appropriate. • Involve faculty athletics representatives in developing appropriate policies (e.g., scheduling, academic support and academic progress) and reporting mechanisms. • Associate director or assistant director of the academic support unit assigned to men's basketball with limited other sport assignment if any. • Salary for men's basketball athletics academic advisor should reflect the experience of the staff member and his/her level of increased responsibility due to work with men's basketball.

Program Area	BEST PRACTICES
Academic Advising	• Student-athlete required to meet with assigned departmental advisor at least one time per semester. • Academic support personnel creates individualized academic support plan once a student-athlete is admitted to the university. Support plan includes: weekly meetings with academic advisor, study hall requirements and tutoring appointments. Individualized plans of incoming and continuing student-athletes compiled to determine staffing needs for each academic year. • Programming offered by the academic support unit to assist each student-athlete in identifying a major by the end of the first academic year (e.g., first year success course, scheduled roundtable discussions with representatives from different majors). • Academic support personnel should limit the student-athlete's enrollment in electives until the student-athlete has matriculated into a major and the exact number of free electives is known (minimize the number of "lost credits" when student-athlete matriculates). • Collaboration between student-athlete, departmental advisor and academic support personnel to enroll student-athlete in a balanced academic schedule (e.g., course load should not include five intensive writing/reading classes in the same term). • Require student-athletes to enroll in 15 credits per term unless otherwise advised by academic support personnel or departmental academic advisor. All dropped classes should be approved by academic support personnel. • Establish a goal for each student-athlete to complete 30 degree applicable each academic year. • Enrollment in nontraditional courses (e.g., independent study, online courses) monitored by academic support personnel. Limit or restrict enrollment for at-risk student-athletes unless advised by academic support personnel or departmental advisor. • Emphasis on completing remediation as soon as possible (i.e. first two semesters of enrollment). • Collaboration between student-athlete, academic support personnel and departmental advisor to create graduation plan prior to student-athlete's junior year. • Establish policies that enable access to learning opportunities that might already exist on campus (e.g., online classes, alternative test dates, video and audio of classes) to respond to the needs of student-athletes who miss class due to athletics participation. • Require all transfer student-athletes to enroll in summer school [prior to first semester of full-time enrollment and on-going]. Summer courses should be degree applicable or meet a degree prerequisite.

Program Area	BEST PRACTICES
Tutoring	***Personnel.*** • Limit tutors working more than two consecutive terms with only men's basketball student-athletes. • Restrict communication between coaches and faculty/tutors • Ensure appropriate accommodations available for student-athletes with diagnosed learning disabilities.
	• Full-time staff member assigned the responsibility for recruiting, hiring, training, evaluation and oversight of tutors. • Learning specialists (i.e., full-time personnel with specific background in special education) assigned to student-athletes with diagnosed learning disabilities or who are significantly underprepared. • Assign academic mentors (e.g., hourly employees) to meet regularly with student-athletes to assist with organization, study skills and time management.
	Training. • Tutor orientation required for all tutors. Minimum areas to cover include: NCAA rules; academic integrity; information about the culture of college athletics; program policies and procedures, and expectations. • Compliance director involved in all orientation and training of tutors to review NCAA rules. • Academic support program evaluates tutors each semester and also gathers student evaluations of tutors.
	• Ongoing training provided by academic support program for tutors. Sessions include subject specific training (e.g., writing, math), specific training for working with student-athletes enrolled in nontraditional courses, and strategies for tutoring at-risk student-athletes.
	Appointments/Assignments. • Assign student-athletes to meet with tutors early in the semester, rather than waiting for poor test grades. • Require tutors to complete a report of each tutoring session (e.g., material covered, student progress, concerns). Session reports reviewed by men's basketball advisor daily. • Consequences for not attending tutorial sessions should be developed in conjunction with and enforced by coaches.
	• Develop individualized tutoring plans for each student-athlete based on assessment of academic performance and course schedule.

Program Area	BEST PRACTICES
Monitoring of Academic Progress	• Coaches are involved in monitoring attendance (e.g., random class checks). • Academic support personnel request attendance information, grade updates and additional feedback from instructors for all men's basketball student-athletes at least three times per term via electronic and other types of progress report system. Requests may occur more frequently for more at-risk student-athletes. • Academic support personnel communicate unexcused class absences immediately to coaches. • Coaches impose practice and competition restrictions for unexcused class absences. • Academic support personnel provide academic progress reports to coaches/sport supervisors weekly (at a minimum). • Weekly meetings between academic support personnel and student-athletes to discuss academic progress. Student-athletes sign release of academic information at the beginning of each semester (to share with faculty on request) • Require coaches to meet with the academic support staff to coordinate academic support programs (e.g., study hall, tutoring, etc.) within the practice and travel schedules.
	• Hire individuals to check class attendance of identified student-athletes based on academic profile. Class checkers assigned to check identified players attendance at the beginning, middle, and/or the end of class.
Communication	• Academic support personnel shares all academic reports and attendance information with head coach. • Academic support personnel maintains documentation of all conversations with student-athletes/coaching staff related to academic decisions (e.g., advising notes, drop/add).
Study Hall	• Objective-based study hall required for all freshmen, incoming transfers and at-risk continuing student-athletes. Each student-athlete in study hall required to establish weekly and daily objectives. • Isolated/distraction-free study hall conducted in academic environment (not in the coaches' office). • Academic support personnel communicates study hall attendance to coaches daily. • Consequences established and implemented by coaching staff for student-athlete(s) not meeting study hall requirements. • Coaching staff schedules monitored study time during all overnight road trips during the week and tournament travel.

Program Area	BEST PRACTICES
Study Hall (continued)	• Student-athletes are assigned to individual "tutors/mentors" to develop weekly lists of tasks/assignments to complete, and check-off tasks during the week as they are completed. • Provide laptops for student-athletes to check out for team travel. • Academic support staff member conducts all regular study hall sessions. • Men's basketball athletics academic advisor supervises study hall during all overnight road trips during the week and during tournament travel (others on as needed basis).
Missed Class Time	• Academic support personnel review all travel schedules prior to finalizing to minimize missed class time. • Competition schedule finalized as early as possible and communicated to academic support personnel. Competition schedule should be considered during registration for subsequent terms to minimize missed class time and to avoid conflicts with departmental attendance policies. • Academic support personnel should coordinate with sports medicine/media relations to minimize class and academic time for appointments/interviews. • Travel notices detailing missed class time delivered to faculty by student-athlete at the beginning of the term/prior to missed classes due to postseason competition. • Student-athletes responsible for developing a plan with the instructor to handle missed assignments and/or exams prior to missing class. • Academic support personnel available to facilitate submission of assignments during travel.
Coach/Player Relationship	***Continuing Student-Athletes.*** • Division I men's basketball coaches should be more proactive in establishing regular meetings [e.g., weekly, biweekly, monthly] with all squad members during the academic year, both during and outside of the playing season. Such meetings should involve noncountable athletically-related activities [i.e., the meetings do not have and athletics purpose] and thus would not be included in the daily/weekly hourly limits. Emphasis during such meetings should be placed on nonathletically-related activities such as academic commitment, good citizenship and responsibility off the court and consequences for failure to exhibit such, the complete collegiate experience, on - and off - court personal issues, career discussions, etc.. The goal of such meetings is to develop trust and to provide necessary mentoring to establish a more structured environment that will facilitate a more positive collegiate experience and academic success for Division I men's

Program Area	BEST PRACTICES
Coach/Player Relationship (continued)	basketball student-athletes. Institutional staff members with responsibilities for coordinating academic progress of men's basketball student-athletes should be included in such meetings on a regular basis. It is important to understand that during such meetings/discussions, it is permissible to engage in general discussions regarding basketball-related topics, for example , problems the student-athlete may be incurring on the court, basic areas of deficiency that merit attention when practicing or playing, the landscape of college basketball or the conference of which the institution is a member. Such meetings/discussions should not be conducted strictly for this purpose and may not be used to engage in practice activities, film review or chalk talks regarding "X's and O's" of the team or an opponent. • Identify appropriate "voluntary athletically related activities" related to men's basketball and limit time student-athletes may be involved in such activities. • Develop best practices to ensure student-athletes remain academically engaged and motivated to graduate throughout their enrollment, including beyond the first year on campus. Such practices should take into account research findings that indicate student-athletes perceive a decrease in the positive influence of their coaching staffs on their academic careers in the third and fourth years of enrollment. The practices also should include methods to address self-identification as "athletes" versus "students", as well as the perceived bias among faculty and the student-body toward identification of players as "athletes" rather than "students." Such best practices could be shared with coaches through the National Association of Basketball Coaches (NABC) partnership with the NCAA as part of coaches' professional development programming.
	Incoming Freshman Student-Athletes. • Subsequent to a prospective student-athlete's commitment or signing of a National Letter of Intent or institutional financial aid agreement, coaches should continue to interact with their signee on a regular basis and provide important information/institutional contacts [e.g., academic advisors, academic policies, NCAA eligibility certification information] to stress the importance of academics as the signee finishes his senior year of high school. This continued dialogue should also help identify, and possibly minimize, any academic concerns as the prospective student-athlete goes through the academic and amateurism certification process. Finally, this

Program Area	BEST PRACTICES
Coach/Player Relationship (continued)	should enhance the prospective student-athlete's total development and better prepare them for the overall collegiate experience
	Youth Education. • Coaches should be more proactive and look for opportunities to speak to young basketball athletes in their community about the importance of education and the appropriate role of basketball in the educational process. Although NCAA rules preclude direct contact with prospective student-athletes, coaches [and student-athletes also] are permitted to speak to high school groups or at meetings/banquets, provided the coach does not provide a recruiting presentation and does not use such a forum to attempt to recruit a particular prospective student-athlete. Coaches are role models in their communities/states and can use that status in a positive way to minimize the nonscholastic influences and further the message of the importance of education.
Student-Athlete Development/ Engagement	• Collaboration between coach and academic support personnel to establish team academic goals (e.g., team grade point average). • Recognize academic improvement of individual student-athletes (e.g., scholar-athlete of the week, Scholar Baller program). • Long-range counseling for student-athletes provided by former student-athletes (currently playing professional and willing to "tell their story"). • Faculty mentoring programs for all student-athletes. • Mandatory enrollment in first-year success course (e.g., transition issues). • Academic support personnel should obtain written release from student-athletes at the beginning of each term to discuss academic issues with parent/guardian. As issues arise throughout the semester, they should be communicated to parent/guardian as needed. • Include language in scholarship agreements that academic misconduct, etc. could result in termination of award. • Develop institutional policies recommending student-athletes remain on scholarship if they are eligible and wish to remain at the university.

Program Area	BEST PRACTICES
Student-Athletes Pursuing Professional Opportunities	• Advise student to earn as many credits as possible so when they depart the institution, they are as close to graduation as possible. • Early identification of student-athletes pursuing professional opportunity and ongoing dialogue between coaches, academic support staff and student-athlete regarding academic expectations. • Provide information to departing student-athletes on how to return to the university to complete their degree program. • During the expected last season, the student-athlete's schedule should be carefully considered to determine ability to complete successfully. Online courses should be considered if the student-athlete anticipates significant participation in "tryouts" after the season concludes. • Develop best practices for awarding fifth-year aid**.** Model practices should address motivation, expectations and accountability for student-athletes and coaches.

*Best academic support practices for two-year college transfer men's basketball student-athletes while enrolled at the two-year institution.

Academic Advising/Counseling Personnel.

1. Identify an individual(s) on campus with academic support/academic advising responsibilities for student-athletes.

2. Required training for the individual(s) with academic support/academic advising responsibilities for student-athletes on NCAA transfer requirements, NCAA Progress-Towards-Degree Requirements, and NCAA Eligibility Center processes (e.g., initial eligibility review, amateurism certification).

3. Attendance at regional or national meetings of the National Academic Advising Association and/or the National Association of Academic Advisors for Athletics.

4. Academic advisor/counselor provides student-athletes with career and academic major information during regularly scheduled appointments (e.g., weekly meetings, team meetings each semester).

Recruiting.

1. Once prospective student-athlete is identified, coach submits the academic credentials (e.g., high school transcripts, available test scores and transcripts from all institutions attended) of prospect to academic advisor/counselor for review.

2. Academic advisor/counselor assigned to student-athletes meet with all prospective men's basketball student-athletes prior to enrollment to provide institutional academic information and obtain academic information to assist with creation of appropriate academic plan to meet institutional, transfer requirements and progress-towards-degree requirements. Meeting with parents is advisable.

3. Academic advisor/counselor prepares information for the visit by student-athlete based on major interest (e.g., course curriculum of major, entrance requirements for the major, typical graduation plan).

Student-Athlete Orientation.

- Orientation program for all new students. Topics covered include institutional requirements, NCAA transfer requirements, progress-towards-degree requirements and study skills seminars.

Monitoring Academic Progress/Academic Evaluation.

1. Academic advisor assigned to student-athletes requests regular progress updates from the faculty members on classroom attendance, grades earned and classroom behavior.

2. Academic advisor/counselor creates individualized academic support plan for student-athletes desiring to transfer to four-year institution based on academic preparation. Support plan may include required weekly meetings with advisor, study hall and/or scheduled tutoring appointments. Consequences for not attending academic appointments should be developed in conjunction with and enforced by coaches.

3. Evaluate student-athlete's ability to meet NCAA transfer requirements and progress-towards-degree requirements on enrollment at the four-year institutions. Provide academic advising to help student-athlete meet institutional requirements, NCAA transfer requirements and progress-towards-degree requirements.

Executive Summary of the
NCAA Division I Committee on Academic Performance July 2009 Meeting
Prepared for the NCAA Division I Board of Directors

1. **Noncontroversial Proposals to Codify the NCAA Division I Academic Progress Rate (APR) Cohort Definition and the NCAA Division I Academic Performance Program (APP) Penalty Structure.** *[Action Item Nos. 1a and 1b of NCAA Division I Committee on Academic Performance July 2009 Report.]*

   These revisions do not change the APR cohort definition currently used to determine a team's APR or the APP penalty structure; rather, the revisions will make the language contained within the NCAA Division I Manual general in nature and the specific details will be available to the membership in the committee's policies and procedures.

2. **APP Policies and Procedures Updates Related to the NCAA Division I Board of Directors Academic Performance Program Historical Penalties Appeals Subcommittee.** [*Action Item No. 2 of the committee report.]*

   The committee recommends the NCAA Division I Board of Directors approve revisions to the APP policies and procedures for Occasion-Three and -Four Historical Penalty waivers and appeals as follows:

   a. To specify that the APP Historical Appeals Board Subcommittee shall have the authority to remand a case back to the committee to be considered in accordance with the committee's policies and procedures and in light of the subcommittee's decision regarding the specific issue(s) raised in the appeal;

   b. To permit the chair of the APP Historical Appeals Board Subcommittee to vote in all cases; and

   c. To specify that the Board's chair shall have the authority to appoint substitute members to the APP Historical Appeals Subcommittee, as needed.

3. **Head Coaches' APR Portfolio.** At the request of the Board, the committee discussed the possibility of identifying other institutional representatives (e.g., chancellor/president, director of athletics) within the portfolio. Given the additional complexities and institutional administrative burden associated with reporting this information, the committee did not elect to include such information at this time, but agreed to revisit this concept in fall 2011, after the current Head Coaches' APR Portfolio initiative has been fully implemented and evaluated. The committee particularly noted that requiring institutions to report additional institutional personnel would increase institutional administrative burden at a time when many institutions are experiencing a reduction in resources and increases in the submission of academic data (i.e., two-year college transfer information and head coaches' information).

REPORT OF THE NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE JULY 8-9, 2009, MEETING

***ACTION ITEMS*.**

1. Legislative Items.

a. NCAA Division I Academic Performance Program (APP) -- Definitions and Applications -- NCAA Division I Academic Progress Rate (APR) -- Definition of Cohort.

(1) Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors sponsor and adopt noncontroversial legislation to codify the definition of the APR cohort in NCAA Bylaw 23.02.1. [Attachment A]

(2) Effective Date. Immediate.

(3) Rationale. This revision does not change the APR cohort definition currently used to determine a team's APR; rather, the revision will make the language contained within the Manual general in nature and the specific details will be available to the membership in the committee's policies and procedures. The committee noted the need to ensure the legislation in the Manual accurately references current policies and procedures, including changes the committee has made to the cohort definition in response to membership feedback. The committee will continue to notify the membership of any changes to the cohort definition in a timely manner. This proposal is being recommended as noncontroversial legislation, inasmuch as there does not appear to be a significant impact on existing or proposed legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. APP -- Penalties and Rewards -- Penalties -- Determination of Penalties.

(1) Recommendation. The committee recommends the Board sponsor and adopt noncontroversial legislation to codify the APP penalty structure in Bylaw 23.2.1.1. [Attachment B]

(2) Effective Date. Immediate.

(3) Rationale. These revisions do not change how penalties are determined or calculated; rather, the revisions will make the language contained within the Manual general in nature and the more specific details will be available in the committee's policies and procedures. The committee noted the need to ensure the legislation in the Manual accurately references current policies and procedures, and it will continue to notify the membership of any changes in a timely manner. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, and there does not appear to be a significant impact on existing or proposed legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Item.

- **NCAA Division I Board of Directors Academic Performance Program Historical Penalties Appeals Subcommittee Review of Occasion-Three and -Four Historical Penalty Waiver Appeals.**

(1) Recommendation. The committee recommends the Board approve revisions to the APP policies and procedures for Occasion-Three and -Four Historical Penalty waivers and appeals as follows:

(a) To specify that the APP Historical Appeals Board Subcommittee shall have the authority to remand a case back to the committee to be considered in accordance with the committee's policies and procedures and in light of the subcommittee's decision regarding the specific issue(s) raised in the appeal;

(b) To permit the chair of the APP Historical Appeals Board Subcommittee to vote in all cases; and

(c) To specify that the Board's chair shall have the authority to appoint substitute members to the APP Historical Appeals Board Subcommittee, as needed.

(2) Rationale. Permitting the subcommittee to remand a case will center the subcommittee's focus on the specific issues raised in the appeal and on rendering decisions regarding allegations of abuse of discretion. Further, remanding a case back to the committee will return the authority for establishing penalties to the committee, which has appropriate expertise and experience in this area. Given the size of the subcommittee, it is appropriate to permit the chair to cast a vote for all cases, rather than being limited to a tie-breaking vote. Finally, specifying the Board chair's authority to appoint substitute members brings the subcommittee's policies in line with established Board practices. The excerpts outlined in Attachment C include these policy changes.

(3) Estimated Budget Impact. None.

(4) Student-Athlete Impact. None.

***KEY ITEMS*.**

1. APP Historical Penalties Policies and Procedures. After reviewing the Occasion-Three Historical Penalty process from 2008-09, the committee agreed to minor procedural revisions to increase the efficiency and effectiveness of penalty hearings. In addition, the committee approved amendments to its policies and procedures regarding APP Historical Penalties, including development of a mechanism by which the APP Historical Appeals Board Subcommittee may remand cases back to the committee, staff authority to approve partial waivers of Occasion-Three Historical Penalties and flexibility for institutions to revise the relief requested during in-person hearings. The committee policies and procedures documents will be updated to reflect these changes and circulated to the membership after the committee's review.

2. Public Release of APR and Penalty Information. The committee agreed to shift its philosophy and public relations approach to provide for greater transparency in the communication of APRs and APP penalty information. As a result, the committee and staff will be better positioned to explain penalty and appeal decisions and to respond to media inquiries regarding information released by member institutions prior to the annual announcement and posting of APRs and APP penalties. Providing timely, informative responses to media inquires related to the APP will advance public understanding and will best position the committee and the staff to emphasize the fairness and continued effectiveness of academic reform efforts.

INFORMATIONAL ITEMS.

1. **Head Coaches' APR Portfolio.** In January 2009, the Board charged the committee with development and implementation of a publicly available database for reporting APRs for all teams led by Division I head coaches. To that end, the committee approved the 2009-10 technical instructions for the submission and verification of employment data within the APP for all head coaches for baseball, men's and women's basketball, football and women's indoor and outdoor track and field. The committee also noted that a question and answer document was developed by the staff to assist member institutions. Both documents will be incorporated into the APP Data Collection Guide and will be made available to the membership through various informational outlets.

   At the request of the Board, the committee also discussed the possibility of identifying other institutional representatives (e.g., chancellor/president, director of athletics) within the portfolio. Given the additional complexities and institutional administrative burden associated with reporting this information, the committee did not elect to include such information at this time, but agreed to revisit this concept in fall 2011, after the current Head Coaches' APR Portfolio initiative has been fully implemented and evaluated. The committee particularly noted that requiring institutions to report additional institutional personnel would increase institutional administrative burden at a time when institutions are experiencing a reduction in resources and increases in the submission of academic data (i.e., two-year college transfer information and head coaches' information).

2. **Head Coaches' Dashboard.** The Board also asked the committee to explore the viability of a secure Web site that would display for each head coach the academic profile of entering student-athletes by year; the Head Coaches' APR Portfolio; major enforcement actions; and APP penalty history by year. The committee agreed to form a subgroup of committee members to examine issues related to development of the dashboard. The subgroup will provide a progress report on its work during the October meeting.

3. **Public Release of APR and Penalty Information.** The committee received a summary of the most recent public release of institutional APRs and APP penalties, which occurred May 6, 2009. As a result of this discussion, the committee revised its philosophy regarding its public relations efforts to provide greater transparency in the communication of APP penalties. In prior years, the committee's public relations philosophy and approach allowed for teams and member institutions to exhaust all possible appeal opportunities before public release of team APRs and penalties. This approach was intended to allow appropriate time for the Division I membership to understand APR mechanics, to adjust to new data collection and reporting procedures,

and to frame APP-related information in the context of locally initiated campus efforts to improve academic performance. Several years later, as the program enters into its most serious phase of APP penalties, there is increased public and media interest in transparency, especially regarding how penalties are determined and the historical penalty appeals process. Further, given the membership's increasing familiarity with the APP, member institutions now are better positioned to respond to more detailed inquiries that may occur if additional information regarding penalty appeals is shared by the NCAA national office. Providing timely, informative responses to media inquiries related to the APP program will advance public understanding and will best position the committee and the national office staff to emphasize the fairness and continued effectiveness of academic reform efforts. For example, consistent timing in the release of APR and penalties will be maintained; however, when an institution releases APP-related information prior to the NCAA's release date, the committee and/or staff will provide an informative response to resulting media requests. In addition, the committee and/or staff may choose to release details regarding the rationale of its appeal decisions or specific information regarding mitigating factors that might prevent or cause a team to be subject to penalties.

4. **Future Reviews of Occasion-Three and -Four Historical Penalty Waivers.** In anticipation of increased Occasion-Three and -Four Historical Penalty waivers in future years, the committee considered several alternatives for review of penalty waiver requests. Given the significance of Occasion-Four Historical Penalties, each team subject to an Occasion-Four Historical Penalty will be required to attend an in-person hearing with the committee, unless the staff provides full or conditional relief. The committee amended its policies and procedures to permit the staff to provide partial relief to teams subject to Occasion-Three Historical Penalties, whether for the first time or in a subsequent occurrence. Allowing the staff to make decisions on teams that may not need to appear before the committee should increase the committee's efficiency and should reduce institutional expenses. Institutions subject to Occasion-Three Historical Penalties still may have an in-person hearing when the staff is unable to provide partial relief or when the institution is not satisfied with the partial relief granted by the staff. The committee will review all decisions made by the staff and will provide guidance and feedback when necessary. In addition, the committee asked for a report at its October meeting regarding the possible volume of Occasion-Three and -Four Historical Penalty waivers in future years, including the number of cases the committee may be required to review.

5. **Institutional Authority to Request Additional Relief from Occasion-Three and -Four Historical Penalties.** The committee amended its policies and procedures to permit an institution to revise the level of relief originally requested in its waiver

application during its in-person hearing. The committee noted that circumstances may develop during or in preparation for a penalty waiver hearing that compel an institution to request relief that was not outlined in its original waiver request. The committee stopped short of extending its own authority, which is limited to providing relief that is no greater than what was requested by the institution. The committee noted the appropriateness of deferring to institutional discretion in electing to impose penalties or in choosing to refrain from seeking relief of certain penalties. Further, it does not wish to undermine such actions on the part of institutional leaders who may intend to use APP penalties as motivation to change team or institutional culture.

6. **Occasion-Four Historical Penalties.** The committee reviewed the current application of Occasion-Four Historical Penalties, including the possibility that an institution's entire athletics program could be placed in restricted membership status beginning in 2010. The committee noted that Occasion-Four Historical Penalties were intended to be more significant than a postseason competition restriction when a team historically has underperformed and has failed to improve academically. However, some concerns have been raised regarding the severity of such penalties and the possibility that teams that have performed well academically may be subject to postseason competition restrictions due to the underperformance of another team at the same institution. The committee noted that several possible alternative penalty decisions exist, primarily through the current waiver process, and it charged the staff to develop draft principles to guide the committee's consideration of Occasion-Four Historical Penalty waivers. The committee specified that the principles should maintain a focus on the academically underperforming team and should allow the staff and committee flexibility to provide appropriate penalty relief for a team and/or institution based on academic performance and mitigating circumstances.

7. **Conditional Waivers of Occasion-Three Historical Penalties.** The committee discussed the process for reviewing fulfillment of conditionally approved Occasion-Three Historical Penalty waivers. Conditions imposed generally included a target single-year APR and acceptable implementation of the institution's APR Improvement Plan. Such reviews will begin with the staff reviewing the team's APR data and information regarding the implementation of the institution's APR Improvement Plan. If the staff determines the team has not satisfied the conditions of the waiver, the institution may appeal the decision to the committee. The committee determined that it generally will consider such appeals via teleconference, while reserving the opportunity to forward cases to in-person meetings of the committee as needed. Per current policies, institutions will not participate in the teleconferences or in-person reviews of appeals of conditional waivers. The committee's decisions will be final and will not be subject to further review. Finally, if a conditional waiver is not satisfied and further relief is not provided by the committee, an institution must impose the resulting penalties in the academic year

following denial of the appeal (i.e., appeals denied in 2009-10 result in imposition of penalties in 2010-11).

8. Application of Practice-Day Reduction Penalty for Occasion-Two Historical Penalties in Basketball. The committee reviewed the application of the practice-day reduction penalty when a team is subject to Occasion-Two Historical Penalties, and specifically discussed how a basketball team should apply the penalty when it plays three contests in one week. Under current APP policies, any team subject to Occasion-Two Historical Penalties that does not meet the improvement review must reduce the team's weekly practice time by four hours per week; further, this time must be taken on the same day and must be replaced with academic support activities. This day off from practice is intended to be in addition to the required day off from weekly countable athletically related activities, as specified by NCAA legislation. However, Bylaw 17.1.6.4.7 provides an exception to the day-off requirement when a basketball team has three contests in one week, provided the team takes an additional day off in the week before or after the three-contest week.

The committee determined that when a basketball team subject to the additional day-off APP penalty plays three contests in one week, it still shall be required to take a day off to fulfill its historical penalty. If the institution uses the legislated exception for the one-day-off-per-week requirement when it has three contests in the same week, the following requirements will apply:

a. The team will not impose the APP additional day-off penalty during the week the team satisfies the condition of the legislated exception (i.e., the week it does not engage in any countable athletically related activities for two days), and

b. The team will replace the four hours of missed practice time for one of those two days with approved academic support activities that must be completed on the same day.

Accordingly, staff will revise the previously issued educational column that provides information regarding the practice-day reduction penalty and a list of acceptable academic support activities in which penalized teams may engage to replace reduced practice time.

9. Policies and Procedures for Institutions No Longer Qualified as a "Limited Resource" Institutions. Currently, institutions identified as lacking sufficient financial resources to quickly and reasonably engage in academic enhancements (i.e., bottom 10 percent among Division I institutions) are given additional consideration within the APP.

These institutions are identified annually by comparing institutional, athletics and student-body resource levels at all Division I institutions. When considered for APP penalties, institutions identified in the tenth percentile typically receive waivers of contemporaneous penalties and may avoid historical penalties if their team(s) can demonstrate significant improvement. Further, institutions with the most limited resources are also eligible to apply for the NCAA Division I Academic Performance Program Supplemental Support Fund (SFF). However, regular adjustments of institutions near the tenth percentile determination point occur each year due to natural fluctuations of circumstances at these institutions. In addition, institutions joining Division I as active members often have limited resources and may displace some institutions previously identified in the tenth percentile. In addition, institutions that previously have been identified as "limited resource" institutions assume they will continue to be in this category in subsequent years and will continue to receive additional consideration with regard to penalties and the SSF. In order to address these circumstances and to ensure consistency in subsequent years, the committee approved the following policies and procedures:

a. Written notice will be provided by the staff to institutions ranking in the bottom 10 percent based on institutional resources and to institutions no longer within the tenth percentile.

b. If an institution was previously eligible for the SSF and has received a multiyear award, the institution will continue to be eligible to receive funds pursuant to the multiyear award.

c. If the institution has a team subject to a contemporaneous and/or historical penalty, the institution no longer will receive additional resource consideration in the review of a waiver request; however, its previous identification as an institution in the tenth percentile will be considered as mitigation in the penalty waiver process. While this consideration will not result in automatic relief of the penalty, it will be a factor the committee includes among others in rendering a decision.

d. Multidivisional institutions (i.e., Division II or III institutions that typically sponsor one or two sports at the Division I level) will not be included in the determination of the tenth percentile of institutions based on resources.

10. Transfer Requests under Bylaw 14.8.2. The committee approved amendments to its policies and procedures regarding the review of waiver requests for a student-athlete who transfers when his or her team is subject to a restriction on postseason competition due to APP penalties for the remainder of the student-athlete's seasons of eligibility, as

permitted in Bylaw 14.8.2. Such requests may be initiated only by a member institution through existing procedures for the submission of a waiver to the NCAA Division I Legislative Council Subcommittee on Legislative Relief. Additionally, Bylaw 14.8.2 stipulates that, in order to receive the waiver, the APP penalty must preclude the student-athlete's team from participating in postseason competition during all remaining seasons of the student-athlete's eligibility. To this end, only remaining seasons of eligibility will be considered, not the amount of time remaining on the student-athlete's "five-year clock." Therefore, the waiver due to the APP postseason competition penalty should be available only to student-athletes with one season of eligibility remaining.

The committee developed recommended guidelines for review of such waiver requests by the Subcommittee for Legislative Relief. All waiver requests should include information regarding the academic impact of the student-athlete's transfer and should be signed by the student-athlete. The following information should be included to describe the academic impact:

a. The student-athlete's career APR eligibility- and retention-point history;

b. The student-athlete's grade-point average and credit hours earned; and

c. The impact of the transfer on the student-athlete's anticipated date of graduation.

The committee or the staff, at the direction of the committee, will have the authority to review waivers of the transfer residency requirement under Bylaw 14.8.2 in order to provide a recommendation to the Subcommittee for Legislative Relief. The staff will provide an annual report of all requests and decisions to the committee. Further, the penalized team that loses a retention point due to the student-athlete's transfer will receive an APR adjustment for the lost retention point when the committee recommends an approval of a waiver of the residency requirement under Bylaw 14.8.2, the Subcommittee for Legislative Relief approves the transfer waiver, and the student-athlete immediately enrolls in the new four-year institution.

Finally, notice of the availability of the waiver and waiver decisions will be provided as follows:

a. Penalized teams will be notified of the process via correspondence from the committee.

b. Penalized teams will be notified of all decisions for student-athletes transferring from their institutions.

c. Student-athletes will be notified of this option by the institutions they attend.

11. APP Penalty Waiver Directive Updates for Conditionally Approved Waivers. The committee approved specified amendments to the APP penalty waiver directive [Attachment D] regarding the criteria that the staff and subcommittee should consider when reviewing conditionally approved penalty waivers in future academic years. The 2008-09 academic year was the first year that the staff and subcommittee reviewed conditional waivers of Occasion-Two Historical Penalties, and the amendments are based on the experience from the first year of reviewing such waivers.

12. Multiyear Conditional Approval of APP Penalty Waivers. The Committee on Academic Performance Subcommittee on Appeals considered the option of providing multiyear relief from APP penalties by applying multiyear conditions in conditionally approved penalty waiver cases. This concept was considered because multiyear APR goals designed to move a team's APR above 925 now are required in APR Improvement Plans. After considering a number of scenarios, the Subcommittee on Appeals decided to maintain the current practice of using single-year conditions, as this keeps institutions engaged in the process of moving teams above the penalty benchmarks and creates a level of accountability by requiring institutions to request a waiver each year a team is below a penalty benchmark. Further, the current system allows the staff and Subcommittee on Appeals to determine if additional conditions (such as single-year retention or eligibility targets) are needed at each review, based on the team's evolving circumstances. Finally, it was determined that the costs of establishing and monitoring a multiyear conditional waiver process outweighed the potential benefits.

13. APR Adjustment Directive. The committee approved the APR adjustment directive, effective immediately [Attachment E]. At its April 2009 meeting, the committee approved two amendments to the directive regarding the processing of APR adjustment requests for student-athletes who depart their institutions to pursue professional athletics as a vocation and for student-athletes who participate in Olympic and international competitions. Accordingly, the directive has been updated to reflect these changes.

14. APR Calculation for Student-athletes who Graduate with Eligibility Remaining. The committee affirmed its position regarding the inclusion of postgraduate student-athletes in the APR cohort. Currently, the APP cohort includes student-athletes who have graduated, but return to their institutions to complete their athletics eligibility. In the calculation of the APR, student-athletes who have graduated are automatically awarded the "R" point for each term after graduation in which they are part of the cohort. However, in order to earn the "E" point, the student-athlete must pass six hours and be in good academic standing at the conclusion of each regular academic term after graduation in which he or she is enrolled full time. Therefore, a postgraduate student-athlete cannot

be awarded less than one out of two ("1/2") APR points in an academic term and cannot subject the team to contemporaneous penalties (i.e., they will not be "0/2").

Data indicate that the number of student-athletes who compete as postgraduates has increased, while the number of lost "E" points has decreased significantly for this group over the same time period. The data also indicate an increase in the number of postgraduate student-athletes who remain in the cohort for two terms following graduation. Across most sports, postgraduate student-athletes are positively contributing to team APR scores by earning almost all possible points. In particular, men's basketball, baseball and football have shown strong improvement in the academic performance of postgraduates during the past four years. In fact, if postgraduate student-athletes were removed from each team's cohort, 57 percent of squads would experience an APR decrease, and 37 percent would experience no change. In addition, the committee noted that all student-athletes representing institutions in athletics competition should be held to a minimum standard of academic performance. Removing postgraduate student-athletes from the APR cohort would reduce the motivation for institutions to ensure postgraduate student-athletes maintain academic progress in the final term. Although graduation is a primary goal of the APP, ensuring academic accountability of all student-athletes also is an important goal of the program.

15. Awarding of the Delayed-Graduation Point and Branch Schools. The NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting discussed the concept of an institution earning a delayed-graduation point for a former student-athlete who graduates from either a branch campus of the institution or another institution that is part of the same state or university system. Current policy specifies that in order to earn the delayed-graduation point, the former student-athlete is required to graduate from the institution where he or she lost the APR point(s). In addition, the Subcommittee on Data Collection and Reporting noted that, for federal graduation purposes, the Department of Education recognizes an institution as a separate institution if it has an independent federal identification number. Therefore, for reporting federal graduation information, if a student-athlete transfers and graduates from a branch institution or a different institution within a state system and that institution has a federal identification number that is different than the original institution, the student-athlete is considered a graduate from the second institution. Based on this information, the Subcommittee on Data Collection and Reporting confirmed that in order to earn the delayed-graduation point, the former student-athlete must graduate from the institution where he or she lost the APR point(s) or from a state university-system institution or branch campus with the same federal identification number.

16. 2009-10 APP Data Reviews. The Subcommittee on Data Collection and Reporting reviewed a list of the 30 institutions selected for APP data reviews for the 2009-10 academic year. Twenty five of the institutions selected will complete Graduation Success Rate (GSR), Academic Performance Census (APC) and APR data reviews, and five institutions will complete reviews for GSR data only. Additionally, one institution from the 2008-09 review class will be extended into the 2009-10 academic year.

17. Implementation of APR Improvement Plans. Each year, APR Improvement Plans are evaluated by the staff to determine if institutions have implemented the plans submitted in the previous academic year. Implementation of previously submitted APR Improvement Plans is considered in the analysis of APP penalty waivers and in distribution of the SSF. The committee reviewed a list of commonly cited reasons for not implementing elements of APR Improvement Plans. The committee determined that, as it is entering the third year of required submission of APR Improvement Plans, institutions should face increased accountability to address the issues that are causing academic underperformance and to develop and implement an acceptable APR Improvement Plan. As a result, the committee specified that except for unique circumstances (e.g., natural disaster), the staff should not favorably consider any explanation offered by an institution for not implementing all critical element(s) of plan. However, the staff may favorably consider the following when evaluating implementation of an institution's plan:

a. Evidence that a critical element of the plan was addressed effectively by an alternative initiative or method not reflected in the original plan, or

b. Objective data that demonstrates that the previously identified issue is no longer a critical issue impacting the team(s).

These expectations will be included in the committee's policies and procedures and will be shared directly with institutions at the time that improvement plans are submitted and reviewed.

18. Penalties for Institutions that Fail to Submit Acceptable APR Improvement Plans. The committee amended its policies and procedures to specify that any institution that is required to create or submit an APR Improvement Plan, but fails to create or submit a plan meeting all committee specifications, will be subject to the following prescribed penalties:

a. Ineligibility to receive SSF grant monies for one year;

b. A presumption that any related penalty waiver(s) will be denied; and

c. Notification to the institution's chancellor or president and conference office that the institution failed to submit an acceptable APR Improvement Plan.

19. Discussion of Key APP Research Questions. The committee began an examination of the effectiveness of the review factors used to determine historical penalties and identified key research issues related to the APP for the coming year, including a review of historical penalty factors and their impact on improved academic performance and a review of the relationship between APRs and graduation rates. This topic will be explored during future committee meetings.

20. NCAA Cost-Containment Initiatives. The committee discussed several possible concepts to provide financial relief to the membership, given the current economic conditions. The committee noted that a significant portion of institutional expenditures related to the APP are related to annual data submissions (e.g., APR, APC and GSR) and concepts to reduce this burden on member institutions were implemented during the committee's April meeting. Even so, the committee intends to continue this review with the goal of increasing efficiency, rather than diminishing the importance of academics or delaying the effects of academic reform. To this end, the committee directed the staff to identify additional adjustments that could be submitted during the data submission phase, rather than filing adjustment request to the NCAA national office.

21. NCAA Division I Leadership Council's Review of Academic Criteria in the Membership Process. The committee began initial discussions related to the Leadership Council's comprehensive examination of Division I membership standards. Specifically, the committee noted the Leadership Council's intention to include some objective measures of institutional academic performance as part of the assessment of potential Division I members. In general, the committee agreed that the expectation that institutions are committed to ensuring the academic success of student-athletes should be made clear to prospective members. The committee will give further consideration to specific recommendations in response to formal requests for feedback, which it anticipates receiving later this year.

22. NCAA Division I Academic Cabinet Update. The committee received an update on the June 2009 Academic Cabinet meeting, specifically noting the cabinet's review of the division's initial-eligibility requirements and its initiatives related to nontraditional courses. The committee reviewed the goals and principles identified by the cabinet and

agreed that institutional responsibility to consider academic preparation and academic risk of prospective student-athletes must be maintained. Committee members also indicated that risk management is the responsibility of institutions, rather than the NCAA, and that practices, rather than outcomes, may be an appropriate focus of the cabinet. Some support also was expressed for ensuring new initial-eligibility rules do not expand or create new opportunities for abuse or misrepresentation of a prospective student-athlete's academic preparedness. The committee supports the cabinet's evaluation of the initial-eligibility requirements and looks forward to continued involvement in the review of potential initial-eligibility models at its future meetings.

The committee also noted the cabinet's examination of issues pertaining to nontraditional courses used to satisfy initial-eligibility requirements and the actions taken by the cabinet as preliminary steps to promote academic integrity and to ensure current legislation and policies are consistent with the academic goals and purposes of the Association. The committee noted the increased use of nontraditional courses is a significant issue, especially in light of rapid growth and evolution within the online educational environment. The committee is supportive of the cabinet's attention and actions to address the issue.

23. **NCAA Division I Men's Basketball Academic Enhancement Group Report.** The committee reviewed the April 2009 report of the Basketball Academic Enhancement Group. The committee discussed whether the report's recommendations adequately address the issues affecting the academic performance of men's basketball student-athletes, including the cultural issues regarding student-athletes' expectations of professional athletics opportunities after college and outside influences on student-athletes that do not emphasize academic achievement. Given these factors, the committee noted the importance of recommendations designed to address these issues, such as the engagement of parents or legal guardians in the recruitment process through payment of official visit expenses. The committee also noted the potential benefit of formally collecting feedback from campus administrators (e.g., academic advisors) on the practical impact and possible unintended consequences of the recommendations in the report. Finally, the committee noted it expects to have an opportunity to review and provide feedback on the group's final report during the committee's October meeting.

24. **NCAA Division I Football Academic Working Group Status Report.** The committee reviewed the Football Academic Working Group Status Report and specifically noted that football student-athletes in both subdivisions, particularly first-year student-athletes, lose a significant number of APR eligibility points during the competitive season. The committee discussed the recommendation to require football student-athletes to complete eligibility requirements in the fall term in order to avoid ineligibility for the first two

contests of the following season and some members noted an immediate penalty (e.g., lost of participation in a bowl game or competition in the current football season) may be more effective to motivate the desired academic behavior among football student-athletes. The committee also considered concerns expressed by the working group about the Head Coaches' APR Portfolio, but did not elect to change the planned format for the portfolio at this time. (See Informational Item No. 1 on Page No. 4.)

25. NCAA Division I Women's Basketball APR Review. The committee received an update regarding efforts to monitor APRs in women's basketball. In the most recent data, the number of "0/2s" in women's basketball increased significantly from 2006-07 to 2007-08 and the overall eligibility rates have decreased over the past two years in that sport. The NCAA Division I Women's Basketball Issues Committee will review the APR data at its October 2009 meeting and will determine the appropriate steps to address these issues.

Acting Committee Chair: *Melvin Johnson, Tennessee State University, Ohio Valley Conference*
Staff Liaisons: *Julie Cromer, Academic and Membership Affairs*
Diane Dickman, Academic and Membership Affairs
Kevin Lennon, Academic and Membership Affairs
Todd Petr, Research
Bill Regan, Academic and Membership Affairs

Proposal Number: 2009-?

Title: ACADEMIC PERFORMANCE PROGRAM -- DEFINITIONS AND APPLICATIONS -- ACADEMIC PROGRESS RATE -- DEFINITION OF COHORT

Intent: To revise the definition of the NCAA Division I Academic Progress Rate (APR) cohort, as specified.

Bylaws: Amend 23.02.1, as follows:

23.02 - DEFINITIONS AND APPLICATIONS

23.02.1 Academic Progress Rate.

The NCAA Division I Committee on Academic Performance shall have the authority to determine the minimum acceptable NCAA Division I Academic Progress Rate (APR), which shall include a calculation that accounts for currently enrolled student-athletes ~~*receiving institutional financial aid based in any degree on athletics ability or, for those institutions or teams that do not offer athletics aid, recruited student-athletes who:*~~

~~*(a) on or after the varsity team's first date of competition in the championship segment are listed on the varsity team's roster; or*~~

~~*(b) have exhausted eligibility and returned to the institution as a fifth-year student to complete a baccalaureate degree.*~~ , **as defined by the Committee on Academic Performance.**

The rate shall account for the institution's success in retaining and graduating all such student-athletes. Further, the rate shall account for the academic eligibility of the student-athletes including all applicable NCAA, conference and institutional academic eligibility requirements. The committee shall publish an explanation of the APR calculation to the membership annually.

Source: NCAA Division I Committee on Academic Performance.

Effective Date: Immediate.

Proposal Category: Amendment.

Topical Area: NCAA Division I Academic Performance Program.

Rationale: This revision does not change the APR cohort definition currently used to determine a team's APR; rather, the revisions will make the language contained within the Manual general in nature and more specific details will be available in the committee's policies and procedures. Current legislation does not reflect previous changes the committee has made to the cohort definition in response to membership feedback. Adoption of this proposal will eliminate the need to update the Manual each time the committee revises the definition of the APR cohort

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and/or creates additional exceptions to the APR cohort. 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.

Budget Impact: None.

Impact on Student-Athlete's Time: None.

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ATTACHMENT B
SUPPLEMENT NO 5B
DI Board of Directors 8/09

Proposal Number: 2009-?

Title: ACADEMIC PERFORMANCE PROGRAM -- PENALTIES AND REWARDS -- PENALTIES -- DETERMINATION OF PENALTIES

Intent: To revise the NCAA Division I Academic Performance Program (APP) penalty structure, as specified.

Bylaws: Amend 23.2.1.1, as follows:

23.2 PENALTIES AND REWARDS

23.2.1 Penalties.

The NCAA Division I Committee on Academic Performance shall notify an institution or team when it fails to satisfy the appropriate academic standards as outlined in the NCAA Division I Academic Performance Program (APP). The institution shall then apply the applicable penalty pursuant to the policies of the APP.

Bylaw 23.2.1.1 Determination of Penalties.

The Committee on Academic Performance shall apply ~~*three*~~ **multiple** levels of analysis when identifying those institutions or teams that fail to satisfy the academic performance program. The Committee on Academic Performance shall publish annually to the Division I membership the standards for determining unsatisfactory performance under the academic performance program. An institution or team may be required to apply penalties for failing to meet ~~*one filter, two filters or all three filters*~~ **the identified review factors, as determined by the committee's policies and procedures**.

~~23.2.1.1.1 - Level One -- Comprehensive Comparison of Academic Progress Rate -- All Sports.~~

~~One level of analysis shall compare the academic progress rates among all Division I athletics teams (every Division I team of both genders from every sport). The Committee on Academic Performance shall identify the minimum academic progress rate (APR) that successfully satisfies the level one analysis, and that rate shall be published annually to the membership.~~

~~*23.2.1.1.2 - Level Two -- Limited Comparison of Academic Progress Rate -- Same Sport/Same Gender.*~~

~~*23.2.1.1.3 - Level Three -- Comparison of NCAA Graduation-Success Rate.*~~

~~*This level of analysis shall use the graduation-success rate (GSR) of each of an institution's athletics teams and shall involve a comparison of that rate as specified in the policies and procedures of the academic performance program. The Committee on Academic Performance shall identify the standard that successfully satisfies the level three analysis and that standard shall be published annually to the membership.*~~

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Source: NCAA Division I Committee on Academic Performance.

Effective Date: Immediate.

Proposal Category: Amendment.

Topical Area: APP.

Rationale: It is important to note that these revisions do not change how penalties are currently determined or calculated; rather, the revisions will make the language contained within the Manual general in nature and the more specific details will be available in the committee's policies and procedures. Current legislation does not reflect all elements of the penalty analysis. If adopted, this proposal will eliminate the need to update the Manual each time the committee revises the APP penalty structure and how those penalties are determined. 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.

Budget Impact: None.

Impact on Student-Athlete's Time: None.

Excerpt from the
NCAA Division I Academic Performance Program and NCAA Division I Committee on Academic Performance Policies and Procedures (Pages 88-96)

Board of Directors Subcommittee Review

Appeal of Committee Decision

A subcommittee of the Board of Directors, selected at the Board's discretion in number and members, has legislated authority to consider appeals of committee decisions involving Bylaw 23.2.1.2.3 Occasion-Three Penalties provided the basis for appeal meets the review standard.

After the Committee on Academic Performance has rendered a decision, the institution may appeal the decision to a subcommittee of the Board of Directors. The subcommittee's decision is final and is not subject to further review by any other authority.

In appealing a Committee on Academic Performance decision, the institution must demonstrate that the committee abused its discretion in applying the legislation and/or policy and procedures of the APP. The institution may not present new information or data in its appeal that was not presented to the Committee on Academic Performance.

Generally, the subcommittee will make the determination as to whether this criteria has been met. However, the chair, or acting chair, does have the discretion to determine that an institution's appeal does not meet the review standard. If he or she determines that the appeal does not meet the review standard, the chair will notify the institution that the appeal will not be heard by the subcommittee. The chair's decision is final and not subject to further review.

Scope of Review

Abuse of discretion occurs when the Committee on Academic Performance:

- Fails to follow NCAA legislation and/or established APP policies and procedures, and the failure to adhere to legislation or policies reasonably could have resulted in a different decision by the Committee on Academic Performance.

Recording

The subcommittee may record and/or have present a recording clerk during all Occasion-Three and -Four appeal hearings.

Conflict of Interest

A Board subcommittee member must recuse himself or herself from participation in an appeal (i.e., representing his or her institution or deliberating as a subcommittee member) in which he or she is personally connected with an institution or conference (e.g., previous employer, alma mater). A Board subcommittee member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of an appeal. However, a subcommittee member that recused himself or herself may participate in the preparation of the appeal for their own institution, including but not limited to drafting the appeal application, preparing appeal arguments and gathering appeal materials.

It is the responsibility of the Board subcommittee member to remove himself or herself if a conflict exists. Institutional objections to a Board subcommittee member participating in the review of an appeal must be raised with and resolved by the chair or acting chair of the subcommittee as soon as recognized, but will not be considered unless the concern is raised prior to the scheduled appeal. Participation by a subcommittee member in previous APP matters involving the institution or with regard to general policy (e.g., an Occasion-Three waiver appeal) does not constitute a conflict of interest requiring recusal.

In the event that the Board subcommittee chair must recuse himself or herself or is unable to participate in the appeal, the remaining members must vote, by simple majority, to determine who will serve as "acting chair." In addition, in the event that an institution objects to the chair participating in a review based on a conflict of interest concern, the remaining members must vote, by simple majority, to determine who will serve as "acting chair" and the acting chair will resolve the conflict of interest issue regarding the chair prior to the appeal. If the acting chair finds that no conflict exists, the chair may resume his or her role. *(Revised: 12/2008)*

Board subcommittee members may not discuss a pending request with the committee members or institutional representative(s) without all parties having the opportunity to participate. The staff supporting the Board subcommittee may contact the Board subcommittee chair to arrange a teleconference or to discuss procedural matters relevant to processing an applicant's request. Further, the Board subcommittee members may contact the staff supporting the Board subcommittee to request that additional information about the case be submitted or to obtain procedural information.

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. *(Revised: 10/2008)*

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 the Committee on Academic Performance decisions must be submitted electronically to the national office via the LSDB*i* 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 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 subcommittee.

Timeframe for Hearing

An appeal of the committee's decision regarding an Occasion-Three Penalty will be heard via teleconference before a subcommittee of the Board of Directors. After notice of the intent to appeal, the staff supporting the subcommittee will schedule a teleconference and notify the institution of the date and time. When setting the date and time for the teleconference, the subcommittee will attempt to accommodate the schedule of the institutional representatives and involved individuals. Any conflicts with the teleconference date should be communicated as soon as possible to the staff supporting the subcommittee.

Documents Reviewed by the Subcommittee

The Board subcommittee will receive and review the notice of penalty, appeal application (including supporting documents), applicant team(s) APP data and committee's decision and rationale and all documents which form the record.

Prior to the teleconference, the subcommittee will distribute to the institution an agenda of the teams to be discussed and a list of specific documents that comprise the record the subcommittee will review.

The subcommittee also may request additional documentation during the teleconference or the subcommittee's deliberations, with copies provided to all parties.

Appeal Participants

The following individuals must participate in the appeal: (a) the institution's chancellor or president; (b) the athletics director; (c) the head coach of the penalized team(s); (d) Committee on Academic Performance chair or, if different, the individual who chaired the Committee on Academic Performance hearing; and (e) any other individuals whose presence was requested by the committee. Of these groups of people only those individuals who were present for the hearing before the committee may be present during the teleconference. If any of these individuals are not available (e.g., individual is no longer employed by institution, family illness) for the hearing, the institution must notify the Board subcommittee at least 14 calendar days prior to the scheduled hearing. The subcommittee will then notify the institution as to whether it expects another individual to substitute for the unavailable individual. At the chair's discretion, the appeal may proceed without the unavailable individual.

In addition, the institution may permit four other individuals to participate in the hearing, one of which must be responsible for implementing the institution's APR Improvement Plan. An institution may have legal counsel present, and he or she must count as one of the four other individuals the institution is permitted to have attend the hearing.

Media representatives, including institutional media staff, may not be present at the hearing.

Student-athletes may not be present at the hearing.

The executive officer or one other representative of a member conference's office may be present at a waiver hearing involving a conference member.

An individual whose presence was requested by the committee may have legal counsel present; however, the individual must be present for the teleconference and counsel may not speak on the individual's behalf.

All other individuals must be approved by the Board subcommittee.

In addition, of these groups of people only those individuals who were present for the hearing before the committee may be present on for the teleconference.

NCAA staff members supporting the subcommittee must participate in all portions of the waiver appeal, including deliberations. In addition, the staff supporting the committee must participate in the appeal but may not be present for deliberations. Other NCAA staff members may participate at the discretion of the chair. At the request of a member institution or in the exercise of its own discretion, the subcommittee may exclude an individual from certain portions of the appeal.

The ~~subcommittee~~ Board of Directors chair~~, or acting chair,~~ has the discretion to substitute subcommittee members in the event that a member(s) is unavailable to hear an appeal.

Introductions

The subcommittee chair or acting chair will call the meeting to order and introduce the members of the subcommittee and the staff supporting the Board subcommittee.

Following introductions of the subcommittee, the chair of the subcommittee will ask the institution to select one person to speak on behalf of the institution (designated spokesperson).

The institution will introduce its representatives, followed by conference representatives who are present.

The Committee on Academic Performance chair or acting chair will introduce himself or herself and any other committee member present on the teleconference.

The NCAA staff will then introduce themselves.

After introductions, the subcommittee chair may make announcements.

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. *(Adopted: 10/2008)*

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 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. *(Revised: 10/2008)*

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 athletics 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. *(Revised: 10/2008)*

If the institution or Committee on Academic Performance desires 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 subcommittee, or his or her designee, is responsible for monitoring the time.

Deliberations and Decision

At the conclusion of the appeal, the subcommittee members will deliberate. The subcommittee may request additional information from any appropriate source, including the member institution or the Committee on Academic Performance. In this event, the institution and the Committee on Academic Performance chair, or acting chair, will be given an opportunity to be represented at the time such information is provided to the subcommittee. Otherwise, only subcommittee member and that NCAA staff supporting the subcommittee may be present for the deliberation.

The standard of review for the subcommittee is that it must determine whether the institution demonstrated that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. As part of its deliberation, the Board subcommittee may (a) uphold the committee's decision; or (b) reverse or ~~modify~~ remand the decision if it finds the Committee on Academic Performance abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee.

If the subcommittee ~~reverses or modifies the decision of~~finds that the Committee on Academic Performance abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee, ~~it~~the subcommittee may render one of the following decisions:

1. **Approved:** The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could

have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that a waiver of Bylaw 23.2.1.2.3 was warranted. In such instances, the team will not be subject to the Occasion-Three Penalties. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, the Occasion-Three Historical Penalties will be assessed, rather than progressing to Occasion-Four Historical Penalties.

~~**2. Conditionally Approved:** The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that a waiver of Bylaw 23.2.1.2.3 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the subcommittee in the decision notification. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Three Historical Penalties will be assessed rather than progressing to Occasion-Four Historical Penalties. However, failure to meet the stated conditions will result in the decision converting to a denial and the waived penalty being implemented. In this instance, if, in the next three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Historical Penalties will be assessed.~~

2. Partially Approved: The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined a partial waiver of Bylaw 23.2.1.2.3 was warranted. The subcommittee may require a team to satisfy specified conditions in order to receive relief from the portion of the penalty that is waived. The subcommittee may also provide a partial waiver and remand the case back to the Committee on Academic Performance to consider whether additional conditions should be imposed in light of the reasoning of the subcommittee and in accordance with the committee's policies and procedures. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Historical Penalties will be assessed.

3. Remand: The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that the matter should be remanded to the Committee on Academic Performance to be decided in light of the reasoning of the subcommittee and in accordance with the committee's policies and procedures.

Only subcommittee members and NCAA staff supporting the Board subcommittee may be present for the deliberation. A simple majority of the subcommittee members present and voting is necessary for a decision. ~~The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.~~

Written (e.g., electronic) confirmation of the decision will be provided by the Board subcommittee to the institution and the committee within 21 calendar days from the date of the teleconference.

NCAA Division I Committee on Academic Performance
Academic Performance Program Penalty Waiver Directive

1. Background.

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

When a team's academic performance, measured by the NCAA Division I Academic Progress Rate (APR), falls below 925, that team becomes subject to penalties if any student-athlete on that team is not retained and does not earn academic eligibility. This penalty, known as a "contemporaneous penalty," is a financial aid restriction that is meant to be a catalyst for change for teams that are underperforming academically. Contemporaneous penalties provide immediate support to the behavioral shift that will be necessary to assist student-athletes in meeting progress-toward-degree requirements leading to graduation.

When a team's academic performance, as measured by its APR, falls below 900 and the team fails to demonstrate APR improvement and a favorable review of the established by-sport or institutional academic or resource characteristics comparisons, it becomes subject to historical penalties. Historical penalties are progressive and cumulative penalties intended to penalize teams that have a demonstrated history of academic underachievement.

Waivers for both contemporaneous and historical penalties are provided for in NCAA Bylaw 15.5.8.3, Bylaw 23.2.1.2.1.1, Bylaw 23.2.1.2.2.1, Bylaw 23.2.1.2.3.2 and Bylaw 23.2.1.2.4.1. The NCAA Division I Committee on Academic Performance has approved this directive to provide guidance to the NCAA staff and the NCAA Division I Committee on Academic Performance Subcommittee on Appeals in reviewing APP penalty waiver requests.

2. Guiding Principles.

a. Waiver requests of APP penalties will be considered based on the academic performance of the entire athletics team. The APR is a team rate and not based on the academic performance of a single student-athlete. One of the intents of the APP is to be a catalyst for change for teams that historically underachieve academically. By focusing on the team's historical academic trends, institutions must demonstrate that the performance of the team is achieving the stated goals of the APP (e.g., graduating student-athletes).

Therefore, the review of waiver requests shall consider all student-athletes included in the team's multiyear APR, including all who failed to earn points in the applicable academic years. This approach considers the loss of all APR points, not just those of select students. This approach could be referred to as the "top-down approach" (e.g., start at an APR of 1000 and explain the loss of all points). Annual and historic academic data will be primary points of analysis in the review of appeals of APP penalties.

b. Waiver decisions will consider whether the team's academic deficiency is an anomaly or a pattern of behavior as demonstrated by current and historical data. Waiver decisions will analyze those circumstances that may be unique events resulting in academically low performing year(s) versus habitually underperforming teams. A team's APR that is negatively affected by a unique one-time circumstance, but otherwise is not historically an underperforming team, should be treated differently than a team that has a history and pattern of academic underachievement.

c. Institutions seeking a waiver of APP penalties must present evidence of compelling mitigating circumstances along with a reasonable expectation that the team's academic performance will improve and the team will achieve an APR of 925 or higher in a reasonable period of time. APR Improvement Plans assist teams in achieving the established APR penalty benchmarks in a reasonable time by identifying the issues impacting a team's APR, establishing measurable goals, steps to achieve the stated goals and establishing a timetable for implementation.

3. Squad-Size Adjustment.

The APR is a four-year rolling rate. The main goal of the four-year rate is to provide the best estimate of the average behavior by smoothing out any odd fluctuations that might emerge due to unusual circumstances in any specific year, and/or small samples. Teams that have not yet submitted four years of data or teams with a four-year APR cohort of less than 30 student-athletes will be evaluated based on the upper-confidence boundary of the team's multiyear APR. The squad-size adjustment considers the number of student-athletes in the APR calculation, thus accounting for possible fluctuation in the short term due to squad size. There is no change to the team's APR or to the penalty benchmarks. Rather, consideration is given to squad size to help ensure low performing teams are appropriately identified.

Therefore, the staff/subcommittee will generally not consider the size of the APR cohort in its review of APP penalty waiver requests as the squad size has already been factored into the determination of the penalty.

4. Use of Conditional Approvals.

APP penalty waivers may receive "conditional" approval. A waiver that is conditionally approved does not "forgive" the team's penalty unless the team satisfies the stated condition(s). These conditions may include, but are not limited to: acceptable implementation of the institution's written APR Improvement Plan; attendance at mandatory educational sessions; meeting or maintaining single-year eligibility and retention goals and/or, meeting or maintaining a specified single-year APR. *(Revised: 10/2008)*

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

Sequencing of Historical Penalties. If the team is subject to a historical penalty, the team is then potentially subject to the occasion of penalty that was conditionally waived and the next occasion historical penalty if it again fails to meet the historical-penalty benchmarks within the next three years.

5. Review of Conditionally Approved Penalty Waivers.

Conditionally approved penalty waivers are reviewed at the start of the academic year following the year in which the waiver was conditionally approved. The staff verifies the institution's APR data for rates on which the waiver was conditioned and also determines if any other non-numeric conditions have been met. The staff will review APR data both pre- and post-APR adjustments.

If team's single-year APR is below the established condition, the committee and waiver case staff may consider mitigating circumstances. Such reviews shall occur on a case-by-case basis, and shall include consideration of any mitigation for the team's failure to reach the target APR, as well as the totality of the team's circumstances with regard to the imposed conditions. In such cases, the staff will review factors including improvement in the single-year and multiyear APR, how close the team came to meeting the target, and mitigating circumstances. This action does not change an institution's opportunity to explain why it failed to meet the condition(s) or to appeal a decision by the staff to the committee. This policy is effective for waivers to be reviewed during the 2009-10 academic year and after.

6. Length of Time to Cite Mitigation.

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

7. Academic Factors Considered for Teams.

Evaluating the team's academic performance is an important part of the waiver process. The staff/subcommittee considers the totality of circumstances surrounding a waiver. Review of a team's academic performance may include consideration of the following elements:

a. The team's Graduation Success Rate (GSR) and Federal Graduation Rate, if available.

b. Eligibility. The team's eligibility and percentile rank will be compared against the following:

(1) All other NCAA Division I teams.

(2) All other Division I teams in the same sport.

(3) The institution's teams.

c. Retention. The team's retention and percentile rank will be compared against the following:

(1) All other Division I teams.

(2) All other Division I teams in the same sport.

(3) The institution's teams.

d. APR. The team's APR and percentile rank will be compared against the following:

(1) All other Division I teams.

(2) All other Division I teams in the same sport.

(3) The institution's teams.

e. The team's APR for the most recent year will be reviewed to determine if this rate demonstrates improvement over previous year's APR.

f. The mitigating circumstances for any previous contemporaneous-and/or historical-penalty waiver requests.

g. History of contemporaneous and/or historical penalties.

h. The team's academic profile including hours earned, grade-point average, eligibility and retention points.

i. Academic profile of the team when admitted to the member institution, including admissions status as compared to the general student body and/or other student-athletes at the institution.

j. Size of variance between the team's APR and the applicable APP penalty benchmark (e.g., 925 or 900).

k. The team's single-year APRs that comprise the multiyear rate. Specifically, the number of single-year APRs above or below the penalty benchmarks (e.g., 900, 925).

l. The number of student-athletes who were not academically eligible and not retained.

m. Other data elements that may be relevant to the case.

n. Mitigating factors that affect the team's APR. [See Section 8.]

8. Academic Factors Considered for Individual Student-Athletes: Nonretained Ineligible Student-Athletes for Contemporaneous Penalties.

The review of contemporaneous-penalty waiver requests will emphasize the team's academic performance; however, the staff/subcommittee also may review the individual performance of student-athletes who were not academically eligible and not retained ("0/2" in the data set) and whose countable aid was calculated in determining the penalty when considering a waiver of contemporaneous penalties.

Review of the individual student-athlete's academic performance may include consideration of the following elements:

a. Mitigating circumstances that led to the student-athlete being not academically eligible and/or not retained.

b. Academic profile of student-athlete when admitted to the member institution, including admissions status as compared to the general student body and/or other student-athletes at the institution;

c. Academic record (e.g., credits completed, grade-point-average);

d. Record of APR points earned and/or lost;

e. Prior academic waivers (initial-eligibility and progress-toward-degree waivers);

f. Academic progress in term of departure; and

g. Other factors deemed relevant by the staff or subcommittee.

9. Mitigating Circumstances to be Considered.

After reviewing the academic profile of the team, the staff/subcommittee may consider the circumstances provided by the institution to explain a team's APR or a "0/2" student-athlete. Circumstances will be considered as compelling mitigating factors if the institution can demonstrate that it had a direct correlation to the team's ability to earn eligibility/graduation and/or retention points and it must be supported by objective documentation. Mitigating circumstances for a "0/2" student-athlete will be reviewed in accordance with Section 7 of this document.

For institutions that assert institutional characteristics and/or resources as a mitigating factor, please refer to Section 9 for additional information.

Circumstances not considered as compelling mitigating circumstances may include, but are not limited to, the following:

a. Unreasonable reliance by a student-athlete on misinformation from an institutional staff member (e.g., misadvisement);

b. Institutional lack of understanding regarding the APP;

c. Failure to develop and implement an APR Improvement Plan; or

d. Conferences and/or institutions with more stringent academic standards than NCAA Division I Progress-Toward-Degree requirements.

Some circumstances may have been submitted in a request to receive an adjustment of an individual student-athlete's APR retention and/or eligibility or graduation point. If the institution received relief for those circumstances by way of an APR adjustment, the same circumstance may not be considered in the review of the APP penalty waiver for that student-athlete.

10. Institutional Characteristics.

The staff/subcommittee may consider comparisons of institutional characteristics as a mitigating circumstance when reviewing a waiver of APP penalties. Institutional characteristics will include two dimensions of review: (a) team academic performance compared to the general student-body academic performance as determined by actual and projected Federal Graduation Rates and; (b) comparison of institutional, athletics and student resource levels.

a. Institutions that assert institutional characteristics as a mitigating factor must demonstrate the following for the penalized team(s):

(1) It graduates both the team's student-athletes and members of the general student body at a higher rate than the student body at other schools with similar institutional characteristics; or

(2) It graduates the team's student-athletes at a rate at or above the general student body at their institution.

The staff/subcommittee shall review the following when considering an institution's characteristics in a waiver of historical penalties:

(1) Review the size of the variance between a team's expected Federal Graduation Rate based on its multiyear APR (Attachment No. 1) and the institution's student-body Federal Graduation Rate.

(2) Compare differences between the team's expected Federal Graduation Rate based on the multiyear APR and the institution's

student body projected Federal Graduation Rate as determined by characteristics of the applicant institution. Comparing a team's performance to an institution's projected (rather than actual) Federal Graduation Rate takes into account the possibility that an institution may be outperforming institutions with similar characteristics in a manner not assessed by the review outlined in No. 1 above. The NCAA research staff will provide the staff/subcommittee the following information with each waiver filed that indicates an institution's characteristics as a mitigating factor:

(a) The team's expected Federal Graduation Rate, based on the team's multiyear APR (Attachment No. 1);

(b) The most recent four-year student-body Federal Graduation Rate for that institution; and

(c) The institution's projected Federal Graduation Rate based on various characteristics of the institution. This rate will be determined by a series of statistical models that will include a list of variables from the following categories that have shown to be the most predictive of an institution's Federal Graduation Rate:

(i) Who is served by the institution (for example: average age of student body, percent of students residing on campus, per capita Pell Grant dollars)?

(ii) What is the academic experience at the institution (for example: admissions selectivity, academic entrance requirements and academic characteristics of student body)?

(iii) What are the available educational resources for the institution and its students (for example: per capita education expenditures, tuition, student/faculty ratio, research dollars)?

Based on information supplied by the institution, the list of variables employed by the staff/subcommittee can be changed to match the variables the institution believes best defines its institutional characteristics.

(d) Review of the narrative information supplied by the institution describing how the characteristics of the institution affects the student body and why its team's academic performance represents superior academic performance given the institution's characteristics.

(e) Review the portions of the institution's most recent academic accreditation report that detail the information submitted.

b. The staff/subcommittee shall review the following when considering an institution's resources as a mitigating factor for a waiver of historical penalties:

(1) Per capita educational expenses;

(2) Per capita athletics department operating expenditures; and

(3) Average Pell Grant among all students.

11. Automatic Waivers of Contemporaneous Penalties.

a. Institutional Characteristics. Teams with an expected Federal Graduation Rate based on its multiyear APR that is at least 10 percentage points higher than the institution's student-body Federal Graduation Rate, will receive an automatic waiver of contemporaneous penalties. [Attachment No. 1]

b. Institutional Resources. Institutions identified in the bottom 10 percent based on institutional resources will receive an automatic waiver of contemporaneous penalties.

12. Review of Historical-Penalty Determination Factors.

Teams that are subject to a historical penalty, but compare favorably in one of the factors: APR improvement, institutional characteristics, institutional resources or by-sport comparison will be generally reviewed as follows:

a. Team APR Improvement.

(1) A waiver for a team subject to an Occasion-One Historical Penalty that meets only improvement, and has achieved single-year APRs that demonstrated the team is capable of achieving a multiyear APR above 925, should generally be conditionally approved without significant review of the mitigating circumstances provided the team presents an APR Improvement Plan that demonstrates a reasonable expectation that the team will improve to a 925 APR. Team(s) that demonstrate improvement are fulfilling the goal of the APP and should be provided the opportunity to continue to improve without having to impose a historical penalty.

(2) Occasion-Two Historical Penalty. A team(s) subject to an Occasion-Two Historical Penalty that meets improvement will be reviewed in accordance with this directive and are expected to demonstrate that relief is warranted (e.g., mitigating circumstances). A team that has demonstrated improvement has had its practice season and financial aid penalties reduced because of its improvement. Any additional relief must be warranted by the particular circumstances provided in the waiver request.

b. By-Sport Comparison. A team(s) that compares favorably in the by-sport comparison (Attachment No. 2) but fails to meet the improvement factor will be reviewed in accordance with this directive and are expected to demonstrate that relief is warranted (e.g., mitigating circumstances).

c. Institutional Characteristics. A team(s) that demonstrates that the team(s) is out performing its general student body (Attachment No. 1) but fails to meet the improvement factor will generally be reviewed based on the following: level of APR improvement, level of institutional resources as defined in Section 9, the institution's APR Improvement Plan and any other relevant factor(s).

d. Institutional Resources. Teams(s) from an institution that lacks sufficient financial resources to quickly and reasonably engage in academic enhancements, generally viewed as institutions in the lowest 10 percent based on the variables listed in Section 9, but fails to meet the improvement factor will generally be reviewed based on the following: level of APR improvement, the team's academic performance compared to

the institution's student body (See Section 9), the institution's APR Improvement Plan and any other relevant factor(s).

13. APR Improvement Plans.

APR Improvement Plans are meant to encourage institutions that have a team with an APR below 925 to implement strategies to improve the academic performance, retention and graduation of the student-athletes on the team. Institutions seeking relief from an APP penalty are expected to demonstrate that the team's academic performance will improve and will achieve an APR of 925 in a reasonable period of time. Therefore, APR Improvement Plans will be reviewed as follows:

a. Institutions requesting an APP penalty waiver for a team that was previously required to complete an APR Improvement Plan as a result of a multiyear APR below 925 must re-evaluate their current APR Improvement Plan. Institutions/teams will be accountable for identifying issues and making progress toward implementing the APR Improvement Plan. Within the waiver request the following shall be addressed:

(1) Identify all steps the institution has taken toward implementation of the previous APR Improvement Plan and progress toward the measurable goals.

(2) Identify any new issues impacting the academic performance, retention and graduation of the team's student-athletes and develop specific and measurable goals to address the issues, steps to meet the goals, timetable for implementation and persons responsible for each step outlined in the plan.

(3) Identify specific target APR goals for the team(s) for the current academic year that will assist the team in meeting the 925 benchmark in a reasonable period of time.

b. Institutions requesting an APP penalty waiver for a team that does not have an APR Improvement Plan will be required to develop an APR Improvement Plan. If an institution was required to develop an APR improvement for a team, but failed to develop a plan or implement the plan it developed, the staff/subcommittee will consider this in evaluating whether the team can be expected to improve its academic performance

and achieve an APR of 925 within a reasonable period of time. Institutions shall address the following for each waiver request:

(1) Identify issues impacting the academic performance, retention and graduation of the student-athletes on each team subject to APP penalties.

(2) Identify specific and measurable goals to address the issues, steps to meet the goals, timetables for implementation and persons responsible for each step.

(3) Identify specific APR target goals for the team(s) for the current academic year that will assist the team in meeting the 925 benchmark in a reasonable period of time.

Delays of Occasion-Two Historical Penalties

Occasion-Two Historical Penalties are intended to be serious and significant and delaying their application is contrary to this intent. Therefore, in the vast majority of cases, the staff and/or subcommittee will not approve any delay in the application of these penalties. In rare cases where an institution can demonstrate that due to unanticipated and extraordinary circumstances outside the control of the institution, team and involved student-athlete(s) it is unable to apply Occasion-Two Historical Penalties within the prescribed period a delay may be conditionally approved.

Delays of Contemporaneous Penalties

1. Standard for Review.

A request to delay having to impose an APP financial aid penalty will only be considered when an institution or team can demonstrate that by imposing the penalty within the prescribed period (the year immediately following the ineligible student-athlete's departure or not later than the following year) would take away financial aid from a current student-athlete or prospective student-athlete. The team must provide the following:

a. A current team squad list with counters designated and/or equivalency amounts listed for each student-athlete;

b. Identification of the current student-athletes with remaining eligibility whose countable financial aid is expected to be renewed for the next academic year; and the countable financial aid equivalencies for prospective student-athletes who signed a valid National Letter of Intent (NLI) and/or financial aid agreement prior to the institution receiving notice of its APP financial aid penalties.

2. <u>Guiding Principles</u>.

a. APP penalties are meant to be a team penalty and not for an individual student-athlete. If an institution must take away financial aid from a current or prospective student-athlete who has signed a valid NLI and/or financial aid agreement prior to the institution receiving notification of its APP penalty in order for the team to impose the APP financial aid penalty, a delay would be warranted.

b. Any request to delay imposing an APP financial aid penalty will be considered on the premise that any current student-athlete receiving countable financial aid will be renewed at the same equivalency as the current academic year.

c. If the request to delay the APP financial aid penalty is approved, a delay will generally only be extended one academic year so that the APP financial aid penalty will be imposed at the latest within three years of the ineligible student-athlete's departure.

3. <u>Use of Conditional Approvals</u>.

Approvals will generally be based on the following conditions:

a. All currently enrolled student-athletes who will not exhaust eligibility during the current academic year will return to the team in the subsequent academic year and receive the countable financial aid at the same equivalency as the current year.

b. All prospective student-athletes who have signed a valid NLI and/or financial aid agreement will enroll at the institution the next academic year and are eligible for institutional financial aid based on athletics ability.

c. If any current student-athlete departs the institution prior to the next academic year or if any prospective student-athlete does not enroll or is not eligible for institutional financial aid based on athletics ability (i.e., is a nonqualifier), the team must impose part or all of the APP financial aid penalty based on the equivalency amount and/or the number of counters that become available.

d. The team may not re-award the financial aid of any student-athlete who departed the institution and/or prospective student-athlete who did not enroll and/or qualify for the institutional financial aid based on athletics ability, unless it is imposing the entire penalty within the original prescribed period of time.

Expected Federal Graduation Rate Based on NCAA Division I Academic Progress Rate

The table below provides a team's expected Federal Graduation Rate based on its multiyear NCAA Division I Academic Progress Rate (APR). This rate is then compared to the institution's most recent student-body Federal Graduation Rate to determine whether a team would receive a waiver of contemporaneous- and/or historical penalties based on institutional characteristics.

APR	Federal Graduation Rate
940 – 931	45 percent
930 - 923	40 percent
922 – 912	35 percent
911 – 904	30 percent
903 – 891	25 percent
890 – 876	20 percent
875 – 865	15 percent
864 – 860	10 percent
Below 860	0 percent

[Note: This table was created by comparing APRs to historical-squad Federal Graduation Rates for N=5,427 squads with both rates available (using equipercentile method). This table should be considered a fairly rough guide only (especially at the tails of the distribution) until contemporary graduation rates are available for squads in the APR cohort. Note that this table will continue to change as the APR formula changes and additional adjustments are applied to the calculation of the rate.]

Minimum NCAA Division I Academic Progress Rate to be Above the Tenth Percentile by Sport

The table below provides the minimum multiyear NCAA Division I Academic Progress Rate (APR) required for a team to meet the by-sport comparison factor within the historical-penalty structure. A team with an APR at or above the APR listed for the specific sport would meet the by-sport comparison factor, but must also meet the improvement factor in order to avoid historical penalties in the 2009-10 academic year.

Baseball	
Men's Basketball	
Men's Cross Country	
Football	
Men's Fencing	
Men's Golf	
Men's Gymnastics	
Men's Ice Hockey	
Men's Lacrosse	
Men's Skiing	
Men's Soccer	
Men's Swimming	
Men's Tennis	
Men's Track, Indoor	
Men's Track, Outdoor	
Men's Volleyball	
Men's Water Polo	
Men's Wrestling	
Women's Basketball	
Women's Bowling	
Women's Cross Country	
Women's Rowing	
Women's Fencing	
Field Hockey	
Women's Golf	
Women's Gymnastics	
Women's Ice Hockey	
Women's Lacrosse	
Women's Softball	
Women's Skiing	
Women's Soccer	
Women's Swimming	
Women's Tennis	
Women's Track, Indoor	
Women's Track, Outdoor	
Women's Volleyball	
Women's Water Polo	
Mixed Rifle	

NCAA Division I Academic Progress Rate Adjustment Directive

Background.

The NCAA Division I Academic Progress Rate (APR) is a metric that awards points for academic eligibility/graduation (E) and retention (R). Eligibility is important as it measures a student's progress toward a degree at regular intervals. Retention is a crucial part of the APR because of the following:

1. The pilot data reflected that retention is an even stronger component of graduation than eligibility.

2. By awarding points for retention, potential issues related to "run-offs" and "recruiting mistakes" could be monitored and addressed.

3. Term-by-term R points allow for a student-athlete to receive "credit" for every term he or she returns, even if he or she eventually transfers or is not retained for any reason. This "partial-credit" model has been seen as a significant improvement over the Federal Graduation Rate and is a very important consideration when assessing E + R for the APR calculation.

The NCAA Division I Committee on Academic Performance has approved this directive to provide guidance to the NCAA staff and the NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting in reviewing APR adjustment requests. The committee recognizes that there may be some legitimate reasons why student-athletes are not retained and do not maintain academic eligibility, and in these instances, a student-athlete's lost points should be adjusted.

Guiding Principles.

Adjustments to a team's APR will be considered based on circumstances surrounding individual student-athletes. Adjustments generally will be reviewed in the context of whether the mitigating circumstances surrounding the individual student-athlete are beyond the control of the student-athlete and/or the team/institution.

Effect of Adjustment.

The APR is calculated by evaluating each student-athlete in the NCAA Division I Academic Performance Program (APP) cohort. Each student-athlete is able to earn two points for each regular academic term he or she is in the cohort. The E point is awarded if the student-athlete is academically eligible to compete in the next regular academic term (even if he or she has no competition in that term). The R point is awarded if the student-athlete is retained by the institution in the next regular academic term (i.e., returns to the institution as a full-time student as of the institution's census date or the fifth week of classes, whichever is earlier). Student-athletes who graduate in a term are awarded both points for that term. If a student-athlete remains in the APP

cohort after graduation, he or she is always awarded the R point for having graduated. A student-athlete who earns both points in an academic term is recorded as "2 for 2" (2/2).

A student-athlete who was not retained by an institution (did not return to the institution or did not return as a full-time student) in the next regular academic term and did not graduate will be a "1 for 2" (1/2) or a "0 for 2" (0/2) depending on whether he or she earns the E point. Likewise, a student-athlete who completed a term and was retained, but was not eligible will be a 1/2. A student-athlete who did not complete an academic term, and therefore did not earn E, and was not retained should be reported as 0/2. In all of these circumstances, it may be possible to request an adjustment to a lost point or points. Approval of an adjustment request does not result in the awarding of any lost E and/or R points. Rather it removes the lost points from both the numerator and the denominator. Thus the 1/2 becomes a 1/1, or the 0/2 becomes a 0/1 or 0/0. Please note some adjustment criteria require the earning of the E point in order for the request to be considered.

Circumstances Warranting an Adjustment of the E or R Point.

Adjustments will be granted only if stated conditions described below are met.

1. Academic Term Not Completed.

   A student-athlete who did not complete a regular academic term due to circumstances outside of his or her control (e.g., student-athlete suffers from a serious medical condition early in the academic term) and failed to earn the E and/or R point may be considered for an adjustment in the following situations. In all circumstances, contemporaneous documentation must be included. If relief for the lost R point is being requested, the documentation must clearly indicate that a student-athlete was unable to be retained by the institution as a result of the mitigating circumstances. If relief for the lost E point is being requested, the documentation must clearly demonstrate how the mitigating circumstances impacted the student-athlete's academic performance. The following mitigation will be considered:

   a. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation. The documentation must clearly indicate that a student-athlete was unable to be academically successful and/or retained as a result of the incapacitating physical or mental circumstances.

   b. A natural disaster (e.g., earthquakes, floods).

   c. Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent. These circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent.

d. Harassment. This circumstance must be clearly supported by contemporaneous objective documentation (e.g., police report).

e. Participation in the following Olympic or international competition:

(1) Official Pan American, World Championships, World Cup, World University Games and Olympic training, tryouts and competition;

(2) Officially recognized training and competition, qualifying for final Olympic tryouts; or

(3) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee or, for student-athletes representing another nation, the equivalent organization of that nation.

The Olympic or international training, tryouts and competition must occur within one year of the student-athlete's departure from the institution.
(Adopted: 4/2009 effective 4/2009 for the 2008-09 APR cohort, retroactive to any prior year cohorts).

f. Other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control that led to lost E and/or R points in a term that the student-athlete did not complete.

2. Academic Term Was Completed, Student-Athlete Not Eligible.

A student-athlete who completed a regular academic term as a full-time student may receive an adjustment to a lost E point if one of the reasons listed below applies. In all circumstances, contemporaneous documentation must be included. The documentation must clearly demonstrate how the mitigating circumstances impacted the student-athlete's academic performance. (Note: A student-athlete is not required to earn the R point). The following mitigation will be considered:

a. The student-athlete was rendered academically ineligible and the institution was not able to submit a progress-toward-degree waiver (e.g., transfer, withdrawal, no pending competition).

b. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation. The documentation must clearly indicate that a student-athlete was unable to be academically successful as a result of the incapacitating physical or mental circumstances.

c. Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent. These circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent.

d. A natural disaster (e.g., earthquakes, floods).

e. Other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control that impacted the student-athlete's ability to be academically successful.

3. Academic Term Completed, Student-Athlete Not Retained.

Student-athletes who completed a regular academic term as a full-time student but were not retained (did not return to the institution or did not return as a full-time student) may receive an adjustment to a lost R point if one of the reasons listed below applies. In all circumstances, contemporaneous documentation must be included. The documentation must clearly demonstrate how the mitigating circumstances impacted the student-athlete's ability to be retained by the institution. (Note: A student-athlete is required to earn the E point). The following mitigation will be considered:

a. The student-athlete's degree program was discontinued. This circumstance must be supported by documentation from the institution's registrar's office indicating that the student-athlete was enrolled in the specific degree program and the date the degree program was discontinued.

b. The student-athlete's degree program was not offered at the original institution. This circumstance must be supported by documentation from official institutional sources indicating that the student-athlete's degree program was not offered at the original institution and the student-athlete is enrolled in the degree program at the next institution.

c. The student-athlete's sport was discontinued. This circumstance must be supported by documentation from the institution's director of athletics indicating when the sport program was discontinued and when the announcement of the discontinuation was made.

d. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation. The documentation must clearly indicate that a student-athlete was unable to be retained by the institution as a result of the incapacitating physical or mental circumstances.

e. A natural disaster (e.g., earthquakes, floods).

f. Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent. These circumstances must be clearly supported byobjective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent.

g. Harassment. This circumstance must be clearly supported by objective documentation (e.g., police report).

h. Participation in the following Olympic or international competition:

(1) Official Pan American, World Championships, World Cup, World University Games and Olympic training, tryouts and competition;

(2) Officially recognized training and competition, qualifying for final Olympic tryouts; or

(3) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee or, for student-athletes representing another nation, the equivalent organization of that nation.

The Olympic or international training, tryouts and competition must occur within one year of the student-athlete's departure from the institution. *(Adopted: 4/2009 effective 4/2009 for the 2008-09 APR cohort, retroactive to any prior year cohorts).*

i. The student-athlete was not retained by the institution in one regular academic term, but he or she later returned. The student-athlete must qualify for the missed-term exception pursuant to NCAA Bylaw 14.4.3.5-(a). The student-athlete must return to the institution as a full-time student in a subsequent term and meet all criteria for the missed-term exception. A student-athlete may only have the R point adjusted one time during his or her academic career based on this mitigation.

j. The student-athlete was not retained due to other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control.

4. Professional Athletics Opportunities.

a. Initial professional sports opportunity.

The student-athlete completed an academic term and was not retained due to participation in professional sports as a vocation. (Note: A student-athlete is required to earn the E point). Such participation may be demonstrated by the following:

(1) Signed contract with a professional sports team or organization;

(2) Established pattern of acceptance of prize money for competition;

(3) Documented declaration of intent to compete as a professional in an individual sport (e.g., tennis, golf); or

(4) Other evidence determined by the staff/committee to confirm the individual's professional sports vocation.

The following actions, alone, do not sufficiently demonstrate participation in professional sports as a vocation:

(1) Signing a contract with an agent;

(2) Signing a commercial endorsement agreement;

(3) Declaring for a professional sports draft; or

(4) Participating in professional sports tryouts.

Note: If a request meets all criteria for adjustment of the lost retention point, it should be filed in the APP data collection system. All other requests should be filed through the Legislative Services Database for the Internet (LSDB*i)* portal.

b. Second professional sports opportunity.

The student-athlete returned to the original institution in a regular academic term following his or her initial departure to pursue professional athletics as a vocation and subsequently lost a point(s) due to the pursuit of another professional sports opportunity, provided the student-athlete earned the E point in the term in which he or she first departed the institution to pursue professional athletics. Such participation may be demonstrated by the documents listed below. Please note that this documentation must clearly indicate that the student-athlete could not complete the regular academic term due to the second professional athletics opportunity (e.g., indicate the timing of the opportunity). If the term was completed, the student-athlete must have earned the E point in order for the R point to be adjusted (see letter a above).

(1) Signed contract with a professional sports team or organization;

(2) Established pattern of acceptance of prize money for competition;

(3) Documented declaration of intent to compete as a professional in an individual sport (e.g., tennis, golf); or

(4) Other evidence determined by the staff/committee to confirm the individual's professional sports vocation.

The following actions, alone, do not sufficiently demonstrate participation in professional sports as a vocation:

(1) Signing a contract with an agent;

(2) Signing a commercial endorsement agreement;

(3) Declaring for a professional sports draft; or

(4) Participating in professional sports tryouts.

(Adopted: 1/2008 effective 1/2008 for the 2007-08 APR cohort, retroactive to any prior year cohorts).

5. Transfer.

a. The student-athlete was not retained because he transferred to another institution and meets the following criteria:

(1) The student-athlete earned the E point in the last term of enrollment prior to transfer.

(2) The student-athlete was enrolled at the institution for at least one academic year prior to transfer.

(3) The student-athlete immediately transferred to another four-year institution. This requires full-time enrollment at the new institution at the next available regular academic term. The student-athlete presents a cumulative grade-point average at the original institution of at least 2.6.

Note: This adjustment request is not filed through the LSDB*i* portal, but rather it is filed in the APP data collection system.

b. The student-athlete was not retained because he transferred to another institution and meets the following criteria:

(1) The student-athlete earned the E point in the last term of enrollment prior to transfer.

(2) The student-athlete was enrolled at the institution for at least one academic year prior to transfer.

(3) The student-athlete immediately transferred to another four-year institution. This requires full-time enrollment at the new institution at the next available regular academic term.

(4) The student-athlete presents a cumulative grade-point average at the original institution of at least 2.0, but less than 2.6 and satisfies a rigorous review of academic factors (e.g., number of transferable credit hours accepted by the next institution and applicable to the student-athlete's designated degree program, positive trends in the student-athlete's academic performance, student-athlete's academic success compared to other students with similar admissions profiles and a reasonable expectation of graduation within five years of initial full-time enrollment).

Note: This adjustment will be subject to a high review standard and will be filed through the LSDB*i* portal.

Circumstances that Do Not Warrant an Adjustment of the R Point.

Circumstances that are generally considered to be within the control of the student-athlete and/or the institution include, but are not limited to, the following:

1. Student-athlete transferred to another institution for any reason not included in the section above.

2. Student-athlete departed the institution due to lack of playing time, or desire to play for a different coach.

3. Student-athlete departed the institution due to a coaching change.

4. Student-athlete departed the institution because he or she was placed on academic suspension.

5. Student-athlete departed an institution because of disciplinary actions taken at the institution (e.g., crime, academic fraud, dismissed from team, positive drug test).

6. Student-athlete departed an institution because his or her team is subject to disciplinary measure (e.g., infractions sanctions, APP penalties).

7. Student-athlete departed an institution because his or her athletically related aid was not renewed or was reduced.

Reconsideration.

An institution is permitted to request the staff reconsider APR adjustment requests that were previously denied if the APR adjustment directive is changed and the change would have affected the outcome of the original adjustment request. An institution may not request retroactive relief from contemporaneous penalties or retroactive incentives based on the award of an adjustment to data made to subsequent academic year(s). Requests for reconsideration will not be heard by the subcommittee until the staff has reviewed and considered the request. Please note that participation of a student-athlete in professional sports as a vocation is not mitigation for reconsideration of APR adjustment requests when the student-athlete failed to earn the E point.

Staff Authority in APR Adjustment Requests.

The committee has provided the staff with the authority to use its discretion in the application of this directive. Exceptions to this directive may be applied when warranted, in the staff's judgment, by the unique circumstances of a specific request. Further, the committee has afforded the staff the authority to award E and/or R points as appropriate, depending on the unique circumstances of the request.

Excerpt from the Report of the NCAA Division I Academic Cabinet
June 29-30, 2009, Meeting regarding Initial-Eligibility Requirements

INFORMATIONAL ITEMS.

1. Legislative Informational Items.

c. Review of Initial-Eligibility Requirements. As part of its legislated duty to manage and monitor eligibility standards, the cabinet initiated an examination of the division's initial-eligibility requirements. As it began its review, the cabinet noted the Board of Directors' charge during the most recent revision of initial-eligibility rules was to maximize student-athlete graduation rates while minimizing disparate impact on minority and low-income students. The cabinet examined data indicating the average academic profile of prospective student-athletes and the percentage of prospective student-athletes meeting initial-eligibility requirements have remained relatively consistent since the extended sliding scale was implemented in 2003. The cabinet also noted that a more normal distribution of standardized test scores has resulted since the extended sliding scale was adopted, eliminating the concentrated "ledge" within the distribution that previously represented prospective student-athletes earning the minimum required test scores (e.g., 820 SAT).

NCAA research consistently has shown that identification of eventual college graduates using high school academic information is best achieved with a formula based on high school grades in core academic courses in combination with ACT-SAT scores (e.g., a sliding scale model). In comparison to other methods for combining academic variables (e.g., conjunctive rules like Proposition 48), the sliding scale has been shown to minimize negative impacts on eventual minority graduates. Further, the cabinet noted that projections from NCAA data indicate that graduation rates would likely increase with an upward shift in the coordinates of the initial-eligibility sliding scale (i.e., requiring a higher grade-point average for a given test score than on the existing scale), but that the increases probably would be relatively modest. Also, such changes might result in substantial increases in adverse impact on ethnic minority student-athletes and in false negative identifications (declaring as ineligible students who likely would have graduated from college).

To offer direction to its review of Division I initial eligibility standards, the cabinet drafted the following proposed goals for any future initial-eligibility requirements:

(1) Initial-eligibility standards should help ensure first-year student-athlete academic success, as defined by meeting NCAA progress-toward-degree eligibility standards and/or by increasing likelihood of graduation (i.e.,

increased likelihood after first year compared to likelihood based solely on high school preparation);

(2) Initial-eligibility standards should preserve institutional responsibility for admissions decisions, possibly including consideration of aggregate risk evaluations; and

(3) Initial-eligibility standards should encourage prospective student-athletes to balance their self-identities as students and athletes.

To further guide its review of initial-eligibility requirements, the cabinet developed the following draft principles:

(1) Initial-eligibility standards should strive to maximize first-year college academic success, putting student-athletes on track to graduate in a reasonable timeframe and minimizing false negatives and adverse impact on minority and low-income prospective student-athletes;

(2) NCAA initial-eligibility standards should represent minimally acceptable standards, with continued reliance on member institutions to make admissions decisions that are most appropriate for determining academic success locally;

(3) Review of the initial-eligibility standards should include consideration of the most recent NCAA academic data, changing secondary school standards (e.g., No Child Left Behind) and the national secondary school environment (e.g., increasing enrollment in nontraditional courses);

(4) Initial-eligibility standards should be simple and nationally applicable to ensure prospective student-athletes and high schools can readily understand any potential changes and that such changes can be applied for students throughout the United States (as well as international prospective student-athletes);

(5) Any changes should be able to be implemented with relatively minimal increased chance for operational error and little to no increased bureaucracy for member institutions and high schools;

(6) New requirements should not create or expand opportunities for misrepresentation of prospective student-athletes' academic abilities or credentials;

(7) Consideration should be given to prospective student-athletes' abilities and opportunities to meet increased standards when considering implementation time lines for new or increased requirements; and

(8) Waiver decisions under any initial-eligibility standard should be made through processes employing data-driven analysis in addition to mitigation.

The cabinet is seeking feedback from conferences and other governance entities in the establishment of these goals and priorities and also will solicit comments from various constituent groups and associations (e.g., faculty, coaches and academic support organizations) as it continues its discussion and review of potential initial-eligibility models in the coming academic year.

KEY ITEMS FROM JUNE CABINET MEETINGS

[For more detailed information regarding the June Cabinet meetings, please view the complete cabinet reports found at:

http://www.ncaa.org/wps/ncaa?key=/ncaa/ncaa/legislation+and+governance/committees/division1.html.]

ACADEMIC CABINET.

1. **Nontraditional Courses for Initial Eligibility (NCAA Division I Academic Cabinet Priority Topic).** The cabinet sponsored legislation to specify that nontraditional courses may be used to satisfy NCAA core-course requirements, provided the instructor and student have regular and ongoing access to and interaction with one another for purposes of teaching, evaluating and providing assistance to the student throughout the duration of the course, and further, that the course uses a system that permits review and validation of the student's coursework (e.g., exams, papers, assignments) and a defined normative timeline for completion of the course. Additional efforts were approved to clarify the use of credit by examination and repeat courses to meet initial-eligibility requirements and to clarify the types of documentation that will be considered in the review of nontraditional courses as part of the prospective student-athlete review process. Each of these actions are incremental steps to promote integrity within the initial-eligibility process and to help the NCAA academic and membership affairs and NCAA Eligibility Center staffs evaluate the academic records of prospective student-athletes and providers of nontraditional coursework.

2. **Review of Initial-Eligibility Standards.** As part of its legislated duty to manage and monitor eligibility standards, the cabinet began a review of the division's initial-eligibility requirements by drafting goals and principles to guide its future work on this issue. The cabinet welcomes membership feedback regarding these draft items and will continue its review during its September meeting.

ADMINISTRATION CABINET.

1. **Annual Review/Advancement of Provisional/Reclassifying Members.** The cabinet reviewed the progress of all 18 institutions currently in the process of reclassifying their sports programs to Division I active status. Specifically, the group reviewed the annual reports and updated strategic plans for all reclassifying and provisional members and focused on whether such institutions were meeting all applicable legislative requirements and were responsive to feedback provided to the institution the previous year by the former Division I Management Council Membership Subcommittee. The cabinet agreed to

recommend to the Leadership Council that Kennesaw State University, New Jersey Institute of Technology, North Florida University and Utah Valley University, all institutions in their final year of the reclassifying or provisional membership process, be elected to active Division I status. Further, the cabinet recommended to the Leadership Council that University of Central Arkansas [women's soccer and baseball], Florida Gulf Coast University [women's volleyball and baseball], Presbyterian University [softball and men's tennis], University of South Carolina, Upstate [softball and men's soccer] and Western Kentucky University [FCS to FBS] be elected to active Division I multidivisional membership status in the identified sports. Each institution is completing its final year of the multidivisional reclassification process in the applicable sport.

2. **Committee appointment process**. The cabinet is continuing to look for ways to enhance the committee appointment process and is focused on ensuring that all 31 multisport conferences are fairly represented in the appointment process and that the cabinet is well positioned to identify the best nominees for specific committee vacancies. Accordingly, the cabinet is recommending outreach to the multisport conferences, including a conference call between the cabinet chair and conference office personnel, to ensure the conferences have a thorough understanding of the appointment processes.

3. **Division I governance assessment.** While the new Division I governance structure is still in its first year of operation, the cabinet, with the help of the NCAA research staff, is in the preliminary stages of seeking to develop an assessment plan to determine if the new structure is achieving its stated goals and objectives. Plans call for the assessment to include: roster tracking, test cases whereby policy issues are tracked through the governance process, exit surveys to those serving in the structure, interviews with those in leadership positions and yearly reports from staff liaisons.

4. **Cost- saving measures**. During its September meeting, the cabinet's first agenda item will be to conduct a review of NCAA bylaws that fall under its purview to seek to identify possible legislative changes that could ultimately result in cost savings for member institutions.

AMATEURISM CABINET.

1. **Proposals Sponsored for the 2009-10 Legislative Cycle.** The cabinet sponsored three legislative proposals for the 2009-10 legislative cycle, including:

a. A proposal to change the definition of a professional athletics team to permit an individual prior to initial, full-time collegiate enrollment to engage in outside competition with a professional athletics team without jeopardizing intercollegiate eligibility, provided the individual does not receive more than actual and necessary expenses to compete on the team. The cabinet noted that as part of the recommendation, the competitive equity issues related to participation in organized competition would be addressed as follows:

(1) In sports other than tennis, swimming and diving and women's volleyball, a prospective student-athlete who does not initially enroll full-time in a collegiate institution within one year (or the next opportunity to enroll after one year has elapsed) following the high school graduation date of the prospective student-athlete's 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.

(2) In tennis, a prospective student-athlete who does not initially enroll full-time in a collegiate institution within six months (or the next opportunity to enroll after the six-month period has expired) following the high school graduation date of the prospective student-athlete's class and participates in organized events after the six-month period shall be charged with a season of intercollegiate competition for each year of participation <u>and</u> shall fulfill an academic year in residence for each year of participation on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.

b. A proposal that would specify that in men's ice hockey, a prospective or enrolled student-athlete may accept actual and necessary travel, and room and board expenses from a professional sports organization that is a member of the National Hockey League (NHL) in order to attend the NHL Scouting Combine, regardless of the duration of the combine.

c. A proposal that would specify that an institution's president or chancellor may designate an institutional staff member(s) to assist student-athletes in making arrangements for securing disabling-injury insurance.

2. Commercial Activity in Division I Intercollegiate Athletics. The cabinet engaged in a detailed review of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The cabinet stressed the need for the legislative changes to strike

the appropriate balance between the necessity of commercial involvement in intercollegiate athletics and the principles of amateurism. The cabinet will continue its discussion of the legislative concepts in the report at its September meeting, at which time it may make specific legislative recommendations to the Leadership Council.

CHAMPIONSHIPS/SPORTS MANAGEMENT CABINET.

1. **Bylaw and Practices Review.** The cabinet considered the charge outlined by the Division I Board of Directors related to the identification of bylaws and practices that could be modified to provide financial relief to the membership. Cabinet members were encouraged to think about potential changes to Division I Bylaws 17 and 31 that might result in cost savings. Cabinet members agreed to submit potential changes to the NCAA staff on or prior to July 31, 2009, for discussion at the September 2009 meeting. The Cabinet's Administrative Committee agreed to compile the suggestions and lead the discussion at the September meeting.

2. **Sand Volleyball Playing and Practice Season.** The cabinet engaged in a lengthy discussion regarding a proposed sand volleyball playing and practice season model and contest limits for sports sponsorship. After reviewing information submitted by the American Volleyball Coaches Association, the cabinet agreed to delay action on this item. In the interim, the Administrative Committee will request that cabinet members provide the committee feedback frame additional discussion at the cabinet's September meeting.

3. **Report of the NCAA Committee on Sportsmanship and Ethical Conduct.** At the request of the NCAA Executive Committee, the cabinet reviewed the current NCAA policy precluding the hosting of championship events in metropolitan areas where sports wagering occurs. It was noted that the current policy does not distinguish between predetermined and nonpredetermined championship sites. Consistent with the recommendation from the Sportsmanship and Ethical Conduct Committee, the cabinet agreed to recommend that the relevant geographical area be changed from "metropolitan" to "state." Unlike the Sportsmanship and Ethical Conduct Committee; however, the cabinet agreed to recommend modifying the current policy so that it would be permissible for a state that permits sports wagering to host a championship, provided the hosting sites are not predetermined.

AWARDS, BENEFITS, EXPENSES AND FINANCIAL AID CABINET.

1. **Review of Current Financial Aid Model.** The Division I Awards, Benefits, Expenses and Financial Aid Cabinet continued its review of the financial aid items prioritized during its February 2009 meeting. Specifically, the following topics were prioritized for further study: (1) countable aid versus noncountable aid (e.g., government grants, institutional merit aid, state grants); (2) examination of issues related to determining counter status; (3) head count versus equivalency designations; and (4) team financial aid limits. During its June meeting, videoconferences with financial aid officers from nine Division I institutions representing all three subdivisions were conducted to obtain additional feedback related to the financial aid items prioritized by the cabinet. Based on this feedback, the cabinet identified two themes to help guide the cabinet in its review and formulation of recommendations:

    a. Legislative recommendations resulting from the cabinet's review should prioritize the well-being of student-athletes over other factors (e.g., competitive equity); and

    b. The current financial aid legislation is perceived as unduly burdensome and at times prevents financial aid administrators from exercising professional judgment as would be done for non-student-athletes.

In addition, the cabinet directed the staff to develop a spectrum of models demonstrating how potential changes to NCAA rules would impact team limitations if specific types of financial aid (e.g., Supplemental Educational Opportunity Grant, institutional merit and need-based aid, state grants, outside aid) were exempted. The staff will prepare the models for review by the cabinet during its September 2009 meeting.

2. **Maximum Equivalency Limits – Sand Volleyball.** The cabinet sponsored legislation for the 2009-10 legislative cycle related to team financial aid limits in the sport of sand volleyball. Specifically, the legislation sponsored by the cabinet specifies team limits in the sport of sand volleyball as follows:

    a. For institutions that sponsor both sand and indoor volleyball teams, there shall be an annual limit of six equivalencies and an annual limit of 14 on the total number of counters in the sport of sand volleyball.

    The implementation of the equivalencies will occur as follows:

    Effective 2010-11.....three equivalencies

Effective 2011-12.....four equivalencies
Effective 2012-13.....five equivalencies
Effective 2013-14 and thereafter .....six equivalencies; and

b. For institutions that sponsor sand volleyball only, there shall be an annual limit of eight equivalencies and an annual limit of 14 on the total number of counters in the sport of sand volleyball.

RECRUITING AND ATHLETICS PERSONNEL ISSUES CABINET.

1. **Proposals Sponsored for the 2009-10 Cycle**. The Division I Recruiting and Athletics Personnel Issues Cabinet sponsored 10 legislative proposals for the membership's consideration for the 2009-10 legislative cycle. One proposal is being forwarded to the NCAA Division I Legislative Council for consideration as emergency or noncontroversial.

2. **Coaching Limits and Athletics Personnel Issues**. The cabinet examined the feedback received from the membership and other constituent groups to the April 2009 coaching limits and athletics personnel discussion document and, as detailed in other sections of this report: affirmed current legislation regarding countable coaches and volunteer coaches; sponsored legislation regarding student assistant coaches, noncoaching staff with sport-specific responsibilities and managers; and agreed to further study the positions of graduate assistant coaches and noncoaching staff with sport-specific responsibilities.

3. **Recruiting Materials**. The cabinet examined current legislation regarding institutional letterhead, printed media guides and audio/video materials. It sponsored legislation to set forth restrictions on institutional letterhead to curb the increasingly elaborate design of materials being called letterhead. It supported a concept to eliminate the provision of printed media guides for recruiting purposes, but declined to sponsor legislation at this time noting some conferences have already indicated the intent to sponsor legislation in this regard. Finally, the cabinet sponsored legislation to deregulate the current restrictions on audio/video materials.

4. **Bylaw and Practices Review**. At the direction of the Division I Board of Directors, the cabinet engaged in an examination of Division I Bylaws 11 and 13 and created an initial list of possible bylaws and policy changes that could potentially be modified to provide financial and operational relief to the membership. The cabinet noted, however, further examination and discussion would be needed prior to moving any towards legislative proposals. Further, the cabinet noted the principle of the Board's charge was also considered in some of the proposals sponsored by the cabinet for the upcoming cycle.

Report Division I Leadership Council
May 6 and 11, 2009, Conference Calls

May 6, Call Participants:

Jeff Altier, Stetson University
Matt Baysinger, Division I Student-Athlete Advisory Committee
Janet Cone, University of North Carolina-Asheville
Tom Douple, Summit League
Peg Bradley-Doppes, University of Denver
Rich Ensor, Metro Atlantic Athletic Conference
Peter Fields, Montana State University, Bozeman
Chet Gladchuk, U.S. Naval Academy
Alan Hauser, Appalachian State University
R.C. Johnson, University of Memphis
Kathy Jones, Southern Illinois University at Carbondale
John Marinatto, Big East Conference
Charles McClelland, Texas Southern University
Jim Miller, University of Richmond
Jeff Orleans, Ivy League
John Ritscdorff, Marist College
Charles Wellford, University of Maryland
Bobby Williams, Sam Houston State University
David Berst, NCAA
Beth DeBauche, NCAA
Kevin Lennon, NCAA
Steve Mallonee, NCAA

May 11, Call Participants:

McKinley Boston, New Mexico State University
Rob Halvaks, Big West Conference
Paul Kowalczyk, Colorado State University
Jon LeCrone, Horizon League
Susan Lipnickey, Miami University (Ohio)
Lisa Love, Arizona State University
Patrick Nero, America East Conference
Greg Sankey, Southeast Conference
Brenda Weare, Northeast Conference
Mark Wilson, Tennessee Technological University
David Berst, NCAA
Beth DeBauche, NCAA
Kevin Lennon, NCAA
Steve Mallonee, NCAA

1. **Role of the Leadership Council.** The Leadership Council was informed that as a follow-up to its discussion at its last meeting regarding how best for the Council to serve its leadership advisory role, the Leadership Council chair asked the Board for its thoughts and direction. It was reported that the Board appeared to appreciate the Council's desire to maintain their national and global perspectives on issues as free from parochial political pressures and to understand that issues are different and may require different strategies, yet as a general matter the Board indicated it would appreciate receiving advice, counsel and recommendations from the Leadership Council after being fully developed and vetted by the substructure and membership. It was noted that based on this feedback, the Leadership Council's preliminary views regarding Division I membership standards would be shared with the Division I membership in advance of a report going to the Board of Directors.

2. **Ongoing discussion regarding the level of diversity in the Division I governance structure.** The Leadership Council was informed that the Board at its most recent meeting reconfirmed its charge to the Leadership Council to examine the level of diversity serving in the governance structure, including positional diversity. In reconfirming its charge, the Board noted the importance of ensuring the faculty voice is adequately heard throughout the structure and asked the Leadership Council to thoroughly examine the structure, provide an analysis as to where the faculty voice is most needed and where it might currently be missing. Additionally, the Leadership Council should provide recommendations designed to address the situation with supporting rationale.

   In response, individual Leadership Council members noted that issues of representation are complex and the former Governance Subcommittee spent a great deal of time with this issue. Members noted it is important that all voices be heard and voices of some groups should not be heard at the expense of others. Therefore, as the Leadership Council seeks to address this important and difficult issue, it must seek to find an appropriate sense of balance.

3. **It was noted that the next in-person meeting of the Leadership Council has been scheduled in Indianapolis on October 6, 2009. Sleeping rooms will be reserved for October 5 and the meeting will occur from 8 a.m. to 4 p.m. on October 6.** It is expected that appropriate governance and membership groups will provide comments regarding the proposed membership criteria in advance of this meeting for the consideration of the council.

   - **Proposed Division I Membership Criteria.** The Leadership Council reviewed the document entitled Proposed Division I Membership Criteria. Comments of members are included below along with the proposed membership criteria in the color red.

(Note: The preamble of the document, background information and assumptions are excluded from this report due to their length.)

Recommendations: The Council requests that appropriate governance structure groups and conferences be asked to provide feedback concerning these preliminary recommendations. The Leadership Council will consider all comments received and determine its final recommendations to the Board of Directors during its next in-person meeting in October.

(1) Potential new members of Division I should be required to enter the division through the five-year "reclassification" process described in Bylaw 20.5.1, but only after presenting a bona fide offer of membership in a Division I multisport, voting conference.

[Note: The sponsoring conference can provide appropriate guidance and counsel, assist with scheduling, monitor student-athlete well being and enhance accountability during the process. It should also be noted that the reclassification process applies only to moving from Division II to I and will need to be reformatted to provide for appropriate benchmarks in a five-year process. Communication with Division II is necessary to avoid unintended consequences for that division. Requiring conference sponsorship and prior membership in Division II is intended to promote the long-term stability of the Association.] (This "Note" regarding the role of a conference and the requirement to enter from Division II only should be part of the text of No. 1.)

It is important for conferences to discuss the potential relationship between conferences and its prospective member so that expectations are clear and to ensure the relationship is beneficial to not only the institution but to the overall membership process.

There should be a check list to assist conferences and transitioning institutions in ensuring that institutions are meeting their appropriate benchmarks. More thought should be given to the timing of when various benchmarks should occur.

(2) The "provisional" process provided for in Bylaw 20.3.1, which now permits an institution outside the NCAA to become a Division I member through a seven-year process, should be eliminated.

If the conferences are appropriately assisting with the membership process does it matter where an institution comes from? Does requiring an institution to

come from Division II send the correct message and does it serve the intended purpose of ensuring institutions are appropriately preparing for Division I?

[Multisport conferences within the Division I championships and governance structure are well suited to determine the needs of the conference and thereby the division. Division II serves as an appropriate platform to demonstrate the traits necessary to become a productive Division I member.]

(3) A substantial Division I application fee should be required before entering the "reclassification" process, which should be commensurate with the estimated value of services and benefits made available through Division I membership.

This requirement must be data-driven.

It must be made clear what part of the fee off-sets administrative and educational expenses and what part equates to the value of benefits and Division I brand.

Should this payment be viewed as a cost or expense off-set rather than a fee? It should be emphasized that conferences may require separate fees.

[There is a limited amount of resources, benefits and good will associated with Division I membership. The Leadership Council discussed a $1,000,000 application fee, but concluded that a specific calculation and data were needed before arriving at the appropriate figure. In addition, it was noted that upon election to Division I membership, the application fee should be deposited in an NCAA student-athlete scholarship program or among Student Athlete Opportunity Funds and should not be returned to the institution or provided to the sponsoring conference. In the event the institution withdraws from the reclassification process, the application fee would be returned to the institution, less any expenditure for educational costs related to the membership process. It should also be noted that conferences may require separate fees for joining the conference.]

(4) Upon beginning the "reclassification" process, the institution must meet Division I sports sponsorship requirements and consideration should be given to increasing the minimum to as much as a 75 percent of the grants-in-aid maximums in the conference sponsored sports in which the institution will participate. In addition, the alternative means of satisfying this requisite now set forth in Bylaw 20.9.1.2-(b) (c) and (d) should be modified to correlate to the increased minimum.

[This 75 percent minimum is an increase from the 50 percent now required for Division I institutions and the current membership shall be required to meet this minimum within a reasonable period following adoption of this legislation. Data should be reviewed regarding the actual level of grants now in place and the number or sports sponsored among Division I members. Bylaw 20.9.1.2.1 would be retained.] (The substance of this note should be moved to the regular text of the document.)

The Council wants to see data to have a better appreciation regarding what Division I members are currently providing in this area.

Given the importance of this issue it would be helpful to engage the conferences in a conversation regarding this topic to help ensure the percentage is appropriate. Also, would such minimums be appropriate in sports "designated" by the conference?

There needs to be a flexible approach available to institutions to ensure they can meet the standard reflective of the fact the membership includes both public and private schools.

What is the impact on revenue sharing?

(5) A prospective member may not be elected to active membership in Division I if it is subject to a "historical penalty" under the APR program.

[The Leadership Council also discussed requiring a four-year average APR of .925 or higher for each sponsored sport, but believes a demonstrated commitment to academics should be required.]

The Committee on Academic Performance and the Academic Cabinet should provide assistance in identifying the appropriate academic standard.

(6) NCAA certification should be required earlier in the "reclassification" period, possibly in year two.

[There should be an expectation that the sponsoring conference will assist the institution in this process and that special attention should be given to rules compliance, academic support services, recruiting, coaches, team travel and facilities. A compliance review should be required before final approval as a Division I member.]

The Committee on Athletics Certification should be involved in developing the recommended standards and timeline. Meeting standards early in the process and then demonstrating the ability to sustain such standards is important.

The review process must make it clear that this is an evolutionary process so that there is no confusion that receiving positive marks during the certification process does not necessarily equate to Division I membership.

More discussion should occur regarding the timing of the process and what elements should be included.

(7) A multisport conference must establish voting privileges in the Division I governance structure through legislation that names the conference among those set forth in applicable sections of Constitution 4 related to the structure and voting rations for member of the Board of Directors, Legislative and Leadership Councils and the five cabinets.

[Note: This is the current requirement in Division I. Current conferences should evaluate Constitution 3.3.3.2 regarding the formulation of Division I playing conferences.]

Items 7, 9 and 10 are related. It is important that the conferences are involved as part of this discussion and that they consider whether the definition of a multisport conference should be modified.

(8) Institutions participating in the current multi-divisional practice that permits a Division II or III institution to participate in one men's and one women's sport in Division I, except in football or men's or women's basketball should be permitted to continue that practice. Consider requiring standards for future entrants such as multisport conference affiliation, compliance reviews, defined financial aid requirements and application fees. No change is recommended for participation in national collegiate championships.

More information is needed regarding how this process currently works. Once more information is gathered, it would be appropriate to limit the practice.

In some sports access from a multi-divisional standpoint or from a single-sport conference may be appropriate, perhaps based off a percentage of sponsorship.

What is the impact of this item on FCS conferences?

(9) Multisport, voting conferences shall receive preference in awarding Automatic Qualification (AQ) for Division I championships. Further, no more than 32 AQs may be awarded for any championship, and at least 50 percent of the field must be preserved for "at large" selections.

(10) Division I conferences should evaluate current requirements for "core" and "continuity" for automatic qualification, which in turn will assist in determining whether those provisions remain valid if the membership requirements above are enacted.

Are "core" and "continuity" requirements needed if there is a meaningful definition of a multisport conference in the manual?

(11) New members of Division I should qualify immediately for revenue distributions related to academic enhancement and the Special Assistance/Student-Athlete Opportunity Fund. Remaining allocations and Division I distributions should be computed based upon actual members of the division at the time applicable revenue contracts are signed. Each sponsoring conference would be free to share its revenues from Division I distributions among its members as it deems appropriate.

[Note: This is a change in that the sponsoring conference will determine whether, and the manner by which, new members share in the Sports Sponsorship, Grants-in-Aid and Basketball Fund distributions.]

(12) The Football Championship Subdivision Issues and governance committees should be asked to evaluate minimum criteria for designation in that subdivision, as well as opportunities for postseason competition for member conferences.

More work is needed regarding this issue. It should be referred to FCS conferences and to both the FCS Issues and Governance Committees for comment.

(13) The role of the Administration Cabinet should be reviewed related to management of the reclassification process while working in coordination with *sponsoring conferences.*

With the added coordination with conferences in providing guidance and assistance to potential new members, some administrative functions

performed now by the Administrative Cabinet could be transferred to the conference office.

(14) Constitution 3.2.3.1 should be amended to provide that the vote to approve an institution for Division I membership upon recommendation of the Administration cabinet shall be taken by the Board of Directors, rather than the Leadership Council.

This may be noncontroversial legislation.

WHAT TO EXPECT WITH REGARD TO THE STATUS OF PROPOSAL NOS. 2008-46 AND 2008-59.

1. Override requests on Proposal Nos. 2008-46 and 2008-59.

Division I has received override requests on two proposals that were adopted by the Legislative Council during the 2008-09 legislative cycle. Specifically, Division I received 56 override requests from the membership with regard to Proposal No. 2008-46 Playing and Practice Seasons -- Baseball -- Preseason Practice and First Contest -- Championship Segment. This proposal specifies that in baseball, an institution shall not begin practicing before the Friday that is three weeks prior to the first permissible contest date and shall not play its first contest prior to the Friday in February that is 14 weeks before the Friday immediately preceding Memorial Day. Simply put, it calls for a change from the current 13 week season to a 14 week season.

Division I has also received 63 override requests regarding Proposal No. 2008-59 Division Membership -- Definitions and Applications -- Emerging Sports for Women -- Sand Volleyball. This proposal adds sand volleyball as an emerging sport for women.

2. What do these override requests mean?

Upon receipt of at least 30 override requests from the membership, the Legislative Council or the Board of Directors shall review its previous legislative action.

3. July 30, 2009, Legislative conference call.

Since the Legislative Council was the governance body within the Division I structure that adopted both proposals, subject to acceptance by the Board of Directors, the Legislative Council will be asked to review its previous legislative actions. Accordingly, the Legislative Council will conduct a teleconference on July 30 for this purpose.

During this teleconference, the Legislative Council may:

a. Accept the membership's override requests by defeating either (or both) of the previously adopted proposals;

b. Uphold its earlier decision to adopt either Proposal No. 2008-46 or Proposal No. 2008-59, or both; or

b. Develop alternative approaches to the concepts addressed in Proposal Nos. 2008-46 and 2008-59, but it should be noted that option is not likely given the nature of the proposals being reviewed.

[Note: The Legislative Council's action will not be considered final until after the conclusion of the August 6, 2009, Board of Directors meeting to ensure the Board has an opportunity to provide proper legislative oversight.]

4. <u>August 6, 2009, Division I Board of Directors Meeting</u>.

At its August meeting, the Board will receive a report from the Legislative Council's July 30 teleconference. Upon receipt of that report, the Board of Directors will have a number of options. The Board may:

a. Accept the Legislative Council's actions with regard to Proposal Nos. 2008-46 and 2008-59, in which case no further action will be needed by the Board;

b. Take a different, independent action from the Legislative Council, in which case the Board's action will be the binding action in response to the override requests; or

c. Develop an alternative approach regarding either of the legislative proposals (or both). Any alternative approach adopted by the Board would result in the new proposal(s) entering into another override period.

5. <u>2010 NCAA Convention</u>.

If the Division I Legislative Council or Board of Directors decide to uphold the earlier adoption of Proposal Nos. 2008-46 and 2008-59, the override request(s) will be considered by the membership at the 2010 NCAA Convention.

If a Convention proceeding is required, at least a five-eighths majority vote of active members present, including conference members in the governance structure, shall be required to override the previous legislative action. The vote will be based on the principle of one institution, one vote. The vote will be taken by roll call.

An override of the legislative action by vote of the membership shall be effective upon adjournment of the Division I Business Session where the vote would occur.

REPORT OF THE
NCAA DIVISION I LEGISLATIVE COUNCIL TELECONFERENCE
JULY 30, 2009

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Approval of NCAA Division I Administrative Committee Report.** The NCAA Division I Legislative Council approved the report of the Division I Legislative Council Administrative Committee's June 17, 2009, teleconference, as amended. The amended report is available on the NCAA Web site. (Unanimous voice vote.)

2. **Review of Proposals Subject to Override Vote.** Pursuant to NCAA Constitution 5.3.2.3.3, the Legislative Council reviewed its legislative decisions regarding NCAA Proposal No. 2008-46 (Playing and Practice Seasons – Baseball – Preseason Practice and First Contest – Championship Segment) and Proposal No. 2008-59 (Division Membership – Definitions and Applications – Emerging Sports for Women – Sand Volleyball). The Legislative Council sustained its previous actions of adopting each proposal. (Voting results may be found in Attachment A.) Therefore, an override vote for each proposal will take place at the 2010 NCAA Convention.

   [Note: Per NCAA Constitution 5.3.2.2.4.1, legislative actions taken by the Legislative Council shall be subject to possible review by the NCAA Division I Board of Directors at its next meeting.]

3. **Future Meeting Dates.**

   a. October 19-20, 2009, Indianapolis.

   b. January 13-14, 2010, Atlanta, in conjunction with the NCAA Convention.

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

Proposal No. 2008-46 – Playing and Practice Seasons -- Baseball -- Preseason Practice and First Contest -- Championship Segment.

Status: Board Reviews Legislation

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.

A. Bylaws: Amend 17.4.2, as follows:

17.4.2 Preseason Practice. A member institution shall not commence practice sessions in baseball prior to the following dates:

[17.4.2-(a) unchanged.]

(b) Championship Segment. ~~*February 1*~~ **The Friday that is three weeks prior to the first permissible contest date for the championship segment.**

B. Bylaws: Amend 17.4.3, as follows:

17.4.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in baseball prior to the following dates:

[17.4.3-(a) unchanged.]

(b) Championship Segment. The Friday in February that is ~~*13*~~ **14** weeks before the Friday immediately preceding Memorial Day (see Figure 17-2).

Source: Conference USA.

Effective Date: Immediate

Proposal Category: Amendment

Topical Area: Playing and Practice Seasons

Rationale: 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.

Estimated Budget Impact: Minimal.

Impact on Student-Athlete's Time: Potential reduction in missed class time.

Position Statement(s):
Championships/Sports Management Cabinet The cabinet opposes the proposal. The cabinet believes that of the three proposals (Proposal Nos. 2008-46, 2008-47 and 2008-48), Proposal No. 2008-48 reduces the challenges related to the compression of baseball schedules and likely would result in less missed class time and time away from campus, which ultimately could improve academic performance. The cabinet considered combining Proposal Nos. 2008-46 and 2008-48 but did not believe Proposal No. 2008-46 would be consistent with the recent changes designed to enhance competitive equity between northern and southern institutions.

History

Jul 15, 2008:	Submit; Submitted for consideration.
Sep 17, 2008:	Championships/Sports Management Cabinet, Recommends Defeat
Jan 15, 2009:	Leg Council Init Review, Forwarded for Membership Comment
Jan 18, 2009:	Comment Period; Start of Comment Period
Mar 18, 2009:	Comment Period; End of Comment Period; (Official Comment Totals: Support = 15, Oppose = 6, Abstain = 0)
Apr 20, 2009:	Leg Council Final Review, Adopted; Pending Possible Board of Directors Review
Apr 30, 2009:	Adopted, Override Period; No Action Taken by the Board of Directors
May 01, 2009:	Adopted, Override Period; Start of Override Period
Jun 29, 2009:	Adopted, Override Period; End of Override Period; (Number of Override Requests = 56)
Jun 29, 2009:	Based on the number of override requests received, the Legislative Council will review its action on the proposal during a July 30 teleconference. The proposal remains effective, pending the review.

Proposal No. 2008-59 -- Division Membership -- Definitions and Applications -- Emerging Sports for Women -- Sand Volleyball.

Status: Board Reviews Legislation

Intent: To add sand volleyball as an emerging sport for women.

A. Bylaws: Amend 17.02.12, as follows:

17.02.12 Varsity Intercollegiate Sport. A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions:-

[17.02.12-(a) through 17.02.12-(c) unchanged.]

17.02.12.1 Team Sports. The following are classified as team sports for purposes of this bylaw:

Baseball	Rugby, Women's
Basketball	**Sand Volleyball**
Field Hockey	Soccer
Football	Softball
Ice Hockey, Men's and Women's	Synchronized Swimming, Women's
Lacrosse	Team Handball, Women's
Rowing, Women's	Volleyball
	Water Polo, Men's and Women's

[Remainder of 17.02.12 unchanged.]

B. Bylaws: Amend 20.02.5, as follows:

20.02.5 Emerging Sports for Women. The following shall be considered emerging sports for women and countable for purposes of revenue distribution (for sports sponsorship and grants-in-aid):

(a) Team Sports: team handball, rugby**, sand volleyball** and synchronized swimming; and

[20.02.5-(b) unchanged.]

[Remainder of 20.02.5 unchanged.]

Source: NCAA Division I Management Council (Administrative Committee) (Committee on Women's Athletics).

Effective Date: August 1, 2010

Proposal Category: Amendment

Topical Area: Division Membership

Rationale: 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.

Estimated Budget Impact: Dependent on institutional decisions whether to sponsor an identified emerging sport for women. Emerging sports for women may be used to meet sports sponsorship requirements, in Divisions I and II the minimum membership financial aid requirements, and, in Division I, for revenue distribution purposes.

Impact on Student-Athlete's Time: Dependent on institutional sponsorship.

Position Statement(s):

Administration Cabinet September 2008 Review: The cabinet supports the proposal.

February 2009 Review: Although no formal position was taken to oppose the proposal, concern was expressed that there should be greater specificity regarding the applicable NCAA rules governing the sport (e.g., playing seasons, financial aid) prior to the vote.

Championships/Sports Management Cabinet The cabinet opposes the proposal. The cabinet expressed concern about the uncertainty surrounding proposed regulations for playing and practice seasons and financial aid. The cabinet would be interested in further discussion when additional detail regarding sand volleyball is developed.

History

Jul 14, 2008: Submit; Submitted for consideration.

Jul 14, 2008:	Committee on Women's Athletics, Recommends Approval
Jul 30, 2008:	Management Council Administrative Committee, Sponsored
Sep 11, 2008:	Administration Cabinet, Recommends Approval
Sep 17, 2008:	Championships/Sports Management Cabinet, Recommends Defeat
Jan 15, 2009:	Leg Council Init Review, Forwarded for Membership Comment
Jan 18, 2009:	Comment Period; Start of Comment Period
Feb 13, 2009:	Administration Cabinet; Reviewed proposal. (See position statement.)
Mar 18, 2009:	Comment Period; End of Comment Period; (Official Comment Totals: Support = 8, Oppose = 14, Abstain = 0)
Apr 20, 2009:	Leg Council Final Review, Adopted; Pending Possible Board of Directors Review
Apr 30, 2009:	Adopted, Override Period; No Action Taken by the Board of Directors
May 01, 2009:	Adopted, Override Period; Start of Override Period
Jun 29, 2009:	Adopted, Override Period; End of Override Period; (Number of Override Requests = 63)
Jun 29, 2009:	Based on the number of override requests received, the Legislative Council will review its action on the proposal during a July 30 teleconference.

Attachment to Addendum B
Supplement No. 8
DI Board of Directors 8/09

NCAA Division I Legislative Council Voting Results
July 30, 2009

Conference - Voting Delegate	Conference Type	Voting Weight	Sustain Adoption of Proposal No. 2008-46	Sustain Adoption of Proposal No. 2008-59
America East C. Doyle	I	1.20	No	Yes
Atlantic 10 D. E. Pasque	I	1.20	No	No
Atlantic Coast S. Lyons	FBS	3.00	Yes	Yes
Atlantic Sun B. Breedlove	I	1.20	Yes	Yes
Big 12 L. Ebihara	FBS	3.00	Yes	No
Big East J. F. D'Antonio, Jr.	FBS	3.00	No	Yes
Big Sky J. Nadolski	FCS	1.20	Abstain	Yes
Big South M. Eaker	FCS	1.20	Yes	Yes
Big Ten B. Jaffee	FBS	3.00	No	No
Big West C. Masner	I	1.20	Yes	Yes
Colonial Athletic Association S. Groff	FCS	1.20	Yes	Yes
Conference USA R. Philippi	FBS	3.00	Yes	Yes
Horizon League E. Jacobs	I	1.20	No	No
Ivy Group C. Campbell-McGovern	FCS	1.20	No	Yes
Metro Atlantic Athletic W. J. Maher	I	1.20	No	No
Mid-American D. Gragg	FBS	1.50	No	Yes
Mid-Eastern Athletic S. Stills	FCS	1.20	Yes	No
Missouri Valley M. Mulvenna	FCS	1.20	No	No
Mountain West J. Ruggiero	FBS	1.50		
Northeast M. Hefferan	FCS	1.20	No	Yes
Ohio Valley B. Walker	FCS	1.20	No	Yes
Pacific-10 K. Koong	FBS	3.00	Yes	No
Patriot League J. Kreps	FCS	1.20	No	Yes
Southeastern G. Sankey	FBS	3.00	Yes	Yes
Southern D. King	FCS	1.20	Yes	Yes
Southland T. Shoemake	FCS	1.20	Yes	Yes
Southwestern Athletic K. Brooks	FCS	1.20	Yes	Yes
Sun Belt K. Keene	FBS	1.50	Yes	Yes
The Summit League A. Torain	I	1.20	No	No
West Coast K. Peters	I	1.20	Yes	No
Western Athletic R. Spear	FBS	1.50	Yes	Yes
		Yes	**28.80**	**32.10**
		No	**19.50**	**17.40**
		Abstain	**1.20**	**0.00**
		Total	**49.50**	**49.50**

NCAA Division I Legislative Council Voting Results
July 30, 2009

MEMORANDUM

TO: Division I Board of Directors

FROM: Division I Committee on Infractions

SUBJECT: Proposed Amendments to NCAA Bylaw 10.1-(d)

Enclosed is a proposed amendment to NCAA Bylaw 10.1.

The original text appears as standard typeface. Deletions are in ~~*italicized strikethrough*~~ typeface. Additions appear in **bold** typeface.

SCC

Enclosure

ETHICAL CONDUCT – UNETHICAL CONDUCT

Intent: To provide a basis of accountability and authority in ethical conduct violations that outline culpability as it refers to providing false or misleading information or influencing others to provide false or misleading information to the NCAA or member institutions designed to conceal a violation of NCAA legislation.

Bylaw: Amend 10.1 as follows:

> 10.1 UNETHICAL CONDUCT. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member (e.g., coach, professor, tutor, teaching assistant, student manager, student trainer) may include, but is not limited to, the following:
>
> [10.1-(a) through 10.1-(c) unchanged.]
>
> (d) Knowingly furnishing **or influencing others to furnish** the NCAA or the individual's institution false or misleading information concerning ~~*the*~~ **an** individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;
>
> [10.1-(e) through 10.1-(j) unchanged.]

Source: Division I Committee on Infractions.
Effective Date: Immediate.
Proposal Category: Noncontroversial**.**
Topical Area: Ethical Conduct.

Rationale: This amendment is intended to codify current practice, as it relates to ethical-conduct violation charges under Bylaw 10.1-(d). This amendment would be consistent with case precedent as evidenced in decisions by the Committee on Infractions. Under NCAA Bylaw 10.1-(d), if an individual (to whom the bylaw applies) provides false or misleading information concerning violations of NCAA legislation, such conduct can serve as the basis for an ethical-conduct violation. Under a strict reading or interpretation of 10.1-(d), the individual is seemingly only responsible for personally providing false or misleading information concerning his or her own involvement in or knowledge of matters pertinent to a violation of NCAA legislation. In practice, however, providing false information concerning one's involvement in or knowledge of violations, inducing another person to provide false or misleading information about their involvement in or knowledge of violations, or falsifying documentation (e.g., compliance monitoring forms) to conceal violations are areas of conduct that have fallen under the purview of Bylaw 10.1-(d). Although Bylaw 10.1 is not intended to be an exclusive list of the type of conduct constituting unethical conduct, the proposed changes more accurately incorporate current practice as it relates to charging violations of Bylaw 10.1-(d).

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

An Excerpt from the
Report of the National Collegiate Athletic Association
Division I Administration Cabinet June 30, 2009, meeting.

a. Committee nominations. The cabinet approved appointments to Division I and Association-wide committees. [Attachment]

DIVISION I COMMITTEE ON INFRACTIONS.

- Eleanor Myers, faculty athletics representative, Temple University, Atlantic 10 Conference, interim vacancy replacing Eileen Jennings. [NOTE: This recommendation will be forwarded to the Division I Board of Directors for approval.]

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 September 1, 2009, vacancy. Appointee must be a female.**

Committee preference: **FAR.**

Staff Liaison: Shep Cooper, Jim Elworth

Chair: Paul Dee (9/08-9/10)

ATTACHMENT

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	Law Professor	Rodney Uphoff University of Missouri, Columbia (coordinator of appeals)	Big 12	Uphoff (term 1)	Uphoff (term 1)	Uphoff (term 1) 9/1/12
FBS	M	N	FAR	James O'Fallon University of Oregon	Pacific-10	O'Fallon (term 1)	O'Fallon (term 1)	O'Fallon (term 1) 9/1/12
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** **(retiring in Jul 2009)**	**Mid-American**	**Jennings** **(term 1)**		
FCS	M	Y	Comm	Dennis Thomas Mid-Eastern Athletic Conference	Mid-Eastern Athletic	Thomas (term 1)	Thomas (term 2)	Thomas (term 2) 9/1/12
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. 5/4/09

ATTACHMENT
SUPPLEMENT NO. 10A
DI Board of Directors 8/09

Division I Committee on Infractions Nominee Information

Name	Eleanor W. Myers [RESUME}
Designation	FAR, Associate Professor
Gender	F
Ethnicity	N
Institution	Temple University
Conference	Atlantic 10 Conference
50% Rule	Y
Qualification Statement	Professor Eleanor Myers possesses excellent credentials for appointment to the Division I Committee on Infractions. She has been the FAR at Temple University for the past 3 years and is currently an Associate Professor at TU's Beasley School of Law, where she has taught for 16 years. Her background as Associate University Counsel at Temple University and her position as Vice Chair of the University Disciplinary Committee give her a unique skill set that will prove invaluable to the Committee. Her duties as chief writer for the NCAA certification self-study report and as the staff member in charge of investigating and drafting secondary violations at Temple make her stand out compared to other potential candidates. Finally, her first-hand experience presenting to the Committee on Infractions(Report No. 266-2007) on behalf of Temple could bring a unique perspective to the composition of the committee, and will allow her to contribute right away, since she is familiar with the process.
Committees Served On	I have leadership experience in administrative disciplinary systems. For 10 years (1998-2008), I was an independent board member of the Philadelphia Stock Exchange, a regulator of financial derivatives, where I chaired the Business Conduct Committee. That committee was responsible for enforcing Exchange rules. I also served as Vice Chair of Temple's Student Disciplinary Committee (2003-06), where I chaired hearing panels ruling on student disciplinary violations and administering penalties. In both capacities, I appreciated the role an independent, respected regulatory structure plays in fostering an active compliance culture. I believe it is extremely important to provide fair processes, transparent reasoning for decisions, and horizontal equity, treating the similar cases similarly. I have also served on boards of charities, such as Women's Way, Women's Medical Fund and Friends Select School, so I am very familiar with non profit governance.
Prof Empl Hist	I was Associate University Counsel from 1983-1988: Associate Professor of Law in 1993-present. I specialize in teaching and publishing in Legal Ethics and business courses and have extensive experience teaching and consulting internationally, in China, Japan, Philippines and Italy. I have won awards for teaching and curriculum development and have been elected as member of the America Law Institute. Prior to teaching, I practiced securities and antitrust law at a private law firm. I was appointed FAR at Temple in 2006. In that role, I chair the President's Advisory Committee on Intercollegiate Athletics, serve on the Academics/Compliance committee and the APR Improvement Committee, attend meetings of the Board of Trustees Committee on Athletics, investigate and draft secondary violations reports, and serve on search committees for key athletic administrators. (Temple is a member of two athletic conferences, the A-10 and MAC for Football.) I was appointed chief writer for Temple's recertification self study. (Certification issued April 2009). I was very active in the entire self- study process, attending all committee and subcommittee meetings and participating in development of all plans for improvement. I have prepared and presented Temple's appeals of APR penalties to the NCAA Committee on Academic Performance. I also
Education	I graduated from the University of Pennsylvania (BA 1969) and the University of Pennsylvania Law School (JD 1975 – Magna Cum Laude). I was a graduate fellow at Stanford University Law School from 1976-77.
Nominee Accept	Y
Conference Accept	Y

Division I Committee on Infractions Nominee Information

Name	Rhonda Hatcher [RESUME]
Designation	FAR, Associate Professor of Math
Gender	F
Ethnicity	N
Institution	Texas Christian University
Conference	Mountain West Conference
50% Rule	Y
Qualification Statement	I have served as TCU's FAR for 10 years. In this role, I have acquired a deep understanding of NCAA rules and a knowledge of the history of the actions of the Committee on Infractions over the past decade. As FAR, I have had direct experience in the process involved when an instituion is faced with a major infraction. Also, as a mathematician, I have strong logical reasoning skills that I believe would serve me well in analyzing the often complex cases that come before the committee.
Committees Served On	AEC Cabinet, Nov. 2001-June 2004 Academic Consultants for the NCAA, Nov. 2001-Oct. 2003 Finance Committee of Conference USA, March 2001-May 2004 Sportsmanship Committee of the Mountain West Conference, April 2005-April 2006 Recognition Committee of the Mountain West Conference, April 2005-Aug.2007 Division I Initial Eligibility Waivers Committee, Sept. 2004-August 2008 (Chair 2007-2008) Division I-A Representative on the FARA Executive Committee, Jan. 2007-Dec. 2008 NCAA Div. I Football Academic Working Group (Chair of FBS Subcom. on Eligibility), April 2008-present
Prof Empl Hist	Associate Professor of Mathematics, Texas Christian University, 1990-present Faculty Athletics Representative, Texas Christian University, 1999-present Assistant Professor of Mathematics, Saint Olaf College, 1987-1990
Education	Ph.D. Mathematics, Harvard University, 1987 A.M. Mathematics, Harvard University, 1982 B.A. Mathematics, University of Colorado at Boulder, 1980
Nominee Accept	Y
Conference Accept	Y

Beth-

First, as I think you know, we need a woman to be appointed, as the legislation states that there must be *at least* two women on the committee. We currently have one (Missy Conboy) and we need a woman to replace Eileen Jennings, who is remaining on the committee in the capacity as a "substitute" until her replacement comes aboard. As you probably recall, she officially retired from Central Michigan on July 1.

We've added Jim O'Fallon (law prof and FAR at Oregon) to the deliberative committee (8 members) and Rod Uphoff (law prof at Missouri) to the appeals side (two members). It is still the committee preference to have two faculty members (preferably also FARs) on the deliberative side. With that said, we would still like to have one more faculty member/FAR to the deliberative committee (again, it must be a woman).

I hope this addresses your needs. If not, let me know. Thanks.

Shep Cooper
Shepard C. Cooper
Director of the NCAA Infractions Committees
P.O. Box 6222
Indianapolis, IN 46206-6222
(317)917-6222

AFCA/NCAA RESPECT Weekend

As part of the NCAA's national sportsmanship campaign, the American Football Coaches Association (AFCA) and NCAA are partnering to hold a national "AFCA/NCAA RESPECT Weekend" the opening weekend of the 2009 football season. Games are scheduled for **September 3 through 7.**

Pregame handshake. Along with background information and messaging regarding the RESPECT campaign, the highlight of the pregame activity will be a pregame handshake at midfield between both teams' head coach, athletics director (or designee) and players. This sign of sportsmanship will take place just before the coin toss.

AFCA Board of Directors. Through Executive Director Grant Teaff, the AFCA Board of Directors and Ethics Committee have approved this concept and are fully supportive of the mission and goals.

Promotional items. During the weekend, all NCAA institutions that sponsor football will be provided the opportunity to download and order materials, depending on in-stadium capability, which include:

- Banners/signage;
- Video Public Service Announcements;
- Public Address scripts;
- Script for home coach to use to tape videoboard messages;
- Logos for use on T-shirts or other giveaway items for fans.

Athletics Director involvement. Because this effort is department-wide, the AFCA and NCAA are asking athletics directors (or their designee) to participate in the pre-game handshake. This will also assist with the setup and timing of the pregame protocol. Mr. Teaff has reached out to the Division I Football Bowl Subdivision's athletics directors association for their support.

Public relations campaign. The NCAA and AFCA will jointly announce the weekend with a press release and the AFCA membership will be briefed through normal communication channels in their organization.

Sports Information Directors. Sports information directors will receive a separate mailing from the NCAA regarding the weekend, including talking points and suggested pregame timing protocols. Institutions will be asked to share photos from the school photographer with the NCAA for further promotion of the effort.

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

NCAA National Office
Indianapolis, Indiana

April 30, 2009

Participants:

Michael Adams, University of Georgia, chair
Charles Bantz, Indiana Univ.-Purdue Univ. at Indianapolis
James Barker, Clemson University
Damon Evans, Atlantic 10 Conference
Bruce Grube, Georgia Southern University
James Harris, Widener University
Stephen Jordan, Metropolitan State College of Denver
Robert Kustra, Boise State University
Lynn Oberbillig, Smith College
Harvey Perlman, University of Nebraska, Lincoln
John Peters, Northern Illinois University
Beverley Pitts, University of Indianapolis
Shirley Raines, University of Memphis
Edward Ray, Oregon State University
Tim Selgo, Grand Valley State University
Paul Trible, Christopher Newport University
Myles Brand, NCAA
Bernard Franklin, NCAA
Delise O'Meally, NCAA, recording secretary

Anthony DiGiorgio, Winthrop University; Thomas Powell, Mount St. Mary's University, and Nancy Zimpher, University of Cincinnati, were not able to participate.

Also in attendance were: Gary Brown, director of NCAA News; Elsa Cole, vice president of legal affairs/general counsel; Joni Comstock, senior vice president of championships/senior woman administrator; Dennis Cryder, senior vice president of branding and communications; Greg Shaheen, senior vice president of basketball and business strategies; Jim Isch, senior vice president of administration/chief financial officer; Kevin Lennon, vice president of academic and membership affairs; Keith Martin, managing director of finance and operations; Rachel Newman, director of agents, gambling and amateurism; Wallace Renfro, vice president and senior advisor to the president; Robert Vowels, vice president of educational affairs;

Charlotte Westerhaus, vice president of diversity and inclusion; Bob Williams, managing director of public and media relations; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Beth DeBauche, Leah Kareti, and Terri Steeb, NCAA governance directors.

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

The meeting was called to order at 3:38 p.m. by the chair, President Adams. All members were present as noted above.

1. Welcome and announcements. Adams welcomed all attendees and specifically welcomed James Harris, president of the Widener University and the incoming vice-chair of the Division III Presidents Council. Also, Adams presented Bruce Grube with an award for his service to the Executive Committee.

2. Approval of January 17, 2009, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the January 17, 2009, meeting as distributed."

3. NCAA President's report. President Brand provided updates, discussed a series of initiatives and sought Executive Committee input.

   a. Championships issue. Brand called on Newman to provide an overview of an NCAA policy that precludes the hosting of championship events in metropolitan areas where sports wagering occurs. Newman noted that the policy originally applied only to Division I men's basketball but was later expanded to include other sports and other divisions. The policy currently makes no distinction between predetermined and nonpredetermined championship sites. Additionally, it was noted that the policy speaks to a "metropolitan area" within a state that conducts sports wagering. The Committee agreed to refer the policy to the divisional championships committees and cabinets, as well as the NCAA

      Sportsmanship and Ethical Conduct Committee, for further discussion and rec-

ommended clarification on the predetermined/nonpredetermined issue, as well as the "metropolitan area" language.

b. NCAA pandemic plan. Shaheen provided an update on the NCAA's pandemic preparedness plan. Shaheen noted that the national office is closely monitoring the H1N1 flu outbreak and any impact the illness could have on spring championships and overall operations. Shaheen noted that the national office receives regular updates from federal agencies and is in communication with host institutions and conferences regarding ongoing planning. At this point, no changes are expected for spring championships but, depending on the progression of the outbreak, adjustments could be made.

c. NCAA conflict-of-interest policy. O'Meally provided an update on revisions to the NCAA conflict of interest policy. O'Meally noted that, while the revisions do not change the substance of the document, they clarify the unique responsibility associated with committee service within a membership organization and, specifically, the representative capacity in which committee members sit.

It was VOTED

"To approve the revised conflict of interest statement."

d. Update on new membership initiatives. Franklin provided an update on ongoing discussions with the National Association of Intercollegiate Athletics (NAIA) related to possible collaboration between both associations. Franklin noted that the NAIA recently adopted legislation to establish an eligibility center to be operated by a third party. This action opens the door for a possible programmatic relationship between the NAIA and the NCAA Eligibility Center if an appropriate business plan can be developed. The Committee agreed to appoint a working group of presidents representing all three NCAA divisions to work with a similar group of presidents from NAIA institutions to consider future collaboration opportunities.

e. Report from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. Brand called on Vowels to review the report from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. Vowels noted that the report included final results of the 2007-08 NCAA drug testing in championships events for all divisions, as well as year-round testing in Divisions I and II. Vowels noted a slight increase in positive tests for anabolic agents; however, the lab professionals believe this increase may be explained by advances in laboratory technologies, with analytical screening becoming more sensitive and

better able to detect. He also noted that future discussions will include possibilities for testing human growth hormone.

It was VOTED

"To approve the publication of the 2007-08 NCAA drug-testing results."

4. NCAA Executive Committee Finance Committee report.

a. Second quarter FY 2008-09 budget-to-actual. The Finance Committee reviewed the second quarter budget-to-actual statement and is satisfied that the Association is on target with its revenues and expenses. The second quarter budget reflects the $4.7 million budget reductions approved by the Executive Committee in January. The Association is on target to meet the savings goal.

b. Projected FY 2009-10 revenues and expenditures. The NCAA operates on a biennial budget process where programmatic increases are approved for a two-year period. This is the off-year of the biennium, and the recommended budget adjustments will maintain current programming levels and provide for the already agreed-upon divisional distributions.

c. FY 2009-10 maintenance budget requests. The Finance Committee recommended the following Fiscal Year 2009-10 budget initiatives to maintain current program levels. Considering the difficult financial times, the Committee took a very conservative posture with respect to allocating additional maintenance dollars for the upcoming fiscal year.

(1) Modest increases on general services and operations expenditures, such as consulting services; building management; overhead and utilities; drug testing; travel and insurance. Many of these increases are contractual in nature or are unavoidable.

(2) A two percent merit adjustment and an additional 0.5 percent for equity adjustments for staff. The Finance Committee unanimously decided to give Brand with the authority to provide up to the requested amount if projected revenues appeared to be stable for the upcoming year.

(3) Five hundred thousand dollars for research and assistance with the possible transition to a different media and marketing rights contract. These funds will only be expended as the process is undertaken.

(4) Funding to suspend dues for a one-year period and provide temporary reserve funds that will be distributed in accordance with the Association's year-end unallocated resources policies should the resources not be used.

It was VOTED

"To approve the fiscal year 2009-10 maintenance budget requests."

d. Cost savings. In January 2009, the national office implemented processes to save a minimum of $4 million from its FY 2008-09 operating budget. The savings represent an approximate three percent reduction of its operating budget. While only three months have passed since implementation, staff reports substantial progress has been made toward achieving the savings targets. Moreover, staff believes these savings can be achieved and, ultimately, money can be returned to the membership.

e. Committee meeting policy. The Committee recommends that, as a first option, all NCAA meetings be held in Indianapolis. When fully implemented, the policy will save the Association approximately $500,000 annually. Additionally, the NCAA national office will be reducing the number of staff traveling to out-of-town meetings, including committee meetings. These savings would be above and beyond what has already been discussed in Supplement No. 7 and will allow the national office to maximize its human and technology resources.

It was VOTED

"To approve the proposed meeting policy included under Supplement No. 8."

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

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

(1) Charged the Division I governance structure with examining its operational bylaws and policies to identify possible cost-savings initiatives.

(2) Received presentations on the following topics:

(a) Youth Basketball Initiative. The new chief executive officer of the Youth Basketball Initiative, Kevin Weiberg, provided an update on this joint NCAA/NBA initiative. The Board noted the importance

of the relationship between this initiative and the work of the Men's Basketball Academic Enhancement Group.

(b) NCAA Bundled Rights Agreement. Shaheen led a discussion regarding the NCAA Bundled Rights Agreement.

(c) Empirical effects of intercollegiate athletics. Mark Israel, senior vice president at Compass Lexecon, LLC, and an NCAA economic consultant, presented on the empirical effects of intercollegiate athletics.

(d) NCAA financial dashboard indicators. Isch provided an update on the NCAA financial dashboard indicators program. He also discussed the national office cost-savings initiatives.

(3) Division I Committee on Academic Performance (CAP). Received a report from CAP and learned more about efforts to develop a coaches' rate portfolio. Additionally, the Board received a data presentation about recent Academic Performance Rate trends, which generally reflected good news regarding the academic performance of Division I student-athletes.

(4) Division I Legislative Council. Received a report from the April 20 meeting of the Legislative Council, which reflected the legislative actions taken by the body, and the Board offered no objection to the Legislative Council's actions.

(5) Division I Leadership Council. Asked the Leadership Council to thoroughly vet the issue of the level of appropriate representation in the governance structure of faculty to help ensure the academic view is heard throughout the structure.

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

(1) Sports wagering policy. Discussed the NCAA's sports wagering policy that Divisions I and III previously approved. After deliberate discussions and consideration of the alternatives, the Presidents Council agreed to recommend the following policy for Division II effective June 1, which states:

"No session of an NCAA championship may be conducted in a metropolitan area with legal wagering that is based upon the outcome of any event

(i.e., high school, college or professional) in a sport in which the NCAA conducts a championship."

(2) Presidents Council election. Elected Dorothy Leland, Georgia College and State University, as its newest representative from Region 2. President Leland will complete the rest of Tom Harden's term of office, which would have ended in January 2010, and serve an additional four-year term of office.

(3) Division II Strategic Positioning Platform. Spanish-speaking members of the Division II Management Council and the NCAA staff have collaborated on the translation of the Division II Strategic Positioning Platform into Spanish. The division is in the process of having the platform reproduced and made available to member schools in Puerto Rico, as well as others in the United States that customarily serve those whose primary language is Spanish. Additionally, Division II is looking into the feasibility of conducting a meeting in October between the Division II Presidents Council and presidents/chancellors of Hispanic-serving institutions to discuss other ways the division can assist in making their Division II membership more meaningful and useful to their students.

(4) NCAA Bylaw 17 (playing seasons). At its Wednesday evening meeting with Division II conference board chairs, the Presidents Council began deliberations on how Bylaw 17 can be better brought into alignment with the Division II strategic platform and, at the same time, develop better business practices to assist with institutional athletics department budgets. The Division II governance committees have begun their review of this bylaw, beginning with those areas that directly affect the strategic positioning of the division and are easily adaptable to change. Those issues that are more complex in nature will be scrutinized and adjusted for membership consideration at the 2011 NCAA Convention. All of these measures are aimed at allowing member institutions to help student-athletes live out the fundamental principle of Division II – balance. The division also will continue discussions this summer about travel policies and administrative costs for NCAA Division II championships.

(5) Central Washington softball video. Shared a video about three Division II student-athletes whose actions reflected the spirit of sportsmanship, respect, civility and honor that transcends intercollegiate athletics.

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

(1) New members. Welcomed three new members to their first meeting: Ron Thomas from the University of Puget Sound, Jim Schmotter from Western Connecticut State University and Ken Baker from Ohio Northern University.

(2) 2009-10 budget. Approved recommendations from the Division III Strategic Planning and Finance Committee for inflationary adjustments and reallocations for the 2009-10 budget, highlighted by an inflationary increase to championships per diem and the allocation of funds to begin the Division III Identity strategic communication effort.

(3) Membership requirements and penalties. Agreed to place six institutions on probation for failure to meet conditions and obligations of membership. The Council asked the Division III Membership Committee to review the 10-year probationary period for the violation of membership requirements and develop a new sliding scale of two to five years, with greater flexibility to address mitigating circumstances. Changes to the penalty structure would be applied retroactively for any institutions currently on probation.

(4) Summary of financial aid reporting process. Received results of the first four years of the financial aid reporting process. In the reporting period including 2005-06 to 2008-09, 104 institutions underwent a comprehensive review of financial aid policies and outcomes, and 47 institutions were forwarded to enforcement services based on the Financial Aid Committee's conclusion of a financial aid violation. The vast majority of cases were deemed to be secondary violations by the enforcement services staff, but a handful of cases are under review as potential major violations.

(5) White papers and strategic considerations. Engaged in a series of strategic conversations based on recommendations in the Division III white papers issued last fall in response to membership growth. The Council focused on the following three issues:

(a) Presidential leadership. The Council endorsed, in concept, a series of recommendations that would allow it, and the broader community of Division III presidents, to focus on more strategic issues, while empowering the Management Council to assume more leadership related to operational and administrative issues. The Council will review these concepts in August with the Presidents Advisory Group. The proposals are targeted for a membership vote at the 2011 Convention.

(b) Philosophy and identity of Division III. Division III is engaged in a comprehensive initiative to better articulate its identity, focusing on both the campus community and external constituents. The Council received a presentation on the preliminary findings of 61 interviews conducted by NCAA consultant Jeff Jacobs. The Council also conducted a valuable round table exercise to test some of those findings. The next phase of the effort is a series of surveys to be conducted in May and June. Summary findings and a communications platform will be shared with the Presidents Advisory Group in August, and an activation plan will be developed this fall. The Council intends to formally unveil its work at the 2010 Convention.

(c) Academic considerations. The Presidents Council approved the establishment of an academic reporting pilot related to student-athlete graduation rates. The division's philosophy statement calls for student-athlete academic performance to meet or exceed that of the overall student body, but the term "academic success" has not been defined nor have measures for success been established. Division III institutions are not required to calculate or submit separate student-athlete graduation rates because they do not award athletics aid. The pilot will use data for the general student body, which already is collected for federal graduation-rate calculations, and determine the additional burden, if any, of creating separate student-athlete rates. The end goal will not be punitive – the intention is not to establish minimum graduation rates or specific eligibility standards for the division or establish related penalties. Instead, the goal is to ensure that this information is available and relevant on each campus. The pilot was approved for 2010-11, but staff will explore whether implementation in 2009-10 is feasible.

6. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The Committee received the subcommittee's report, which included updates from the NCAA Committee on Women's Athletics and the NCAA Minority Opportunities and Interests Committee. The subcommittee also heard a report on the Association's diversity awards program and discussed how to use the award to create greater awareness by presidents and chancellors. The subcommittee received an overview of a research study designed to measure career aspirations and perceptions of careers in intercollegiate athletics among females. The study, Gender Equity in College Coaching and Administration – Perceived Barriers (Barriers 2007-08), seeks to outline the factors that continue to influence women's careers, motivate women to seek careers in intercollegiate athletics, and to

identify potential obstacles institutions may face in recruiting and retaining women in coaching, administrative and officiating positions. The subcommittee will continue to discuss this issue at its next meeting.

7. NCAA Executive Committee Administrative Subcommittee. The Committee received a report on actions taken by the Administrative Subcommittee during its recent teleconference. It was noted that the Administrative Subcommittee adopted a resolution to extend the term of Adams as chair of the Executive Committee through April 2010.

8. Executive session. The Committee convened a brief executive session to discuss employment matters.

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

10. Adjournment. Adams adjourned the meeting at 5:10 p.m.

# # # # #

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED

MEMORANDUM

August 3, 2009

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 April, 2009.

The NCAA is currently a defendant in14 active cases and a plaintiff in two cases. Four new cases were filed this quarter; one case was resolved favorably.

New Cases

Sam Keller, a former Arizona State University and Nebraska student-athlete quarterback, has filed a potential class-action lawsuit against Electronic Arts, Inc. (EA), the NCAA and the Collegiate Licensing Company (CLC) in federal court in Oakland, California. He alleges that the NCAA improperly permits EA to utilize student-athletes' names and likenesses in its NCAA Football, NCAA Basketball and NCAA March Madness video games and that the NCAA, EA and CLC have unlawfully conspired to use student-athletes' likenesses without permission, all violating the student-athletes' rights of publicity. The suit also asserts a breach of contract claim against the NCAA for its alleged failure to protect the student-athletes whose names and likenesses have allegedly been utilized by EA. The defendants have all filed motions to dismiss the claims against them.

Ed O'Bannon, a former UCLA men's basketball student-athlete, has also filed a potential class-action lawsuit against the NCAA and CLC in the same federal court as *Keller* on behalf of himself and all former and current FBS football and Division I basketball student-athletes. He claims that the use of their images, currently and in the future, in such things as television broadcasts, rebroadcasts of "classic" games, DVD game and highlight films, photographs, jerseys and other apparel, is being offered for sale or used without informed consent and without compensation paid, all in violation of antitrust laws, and constitutes unjust enrichment. He asks for an injunction voiding all NCAA and NCAA member forms signed by student-athletes that purport to grant rights in the use of their images after they are no longer student-athletes,

disgorgement of all of NCAA and CLC profits from this wrongful conduct and the establishment of a constructive trust for restitution to the class of student-athletes.

A group of 26 Florida media affiliates have filed a complaint in a Florida state court against the NCAA, Florida State University (FSU), its president and FSU's outside law firm, and FSU has cross-claimed against the NCAA, to enforce the Florida Public Records Act as it relates to FSU's NCAA infractions and appeals proceedings. The lawsuit alleges that the NCAA Committee on Infractions' (COI) response to FSU's appeal and transcript of its COI hearing are public records and that the NCAA's use of a secure, read-only Web site for the documents to be reviewed by FSU is intended to deny public access to records and evade Florida's Public Records Act and constitutes unlawful withholding of public records. A hearing on the NCAA motion for summary judgment is scheduled for August 5, 2009. If necessary, an evidentiary hearing is scheduled for August 21 and 22, 2009.

The NCAA has joined with the NFL, the MBA, the NHL and the NBA in a lawsuit filed in federal court in Delaware asking the new Delaware gambling legislation that permits betting on single games be declared illegal under the Professional and Amateur Sports Protection Act (PASPA). That federal law prohibits states from implementing legislation to permit gambling that was not already in existence at the time that law was enacted in 1992.

Resolutions

The plaintiffs in the *Dale Lloyd* case dismissed their claims against the NCAA under the terms of a settlement agreement and release entered into between the NCAA and the plaintiffs on June 19, 2009. Rice University also settled with the plaintiffs. Dale Lloyd was a football student-athlete at Rice University who died two years ago, due to sickle cell trait, after collapsing following a football practice.

Recent Developments

On May 13, 2009, a federal court in Indianapolis approved a settlement with Ticketmaster in the *Tom George* potential class action lawsuit, and Ticketmaster was dismissed as a defendant. Plaintiffs who are unsuccessful applicants for tickets to the Division I men's and women's basketball and men's ice hockey championships claim that the NCAA operates illegal lotteries to sell and distribute tickets to those championship tournaments.

On May 8, 2009, an Alabama state trial court denied plaintiff's motion for a new trial in the *Ray Keller* lawsuit. Keller has filed an appeal with the Alabama Supreme Court, challenging the court's ruling that there is no basis for a new trial. Keller, a former University of Alabama booster, previously dismissed his appeal from a trial judge's reversal of a $5 million jury verdict in his favor in a defamation suit arising from comments made in an NCAA infractions matter.

An Ohio trial court on July 8, 2009, denied a motion brought by Andy Oliver, an Oklahoma State baseball student-athlete, seeking to hold the NCAA in contempt of court for issuing a guidance to baseball student-athletes eligible for the draft that described the court's previous ruling in that case as narrow and limited in scope. That ruling in February 2009 enjoined the NCAA from enforcing against Oliver the NCAA rule prohibiting an attorney for a student-athlete being present in a meeting with a representative of a professional team. Trial on the damages due Oliver, if any, from the February ruling is set for October 19, 2009.

EKC:lev

cc: Selected NCAA Staff Members.

NCAA Government Relations Report
(June 2009)

1. Congressional Overview.

As Congress heads into its final month before the annual August recess, there are a number of issues that were a part of an ambitious legislative agenda that have yet to be addressed. This is partly due to the amount of time and attention that has been directed toward the nation's ailing economy. Efforts to improve the economic conditions in this country have recently resulted in several measures being signed into law by President Obama. These include the Helping Families Save Their Homes Act, the Fraud Enforcement and Recovery Act, and the Credit Card Accountability, Responsibility and Disclosure Act. Each of these measures offer further assistance and protections for consumers from conditions and practices, which contributed to the current state of the nation's economy.

Prior to the August recess it is expected that Congress will spend a significant amount of time focusing on a variety of proposals aimed at reforming America's health care system. Other issues of priority include climate change, financial regulation reform and completing the appropriations process. Additionally, the Senate is expected to begin confirmation hearings for Supreme Court nominee Judge Sonia Sotomayor.

Despite an agenda filled with major legislative priorities, Congress has continued to display an interest in a variety of sports related issues. It is expected that a few of these matters will draw additional attention from Congress prior to its August recess.

2. Federal Issues.

a. Tax Exempt Status of College Athletics.

In May 2009, the Congressional Budget Office (CBO) released a report titled "Tax Preferences for Collegiate Sports," which was prepared in response to a 2007 request from Senator Charles Grassley (R-IA), ranking member of the Senate Finance Committee. The report examined the current tax treatment of colleges and universities and how intercollegiate athletics benefits from those tax preferences. More specifically, the report compared the revenue generated by athletic departments from commercial sources to that generated by the rest of the institution's activities to determine the degree of its commercialization.

The CBO report found that the athletic departments of NCAA Division I schools derive a considerably larger share of their revenue from commercial activities in comparison to other segments of the higher education community. However, it found that removing the major tax benefits currently available to athletic departments would do little to change the nature of these programs or generate much tax revenue. To date, there has been no congressional follow-up on this CBO report.

b. Bowl Championship Series.

The current structure of the Bowl Championship Series (BCS) has continued to garner the attention of members of Congress and President Obama. To address what they have considered to be an inequitable postseason football structure, several members of Congress have continued to seek alternatives through congressional inquiry and policy.

During the early stages of the 111th Congress, several policy alternatives were introduced. These included H. Res. 68, which was introduced by Representative Neil Abercrombie (D-HI). H. Res. 68 rejects the current BCS structure as an illegal restraint of trade that violates the Sherman Anti-Trust Act and supports the establishment of an NCAA Division I Football Bowl Subdivision (FBS) championship playoff system. Representative Joe Barton (R-TX) introduced H.R. 390, the College Football Playoff Act of 2009, which would prohibit the promotion, marketing, and advertising of any postseason NCAA Division I football game as a national championship game unless the game is part of a fair and equitable playoff system. Finally, Representative Gary Miller (R-CA) introduced H.R. 599, the Championship Fairness Act of 2009, which would prohibit institutions of higher education from receiving federal funds if their football team participated in the NCAA Division I FBS, unless the national championship game is a culmination of a playoff system. Despite ongoing attention to this matter, these measures have received little if any additional legislative attention since introduction.

On May 1, 2009, Chairman Bobby Rush (D-IL) convened a hearing before the Energy and Commerce, Trade and Consumer Protection Subcommittee on the BCS. The hearing titled "The Bowl Championship Series: Money and Other Issues of Fairness for Publicly Funded Universities" examined a variety of issues, most notably, the issue of competitive fairness and whether the current BCS structure and distribution of revenue has an adverse impact on public colleges and universities.

Witnesses included John Swofford, Commissioner, Atlantic Coast Conference; Craig Thompson, Commissioner, Mountain West Conference; Derrick Fox, President and CEO, Valero Alamo Bowl; and Gene Bleymaier, Athletic Director, Boise State University.

In the Senate there have also been discussions among some prominent senators about the current structure of the BCS. Those expressing concerns have mostly focused on the competitive inequity created by the BCS structure and possible antitrust violations. On March 25, 2009, Senator Herb Kohl (D-WI), chair of the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights and Senator Orrin Hatch (R-UT), ranking member, released the subcommittee's agenda for the 111th Congress. Among the issues that the subcommittee plans to address during the 111th session is the Bowl Championship Series. Holding true to their proposed agenda, the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights has scheduled a hearing on the BCS for July 7, 2009, titled "The Bowl Championship Series: Is it Fair and In Compliance with Antitrust Law?" Reports suggest that Senator Hatch is considering introducing legislation following the hearing, which will address his concerns with the BCS structure and its perceived inequitable impact on many colleges and universities.

c. Internet Gambling.

On May 6, 2009, Representative Barney Frank (D-MA), chair of the House Financial Services Committee, introduced H.R. 2267, the Internet Gambling Regulation, Consumer Protection, and Enforcement Act. H.R. 2267 would establish legalized and regulated online wagering for American citizens. The Act would also create a federal regulatory and enforcement framework that would permit Internet gambling operators to obtain licenses, enabling them to accept bets from individuals located in the United States.

The bill contains a section, which reinforces the ban on sports wagering put in place by the Professional and Amateur Sports Protection Act (PASPA). However, PASPA only prohibits states and tribes from legalizing sports gambling and has no effect on sports gambling that is licensed by the federal government. Due to this important distinction, the NCAA and the professional sports leagues remain in opposition to H.R. 2267. While H.R. 2267 has received no legislative attention to date, it is expected that a hearing will be held on this matter prior to the August recess.

Chairman Frank also introduced H.R. 2266, the Reasonable Prudence in Regulation Act. This measure would delay the implementation of regulations established under the Unlawful Internet Gambling Enforcement Act until Congress has had a chance to decide national policy on this matter. H.R. 2266 has yet to receive any additional legislative attention.

3. State Issues.

a. Delaware- Sports Wagering.

Despite continued opposition from the NCAA and the NFL, the Delaware legislature approved legislation that will allow wagering on athletic contests including collegiate competitions. While the law allows betting on collegiate competitions, it will exclude wagering on games in which any Delaware college or university competes. Following an initial defeat by the Delaware House, an amended version of the legislation was passed by a vote of 30-4 and 17-2 by the Delaware House and Senate respectively.

Under the legislation, which was signed into law on May 14, 2009, by Delaware Governor Jack Markell, the state's three racinos will now add legalized sports wagering and at some point table games to the 8,200 slot machines and horse-betting operations that are currently being conducted. The law increases the state's share of slot-machine money and is expected to raise $50 million in revenue according to Govenor Markell from its sports wagering scheme. While the revenue estimate from legalized sports betting continues to be disputed, Delaware leaders expect that revenue raised from this law will cut into the state's $778 million budget deficit.

Following the enactment of this legislation, the Delaware Supreme Court ruled that the law reenacting sports betting complied with the state's constitution. An advisory opinion signed by all five justices, explained that the sports betting law would constitute a lottery even though it involves an element of skill because chance is a predominate factor. Under the state constitution a lottery is the only form of sports gambling (besides wagering on horse races) allowed. While the Supreme Court decided that parlay games met constitutional muster, it did not rule on whether single game betting would constitute a lottery. To date the type of bets allowed under

Delaware's new sports wagering scheme has not been determined. Due to restrictions under PASPA, Delaware is limited in the type of betting it can conduct.

b. New Jersey – Sports Wagering.

As discussions have continued regarding the expansion of sports wagering in the United States, New Jersey elected officials have become more active in attempting to remove prohibitions put in place by PASPA. Under PASPA, New Jersey is currently prohibited from conducting any type of sports wagering. Despite this current impediment, New Jersey elected officials has moved forward in their effort to bring a sports wagering scheme to their state.

In an initial attempt, State Senators Raymond Lesniak (D) and Jeff Van Drew (D) introduced a resolution urging Congress to repeal the federal ban on sports betting. Following passage, SR 12 was filed with the Secretary of the New Jersey State Senate and a copy is expected to be transmitted to Congress. In addition, on March 23, 2009, State Senator Lesniak filed a federal lawsuit challenging PASPA on the grounds that the law treats four states differently than the rest of the country. In an effort to remain competitive with neighboring states, New Jersey Governor Jon Corzine has joined the federal lawsuit filed by State Senator Lesniak. Governor Corzine supports the rationale for the lawsuit and has voiced his displeasure with PASPA's current ban on sports wagering in all states but four and considers its current restrictions as being fundamentally unfair.

c. Hiring Practices at Oregon Colleges and Universities.

In January, Oregon State Representative Mitch Greenlick (D) introduced legislation that aimed to provide minority candidates with a fair shot at positions within the states college and university athletic departments. As introduced, HB 3118, which was modeled after the NFL's Rooney Rule, required public institutions of higher education to interview one or more minority candidates when hiring a head football coach. However, following consideration and debate by the Oregon Senate and House of Representatives, HB 3118 was amended to require public institutions of higher education to interview one or more minority candidates when hiring a head coach (for any sport) or athletic director unless the institution was unable to identify a qualified minority candidate willing to interview for the position. Also, HB 3118 did not specify any penalties for noncompliance.

The measure overwhelmingly passed the House by a vote of 42-4 on May 1, 2009, and on June 19, 2009, the Senate passed HB 3118 by a vote of 29-0. Once the measure is signed into law by Governor Ted Kulongoski, Oregon will become the first state to require state institutions to follow these rules when hiring a head coach or athletic director.

d. Uniform Athlete Agent Act.

The Uniform Athlete Agent Act (UAAA) is a state model act which, establishes uniform athlete agent registration procedures and provides safeguards for student-athletes and membership institutions. In addition, the act imposes criminal, civil and/or administrative penalties against unscrupulous agents. To date, the UAAA has been passed in 38 states, the District of Columbia and the U.S. Virgin Islands. Most recently, the UAAA has been signed into law in Iowa and Nebraska.

The NCAA government relations staff will continue to work with the National Conference of Commissioners on Uniform State Laws to seek passage of the UAAA in remaining states.

e. 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 Colleges and University Business Officers (NACUBO) among others, continue to provide guidance and support on issues of common interest. The NCAA government relations staff looks forward to continuing these mutually beneficial relationships to better formulate and further the NCAA's legislative goals.

Report of the August 6, 2009, Division I Board of Directors Meeting

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Report of the NCAA Division I Board of Directors meeting
August 6, 2009

1. **Opening remarks.**

BOARD ACTION: Heard from the chair regarding his thoughts on issues that should be examined as part of the Division I agenda. Those issues included:

- The need to address issues associated with the nontraditional delivery of courses relative to the eligibility of student-athletes.
- The impact of Division I initial-eligibility standards and the impact of those standards on academic support personnel.
- The proliferation of noncoaching personnel and the impact on competitive equity.
- The need to assess whether the Division's academic reform efforts are having the desired impact.
- The need to promote intercollegiate athletics in a way that promotes a healthy balance between fiscal responsibility and athletic success in an effort to assist member institutions in making decisions that are consistent with their values.

2. **Minutes of the April 30, 2009, Board of Directors meeting**. [Reference BOD Supplement No. 1.]

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

3. **Report of the Division I Presidential Advisory Group (PAG) August 3, 2009, teleconference.** [Reference BOD Supplement No. 2.]

BOARD ACTION: Received a report from the Division I Presidential Advisory Group's August 3, 2009, conference call and learned from its chair that the PAG discussed whether a more regionalize approach to NCAA championships could result in potential cost savings for the membership.

4. **NCAA President's report.**

BOARD ACTION: Received its quarterly report from the NCAA President in which he focused on two main topics, which are set forth below:

- While the Division has made good progress with its academic reform initiatives, it has yet to complete its work. The good news is the focus is now on improving various aspects of the initiative rather than on developing new initiatives.

- The Division must recognize the special place the sport of basketball holds among NCAA sponsored sports given its contribution to the overall welfare of the Association. It is imperative that the environment surrounding the game is healthy. Accordingly, members of the enforcement staff have been specifically assigned to help address the negative and unsavory influences impacting the game. Additionally, learned that the NCAA has established an NCAA Men's Basketball Ethics Coalition, which is a 14-member body made up of current and former coaches focused on promoting ethnic behavior, demonstrating leadership and providing peer guidance, all in the name of strengthening the sport of men's basketball.

5. News regarding a men's basketball enforcement initiative.

BOARD ACTIONS:

a. Learned from the NCAA vice president of enforcement and a member of his staff, that given the complexity of concerns surrounding men's basketball recruiting practices, they have taken a multi-faceted approach to seek to improve the overall environment surrounding the game.

b. Heard that the staff has spent a great deal of time reviewing recruiting practices in men's basketball and that by talking with coaches, there appears to be a common perception that current bylaws cannot be enforced regarding hiring practices and remuneration schemes designed to limit access to recruits.

c. Were informed that the enforcement and AMA staffs are working together to review interpretations of the current legislation and identify boundaries, with the ultimate goal of establishing a clear and unambiguous line regarding violations, thereby putting the membership on notice of a new direction by the enforcement staff.

[Note: The Board of Directors will receive a final series of recommendations from the enforcement staff at its October 29, 2009, meeting, which may include both interpretative and suggested bylaw changes. The Board will be asked to support an initiative to directly address abuses and the NABC Board and CCA members will be asked to provide support as well.]

6. Update regarding the new NABC communications plan. [Reference BOD Supplement No. 3.]

BOARD ACTIONS:

a. Received an update from the Executive Director of the NABC along with one of its members regarding that Association's efforts to develop a communications plan to help serve as a catalyst for dialogue between presidents and coaches on the campus, conference and national levels.

b. Learned that the goal of this plan is to foster improved understanding of the academic and athletic issues impacting the men's basketball program and the NABC believes this plan should result in increased respect between presidents and coaches regarding academic and athletic goals.

c. Suggested the document include a goals and objectives section and recommended that the NABC make a few edits to the plan prior to seeking the Board of Directors support.

d. Recommended that as a matter of practice, the NABC should be invited to report to the Board of Directors twice per year as a means of enhancing the level of dialogue between presidents and coaches.

7. Final report and recommendations of the Men's Basketball Academic Enhancement Group. [Reference BOD Supplement No. 4.]

BOARD ACTIONS: Received the final report of the Men's Basketball Academic Enhancement Group and heard a presentation on that group's recommendations from its chair and other group members.

a. Background and Foundation.

(1) Heard that in developing its recommendations, the working group focused on the data, which reveals that men's basketball players, as a group come to Division I institutions less prepared academically and leave Division I institutions at a higher rate than any other sport as illustrated by the fact that approximately 40 percent of entering freshmen in the sport leave their initial institutions by the end of the second year.

(2) Were informed that the group's efforts were influenced by coaches who reported that prospective and enrolled student-athletes are inundated by

unregulated third parties and who push the young men to commit early to a professional career, encourage them to a new institution, or push enrolled student-athletes to participate in summer training in locations that have no connection to the institution or to academic development.

(3) Learned that the group, mindful of the data, developed recommendations designed to achieve greater student–athlete retention by providing them with the type of skills enhancement they desire along with an opportunity for better academic preparation, learning skills and an enhanced coach-player relationship.

b. **Recommendations:** Reviewed the working group's recommendations, the terms of which are set forth below, in part, as follows:

(1) Formal Summer Retention – Focused Program to Support Academic, Athletic and Learning Skills Development.

- Each institution shall formally assess the academic preparedness of all incoming men's basketball student-athletes (including transfers) who have signed financial aid agreements using institutionally-defined criteria to identify those students who need an academic head start to put the individual on a track to predict graduation within five years of initial enrollment.

- Such student-athletes must be enrolled in a minimum of 6 credit hours and successfully complete 3 credit hours in addition to receiving institutional learning skills education.

  [NOTE: The learning skills education should address several key learning objectives that would help a student "learn how to learn".]

- In subsequent years, institutions must re-evaluate the academic performance of its student-athletes using institutionally-defined criteria to determine which students should attend summer school to achieve graduation in five years. Student-athletes not on track to graduate in five years shall be strongly encouraged to enroll in summer school and shall be provided financial aid.

- Such student-athletes must enroll in a minimum of 6 credit hours and successfully complete 6 credit hours to be considered eligible for the fall.

[NOTE: Exceptions would be provided to institutions that do not offer summer courses or that do not offer athletics aid.]

- Such student-athletes enrolled in summer schools shall be permitted to participate in organized summer athletics development activities, during an institutionally designated eight-week period. During this time, incoming or continuing men's basketball student-athletes in summer school may participate in a maximum of eight hours per week in summer athletic development, no more than two hours of which may be skill instruction. This summer development model provides an opportunity for student-athletes and coaches to work together to improve aspects of the student-athletes' individual athletics skill in a more personal structure while also building a more intimate coach/player relationship and an emotional bond to the institution.

(2) Playing and Practice Season.

- An acclimation period for on-court preseason basketball practice would begin October 1 and provide for gradual increase in on-court practice between October 1 through October 15 (with two days off each week), at which time the current 20 hours per week of on-court practice (with one day off per week) would be applicable.

- Institutions must implement policies to limit missed class time due to athletics participation.

- The maximum number of contests shall be decreased by one, thus permitting institutions to engage in a maximum of 28 regular season contests or 26 regular season contests and one qualifying regular-season multiple-team event.

- As a best practice, institutions should be strongly encouraged to participate in no more than an average of two games per week (Monday through Sunday) while classes are in session. Further, institutions should not participate in any games during the week of final examinations as defined in the institution's catalog and should not participate in more than one away-from-home regular season conference game Monday through Friday of any given week. Conference offices should monitor these practices and require documentation from institutions not meeting them prior to the beginning of the season.

(3) Impact of transferring.

- While current data indicates that two-year college basketball transfers graduate at a lesser rate than basketball student-athletes who initially enroll at a four year institution and that two-year college basketball transfers graduate at a lesser rate than their counterparts who transfer from a four-year institution, current data available for review was not adequate to allow the working group to make any definitive recommendations at this time. Therefore, the group recommended that additional data should be collected to help determine the characteristics of a successful Division I men's basketball two-year college transfer student-athlete. Data will be available later in the 2009-2010 academic year that will allow for a better assessment of the number and types of courses that two-year transfers have taken.

FURTHER BOARD ACTION:

a. Offered feedback to the group members, which included a request that within 18-months a recommendation be develop designed to improve the academic performance of transfer student-athletes and a suggestion that the report be enhanced to further articulate the incentives for institutions and student-athletes to participate in the summer retention program. Additionally, the Board suggested that this working group should stay intact to address additional basketball issues.

b. Accepted the report, introduced the report in to the Division I governance structure and charged the staff with drafting appropriate legislative proposals necessary to implement the group's recommendations. (Unanimous Voice Vote.)

[NOTE: At its October meeting, the Board will review the draft proposals and consider sponsoring them in the 2009-10 Division I legislative cycle.]

8. Report from the Committee on Academic Performance. [Reference BOD Supplement No. 5A, 5B, 5C.]

BOARD ACTIONS:

a. Received a report from the Committee on Academic Performance's July 2009, meeting and were informed that while the committee discussed the possibility of identifying other institutional representatives (e.g., chancellor/president, director of athletics) to be included within the APR portfolio, given the complexities and administrative burden associated with reporting such information, the committee did not elect to include such information at this time.

[NOTE: The committee agreed to revisit this concept in the fall of 2011, after the current Head Coaches' APR Portfolio initiative has been fully implemented and evaluated.]

b. Legislative Issues.

(1) **Proposal Number: 2009-07 – Academic Performance Program -- Definitions and Applications -- Academic Progress Rate -- Definition of Cohort.** Intent: To revise the definition of the NCAA Division I Academic Progress Rate (APR) cohort, as specified.

BOARD ACTION: Used its legislative authority to adopt this proposal as noncontroversial legislation. (Unanimous Voice Vote.)

(2) **Proposal Number: 2009-08 – Academic Performance Program -- Penalties and Rewards -- Penalties -- Determination of Penalties.** Intent: To revise the NCAA Division I Academic Performance Program (APP) penalty structure, as specified.

BOARD ACTION: Used its legislative authority to adopt this proposal as noncontroversial legislation. (Unanimous Voice Vote.)

c. Heard from the committee chair, that as a result of the APP Historical Appeals Subcommittee of the Board of Directors experience in considering an appeal, the Committee on Academic Performance, with the support of the subcommittee, is recommending:

(1) That the APP Historical Appeals Board Subcommittee shall have the authority to remand a case back to the committee to be considered in accordance with the committee's policies and procedures and in light of the subcommittee's decision regarding the specific issue(s) raised in the appeal;

(2) That the chair of the APP Historical Appeals Board Subcommittee be permitted to vote in all cases; and

(3) That the Board's chair shall have the authority to appoint substitute members to the APP Historical Appeals Subcommittee, as needed.

BOARD ACTION: Approved the revisions to the Occasion-Three and -Four Historical Penalty waivers and appeals policies and procedure as set forth above. (Unanimous Voice Vote.)

d. Were informed that the Academic Cabinet has begun its review of the division's initial–eligibility requirements by drafting goals and principles to guide its future work, and that in the year ahead, the cabinet along with the Committee on Academic Performance, plans to review the impact of the current Division I initial–eligibility standards.

9. Division I Governance Structure Update.

a. Report of the Division I Governance Substructure. [Reference BOD Supplement No. 6.]

BOARD ACTIONS:

(1) Received an update on the Division I governance substructure's efforts to support the broader Division I agenda and learned that there appears to be a high level of coordination between the Board's priorities and the initiatives being explored by the substructure. This coordination appears to be a positive outgrowth of the new governance structure.

(2) Were also informed that pursuant to the Board of Directors charge to review bylaws for potential cost savings, the cabinets have begun their review, with the plan to continue that work in September, so the councils can provide a list of priorities to the Board at its October 2009, meeting.

b. Report from the May 6 and 11, 2009, Division I Leadership Council teleconferences. [Reference BOD Supplement No. 7.]

BOARD ACTIONS:

(1) Received an update from the chair of the Leadership Council who explained that the group is continuing its work on developing proposed new Division I membership standards, with a focus on helping potential members better prepare through the transitional process so that upon becoming full Division I members, the impacted student-athletes have a full and positive experience.

(2) Learned that the Leadership Council will continue its efforts in earnest during its October 6, 2009, meeting, with the hope of completing its work over the next six to eight months so its recommendations can be reviewed by the Board during the spring of 2010. Pursuant to this timeline, supporting legislative proposal would subject to membership consideration during the 2010-11 legislative cycle.

[NOTE: During this update, it was noted the PAG suggested that the Leadership Council consider requiring Football Championship Subdivision (FCS) institutions seeking to transition to the Football Bowl Subdivision (FBS) to receive a bona fide offer of admission from a FBS conference before being permitted to begin the transition process.]

c. Report of the July 30, 2009, Division I Legislative Council. [Reference BOD Supplement No. 8.]

BOARD ACTIONS: Received a report from the chair of the Legislative Council regarding that group's July 30, 2009, conference call.

(1) Membership override request regarding Proposal Nos. 2008-46 and 2008-59.

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.

BOARD ACTIONS:

(a) Were informed that 56 member institutions submitted requests to override the Legislative Council's adoption at its April 20, 2009, meeting of Proposal No. 2008-46;

(b) Discussed the proposal and the fact that opinions on the legislation appear influenced by geography with many Northern schools opposing the proposal and Southern schools supporting it;

(c) Learned that the Legislative Council, during its July 30, 2009, conference call, voted to sustain its earlier adoption of Proposal No. 2008-46; and

(d) Took no additional legislative action, thereby allowing the override request to be considered by the Division I membership during the Division I Business Session at the 2010 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.]

(2) **Proposal No. 2008-59 – Division Membership -- Definitions and Applications -- Emerging Sports for Women -- Sand Volleyball.** Intent: To add sand volleyball as an emerging sport for women.

BOARD ACTIONS:

(a) Were informed that 63 member institutions submitted requests to override the Legislative Council's adoption at its April 20, 2009, meeting of Proposal No. 2008-59;

(b) Discussed the proposal and the various membership views both in support of and in opposition to the proposal;

(c) Learned that the Legislative Council during its July 30, 2009, conference call voted to sustain its earlier adoption of Proposal No. 2008-59; and

(d) Took no additional legislative action, thereby allowing the override request to be considered by the Division I membership during the Division I Business Session at the 2010 NCAA Convention. (Unanimous Voice Vote.)

10. Division I Committee on Infractions.

a. Request to sponsor legislation. [Reference BOD Supplement No. 9.]

- **Proposal No. 2009-09 – Ethical Conduct -- Unethical Conduct -- Knowingly Influencing Others To Furnish False Or Misleading Information.** Intent: To specify that knowingly influencing others to furnish the NCAA or an individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation constitutes unethical conduct.

BOARD ACTIONS:

(a) Suggested that the proposal language be clarified to specify that the person must knowingly influence others to provide false or misleading information.

(b) Agreed to use its authority to sponsor Proposal No. 2009-09, as modified per the suggestion above, into the 2009-10 legislative cycle. (Unanimous Voice Vote.)

b. **Committee appointment.** [Reference BOD Supplement No. 10.]

BOARD ACTION: Appointed Eleanor Myers, faculty athletics representative, Temple University, Atlantic 10 Conference. (Immediate) (Unanimous Voice Vote.)

11. AFCA/NCAA Respect Weekend. [Reference BOD Supplement No. 11.]

BOARD ACTIONS:

a. Were informed that as part of the NCAA's national sportsmanship campaign, the American Football Coaches Association (AFCA) and the NCAA are partnering to hold a national "AFCA/NCAA RESPECT Weekend" the opening weekend of the 2009 football season.

b. Learned that the highlight of pregame activities will be a handshake at midfield and that all NCAA football sponsoring institutions will have an opportunity to receive the following materials:

- Banners/signage;
- Video public service announcements;
- Public address scripts;
- Video board messages; and
- Logos for use on T-shirts and other give-a-ways.

12. Report of the April 30, 2009, meeting of the NCAA Executive Committee. [Reference BOD Supplement No. 12.]

BOARD ACTIONS:

a. Were informed that during its August 6, 2009, meeting, the Executive Committee would be considering the NCAA's championship hosting policy related to sports wagering and that in Division I the Championships/Sports Management Cabinet examined the issue in June recommending that the relevant geographic area in the current policy be changed from "metropolitan" to "state." The cabinet also agreed to recommend modifying the current policy so that it would be permissible for a state that permits sports wagering to host a championship, provided the hosting sites are not predetermined.

b. Additionally, learned that since the cabinet reviewed the issue, the NCAA staff also examined the issue and is recommending that the Executive Committee adopt the following policy set forth below:

> "No pre-determined or non-predetermined session of an NCAA championship may be conducted in a ~~metropolitan area~~ state with legal wagering that is based upon single-game betting ~~the outcome of any event~~ (i.e., high school, college or professional) in a sport in which the NCAA conducts a championship."

c. Were provided an opportunity to provide feedback in advance of the Executive Committee meeting.

13. Litigation update.

BOARD ACTION: Received a report and took no action.

14. Governmental relations report. [Reference BOD Supplement No. 14.]

BOARD ACTION: Received a report and took no action.

15. Other business.

16. Future meeting dates.

a. October 29, 2009, national office, Indianapolis.

b. January 16, 2010, NCAA Convention, Atlanta, Georgia.

c. April 29, 2010, national office, Indianapolis, Indiana.

d. August 12, 2010, national office, Indianapolis, Indiana.

e. October 28, 2010, national office, Indianapolis, Indiana.

f. January 15, 2011, NCAA Convention, San Antonio, Texas.

g. April 28, 2011, national office, Indianapolis, Indiana.

h. August 11, 2011, national office, Indianapolis, Indiana.

i. October 27, 2011, national office, Indianapolis, Indiana.

17. Adjournment.