A G E N D A

National Collegiate Athletic Association
Division I Board of Directors

The Westin Indianapolis
Indianapolis, Indiana

August 11, 2011
9 a.m. – 3 p.m.

1. Opening remarks.

2. Report from NCAA President Mark Emmert.

   a. Update from the Division I Bowl Licensing Task Force. [Harvey Perlman, president of the University of Nebraska and chair of the Task Force, will provide the update.]

   b. Follow up from presidential retreat.

   c. Report from the Committee on Academic Performance [Supplement Nos. 1A and 1B] **[Anticipated Action Item.]**

3. Report of the April 28, 2011, Board of Directors meeting. [Supplement No. 2] [**Anticipated Action Item.]**

4. Report of the April 28, 2011, meeting of the NCAA Executive Committee. [Supplement Nos. 3A and 3B] [**Anticipated Action Item.]**

5. Report from the Football Championship Subdivision (FCS) members of the Division I Presidential Advisory Group. [Supplement No. 4 to be distributed at the meeting.]

6. Division I Governance Structure Update.

   a. Report of the August 2, 2011, Division I Leadership Council meeting. [Supplement No. 5 to be posted subsequent to the August 2 meeting.]

   b. Report of the July 14, 2011, Division I Legislative Council teleconference.

(1) Update on requests for override votes on Proposal Nos. 2009-100-A and 2010-30. [Supplement No. 6] **[Possible Action Item.]**

(2) Report regarding the Board's April 2010 Resolution requesting a review of the Division I legislative process. [Supplement No. 7] **[Anticipated Action Item.]**

c. Key/Action Items from the June Division I cabinet meetings. [Supplement No. 8] **[Anticipated Action Item.]**

7. Committee on Infractions. [Supplement No. 9] **[Anticipated Action Item.]**

- Committee reappointments.

8. Infractions Appeals Committee. [Supplement Nos. 10A,10B and 10C] **[Anticipated Action Item.]**

- Committee appointment and reappointments.

9. Governmental relations report. [Supplement No. 11] [No action anticipated.]

10. Other business.

11. Future meeting dates.

a. October 27, 2011, Indianapolis, Indiana.

b. January 14, 2012, Indianapolis, Indiana.

c. April 26, 2012, Indianapolis, Indiana.

d. August 9, 2012, Indianapolis, Indiana.

16. Adjournment.

REPORT OF THE NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE APRIL 25-27, 2011, MEETING

***KEY ITEM*.**

1. **Comprehensive Package of Academic Proposals.** The NCAA Division I Committee on Academic Performance continued its examination of the NCAA Division I Academic Performance Program (APP) including review of the APP penalty benchmarks and filters and the penalty structure. This review is ongoing with possible recommendations for membership consideration provided to the NCAA Division I Board of Directors in August as part of a comprehensive package of academic proposals. The committee welcomes membership comment on these concepts.

2. **Seventh Year of NCAA Division I Academic Performance Program (APP) Data.** The Committee on Academic Performance reviewed a summary of the NCAA Division I Academic Progress Rate (APR) data that will be released publicly next month. In the coming weeks, the NCAA will announce team APR, public recognition for top performers, APP penalties and the Head Coaches APR Portfolio. This year's release will include for the first time recognition of the top APRs in football separately by subdivision (i.e., Football Bowl Subdivision and Football Championship Subdivision). The public recognition release will be May 17 and the APP/APR release is scheduled for May 24, the APR release will include the Head Coaches APR Portfolio which this year will include all sports.

***ACTION ITEMS*.**

1. **Legislative Items.**

   - None.

2. **Nonlegislative Items.**

   - Appointment of Vice Chair.

     (1) Recommendation. The committee recommends the NCAA Division I Board of Directors appoint President Roderick McDavis of Ohio University as vice chair of the committee. President McDavis is a current member of the committee.

     (2) Effective Date. Immediate.

(3) Rationale. Due to transition issues, this position is currently vacant and must be filled by a current chancellor or president of an active Division I institution. President McDavis meets this requirement, has agreed to serve if appointed, and will provide benefits to the committee's operational activities (e.g., serve in the chair's absence during any meetings, teleconferences, and/or penalty waiver proceedings).

(4) Estimated Budget Impact. None.

(5) Impact on Student-Athlete Well-Being. None.

INFORMATIONAL ITEMS.

1. Comprehensive Package of Academic Proposals. The committee acknowledged that the APP and other academic initiatives have gained tremendous traction across NCAA Division I institutions and have had many positive results. In order to sustain this momentum and to continue to improve graduation rates, the committee supports the concept of a comprehensive package of academic proposals to address specific academic elements.

The academic package should consider the following issues identified by the committee during its extensive review:

a. The APR retention point has been adjusted such that it no longer predicts graduation as was originally intended.

b. Some teams/institutions manage the APR well but may not sufficiently graduate student-athletes.

c. Questions have been raised regarding teams participating in NCAA championship events with less than 50 percent graduation success rate.

d. Football teams continue to lag behind in eligibility compared to other sports.

e. Men's basketball teams continue to lag behind in retention compared to other sports.

f. A lack of overall sustained academic progress among some lower resourced institutions.

Due to the complexities involved, the committee recommends that the Board of Directors, during its August meeting, consider a comprehensive package of academic proposals that, when taken together, will enhance the incoming academic profile of student-athletes, raise the APR penalty benchmark to a projected 50 percent GSR and revise the APP penalty structure. In addition to the immediate recommendations, the committee also discussed the possibility of raising the graduation rate expectations above a projected 50 percent GSR in the future. Such an aspirational minimum goal could be established with a future target date.

Specifically, the committee recommends that a package of academic proposals from various cabinets and committees be prepared for Board of Directors consideration that includes the following:

a. Recommendations from the Committee on Academic Performance. The committee will put forward final recommendations to the Board of Directors for its August meeting to:

   (1) Replace the contemporaneous and historical-penalty structure with a single-penalty structure that continues to be cumulative and progressive and consists of five levels.

   (2) Establish a single-penalty benchmark that projects to a 50 percent GSR (e.g., 925-930 APR). Discussion of appropriate filters is continuing.

b. Recommendations from the NCAA Division I Academic Cabinet. The NCAA Division I Academic Cabinet has been engaged in discussions regarding two-year college transfers and initial eligibility. The committee encourages the Board of Directors to support increased academic standards for both initial eligibility and two-year college transfer requirements during the 2011-12 legislative cycle.

c. Other legislative recommendations.

   (1) The committee encourages the Board of Directors to support NCAA Division I Proposal No. 2010-59-C from the Football Academic Working Group. This proposal was supported by the NCAA Division I Legislative Council in April and is an important step in addressing the eligibility issues in football.

   (2) The committee encourages the Board of Directors to examine, as part of the men's basketball recruiting discussions; models that address the summer environment (e.g., work of the Men's Basketball Academic Enhancement Group).

The committee recommends the Board of Directors consider such a package of proposals regarding the academic success of student-athletes during its August meeting for legislative recommendations for the 2011-12 cycle.

2. **APP Penalty Structure.** The committee confirmed that it will forward to the Board for its August meeting a recommendation to amend the APP penalty structure. The new penalty structure will replace the current two-tiered penalty structure (i.e., contemporaneous and historical penalties). This new penalty structure will be cumulative and progressive and consist of five levels. The changes give the committee greater flexibility in customizing penalties for teams that appear before the committee. This new penalty structure, like the current historical-penalty structure, will require a team to not be subject to penalties for three consecutive years before reverting back to the first level of penalty (e.g., three "clean" years concept).

Below is an overview of the new penalty structure:

a. **Level One.**

(1) Public notice.

(2) Financial aid penalty: Ten percent from total aid awarded (four-year average) (*five percent if the committee's defined improvement standard is met*).

b. **Level Two.**

(1) Public notice.

(2) Financial aid penalty: Ten percent from total aid awarded (four-year average) (*five percent if the committee's improvement standard is met*).

(3) Playing and practice seasons (four hour reduction per week to 16 hours, as well as loss of one day): Lost hours must be used for academic purposes. *(Day of practice reduction does not apply if improvement standard is met.*)

(4) (*Baseball only*): Ten percent reduction to the length of playing season and number of contests against outside competition (*five percent if improvement standard is met*).

c. **Level Three.**

(1) Public notice.

(2) Financial aid penalty: Ten percent from total aid awarded (four-year average) (*no automatic reductions for meeting improvement standard*).

(3) Playing and practice seasons (four hour reduction per week, as well as one day): Lost hours must be used for academic purposes (*no automatic reductions for meeting improvement standard*).

(4) Postseason restriction.

(5) (*Baseball only*): Ten percent reduction to the length of playing season and number of contests against outside competition (*no automatic reductions for meeting improvement standard*).

d. Level Four.

(1) All penalties from Levels One through Three.

(2) All sports: Reduction of four hours per week for athletics activities outside of the playing season. These four hours must be replaced with academically focused activities.

(3) Elimination of the nontraditional playing season/out-of-season practice for all sports that maintain a legislated nonchampionship segment. For example, this results in the following penalties:

(a) Baseball: No fall practice or competition.

(b) Football: No spring practice.

(c) Softball: No fall practice or competition.

(d) Men's and women's volleyball: No spring practice or competition.

(e) Men's and women's soccer: No spring practice or competition.

(f) Field hockey: No spring practice or competition.

(g) Women's lacrosse: No fall practice or competition.

OR;

(4) For sports without a legislatively declared nontraditional playing season, a 10 percent reduction in the length of the playing season and a 10 percent reduction of allowable contests. For example, this results in the following penalties:

(a) Men's and women's basketball.

i. Reduction of 10 percent of playing and practice days between first allowable practice and end of playing season.

ii. Reduction from 29 to 26 contests.

(b) Ice hockey.

i. Reduction from 132-day season to 119-day season.

ii. Reduction from 34 to 31 contests.

(c) Wrestling.

i. Reduction from 144-day season to 130-day season.

ii. Reduction from 16 to 14 dates of competition.

(5) (*Baseball only*): Ten percent reduction to the length of playing season and number of contests against outside competition.

e. Level Five.

At Level Five, teams will proceed directly to an in-person hearing with the committee. Under this approach, the institution will not be aware of its entire penalty, except for those penalties associated with Levels One through Four, until after the hearing has been conducted. In total, the committee would have the following penalties to choose from:

(1) All penalties from Levels One through Four.

(2) In addition to the penalties from Levels One through Four, the committee would be able to impose the following from a menu of penalties.

(a) Additional financial aid penalties above the 20 percent of average aid awarded.

(b) Additional playing and practice season penalties above: (1) The four hour reduction and loss of one day of practice in-season; and (2) The four hours per week reduction outside of season.

(c) Restricted membership.

(d) Contest reductions, which could include:

i. Full-season competition restriction.

ii. Cancellation of nonconference contests.

iii. Any contest reductions as determined by the committee.

iv. No competition during institution's scheduled exam period and/or week(s) surrounding the exam period.

The committee has determined that the waiver and appeals process will remain the same as the current historical-penalty structure with an initial NCAA staff review at Levels One through Four. The NCAA staff will not have the authority to render a decision on a waiver request at Level Five.

The committee anticipates making a final recommendation to the Board for its August meeting followed by membership consideration during the 2011-12 legislative cycle. The committee invites immediate membership comment through its NCAA staff liaisons.

3. APP Penalty Benchmarks and Filters. The committee continued its review of the current APR penalty benchmarks and penalty filters and discussed potential changes to both components of the APP. The committee reaffirmed its commitment to setting an APR penalty benchmark that equates to a 50 percent GSR, which is supported by the NCAA Division I Board of Directors. The committee reviewed data that indicated the APR penalty benchmark would need to be in the 925-930 range in order to approximate a GSR of 50 percent. The committee will finalize its recommendation on a new APR penalty benchmark during its July meeting.

In addition to the review of the penalty benchmarks, the committee continued its discussion on the appropriateness of each of the current filters in light of any possible adjustments to the penalty structure and benchmarks. As part of this examination the committee is considering eliminating the by-sport filter. Further, the committee is examining how institutional mission, resource and improvement should be considered

within the filter system. The committee took no action at this time as these topics will be discussed again during its July meeting with anticipated recommendations for membership consideration later this fall.

4. Two-Year College Transfer Academic Requirements. The committee received an update regarding the February Academic Cabinet meeting, specifically noting the cabinet's continued review of the division's two-year college transfer requirements. The committee was generally supportive of the two-year college transfer concepts developed by the Academic Cabinet. The committee offered the following feedback for cabinet consideration:

(1) Consider increasing the transferable grade-point average from 2.0 to 2.5 for qualifiers and nonqualifers, which was initially proposed by the cabinet but amended to 2.25 based on membership feedback.

(2) Consider separating the package of concepts into two proposals – changes to the transfer requirements and the year of academic readiness.

5. APR Improvement Plan Deadline Submission Dates and Educational Initiative. The following dates have been established for APR Improvement Plan updates and implementation reports in 2011-12:

Team/Institution Reporting Requirements	Submission Deadline
Teams that received a conditional waiver of penalties in 2010-11 (implementation only)	October 3
NCAA Division I Academic Performance Program Supplemental Support Fund recipient institutions (implementation only)	October 3
Teams with a multiyear APR below 900	November 1
Institutions requesting SSF	November 1
Teams requesting a waiver of penalty	November 1 or with waiver request (whichever is earlier)

6. Committee on Academic Performance Policies and Procedures, Penalties Guide, Data Collection Guide, APR Adjustment Directive, and APP Penalty Waiver

Directive. The committee approved the updated Committee on Academic Performance Policies and Procedures, Penalties Guide, Data Collection Guide, APR Adjustment Directive, and APP Penalty Waiver Directive. The documents will assist institutions with the 2011-12 data collection process and penalty applications and will be posted on the committee's page on the NCAA website at www.ncaa.org. This posting also will satisfy annual reporting requirements specified in NCAA Division I Bylaw 23.

7. Combining Corrections and Adjustment Phases of the APR Data Collection Process. The committee amended it policies and procedures to combine the data correction adjustment periods into one 14-calendar day period in which institutions will submit all corrections and adjustments. This change will be effective with the collection of 2010-11 APR data in the fall 2011. Many institutions are no longer submitting adjustments to be processed by the NCAA staff, since many are now automatic adjustments that are submitted during data submission. Thus, combining the corrections and the adjustment phases will make the APR data collection process more efficient.

8. APR and Penalty Reporting Forms. The NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting approved the final version of the institutional and public APR and penalty reports to be used during the 2011-12 academic year. The reports are intended to provide institutions with teams' APR, as well as a summary of the teams subject to contemporaneous and/or historical penalties and detailed worksheets explaining how the penalties were calculated.

9. APP Data Reviews. The Subcommittee on Data Collection and Reporting received a progress report on the GSR data reviews currently being conducted for 30 institutions, which began in early February. Institutions selected to have their APR data reviewed for this cycle will be notified of their selection. The APR data reviews will be conducted May through October and final reports will be issued shortly thereafter.

10. Recruited Definition of the APR/GSR Cohort and Division I Proposal No. 2010-65. The Subcommittee on Data Collection and Reporting reviewed adopted Proposal No. 2010-65 and agreed to continue to use the definition found in Bylaw 13.02.13.1 for the purposes of defining the APR/GSR cohort for nonscholarship teams. Proposal No. 2010-65 created a definition of a recruited student-athlete for purposes of Bylaw 15 (financial aid), which will result in having two distinct definitions for recruited student-athletes within the NCAA Division I Manual. The committee noted the current recruited

definition, which is based on Bylaw 13.02.13.1, aligns with the goal of ensuring institutions are being held accountable for those student-athletes brought to the institution for athletics purposes. The newly created definition defines a recruited student-athlete for financial aid purposes only. The definition used for inclusion in these two cohorts does not involve a financial aid component and should be based on the overall definition of recruited. The Committee on Academic Performance's policies allow for institutions to request an alternative definition of the cohort that can be used to address unique circumstances of that specific institution.

11. Seventh Year of APP Data. The committee received a summary of the most recent APR data submitted by member institutions, which will be available for public review in May.

12. Occasion-Three Historical Penalty Hearing. The committee conducted hearings for four teams at three institutions subject to Occasion-Three Historical Penalties.

Committee Chair: Walter Harrison, University of Hartford, America East Conference
Staff Liaisons: Diane Dickman, Academic and Membership Affairs
Kevin Lennon, Academic and Membership Affairs
Todd Petr, Research
Bill Regan, Academic and Membership Affairs
John Shukie, Academic and Membership Affairs
Jennifer Strawley, Academic and Membership Affairs

REPORT OF THE NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE JULY 12-13, 2011, MEETING

***KEY ITEMS*.**

- **Recommended Changes to the NCAA Division I Academic Performance Program (APP).** The NCAA Division I Committee on Academic Performance continued its examination of the APP. Based on a comprehensive review of the program and membership feedback, the committee forwards recommendations to the NCAA Division I Board of Directors for its consideration in August. The recommendations include changes to the penalty structure and the NCAA Division I Academic Progress Rate (APR) penalty benchmark and filters used to identify academically underperforming teams.

***ACTION ITEMS*.**

1. Legislative Items.

- **APP Penalty Structure.**

(1) Recommendation. The Committee on Academic Performance requests the Board of Directors sponsor legislation for the 2011-12 legislative cycle to revise the APP penalty structure, as specified in Attachment A. The proposed single penalty structure will eliminate the current contemporaneous and historical penalties and replace them with a single five level penalty structure.

(2) Effective Date. 2015-16 will be the first year new APP penalties are imposed for impacted teams. Penalty reports issued in 2014-15 will reflect the new APR benchmark and new penalty structure. Attachment B provides additional detail regarding application of the effective date.

(3) Rationale. Data demonstrates that underperforming teams and institutions are positively influenced by the presence of some consequences for consistent academic underperformance. However, the primary purpose of the APP is not to penalize teams, but instead to strive for academic improvement. Penalties should not only serve as a reason for avoiding academic underperformance, but also through a cumulative and progress structure, serve as a motivating factor for teams and institutions to improve. The committee believes the new penalty structure will achieve the goals of the APP more effectively.

Specifically, integrating and streamlining the penalty structure will affirm the principle that the APP should be straightforward and understandable,

avoiding the complexities associated with the current two penalty structures. The contemporaneous-penalty structure has fulfilled its initial purpose, which was to bridge the gap between the inception of the APP and when historical penalties would eventually be applicable to teams. Thus, as was originally intended, this recommendation creates a single-penalty structure.

The waiver and appeals process will remain similar to the current historical-penalty structure with an initial NCAA staff review at Levels One through Four. The NCAA staff will not have the authority to render a decision on a waiver request at Level Five. All teams subject to Level Five penalties will appear before the committee for review and final penalty determination.

(4) Estimated Budget Impact. Limited. There is some impact in IT costs associated with reprogramming the technology that calculate penalties and issues penalty reports.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

a. New APP Penalty Structure, APR Penalty Benchmark and Filter.

(1) Recommendation. The committee recommends the Board approve the following revisions to the Committee on Academic Performance policies and procedures:

(a) Amend the APR penalty benchmark from the current multiyear rates of 900 and 925 to a multiyear rate of 930 or above in order to avoid penalties within the new penalty structure. The committee recommends the Board adopt this change during its August 2011 meeting, thus putting the Division I membership on notice of this higher APR standard prior to the 2011-12 academic year.

(b) Replace the current filter system used for determining historical penalties with a single filter system that is based on improvement and is available to all teams/institutions. This improvement filter would use the current five improvement tests and increase the minimum most recent single-year APR required to meet the filter to 930 which matches the recommended APR penalty benchmark.

(c) Approve a longer transition timeline for lower resourced institutions. For the first two years following implementation of the new penalty structure (i.e., 2015-16 and 2016-17 penalty implementation years), teams in the bottom 15 percent of resources as defined by committee policy, would satisfy the improvement filter by earning a most recent single-year APR of 900 or above rather than 930 or above. After these two years, all teams would be subject to a most recent single-year APR of 930 or above in order to meet the improvement filter.

(d) Amend the APP policy consistent with the penalties identified for each of the five levels noted in Attachment A.

(2) Effective Date. 2015-16 will be the first year new APP penalties are implemented for impacted teams. Penalty reports issued in 2014-15 will reflect the new APR benchmark and new penalty structure. Attachment B provides additional detail regarding application of the effective date.

(3) Rationale. The Board has continued to emphasize the importance of the APR penalty benchmark equating to an approximate minimum Graduation Success Rate (GSR) of 50 percent. It is estimated an APR of 930 equates to just above an approximate 50 percent GSR. Setting the benchmark at 930 ensures the Board's directive of a minimum 50 percent GSR is met, while also encouraging continued improvement of academic performance.

In the past only teams at institutions that met "improvement plus" (which included meeting improvement and either the resource, mission or by-sport filter) could earn relief from historical penalties based on demonstrated improvement. The new filter provides all teams at all institutions the opportunity to avoid penalties based on demonstrated improvement. With the creation of an improvement only filter the other current filters (i.e., by-sport comparison, resources and institutional mission) will be eliminated as automatic filters to determine if a team is penalized when the team is below the multiyear APR benchmark. Though these filters are no longer used in the automated filter system it is essential that resources and institutional mission continue to be considered in the overall APP efforts.

Data shows institutions with the lowest available resources take more time to demonstrate improvement than those institutions with higher resources. The additional two years provided for lower resourced teams/institutions

(i.e., bottom 15 percent) to meet the new 930 APR minimum for the improvement filter is consistent with these findings.

Beyond the two-year period, institutional mission will be considered through the waiver process. Currently, institutional mission is taken into consideration through a quantitative comparison of federal graduation rates for the student body at the institution and a projected federal graduation rate based on APR for the team. This filter compares historic rates as a proxy relationship for institutional mission. The new model would provide institutions the opportunity to explain the unique mission of the specific institution through the waiver process. This approach provides more consideration for all of the elements that contribute to the mission of the institution. The committee believes this is a more accurate and fair way to address unique institutional missions rather than the current formulaic method which has provided minimal relief.

While the committee believes this is the proper approach to take in the area of resources and institutional mission it notes it is important to continue to solicit feedback and engage the institutions that are most affected by institutional mission and resources. The committee will continue to engage lower resourced institutions, their presidents and chancellors and conferences over the next several years as these changes are implemented.

With the transition from a two-tiered penalty structure to a single penalty structure there is a need to adjust the minimum most recent single-year APR to meet improvement. The minimum most recent single-year APR, set at the APR penalty benchmark of 930 or above, ensures that a team is moving toward a multiyear APR at or above this new benchmark.

The committee requests the Board approve the 930 APR penalty benchmark during it's August meeting with an effective date consistent with application of the revised penalty structure. This puts the membership on notice immediately of this increased APR standard. If the Board provides notice in August 2011 and the new penalty structure is approved by the membership in August 2012, the first year the new penalties in 2015-16 will be based on three years of new data out of the four year APR cohort.

Lasty, the new penalty structure will be cumulative and progressive and will add earlier, and more stringent, financial aid penalties. In addition, increased playing and practice season penalties have been added to Level

Four. The fifth level would include all of the Level One through Four penalties plus a menu of penalties that the Committee on Academic Performance could possibly impose. Level Five would include restricted membership only as an option the committee could select, not as a legislated penalty, as it is currently. This provides the committee with a litney of penalties that more appropriately address the underperforming team.

(4) Estimated Budget Impact. Limited. There is some impact in IT costs associated with reprogramming the technology that calculates penalties and issues penalty reports.

(5) Student-Athlete Impact. None.

b. Occasion-Three and -Four Historical Penalty Waiver Hearing Procedures.

(1) Recommendation. The committee recommends the Board approve a revision to the current Committee on Academic Performance policies and procedures for Occasion-Three and -Four Historical Penalty waiver hearings that requires the institutional staff member responsible for the implementation of the institution's APR improvement plan be in attendance at an institution's in-person penalty waiver hearing.

(2) Effective Date. Immediate.

(3) Rationale. Over the last three years the committee has increased its consideration of APR improvement plans during its Occasion-Three Historical Penalty waiver hearings. While the current policies and procedures encourage institutions to have in attendance the individual responsible for oversight of the APR improvement plan, it is not currently required. A number of institutions have not brought this individual to the hearing. With the increased focus on the creation and implementation of these plans it is essential that institutions be required to have this individual participate in the hearing. This requirement will not increase the number of institutional representatives who may attend the hearing, which is currently set at seven. Under this revised policy the required attendees will be: chancellor/president, director of athletics, head coach of penalized team, institutional staff member responsible for implementation of APR improvement plan, and three other individuals may participate at the institution's discretion.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. NCAA Division I Academic Performance Program Supplemental Support Fund (SSF).

(1) Recommendation. The committee recommends the Board approve and fund the APP Supplemental Support Fund for two additional years (i.e., 2011-12 and 2012-13).

(2) Effective Date. Immediate.

(3) Rationale. The APP Supplemental Support Fund's purpose is to support campus-based initiatives designed to foster student-athlete academic success at limited-resource institutions. Grants have been awarded in prior years for innovative solutions to barriers preventing student-athlete retention and progress-toward-degree completion. In addition, the program encourages sharing and adaptation of successful programs on all Division I campuses, including institutions that do not receive supplemental support. Continuing this fund will demonstrate the Association's commitment to a meaningful program that encourages academic achievement and facilitates academic improvement. Beginning in 2011-12, a criteria for the awarding of SSF funding shall require the institution to demonstrate a history of successful implementation of its APR improvement plan and describe how the initiative to be supported by the SSF is directly tied to the APR improvement plan. Such criteria would require a commitment of institutional resources to critical elements of the APR improvement plan. These institutional resources would be supplemented by the SSF award.

(4) Estimated Budget Impact. The program will be funded through incremental increases in funding from the NCAA Division I Academic Enhancement Fund. In the 2011-12 fiscal year, $955,000 will be available through the APP Supplemental Support Program and a two percent increase for 2012-13 for a total amount of $974,000.

(5) Student-Athlete Impact (Academics or Athletics). Will vary from initiative to initiative.

INFORMATIONAL ITEMS.

1. **Division I Revenue Sharing Models Based on APR.** The committee received an update on discussions regarding inclusion of academic success (e.g., APR) within the Division I revenue sharing model. The committee is generally supportive of the concept and encouraged continued discussion surrounding this issue.

2. **APR Trends in Men's and Women's Track and Field.** The committee reviewed four-year and single-year APR data for men's and women's track and field which the NCAA Division I Championships/Sports Management Cabinet requested as it considers a request to eliminate track and field regionals. Specifically, concerns have been raised regarding the time demands placed on student-athletes as these events create scheduling conflicts with spring final examination periods on some campuses. A review of the APR data indicates that eligibility rates for track and field rank at or near the bottom among both men's and women's sports. Eligibility issues are more likely to arise in the spring and both male and female track and field student-athletes who compete only in track (not cross country) are more likely to become ineligible at the end of the spring term. These findings parallel eligibility issues that have been seen previously in other single-semester sports, particularly baseball and football. Given the importance of this issue, the committee encourages further analysis in order to identify the reasons for the lagging eligibility rates in track and field. The committee noted that there may be other reasons for the Championships Cabinet to consider eliminating track and field regionals absent APRs. However, based on data it is difficult to directly correlate the eligibility issues seen in track and field with competing in the track regionals and thus further study is warranted.

3. **2010-11 Occasion-Three Historical Penalty Waivers.** The staff provided a summary of the decisions made by the staff and the committee for Occasion-Three Historical Penalty waivers submitted by institutions during the 2010-11 academic year. The staff made decisions on 11 of the 15 waivers submitted, while the committee conducted in-person hearings for four teams. The committee determined that information regarding the use of Supplemental Support Funds for those institutions considered low-resource should be included in the materials submitted for future penalty hearings.

4. **Institutional Involvement in Contemporaneous Penalty Waiver Appeals.** The NCAA Division I Committee on Academic Performance Subcommittee on Appeals discussed whether or not institutions should participate on teleconferences when appealing a staff decision of a contemporaneous penalty waiver. Currently, institutions participate in teleconferences only when appealing a staff decision in an APP Occasion-Two Historical Penalty waiver. The committee determined that given the recommended changes to the

APP penalty benchmarks and structure, and the review of penalty waiver and appeal processes, it does not recommend any changes to the current processes at this time.

5. APR Adjustment Requests for Professional Athletic Departures Impacted by NBA and NFL Lockouts. The committee approved a policy amendment to address the potential impact the NBA and NFL lockouts may have on APR adjustment requests for lost retention points due to professional athletics. This temporary policy change will permit adjustment requests for football and men's basketball student-athletes who depart an institution to pursue professional athletics as a vocation and were not retained for the 2011 spring semester or quarter but have earned the eligibility point, to be documented as follows if the lockouts continue through fall 2011:

(a) If a student-athlete was drafted by any professional sports league (e.g., Canadian Football League, United Football League, NFL and NBA) in 2011 that is sufficient documentation.

(b) For undrafted student-athletes, it would be acceptable documentation if the student-athlete was invited to and/or participated in the 2011 NFL Scouting Combine or the 2011 NBA Draft Combine.

(c) For student-athletes who do not meet either of the above criteria, it would be acceptable documentation if the student-athlete signs a contract with a professional sports team or organization within one year following the end of the lockout in the respective sport.

With the potential for an NFL and NBA lockout, it is necessary to explore other ways in which an institution may document a student-athlete's departure for professional athletics in order to obtain the adjustment for the lost retention point. Generally, institutions document this type of request by securing a team's roster with the student-athlete's name. However, during the lockout players are not permitted to sign with a team or even tryout, which poses challenges to institutions seeking this adjustment since merely being drafted by a professional sports team is not currently sufficient for the adjustment. This recommendation provides institutions with some flexibility to document this adjustment given the unique situation of a possible lookout, while keeping the original intent of the directive for professional athletics departures intact.

6. APP Data Reviews. The NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting received an update on the progress of the 60 institutions involved in APP data reviews for the 2011-12 academic year. The reviews for 26 of the 29 institutions selected for GSR reviews have been completed. The

reviews for the 31 institutions selected for the APR reviews have begun and it is anticipated that all data reviews will be completed by the APR data submission deadline for each institution.

7. **Calculation of the GSR for Student-Athletes Who Leave an Institution as Eligible and Subsequently Return to the Institution.** The Subcommittee on Data Collection and Reporting discussed the most appropriate GSR calculation for those student-athletes who leave the institution eligible and subsequently return to the institution within the six-year period but do not graduate. The subcommittee took no action at this time and requested that the staff research the frequency of these situations in each sport for future discussion.

8. **Public Announcement of 2010-11 APR Data, Penalties and Public Recognition Awards.** The committee received a summary of the most recent public release of institutional APRs and APP penalties, public recognition awards, and the Elite 88 awards for 2010-11, which was the second year for these awards. This spring's release also included the Head Coaches' APR Portfolio and the public recognition awards recognized football by subdivision [i.e., Football Bowl Subdivision (FBS) and Football Championship Subdivision (FCS)] for the first time. This change provided the opportunity for each distinct subdivision's football teams to be honored for top academic performance.

Committee Chair: *Walter Harrison, University of Hartford, America East Conference*
Committee Liaisons: *Diane Dickman, Academic and Membership Affairs*
Kevin Lennon, Academic and Membership Affairs
Todd Petr, Research
Bill Regan, Academic and Membership Affairs
John Shukie, Academic and Membership Affairs
Jennifer Strawley, Academic and Membership Affairs

ATTACHMENT A

NCAA Division I Academic Performance Program Recommended New Penalty Structure

The NCAA Division I Committee on Academic Performance requests the NCAA Division I Board of Directors sponsor legislation to revise the current NCAA Division I Academic Performance Program penalty structure as noted in this attachment. This document outlines the penalties teams would be subject to at each level of the revised penalty structure. Beginning with Level Two, the new penalties introduced at each level are highlighted in **bold**. Note that current contemporaneous penalties will be eliminated.

Level One:

1. Public notice.

2. Financial aid penalty: 10 percent from total aid awarded (four-year average).

Level Two:

1. Public notice.

2. Financial aid penalty: Ten percent from total aid awarded (four-year average).

3. Playing and practice seasons (**four-hour reduction per week to 16 hours**, **as well as loss of one day**): Lost hours must be used for academic purposes.

4. (*Baseball only*): **10 percent reduction to the length of playing season and number of contests against outside competition.**

Level Three:

1. Public notice.

2. Financial aid penalty: 10 percent from total aid awarded (four-year average).

3. Playing and practice seasons (four-hour reduction per week, as well as one day): Lost hours must be used for academic purposes.

4. **Postseason Restriction.**

5. (*Baseball only*): 10 percent reduction to the length of playing season and number of contests against outside competition.

<u>Level Four</u>:

1. Public notice.

2. Financial aid penalty: **20 percent from total aid awarded (four-year average)**.

3. In-season playing and practice seasons (four-hour reduction per week, as well as one day): Lost hours must be used for academic purposes.

4. Postseason restriction.

5. Additional playing season restrictions, as follows:

a. For the penalized team, reduction from eight hours to four hours per week for athletics activities outside of the playing season. These four hours must be replaced with academically-focused activities. Of the remaining four hours of athletics activities, not more than two hours per week may be spent on skill-related workouts.

AND

b. For the penalized team, elimination of the nontraditional playing season/out-of-season practice in sports that maintain a legislated nonchampionship segment as well as football, which would include:

(1) Baseball: no fall practice or competition.

(2) Football: no spring practice.

(3) Softball: no fall practice or competition.

(4) Men's Volleyball: No fall practice or competition.

(5) Women's Volleyball: No spring practice or competition.

(6) Men's and Women's Soccer: No spring practice or competition.

(7) Field Hockey: No spring practice or competition.

(8) Women's Lacrosse: No fall practice or competition.

OR

c. **For a penalized team in a sport without a legislatively declared nontraditional playing season, a 10 percent reduction in the length of the playing season[1] and 10 percent reduction of allowable contests. [ATTACHMENT NO. 1]**

6. (*Baseball only*): 10 percent reduction to the length of playing season and number of contests against outside competition.

Level Five (Hearing only):

At Level Five, there will be **no staff review**, and all teams will proceed directly to a hearing in front of the committee. Under this approach, the committee will not determine the team's entire penalty until after the hearing has been conducted, although the penalty would automatically include (subject to committee waiver) all elements associated with Levels One through Four. In total, the committee would have the following penalties to choose from:

All penalties from Levels One through Four, including:

1. Public notice.

2. Financial aid penalty: 20 percent from total aid awarded (four-year average).

3. Playing and practice seasons (four hour reduction per week, as well as one day): Lost hours must be used for academic purposes.

4. Postseason restriction.

5. Additional playing season restrictions, as follows:

   a. For the penalized team, reduction from eight hours to four hours per week for athletics activities outside of the playing season. These four hours must be replaced with academically-focused activities. Of the remaining four hours of athletics activities, not more than two hours per week may be spent on skill-related workouts.

      AND

[1] This 10 percent reduction would be *in addition to* any in-season playing and practice restrictions that are levied, which begin at Level Two.

b. For the penalized team, elimination of the nontraditional playing season/out-of-season practice in sports that maintain a legislated nonchampionship segment as well as football, which would include:

(1) Baseball: no fall practice or competition.

(2) Football: no spring practice.

(3) Softball: no fall practice or competition.

(4) Men's Volleyball: No fall practice or competition.

(5) Women's Volleyball: No spring practice or competition.

(6) Men's and Women's Soccer: No spring practice or competition.

(7) Field Hockey: No spring practice or competition.

(8) Women's Lacrosse: No fall practice or competition.

OR

c. For a penalized team in a sport without a legislatively declared nontraditional playing season, a 10 percent reduction in the length of the playing season and 10 percent reduction of allowable contests. [ATTACHMENT NO. 1].

6. (*Baseball only*): 10 percent reduction to the length of playing season and number of contests against outside competition.

In addition to the penalties from Levels One through Four, the committee would have the legislated authority to implement any or all of the following additional penalties.

1. Additional financial aid penalties above the 20 percent of average aid awarded.

2. Additional playing and practice season penalties above: (a) The 4 hour reduction and loss of one day of practice in-season; and (b) The four hours per week reduction outside of season.

3. Restricted membership.

4. Contest reductions, which could include:

a. Full-season competition restriction.

b. Cancellation of nonconference contests.

c. Any contest reductions as determined by the committee.

d. No competition during institution's scheduled exam period and/or week(s) surrounding the exam period.

Additional policy determinations and recommendations regarding new penalty structure:

1. Transition from current to revised penalty structure.

   Teams that are subject to APP penalties under the new structure would continue to advance in the penalty structure as if no change had been made. For example, a team that was subject to an Occasion-One Historical Penalty under the previous penalty structure would be subject to the new Level-Two APP Penalty if the team did not meet the multiyear benchmark and was subject to penalty. A team that has not been subject to historical penalties in the past but does not meet the new benchmark and is subject to the penalty would be subject to Level-One APP Penalties.

2. "Three clean year concept."

   The "three clean year concept" outlined in the committees policies will be maintained within this revised penalty structure. In summary, this policy results in a team advancing to the next level of penalties unless it has not been subject to any penalties for three consecutive years.

3. Self imposition of penalties.

   The committee and/or staff may choose to recognize and incorporate a penalty that is not found within the prescribed list of penalties, but is implemented by the institution. The staff and/or committee can recognize and incorporate an institution's self-imposed penalty within the penalty waiver process, whether it is a coach-specific penalty or other alternative measure.

4. Appeals processes.

   The following process for appeals will be used at the various levels of the new penalty structure:

a. Level One: Appeals to be heard by the Subcommittee on Appeals via paper submission.

b. Level Two: Appeals to be heard by the Subcommittee on Appeals via telephone, with institutional involvement, the extent of which is to be determined.

c. Levels Three and Four: Appeals to be heard through in-person hearings with the full committee.

d. Level Five: All cases to be heard by the full committee without prior staff review.

5. Penalty reporting.

Institutions will be required to provide evidence to the NCAA staff that required penalties have been implemented, beginning at Level One Penalties. This requirement allows the staff and committee to ensure the integrity of the APP penalty structure.

6. NCAA Division I Board of Directors Academic Performance Program Historical Penalties Appeals Subcommittee Review.

Under the new penalty structure, institutions would maintain the ability to appeal the committee's decision to the Division I Board of Directors Subcommittee on Historical Penalty Appeals at Levels Three, Four and Five. The standard of review for that subcommittee would remain the same as well; in order to have a decision overturned an institution must demonstrate that the committee abused its discretion in applying the legislation and/or policy and procedures of the APP.

ATTACHMENT NO. 1

List of Playing and Practice Reductions for Applicable Sports in Level Four

The following list outlines the additional playing and practice season penalties that teams would be subject to at Level Four of the revised penalty structure. Note that these penalties would only apply to sports where there is not a legislatively declared non-traditional segment.

1. Men's and Women's Basketball:

a. Reduction of 10 percent of playing and practice days between first allowable practice and end of playing season.[2]

b. Reduction from 29 to 26 contests.[3]

2. Bowling:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 26 to 23 dates of competition.

3. Cross Country:

a. Reduction from 144 day season to 130 day season.

b. Reduction from seven to six dates of competition.

4. Equestrian:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 15 to 13 dates of competition.

5. Fencing:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 11 to 10 dates of competition.

6. Golf:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 24 to 22 dates of competition.

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[2] The start date for men's and women's basketball varies depending on the year.

[3] For teams that plan to participate in a qualifying regular-season multiple team event (e.g., Maui Invitational), the reduction would be from 27 to 24 contests.

7. Gymnastics:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 13 to 12 dates of competition.

8. Ice Hockey:

a. Reduction from 132 day season to 119 day season.

b. Reduction from 34 to 31 contests.

9. Men's Lacrosse:

a. Reduction from 132 day season to 119 day season.

b. Reduction from 17 to 15 dates of competition.

10. Rifle:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 13 to 12 dates of competition.

11. Rowing:

a. Reduction from 156 day season to 140 day season.

b. Reduction from 20 to 18 dates of competition.

12. Rugby:

a. Reduction from 132 day season to 119 day season.

b. Reduction from 11 to 10 contests.

13. Skiing:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 16 to 14 dates of competition in both alpine and nordic events.

14. Squash:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 15 to 13 dates of competition.

15. Swimming and Diving:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 20 to 18 dates of competition.

16. Tennis:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 25 to 22 dates of competition.

17. Track and Field (Indoor or Outdoor only):

a. Reduction from 144 day season to 130 day season.

b. Reduction from 18 to 16 dates of competition.

18. Track and Field (Indoor *and* Outdoor):

a. Reduction from 156 day season to 140 day season.

b. Reduction from 18 to 16 dates of competition.

19. Water Polo:

a. Reduction from 132 day season to 119 day season.

b. Reduction from 21 to 19 dates of competition.

20 Wrestling:

a. Reduction from 144 day season to 130 day season.

b. Reduction from 16 to 14 dates of competition.

ATTACHMENT B

Timeline for the Implementation of the Recommended NCAA Division I Academic Progress Rate Penalty Benchmark and NCAA Division I Academic Performance Program Penalty Structure

The NCAA Division I Committee on Academic Performance recommends teams be subject to the penalties under the new penalty structure beginning with penalties imposed in the 2015-16 academic year. By fall 2015, teams will have received three years notice of the changes to the penalty structure. Penalized teams that perceive the change as mitigation for a waiver could make that argument in the APP penalty waiver process, but would not be automatically approved.

Overall Timeline Chart:

August 2011	Board of Directors provides notice of new 930 APR benchmark to the membership.	
2011-12	First year of data after notice.	April 2012 – Legislative proposals with new penalty structure potentially adopted.
2012-13	Second year of data after notice.	
2013-14	Third year of data after notice.	
2014-15	Fourth year of data after notice.	Penalty reports provided in 2014-15 notify member institutions of penalties under new structure based on previous four years of data. Three of the four years of data are after the Board notification to the membership.
2015-16		New penalties taken for first time in 2015-16.

REPORT OF THE APRIL 28, 2011, MEETING OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I BOARD OF DIRECTORS

1. **Report of the January 15, 2015, Board of Directors Meeting. The Board approved the report of its January 15, 2011, meeting.** (Unanimous voice vote) [Reference Supplement No. 1.]

2. **Report of the Division I Presidential Advisory Group.** The Board received a report from Ann Millner, chair of the Division I Presidential Advisory Group (PAG), regarding the group's April 27, 2011, meeting. The Board was informed of PAG's views regarding various Board agenda items as they were considered by the Board. [Reference Supplement No. 3.]

   BOARD ACTION: **The Board appointed William Meehan, president of Jacksonville State University, as chair of PAG. President Meehan will replace Ann Millner, whose two-year term as chair of PAG ends at the conclusion of the April 2011 meetings. President Millner will remain on PAG and the Board through the April 2012 meetings**. (Unanimous voice vote.)

3. **President's Report.** NCAA President Mark Emmert reported on the following items:

   a. **NCAA Advertising Policies/Bowl Game Licensing/Conflict of Interest Policies**. President Emmert recommended the Board adopt emergency legislation that would amend Bylaw 18.7.2 to include a "Note" indicating that for a period of up to three years, beginning April 28, 2011, no new postseason football bowl game licenses will be issued by the NCAA Football Bowl Licensing Committee. President Emmert also noted plans to immediately appoint an NCAA Football Bowl Licensing Task Force that will be charged with undertaking a comprehensive examination of the purposes, criteria, process and oversight of the NCAA licensing process for postseason football bowl games. The Task Force will clarify the purposes for NCAA licensing of bowl games and align the criteria and procedures for licensing with those purposes. The result of the examination will be a better defined role, structure and accountability for the NCAA Postseason Licensing Subcommittee, clearer and better understood norms for bowl sponsoring agencies, and a better public understanding of the role of the NCAA in its licensing of bowl games.

      BOARD ACTIONS:

      - **The Board used its emergency authority to adopt legislation to specify that for a maximum three-year period beginning April 28, 2011, no new postseason football bowl game licenses will be issued by the NCAA Football**

Bowl Licensing Committee. [**Effective Date: Immediate.**] (Unanimous voice vote.)

- **The Board approved the charge of the Task Force, noting its expectation for a report at its October 2011 meeting regarding the progress of the Task Force.** (Unanimous voice vote.)

b. **Athletics Certification.** President Emmert shared with the Board recommendations resulting from an extensive review of the Division I athletics certification program.

BOARD ACTIONS:

- **The Board used its emergency authority to adopt legislation, which specifies that no additional active Division I member institutions will enter the athletics certification process through August 1, 2013. Further, the Board charged the Committee on Athletics Certification (CAC) with developing a new, streamlined, technology-driven process, and reporting back to the Board in October 2011 and April 2012 regarding its progress.** (Unanimous voice vote.)

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

c. **Presidential Retreat.** President Emmert noted his plans to host a presidential retreat on August 9-10, 2011, which will include approximately 50 Division I presidents/chancellors, several Division I commissioners and athletics directors, and the chairs of the Divisions II and III Presidents Councils. Additional information and clarification regarding the retreat will be shared with the participants in the near future.

d. **Joint NCAA/NACUBO Study of Coaches Compensation**. The Board was informed of the NCAA's plans to partner with the National Association of College and University Business Officers (NACUBO) to conduct a study regarding the governance and oversight of executive level compensation, as well as research

regarding compliance with Internal Revenue Service (IRS) tax policy. The goal of the survey would be to collect data that would assist in the development of best practices, rather than to develop financial mandates.

4. **Report from the Task Force to Clarify Roles of the Committee on Infractions and Infractions Appeals Committee**. The Board received the final report of the Task Force to Clarify the Roles of the Committee on Infractions (COI) and Infractions Appeals Committee (IAC), which included three legislative and several non-legislative recommendations. [Reference Supplement No. 4.]

BOARD ACTION: The Board approved all the recommendations submitted by the task force. (Unanimous voice vote.)

5. **Division I Governance Structure Update**.

a. **Report of the April 4, 2011, Meeting of the Leadership Council**. Mike Alden, chair of the Division I Leadership Council, reported briefly on the April 4, 2011, Leadership Council meeting.

(1) Olympic Sports Liaison Committee/National Governing Bodies (NGB) Working Group Recommendations. The Leadership Council recommended that the Board approve assigning a senior-level NCAA staff member with the responsibility for establishing closer collaboration with the United States Olympic Committee (USOC) with regard to prioritizing and sustaining Olympic sports within the collegiate structure.

BOARD ACTION: **The Board approved the Leadership Council's recommendation.** (Unanimous voice vote.)

(2) Men's Basketball Recruiting Model. The Leadership Council received presentations regarding men's basketball recruiting from representatives of a variety of men's basketball stakeholders. The Leadership Council also heard from its two recruiting subcommittees, several Division I Student-Athlete Advisory Committee (SAAC) members, Division I and FCS commissioners and head coaches, and a group of administrators from the Group of Six conferences. The Leadership Council will meet again in August to discuss the subcommittees' work and begin to formulate its recommendation regarding a new men's basketball recruiting model for presentation to the Board in October.

(3) Agents. The Leadership Council continued its discussion on agents and will focus on the following concepts as potential ways to address the issues:

(a) Enhanced Education of Prospective and Enrolled Student-Athletes.

(b) New Definition of Agent.

(c) Agent Contact Calendar.

(d) National Agent Registration Program.

(e) Consideration of sport-specific agent legislation.

b. Report of the April 11-12, 2011, Meeting of the Division I Legislative Council. Shane Lyons, chair of the Division I Legislative Council, reported that the Legislative Council acted on approximately 40 proposals, 20 of which were adopted and eight which were defeated; the remaining proposals were tabled or rendered moot. The following Legislative Council actions were identified for Board discussion:

[Note: In accordance with the Division I legislative process, the Board has the authority to consider any action taken by the Legislative Council, but is not required to do so. Where the Board decided to take action on proposals below, you will see the action indicated in bold type. For those proposals on which it did not act, the Legislative Council's actions stand.]

(1) Adopted Proposals.

(a) Proposal No. 2009-100-A – Recruiting – Nonscholastic Practice and Competition and Institutional Camps or Clinics – Men's Basketball. This proposal would prohibit an institution from hosting a nonscholastic practice/competition on its campus that involves men's basketball prospects. The proposal addresses long-standing concerns about competitive recruiting advantages gained as a result of these activities and arrangements between operators and coaches to host such activities.

BOARD ACTION: The Board adopted an amendment to Proposal No. 2009-100-A, which would establish additional exceptions that would permit an institution to host, sponsor or conduct a nonscholastic event that involves men's basketball prospects, provided:

- **The event is open (not classified by age group or level of educational institution) and all men's basketball prospects reside within a 50-mile radius of the institution's campus; or**

- **The event is part of a program that is consistent with the mission of the institution (e.g., state wellness and educational programs) and the athletics department or representatives of its athletics interests are not involved in the conduct, promotion or administration of the activity, or**

- **The event is an ancillary event that is part of a nonathletics program (e.g., Boy Scouts) and is operated outside the institution's athletics program.** (Unanimous voice vote.)

(b) **Proposal No. 2010-17 – Personnel – Limitations on Number of Coaches – Football Bowl Subdivision – Four Graduate Assistant Coaches.** This proposal would increase from two to four the number of graduate assistant coaches in FBS football.

(c) **Proposal No. 2010-24 -- Amateurism -- Involvement With Professional Teams -- Professional Basketball Draft -- Four-Year College Student-Athlete -- Men's Basketball.** This proposal would move the date by which a men's basketball student-athlete must request that his name be removed from the NBA draft to retain his eligibility be moved to the day before the first day of the spring National Letter of Intent (NLI) signing period.

(d) **Proposal No. 2010-51-A -- Eligibility – General Eligibility Requirements – Full-Time Enrollment – Requirement For Competition – Nontraditional Courses**. This proposal would permit the use of nontraditional courses to satisfy the full-time enrollment requirement for competition.

(e) **Proposal No. 2010-59-C -- Eligibility – Progress-Toward-Degree Requirements – Eligibility for Competition -- Fulfillment of Credit Hour Requirements – Fall Term Academic Requirements for Future Competition -- One-Time Exception To Regain Full Eligibility -- Football.** This proposal is an alternative to the Football Academic Working Group's (FAWGs) proposal that would permit a one-time exception to the requirement that a football student-athlete earn nine semester/eight quarter hours in the fall term or lose eligibility for the first four games of the next season with the opportunity to reduce the

ineligibility to two games if the student-athlete earns 27 semester/40 quarter hours before the following fall term.

(f) **Proposal No. 2010-60 -- Eligibility – Progress-Toward-Degree Requirements – Regulations For Administration Of Progress Toward Degree – Nontraditional Courses**. This proposal would permit the use of nontraditional courses completed at an institution other than the certifying institution to be used to satisfy credit-hour and percentage-of-degree requirements.

(2) Defeated Proposals.

- **Proposal No. 2010-110 – Playing and Practice Seasons and Recruiting – Mandatory Medical Examination – Sickle Cell Solubility Test – Written Release**. This proposal would have eliminated the option for student-athletes to decline or opt out of the required sickle cell test that was implemented last fall.

(3) Tabled Proposals.

(a) **Proposal No. 2010-16-C, 2010-16-C-1 and 201-16-C-2 -- Personnel -- Limitations On The Number And Duties Of Coaches -- Noncoaching Staff Members -- Basketball -- Limit Of Two; 2010-18-C, 2010-18-C-1 and 2010-18-C-2 -- Personnel -- Limitations On The Number And Duties Of Coaches -- Bowl Subdivision Football -- Noncoaching Staff Members -- Limit Of Six; and 2010-20-C and 2010-C-1 -- Personnel -- Limitations On The Number And Duties Of Coaches -- Championship Subdivision Football -- Noncoaching Staff Members -- Limit Of Four.** These proposals would establish limits on the number of non-coaching sports-specific staff members in football and basketball.

(b) **Proposal No. 2010-26 as amended by 2010-26-3 -- Amateurism – Promotional Activities – Use of a Student-Athlete's Name or Likeness.** This proposal would revise legislation related to the use of student-athletes' names and likenesses in advertisement and promotions. The Council settled on one of the alternatives for further consideration, but noted that the membership needed additional time and education as to the distinction between the current rule and the proposed change.

(c) **Proposal No. 2010- 48 -- Recruiting -- Use Of Recruiting Funds -- Recruiting Or Scouting Services -- List Of Permissible Recruiting Services -- Men's Basketball.** This proposal would require that the

NCAA national office publish men's basketball scouting services that are deemed to meet the required standards for subscription. Since January, the sponsors of this proposal has been working with the NCAA staff to develop a new proposal that would establish a certification process for scouting services in men's and women's basketball, and football and intend to include it in the 2011-12 legislative cycle.

(d) **Proposal No. 2010-58-C -- Eligibility, Financial Aid And Playing And Practice Seasons -- Summer Academic Preparation And College Acclimatization -- Men's Basketball – National Service Academy Exception.** This proposal would establish a summer academic preparation and college acclimatization model for men's basketball student-athletes, including exceptions for national service academies.

(4) Proposals Previously Tabled By the Board.

(a) **Proposal No. 2010-12 – Legislative Process – Amendment Process – Membership Override of Legislative Changes – Legislative Council or Board of Directors Review – Override Voting**. This proposal would eliminate the requirement that override votes take place at the annual NCAA Convention.

BOARD ACTION: **The Board agreed to take Proposal No. 2010-12 off the table and voted to adopt the proposal.** (Unanimous voice vote.)

(b) **Proposal No. 2010-109-B – Executive Regulations – Administration of NCAA Championships – Restricted Advertising and Sponsorship Activities – Professional Sports Organizations Or Teams – Financial Sponsorship Of NCAA Or Conference Championships**. This proposal would allow professional sports organizations to serve as financial sponsors for conference and NCAA championships. The Board took no further action; therefore, its previous action to table the proposal continues.

(5) Board of Directors Resolution. The Legislative Council continued its discussion of the Board's resolution to review the legislative process and developed two concepts on which it would like feedback from the Board:

(a) Development of a legislative process that consists of two overlapping two-year cycles to allow the membership to focus attention on particular bylaws during each legislative cycle.

(b) Increase the requisite number of requests required to initiate an override of the adoption or defeat of a legislative proposal. The recommendation would be to increase the number required for a call for override vote from 30 to 75 and the number to suspend a proposal from 100 to 125. Further, for FCS specific legislation, the number would increase from 15 to 25 and 40 to 50. FBS currently does not have requisite numbers, but a number similar to FCS should be considered.

6. **Division I Committee on Infractions**. The committee requested the Board approve several bylaw revisions and a committee appointment. [Reference Supplement Nos. 8A and 8B.]

a. **Bylaw 19.5 Revisions.** The committee recommends recodification and restating the penalty provisions of Bylaw 19 to provide clarity and better reflect current practices.

b. **Bylaw 32 Revisions**.

(1) The committee recommended the Board approve revisions to Bylaws 32.1.1 (Confidentiality) and 32.8.8.3 (Imposition of Penalties).

BOARD ACTION: The Board approved the recommended revisions to Bylaw Nos. 19.5, 32.1.1 and 32.8.8.3. (Unanimous voice vote.)

(2) The committee recommended the Board approve a revision to Bylaw 32.3.8 (Limited Immunity).

BOARD ACTION: The Board approved the recommended revision to Bylaws 32.3.8. (Unanimous voice vote.)

c. **Committee Appointment**. The Board appointed Chris Griffin (Foley & Lardner, Tampa, Florida) to the Division I Committee on Infractions as appeal coordinator. (Unanimous Voice Vote.)

7. **Administration Cabinet Recommendation**. The Administration Cabinet recommended that the Board use its authority pursuant to Bylaw 21.7.2 to add the Division I Initial-Eligibility Waivers Committee to the list of committees in Bylaw 27.2.1 that are accepted from the requirement that no subdivision shall have more than 50 percent representation on any committee.

BOARD ACTION: The Board voted to approve the cabinet's recommendation. (Unanimous voice vote.)

8. Governance Transitional Issues.

a. Appointment of new Members to the Board of Directors. The Board unanimously approved the following new Board members whose terms begin following the Board's April 2011 meeting:

- David Hopkins, president, Wright State University, Horizon League.
- Harris Pastides, president, University of South Carolina, Columbia, Southeastern Conference
- David Skorton, president, Cornell University, Ivy League.
- Timothy White, chancellor, University of California, Riverside, Big West Conference.

b. Appointments to the NCAA Executive Committee. The Board unanimously approved the appointment of the following Board members to the Executive Committee whose terms begin following the Board's April 2011 meeting:

- William Beauchamp, president, University of Portland, West Coast Conference.
- William Meehan, president, Jacksonville State University, Ohio Valley Conference.

c. Appointments of FCS and Division I Members to the Cabinets and Councils. The Board reviewed the slate of nominees for councils and cabinets submitted by the FCS and Division I conferences. It was noted that the Presidential Advisory Group recommended approval of the slate as conforming to the intention of enhancing positional diversity on the bodies, but also recognizing the practical problems reported by the affected conferences in attempting to satisfy the complex matrix of expectations regarding gender, ethnic and positional diversity for each of the eight bodies in question. It is expected that the conferences will continue to work to enhance diversity through 2012 when all 20 conferences will have completed a rotation of positions on all councils and cabinets.

BOARD ACTION: The Board approved the FCS and Division I 2011 slate of cabinet and council nominees. (Unanimous voice vote.)

9. **Expression of Appreciation**. The Board thanked departing Board members Charles Bantz, president, IUPUI, Summit League, Greg Dell'Omo, president, Robert Morris University, Northeastern Conference; Kevin Mullen, president, Sienna College, Metro Atlantic Athletic Conference, and Lee Todd, president, University of Kentucky, Southeastern Conference, for their service to Division I.

10. **Future Meeting Dates**.

a. August 9-10, 2011, Presidential Retreat, Indianapolis, Indiana.

b. August 11, 2011, Indianapolis, Indiana.

c. October 27, 2011, Indianapolis, Indiana.

d. January 14, 2012, in conjunction with the NCAA Convention, Indianapolis, Indiana

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

ATTACHMENT
SUPPLEMENT NO. 2
DI Board of Directors Report 8/11

NCAA DIVISION I BOARD OF DIRECTORS
April 28, 2011, MEETING ATTENDANCE

Board members in attendance:
Stanley Albrecht, Utah State University, Western Athletic Conference
Charles Bantz, Indiana University-Purdue University of Indianapolis, Summit League
William Beauchamp, University of Portland, West Coast Conference
Greg Dell'Omo, Robert Morris University, Northeast Conference
Judy Genshaft, University of South Florida, Big East Conference, chair
Nathan Hatch, Wake Forest University, Atlantic Coast Conference
Sidney McPhee, Middle Tennessee State University, Sun Belt Conference
William Meehan, Jacksonville State University, Ohio Valley Conference
Ann Millner, Weber State University, Big Sky Conference
Kevin Mullen, Siena College, Metro Atlantic Athletic Conference
Harris Pastides, University of South Carolina, Southeastern Conference (alternate)
John Peters, Northern Illinois University, Mid-American Conference
Edward Ray, Oregon State University, Pacific-10 Conference
David Schmidly, University of New Mexico, Mountain West Conference
Lou Anna Simon, Michigan State University, Big Ten Conference
Steadman Upham, University of Tulsa, Conference USA

Board members not in attendance:
Guy Bailey, Texas Tech University, Big 12 Conference
Lee Todd, University of Kentucky, Southeastern Conference
William R. Harvey, Hampton University, Mid-Eastern Athletic Conference

NCAA staff Liaisons in attendance:
S. David Berst, NCAA
Jacqueline Campbell, NCAA, recording secretary

Guests from other Division I governance bodies:
Michael Alden, University of Missouri, chair of the Division I Leadership Council
Shane Lyons, Atlantic Coast Conference, chair of the Division I Legislative Council

Other NCAA staff members in attendance: Troy Arthur, Joni Comstock, Diane Dickman, Mark Emmert, Bernard Franklin, Lynn Holzman, Michelle Hosick, Jim Isch, Kevin Lennon, Steve Mallonee, Kayla McCulley, Karen Morrison, Delise O'Meally, Tom Paskus, Todd Petr, Kristen Porter, Donald Remy, Wallace Renfro, Julie Roe Lach, Greg Shaheen, Robert Vowels, Wendy Walters and Bob Williams.

The National Collegiate Athletic Association
April 29, 2011 SDB/JGC:vlm

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

Westin Indianapolis
Indianapolis, Indiana

April 28, 2011

Participants:

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

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

Also in attendance were: Gary Brown, associate director of digital communications; Joni Comstock, senior vice president of championships; Jim Isch, chief operating officer; Kevin Lennon, vice president of academic and membership affairs; Todd Leyden, president of the NCAA Eligibility Center, LLC; Karen Morrison, director of gender inclusion; Donald Remy, vice president of legal affairs/general counsel; Wallace Renfro, vice president and senior advisor to the NCAA president; Greg Shaheen, interim executive vice president of championships and alliances; Robert Vowels, vice president of student-athlete affairs and leadership development programs; Wendy Walters, director of membership and student-athlete affairs/infractions appeals; Bob Williams, vice president of communications; David Berst, Daniel Dutcher and Mike Racy, NCAA

governance vice presidents; and Jackie Campbell, Leah Kareti and Terri Steeb, NCAA governance directors.

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

The meeting was called to order at 2:36 p.m. by the chair, President Ray. All members were present as noted above.

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

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

   It was VOTED

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

3. NCAA President's report.

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

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

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

It was VOTED

"To approve the recommendations as noted."

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

4. NCAA Executive Committee Finance Committee report.

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

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

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

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

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

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

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

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

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

It was VOTED [For 13, abstain 1.]

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

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

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

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

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

The working group discussed membership categories and previously forwarded a recommendation to eliminate corresponding membership and redefine the requirements for the "affiliated membership" category to restrict it to coaches and sports associations for sports sponsored by the NCAA and to associations comprised of college/university administrators. As a part of this report, the working group recommended a change in affiliated membership fee structure.

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

It was VOTED

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

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

It was VOTED

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

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

It was VOTED

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

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

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

It was VOTED

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

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

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

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

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

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

It was VOTED

"To approve this recommendation as noted."

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

It was VOTED

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

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

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

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

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

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

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

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

7. NCAA drug-testing results for 2009-10. The Committee received a report from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS). The report included final results of the 2009-10 NCAA drug testing in championship events for all divisions, as well as year-round testing in Divisions I and II. CSMAS requested permission to publish the 2009-10 drug testing results

It was VOTED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# # # # #

SUPPLEMENT NO. 3B
DI Board of Directors 8/11

MEMORANDUM

P.O. Box 6222
Indianapolis, Indiana 46206
Telephone: 317/917-6222

Shipping/Overnight Address:
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

www.ncaa.org

June 23, 2011

TO: NCAA Division I Board of Directors
NCAA Division II Presidents Council
NCAA Division III Presidents Council.

FROM: Bernard W. Franklin
Executive Vice President of Membership and Student-Athlete Affairs/
Executive Committee Liaison/Chief Inclusion Officer.

SUBJECT: Committee Restructuring.

During its April 29, 2011, meeting the NCAA Executive Committee took action to restructure the inclusion advocacy committees within the governance structure. This action included the dissolution of the NCAA Executive Committee Subcommittee on Gender and Diversity Issues; the creation of a joint body of representatives of the NCAA Committee on Women's Athletics (CWA) and the NCAA Minority Opportunities and Interests Committee (MOIC) to provide broad oversight on inclusion matters and manage specific agendas beyond those related to race and gender; and the creation of joint CWA/MOIC subcommittees to focus on lesbian, gay, bisexual and transgender issues, physical disability, and other inclusion priorities that may arise. Additionally, the Committee noted the need for greater involvement of presidents within the substructure to provide guidance and insight at the policy development level.

To achieve this goal, the Committee is directing the divisional presidential bodies to consider legislation to modify the composition of the CWA and MOIC by increasing the committee size from 15 to 18 respectively and specify that the three additional positions be filled by a president from each division. Further, the Committee recommends equal distribution of members among each division.

The impetus for these changes was the adoption, in 2010, of an expanded framework around diversity, inclusion and gender equity that provides for greater focus across dimensions of diversity including, but not limited to, age, race, sex, class, creed, national origin, educational background, disability and gender expression, and the internal reorganization of the NCAA's inclusion office to support this mission. An examination of the charge and duties of the three primary advocacy committees within the governance structure indicated some overlap of mission but also areas where the structure was not adequately positioned to handle specific issues beyond race and gender. Additionally, there was an identified need for increased presidential involvement at the policy development level. Current composition requirements prescribe six members from Division I and three members each from Divisions II and III, with three unallocated members. The Committee supports equal representation from all divisions on these very important issues. The addition of three members per committee will permit an equal distribution of six members from each division.

BWF:jw

REPORT OF THE NCAA DIVISION I LEGISLATIVE COUNCIL JULY 14, 2011, TELECONFERENCE AND THE NCAA DIVISION I FOOTBALL CHAMPIONSHIP GOVERNANCE COMMITTEE JULY 14, 2011, TELECONFERENCE

ACTION ITEMS.

• None.

INFORMATIONAL ITEMS.

1. **Approval of NCAA Division I Legislative Council Administrative Committee Report.** The NCAA Division I Legislative Council approved the report of the NCAA Division I Legislative Council Administrative Committee's June 17, 2011, teleconference.

2. **NCAA Proposal No. M-2011-6 Recruiting -- Time Period for Telephone Calls -- Sports Other Than Football -- Nontraditional Academic Calendars.** The Legislative Council reviewed and approved NCAA Proposal No. M-2011-6, which, in sports other than football, clarifies the application of the time period for telephone calls legislation to an individual who attends an educational institution that uses a nontraditional academic calendar, as specified, effective immediately. The modification was necessary due to the suspension of Proposal No. 2010-30 (recruiting -- telephone calls -- time period for telephone calls -- sports other than football).

3. **Review of Proposals Subject to Override Vote.** Pursuant to NCAA Constitution 5.3.2.3.3, the Legislative Council reviewed its legislative decisions regarding Proposal No. 2009-100-A (recruiting – tryouts -- nonscholastic practice or competition and noninstitutional camps or clinics -- men's basketball) and Proposal No. 2010-30 (recruiting -- telephone calls -- time period for telephone calls -- sports other than football). The Legislative Council sustained its previous action of adopting Proposal No. 2009-100-A (which was amended and also adopted by the NCAA Division I Board of Directors) and reversed its previous action of adopting Proposal No. 2010-30. (Voting results may be found in Attachment.)

   [Note: Per NCAA Constitution 5.3.2.2.4, legislative actions taken by the Legislative Council shall be subject to possible review by the Board of Directors at its next meeting. As a result of the Legislative Council's actions, Proposal No. 2009-100-A will be subject to a membership override vote and Proposal No. 2010-30 is defeated, pending potential review by the Board of Directors during its August 11 meeting.]

[Note: For ease of reference, information related to the NCAA Division I Football Championship Subdivision Governance Committee's review of Proposal No. 2010-83 is included in this report below.]

Pursuant to Constitution 5.3.2.3.3, the Football Championship Subdivision Governance Committee reviewed its legislative decision regarding Proposal No. 2010-83 (awards, benefits and expenses -- expenses provided by the institution for practice and competition -- nonpermissible -- lodging in conjunction with a regular-season home contest -- championship subdivision football). The committee reversed its previous action of adopting Proposal No. 2010-83. (Voting results may be found in Attachment.)

[Note: Per Constitution 5.3.2.2.4, legislative actions taken by the Football Championship Subdivision Governance Committee shall be subject to possible review by the NCAA Division I Presidential Advisory Group at its next meeting. As a result of the committee's action, Proposal No. 2010-83 is defeated, pending potential review by the Presidential Advisory Group.]

4. Future Meeting Dates.

a. October 17-18, 2011, Indianapolis.

b. January 10-12, 2012, Indianapolis, in conjunction with the NCAA Convention.

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

NCAA Division I Legislative Council
July 14, 2011

ATTACHMENT
SUPPLEMENT NO. 6
DI Board of Directors 8/11

Conference -- Voting Delegate	Conference Type	Voting Weight	Administrative Committee Report	M-2011-6	2009-100-A	2010-30	2010-83 FCS
America East -- B. Barrio	DI	1.2		Y	N	Y	
Atlantic 10 -- E. Pasque	DI	1.2		Y	Y	Y	
Atlantic Coast -- S. Lyons	FBS	3		Y	Y	N	
Atlantic Sun -- K. Capriotti	DI	1.2		Y	Y	Y	
Big 12 -- L. Ebihara	FBS	3		Y	Y	Y	
Big East -- J. D'Antonio, Jr.	FBS	3		Y	N	Y	
Big Sky -- J. Gee	FCS	1.2		Y	N	Y	Y
Big South -- M. Eaker	FCS	1.2		Y	N	Y	N
Big Ten -- J. Heppel	FBS	3		Y	N	N	
Big West -- C. Masner	DI	1.2		Y	Y	Y	
Colonial Athletic -- P. Bowden	FCS	1.2	APPROVED	Y	N	N	N
Conference USA -- R. Philippi	FBS	3		Y	Y	Y	
Horizon League -- E. Jacobs	DI	1.2		Y	N	Y	
Ivy League -- C. Campbell-McGovern	FCS	1.2		Y	Y	N	N
Metro Atlantic Athletic -- B. Church	DI	1.2		Y	N	N	
Mid-American -- D. Gragg	FBS	1.5		Y	N	N	
Mid-Eastern Athletic -- S. Stills	FCS	1.2		Y	N	N	N
Missouri Valley -- M. Cross	FCS	1.2		Y	N	Y	
Mountain West -- J. Ruggiero*	FBS	1.5					
Northeast -- A. Alford	FCS	1.2		Y	N	N	N
Ohio Valley -- M. Banker	FCS	1.2		Y	N	Y	Y
Pacific-12 -- B. Goode	FBS	3		Y	Y	Y	
Patriot League -- P. Muffley	FCS	1.2		Y	Y	N	Y
Southeastern -- G. Sankey	FBS	3		Y	Y	N	
Southern -- R. Johnson	FCS	1.2		Y	Y	N	N
Southland -- S. McDonald*	FCS	1.2					N
Southwestern Athletic -- A. Robinson	FCS	1.2		Y	N	N	N
Sun Belt -- K. Keene	FBS	1.5		Y	Y	N	
The Summit League -- K. Heylens	DI	1.2		Y	Y	N	
West Coast -- S. Fink	DI	1.2		Y	Y	Y	
Western Athletic -- R. Spear	FBS	1.5		Y	Y	N	
Missouri Valley Football -- M. Mulvenna (FCS voting only)	FCS	1					N
Pioneer League -- B. Lynch (FCS voting only)	FCS	1					Y
		Adopt/Yes (Y)		48.3	27.6	24	4
		Defeat/No (N)		0	20.7	24.3	9
		Abstain (A)		0	0	0	0
		No Vote ()		2.7	2.7	2.7	0
		Total		51	51	51	13

***Did not participate in the Legislative Council teleconference.**

NCAA Division I Board of Directors Resolution
Division I Legislative Process

Introduction.

At its April 2010 meeting, the NCAA Division I Board of Directors approved a resolution requesting that the NCAA Division I Legislative Council develop a draft of a policy statement that the Board of Directors and Legislative Council may adopt that would provide better guidance regarding consideration of proposed NCAA legislation by applying a metric to identify those legislative proposals to defeat or consider, and those proposals to call to the attention of the Board of Directors.

The objective of this policy statement is:

1. To limit the number of legislative proposals adopted to those that identify and document a clear national problem that needs to be addressed; and

2. To identify those proposals that might appropriately be considered directly by the Board of Directors.

In response to the resolution, the Legislative Council reviewed and discussed several concepts at its October 2010, January 2011 and April 2011 meetings after receiving additional feedback from member conferences and governance groups. The Board of Directors received the Legislative Council's progress report at its April 2011 meeting and directed the Legislative Council to further refine the following concepts for consideration at its August 2011 meeting with the goal of introducing the concepts into the 2011-12 legislative cycle for consideration by the membership.

Concept No. 1: Development of a Legislative Process that Consists of Two Overlapping Two-Year Cycles.

Currently, Division I conferences, cabinets, councils and the Board of Directors are permitted to sponsor legislation directly into the legislative cycle. Further, there are no limitations on the number of proposals that may be submitted by any certain entity. This process generally has resulted in excess of 100 proposals being submitted each year. Many proposals relate to issues impacting only members of a specific conference and may not reflect concerns that are necessarily national in significance. In addition, a portion of the proposals introduced into the legislative cycle are designed to reverse legislation adopted in the previous cycle, which provides insufficient time to measure the impact of the adopted legislation.

The Legislative Council recommends the development of a legislative process consisting of two overlapping two-year cycles, which would allow the membership to focus attention on particular issues during each legislative cycle and fully develop comprehensive legislative concepts. The following are options for the Board of Director's consideration regarding which bylaws might be included in each separate two-year cycle.

Option No. 1		Option No. 2		Option No. 3	
Cycle 1	**Cycle 2**	**Cycle 1**	**Cycle 2**	**Cycle 1**	**Cycle 2**
NCAA Constitution 1-6	NCAA Bylaws 20 - 33	Constitution 1-6	Bylaws 20 - 33	Proposals related to Constitution 1-6 and Bylaws 20 –33 may be submitted during any cycle.	
Bylaw 10	Bylaw 12	Bylaw 11	Bylaw 10	Bylaw 10	Bylaw 12
Bylaw 11	Bylaw 14	Bylaw 12	Bylaw 14	Bylaw 11	Bylaw 14
Bylaw 13	Bylaw 15	Bylaw 13	Bylaw 15	Bylaw 13	Bylaw 15
Bylaw 17	Bylaw 16	Bylaw 17	Bylaw 16	Bylaw 17	Bylaw 16
Bylaw 18	Bylaw 19	Bylaw 19	Bylaw 18	Bylaw 18	Bylaw 19

A legislative process consisting of two overlapping two-year cycles would allow the membership to focus attention on particular issues during each legislative cycle and fully develop comprehensive legislative concepts. In addition, the desired outcome of such a change is to create a process that results in a decrease in the volume of proposals each legislative cycle. The two-year cycles will allow for additional time for conferences and governance entities to determine the national significance of legislative concepts and to gather appropriate supporting data prior to submission. It is important to note that the Legislative Council and the Board of Directors may still exercise its authority to propose and to adopt emergency legislation for any bylaw during any of the cycles.

Concept No. 2: Increase the Requisite Number of Requests to Initiate an Override of the Adoption or Defeat of a Legislative Proposal.

Currently, the legislation requires 30 institutions to submit an override request of action taken by the Legislative Council or Board of Directors to adopt legislation or action taken by the Board of Directors to defeat a legislative proposal in order for the legislative decision to be further reviewed. There are now approximately 345 active Division I member institutions, which is a significant increase in membership since the override process was adopted as part of the change in the governance structure in 1997.

The Legislative Council recommends that the number of requests necessary to call for an override increase from 30 to 75 (approximately 22 percent of current active members) and that the number of requests necessary to suspend a legislative change increase from 100 to 125. For NCAA Football Championship Subdivision (FCS) specific legislation, the numbers would increase from 15 to 25 and from 40 to 50. In addition, it is recommended that the same minimum threshold numbers that are applicable to FCS specific legislation be established for NCAA Football Bowl Subdivision specific legislation (i.e., 25 to call for an override and 50 to suspend the legislation).

With the increase in Division I membership, it is logical to increase the override threshold requirements. Further, while it is important to maintain the opportunity for the membership to override legislation for which there is significant opposition, the current threshold for initiating an override represents less than 10 percent of the Division I membership. An increase to the number

of requests required may encourage more thoughtful review of proposals during the legislative process and enhance the efficiency of the governance process.

Summary of Action Items.

Recommend that the Board of Directors sponsor legislation for the 2011-12 legislative cycle for the following concepts:

1. Legislative process that consists of two overlapping two-year cycles.

2. An increase to the requisite number of requests to initiate an override of the adoption or defeat of a legislative proposal and to suspend a legislative change.

ATTACHMENT A
SUPPLEMENT NO. 7
DI Board of Directors 8/11

Example of a Potential Model for a Two-Year Legislative Cycle

Date	Year One	Year Two
July 15	Legislation submission deadline conferences and cabinets.	
August 15	NCAA Division I Publication of Proposed Legislation (POPL) available on NCAA website.	
August 15	Applicable proposals forwarded to cabinets for review and comment.	
September	Cabinets initial review. Development of initial positions and suggestions to sponsors.	Final cabinet review. Final positions established.
October	NCAA Division I Legislative Council initial review. Development of initial positions and suggestions to sponsors.	Final Legislative Council review. Review of modifications and alternative proposals.
October/November	NCAA Division I Board of Directors meeting. Deadline for Board sponsored proposals.	
November 15	Updated POPL available on NCAA website. Includes Board sponsored proposals.	Official Notice available on the NCAA website.
October – December	Continued sponsor modifications; membership comments.	
January	Legislative Council review of modifications feedback. Initial review of Board sponsored proposals.	Initial voting by Legislative Council. Potential review by Board.
January – March	Continued sponsor modifications; membership comments. Cabinets review, as necessary.	60-day override period for adopted legislation. 60-day membership comment and amendment-to-amendment period for remaining proposals.
April	Legislative Council review of modifications and feedback. Deadline for modifications and alternative proposals: one week after the Legislative Council meeting.	Final voting by Legislative Council. Potential review by Board.
April – June		60-day override period for adopted legislation.

<http://documentcenter.ncaa.org/msaa/gov/DI Committees/Board of Directors/2011-08 Board of Directors/07, Att A-Model of Two-Year Leg Cycle.docx>

2011 -- LEGISLATIVE PROCESS -- AMENDMENT PROCESS -- DIVISION I LEGISLATIVE PROCESS -- TWO OVERLAPPING TWO-YEAR LEGISLATIVE CYCLES

Intent: To establish two overlapping two-year legislative cycles within the Division I legislative process, as specified.

Constitution: Amend 5.3.2, as follows:

5.3.2 Division I Legislative Process.

5.3.2.1 Authority to Adopt or Amend Legislation. Legislation applicable to Division I may be adopted or amended at any meeting of the Board of Directors or of the Legislative Council.

5.3.2.1.1 Amendments Proposed by Board of Directors, Leadership Council or Legislative Council. The Board of Directors, Leadership Council or Legislative Council may sponsor legislative amendments for consideration as emergency or noncontroversial legislation or in the regular legislative cycle or at any legislative Convention. A member also may move that current or proposed policies and procedures become legislative proposals, subject to the override process.

5.3.2.2 Process for Adoption or Amendment of Legislation.

5.3.2.2.1 Division I Legislative Cycles. The Division I legislative process shall consist of two overlapping two-year cycles. The Board of Directors shall determine which legislative articles shall be included in each two-year cycle. The Board of Directors may modify the policy as it deems necessary.

5.3.2.2.1.1 Sponsorship -- Amendments to Legislation, Alternative Proposals and Amendments-to-Amendments. An amendment to a provision of the constitution or bylaws, an alternative proposal, or an amendment to an amendment to a provision of the constitution or bylaws may be sponsored by:

(a) The Board of Directors, the Leadership Council or the Legislative Council;

(b) The Academic Cabinet, the Administration Cabinet; the Amateurism Cabinet, the Awards, Benefits, Expenses and Financial Aid Cabinet, the Championships/Sports Management Cabinet, and the Recruiting and Athletics Personnel Issues Cabinet; and

(c) A multisport conference listed in Constitution 4.2.1-(a) or (b).

5.3.2.2.1.2 Submission Deadline -- Amendments to Legislation. Amendments to legislation sponsored by the Leadership Council, the Legislative Council, a cabinet or a multisport conference must be submitted to the national office by 5 p.m. Eastern time July 15. The Board of Directors shall sponsor amendments to legislation by the end of its October/November meeting.

5.3.2.2.~~1~~**2** Legislative Council Action -- Initial Review. On initial review of a legislative proposal, the Legislative Council shall conduct a single vote to accomplish one of the following actions:

(a) Adopt. A proposal that receives approval by at least a two-thirds majority vote of the Legislative Council members present and voting shall be considered adopted subject to possible review by the Board of Directors at its next meeting;

(b) Distribute for Membership Review. If a proposal is not adopted, but a majority of the Legislative Council members present and voting vote to adopt the proposal or to forward it to the membership for review and comment, or if the combined votes for the two options equals at least a majority, it shall be forwarded to the membership for review and comment pursuant to Constitution 5.3.2.4.2; or

(c) Defeat. A proposal that fails to receive the votes necessary for adoption or distribution to the membership for review and comment shall be considered defeated.

5.3.2.2.~~1~~**2**.1 Amendment by Legislative Council. The Legislative Council may amend a proposal by a three-fourths majority vote of the Legislative Council members present and voting.

5.3.2.2.~~2~~**3** Legislative Council Action -- Final Review. At its next regular meeting after the period for membership review and comment (see Constitution 5.3.2.4), the Legislative Council shall consider the reactions and suggestions received and take action on the proposed change. If the proposed change receives a majority vote of those Legislative Council members present and voting, it shall be considered adopted, subject to the possible review by the Board of Directors at its next meeting. If the proposed change does not receive a majority vote of those Legislative Council members present and voting, it shall be considered defeated. The Legislative Council's action will be considered final at the conclusion of the next Board of Directors meeting, provided the action is not amended or rescinded by the Board.

5.3.2.2.~~2~~**3**.1 Amendment by Legislative Council. The Legislative Council may amend a proposal by a three-fourths majority vote of the Legislative Council members present and voting, provided the amendment does not increase the modification specified in the original proposal.

5.3.2.2.~~3~~**4** Legislative Council -- Sunset Provision. If, within two legislative meetings, the Legislative Council fails to act on a proposed change, it shall be considered defeated; however, when appropriate, the Legislative Council may extend the time period for action.

5.3.2.2.~~4~~**5** Board of Directors Action.

5.3.2.2.~~4~~**5**.1 Legislation Adopted by the Legislative Council. Legislation adopted by the Legislative Council shall be subject to review by the Board of Directors at its next meeting. At its discretion, the Board of Directors may ratify, amend or defeat legislation adopted by the Legislative Council.

5.3.2.2.~~4~~**5**.2 Legislation Defeated by the Legislative Council. The Board of Directors may restore a proposal defeated on initial review by the Legislative Council. The Board may forward the proposal to the membership for review and comment in its original form or amend the proposal and forward it for review and comment. The Board also may adopt the proposal in its original form or amend and adopt it. The Board may resurrect a proposal defeated on final review by the Legislative Council and consider the proposal on its merits. The Board also may amend such a proposal.

5.3.2.2.~~5~~**6** Emergency or Noncontroversial Legislation. The Legislative Council or Board of Directors may adopt emergency or noncontroversial legislation during any meeting. Such legislation may be adopted only by at least a three-fourths majority of the members of the adopting body present and voting.

[5.3.2.2.6 renumbered as 5.3.2.2.7, unchanged.]

[5.3.2.3 unchanged.]

5.3.2.4 Notification to Membership.

5.3.2.4.1 Publication of Proposed Legislation. Amendments to legislation sponsored by the Leadership Council, the Legislative Council, a cabinet or a multisport conference shall be made available on the NCAA website by August 15 of the first year of the two-year legislative cycle. Amendments to legislation sponsored by the Board of Directors shall be made available on

the NCAA website by November 15 of the first year of the two-year legislative cycle.

5.3.2.4.2 Official Notice. Amendments to legislation that will subject to initial review by the Legislative Council (see Constitution 5.3.2.2.2) shall be made available on the NCAA website by November 15 of the second year of the two-year legislative cycle.

5.3.2.4.~~1~~**3** Membership Review and Comment. Proposed changes for which the Legislative Council recommends membership review and comment shall be forwarded to the membership within 15 days of adjournment of the Board of Directors' meeting immediately after the Legislative Council's actions. To be considered by the Legislative Council in its final review of the proposed change, any comments from the membership shall be received in the national office within 60 days of the adjournment of the Board of Directors' meeting immediately after the Legislative Council's actions.

5.3.2.4.~~2~~**4** Amendment-to-Amendment. A conference or cabinet may submit an amendment to any proposal under review during the 60-day comment period, provided the amendment does not increase the modification specified in the original proposal.

5.3.2.5 Other Rules and Procedures. The Board of Directors may approve such additional rules and procedures governing the legislative process consistent with the provisions of this section (Constitution 5.3.2) as it determines are necessary to assure an efficient process to meet the legislative needs of the membership.

Source: NCAA Division I Board of Directors (Legislative Council)

Effective Date: August 1, 2012

Proposal Category: Amendment

Topical Area: Legislative Authority and Process

Rationale: The current legislative process generally has resulted in more than 100 proposals being submitted each year. The large volume of proposals sponsored directly impacts the quality of the legislation and the level of review. Several of the proposals introduced into the legislative cycle each year are designed to reverse legislation adopted in the previous cycle. Such an approach provides insufficient time to effectively evaluate or measure the impact of the adopted legislation. A legislative process consisting of two overlapping two-year cycles would allow the membership to focus attention on particular issues during each legislative cycle and fully

develop comprehensive legislative concepts. In addition, the desired outcome of such a change is to create a process that results in a decrease in the volume of proposals in each legislative cycle. The two-year cycles will allow for additional time for conferences and governance entities to determine the national significance of legislative concepts and to gather appropriate supporting data. It is important to note that the Legislative Council and the Board of Directors may still exercise its authority to propose and to adopt emergency or noncontroversial legislation for any legislative article (constitution or bylaws) during any meeting.

Estimated Budget Impact: None.

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

2011 -- LEGISLATIVE PROCESS -- AMENDMENT PROCESS -- MEMBERSHIP OVERRIDE OF LEGISLATIVE CHANGES -- REQUIRED NUMBER OF OVERRIDE REQUESTS

Intent: To increase, from 30 to 75 [from 15 to 25 for NCAA Football Championship Subdivision (FCS) specific legislation], the requisite number of requests to initiate an override of the adoption or defeat of a legislative proposal and, from 100 to 125 (from 40 to 50 for FCS specific legislation), the requisite number of requests to suspend a legislative change; further, to establish the minimum numbers to initiate an override and to suspend legislation specific to the NCAA Football Bowl Subdivision (FBS) as 25 and 50, respectively.

Constitution: Amend 5.3.2.3, as follows:

5.3.2.3 Membership Override of Legislative Changes. The membership may override the adoption of legislation by the Legislative Council or the Board of Directors or the defeat of legislation by the Board of Directors. Notification of the adoption of legislation by the Legislative Council or the Board of Directors or the defeat of legislation by the Board of Directors shall be provided to the membership within 15 days of the date of the Board of Directors' meeting on which the adoption or defeat became final.

5.3.2.3.1 Call for an Override Vote. In order to call for a vote to override the adoption or defeat of a legislative change, written requests for such a vote from at least ~~*30*~~ **75** active member institutions with voting privileges must be received in the national office not later than 5 p.m. Eastern time within 60 days of the date of the Board of Directors' meeting on which the adoption or defeat became final. An override vote request must be approved by the institution's chancellor or president. The institution's chancellor or president or his or her designated representative may submit the override vote request to the national office. An adopted legislative change shall be suspended upon receipt of ~~*100*~~ **125** requests pending the vote by the membership.

~~*5.3.2.3.1.1 Conference Requests. A conference may file requests for an override vote on behalf of its member institutions. To take such action, a conference must annually submit to the Board of Directors its procedures to ensure that its presidents or chancellors have delegated this authority. The override vote requests must be approved by the chair of the conference's official administrative group or at least two presidents or chancellors of the conference's member institutions if the conference has no presidential administrative group.*~~

5.3.2.3.2 Call for an Override Vote -- Bowl Subdivision Football-Only Issues. In order to call for a vote to override the adoption or defeat of a football-only legislative change applicable to the Football Bowl Subdivision, written requests for such a vote from at least 25 active Football Bowl Subdivision member institutions with voting privileges must be received in the national office not later than 5 p.m. Eastern time within 60 days of the date of the Board of Directors' meeting in which the adoption or defeat became final. An override vote request must be approved by

the institution's chancellor or president. The institution's chancellor or president or his or her designated representative may submit the override vote request to the national office. An adopted legislative change shall be suspended upon receipt of 50 requests for an override vote, pending the vote by the Football Bowl Subdivision membership.

5.3.2.3.~~2~~**3** Call for an Override Vote -- Championship Subdivision Football-Only Issues. In order to call for a vote to override the adoption or defeat of a football-only legislative change applicable to the Football Championship Subdivision, written requests for such a vote from at least ~~*15*~~ **25** active Football Championship Subdivision member institutions with voting privileges must be received in the national office not later than 5 p.m. Eastern time within 60 days of the date of the Board of Directors' meeting in which the adoption or defeat became final. An override vote request must be approved by the institution's chancellor or president. The institution's chancellor or president or his or her designated representative may submit the override vote request to the national office. An adopted legislative change shall be suspended upon receipt of ~~*40*~~ **50** requests for an override vote, pending the vote by the Football Championship Subdivision membership.

5.3.2.3.~~*2.1*~~**4** Conference Requests. A conference may file requests for an override vote on behalf of its member institutions. To take such action, a conference must annually submit to the Board of Directors its procedures to ensure that its presidents or chancellors have delegated this authority. The override vote request must be approved by the chair of the conference's official presidential group or at least two chancellors or presidents of the conference's member institutions if the conference has no presidential administrative group.

[5.3.2.3.3 through 5.3.2.3.4 renumbered as 5.3.2.3.5 through 5.3.2.3.6, unchanged.]

Source: NCAA Division I Board of Directors (Legislative Council)

Effective Date: August 1, 2012

Proposal Category: Amendment

Topical Area: Legislative Authority and Process

Rationale: In order to call for a vote to override the adoption or defeat of a legislative change, current legislation requires written requests for such a vote from at least 30 active member institutions (15 for FCS specific legislation). There are currently approximately 345 active Division I member institutions, which is a significant increase in membership since the override process was adopted as part of the changes to the governance structure in 1997. While it is important to maintain the opportunity for the membership to override legislation for which there

is significant opposition, the current threshold for initiating an override now represents less than 10 percent of the Division I membership. Thus, it is logical to increase the override threshold requirements. Further, an increase to the number of requests required will encourage more thoughtful review of proposals during the legislative process and enhance the efficiency of the governance process. Finally, the application of the override process should be consistent for each football subdivision. Since the number of FBS members is similar to that of the FCS, the same minimum threshold numbers for the override process are appropriate.

Estimated Budget Impact: May reduce costs related to execution of the override process.

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

Key/Action Items from the June Division I Cabinet Meetings

1. **Academic Cabinet.**

   a. **Review of NCAA Division I Academic Eligibility Requirements for Two-Year College Transfers.** The NCAA Division I Academic Cabinet continued its discussion of possible changes to two-year college transfer academic requirements. Based on membership and two-year college feedback regarding the most recent draft package of concepts, the cabinet refined the concepts and sponsored legislative proposals for the 2011-12 legislative cycle. Specifically, the cabinet sponsored three separate proposals in this area; increased academic standards, a year of academic preparedness and a new waiver structure.

   b. **Review of NCAA Division I Initial-Eligibility Requirements.** The cabinet discussed potential changes to initial-eligibility requirements. The cabinet considered a spectrum of potential changes. Specifically, the cabinet explored increases to the current initial-eligibility model including an increase to the minimum core grade-point average. In addition, the cabinet considered the development of alternative initial-eligibility models.

2. **Administration Cabinet.**

   a. **Annual Review/Advancement of Provisional/Reclassifying Members.** The cabinet reviewed the progress of all 10 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 cabinet. The cabinet agreed to recommend to the Division I Board of Directors that Florida Gulf Coast University, Houston Baptist University, University of North Carolina Central and University of South Carolina, Upstate, be elected to active Division I membership status.

   b. **Multidivisional Reclassification – Opposite Gender -- NCAA Bylaw 20.4.1.2**. The cabinet engaged in a thorough discussion regarding the application of new Proposal No. 2010-100 and the elimination of multidivisional reclassification and recommended that the Division I Leadership Council consider sponsoring legislation to permit current non-Division I institutions with a sport (other than football and basketball) classified in Division I for only one gender to seek reclassification of one Division I sport of the opposite gender. The cabinet directed the staff to develop information outlining potential issues that merit discussion related to this topic.

3. Amateurism Cabinet.

a. Earmarked Expenses for Prospective Student-Athletes in Individual Sports. The NCAA Division I Amateurism Cabinet is proposing legislation to permit an individual, prior to collegiate enrollment, who is participating in an individual sport, to accept expenses for athletics participation from outside sources (not otherwise permitted by the NCAA) provided the funds are not provided by an agent or an institution.

b. Agent Activities. The cabinet continued its comprehensive review of agent activities. The concepts discussed included an evaluation of the use of agents for prospective student-athletes participating in nonopt-in draft sports, implementing an agent registration program and the creation of a national professional sports counseling program. In addition, the cabinet is proposing legislation to expand the definition of an agent.

c. Prize Money for Tennis Prospective Student-Athletes. The cabinet is proposing legislation to permit tennis prospective student-athletes to accept prize money not to exceed $10,000 per calendar year. Further, to specify that once the individual has reached the $10,000 limit, he or she may receive additional prize money on a per event basis, provided such prize money does not exceed his or her actual and necessary expenses for participation in the event.

d. Sponsorship of Legislation. The cabinet agreed to sponsor several proposals for the 2011-12 legislative cycle including the following:

- **Definition of an Agent.** This proposal would modify the definition of an agent to include any individual who directly or indirectly represents or attempts to represent a prospective student-athlete or student-athlete in the marketing of his or her athletics ability or reputation for financial gain; or seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an institution or a student-athlete's potential earnings as a professional athlete. This definition may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons.

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

a. Examination of Maximum Grant-in-Aid Limitations/Equivalency versus Head Count Designations. The NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet reviewed information that included an overview of statistical data provided by the NCAA research staff related to Division I current participation

numbers, current trends in awarding aid and total number of student-athletes participating who do not receive athletics aid. The cabinet also examined concepts that could affect administration of team financial aid limits. Following the review, the cabinet agreed its members will solicit feedback from their campuses and conferences on whether current designations (head count or equivalency) and team financial aid limits are appropriate. The cabinet members will also engage their campuses and conferences in discussions on methods for calculating equivalencies, including methods that would not use actual and average figures the way they currently are used. Additionally, the cabinet charged the staff with collecting additional statistical information, including information related to participation numbers based on race/ethnicity, numbers of student-athletes who participate without receiving athletics aid and high school participation numbers. The cabinet will review the information and feedback at its September meeting.

b. **Review of Equivalency Computation Method.** The cabinet reviewed and discussed altering the permissible method for equivalency computations (NCAA Division I Bylaw 15.5.3.2) to a method similar to the method used in Division II. The cabinet reviewed information on the current equivalency computations legislation in Division I and Division II, including information submitted by a cabinet member. The cabinet agreed to sponsor legislation for the 2011-12 legislative cycle to permit an institution to use either the actual or average amount received by a student-athlete as the numerator and either the actual or average amount of the full grant-in-aid value in the denominator when calculating equivalencies.

c. **Identification of Future Agenda Items and Determination of Priorities.** The cabinet identified the following priorities for review, noting that data collection may be necessary to fully examine these issues:

(1) Examination of maximum grant-in-aid limitations.

(2) Educational outreach to financial aid administrators.

(a) Team; and

(b) Equivalency versus head count designations.

(3) Methods for calculating equivalency computations.

(4) Time period for providing expenses using the departure/return expense legislation.

5. Championships/Sports Management Cabinet

a. Track and Field. The cabinet reviewed and preliminarily discussed a letter from the Big 12 Council of Faculty Athletics Representatives requesting that the cabinet at its September meeting vote on whether to eliminate track and field regionals. The cabinet also reviewed information from the NCAA GOALS study and a letter from the United States Track and Field and Cross Country Coaches Association and agreed to continue discussion on the topic during the September 2011 meeting.

b. NCAA Division I Women's Soccer Committee.

(1) Date Standardization. The cabinet approved a recommendation that, effective with the 2012 championship, the date formula for the Women's College Cup be standardized so that the Women's College Cup will occur the first weekend in December, and if December 1 is a Saturday that will count as the first weekend with competition taking place on Friday and Sunday. The NCAA Division I Women's Soccer Committee believes that the championship should occur at the same time each year and a week prior to the Men's College Cup.

(2) Championship Format. The cabinet approved a recommendation that the 1-1-2-2 championship format approved in June, 2010 be changed to a 1-2-1-2 format, effective with the 2011 championship.

6. Recruiting and Athletics Personnel Issues Cabinet.

a. Continuing Examination of the Recruiting Model. The NCAA Division I Recruiting and Athletics Personnel Issues Cabinet continued its comprehensive examination of recruiting models in the areas of contacts, evaluations, electronic transmissions, telephone calls and official visits. The cabinet reviewed feedback received from conferences, coaches associations and roundtables conducted at the recent regional rules seminars. Based on the feedback received, the cabinet agreed to sponsor legislative proposals related to electronic transmissions (e.g., text messages) and evaluations. In addition, the cabinet reviewed feedback submitted by sport specific groups and coaches associations regarding the development of recruiting calendars and establishing recruiting-person days or evaluation days in all sports for which such provisions currently do not apply. Based on the feedback, the cabinet sponsored proposals to establish recruiting calendars for men's and women's fencing, field hockey, men's ice hockey, women's gymnastics and wrestling. The cabinet noted a lack of consensus in the membership regarding concepts that would permit earlier contacts and official visits and the NCAA Division I Leadership Council's current review of men's basketball recruiting issues. Therefore, the cabinet agreed to defer additional discussion of these concepts until after the review of the men's

basketball recruiting issues is complete and the membership has reacted to the resultant model. During the upcoming year, the cabinet will explore potential concepts to deregulate and simplify recruiting rules.

b. Discussion on Limits on Noncoaching Staff with Sport Specific Responsibilities. The cabinet discussed a request from the NCAA Division I Legislative Council to explore potential revisions or alternatives to the current proposals regarding limits on noncoaching staff with sport specific responsibilities. Specifically, the cabinet discussed whether the current proposals appropriately addressed competitive equity and financial resource issues and concerns related to monitoring and enforcement. The cabinet noted that restricting the activities of noncoaching staff members (e.g., attending practice, sitting on the bench during contests) has the potential for unintended consequences, such as eliminating a noncoaching staff member's access to the coaching staff for administrative or student-athlete welfare purposes. In addition, such restrictions may limit a noncoaching staff member's ability to gain professional development. The cabinet noted that previous feedback received from the membership favored the limits identified in the current proposals. Based on feedback from the NCAA enforcement staff, the cabinet believes that the current legislation regarding limitations on number and duties of coaches is enforceable and may be sufficiently monitored. The cabinet will continue to review feedback from the membership and explore options related to this topic at its September meeting.

c. Sponsorship of Recruiting Legislation. The cabinet agreed to sponsor a number of proposals for the 2011-12 legislative cycle including the following:

(1) Recruiting – Recruiting Materials – Electronic Transmissions. This proposal would permit all forms of electronically transmitted correspondence (e.g., electronic mail, text messaging, Instant Messenger) to be sent to an individual (or his or her parents or legal guardians), provided the correspondence is sent directly to the individual (or his or her parents or legal guardians) and is private between only the sender and recipient. Further, the proposal would permit an institution to begin sending recruiting materials, including electronic transmissions, to a prospective student-athlete on the date that is consistent with the date on which the institution may begin to make telephone calls to an individual in the particular sport (e.g., June 15 at the conclusion of the prospective student-athlete's sophomore year in high school for men's basketball and men's ice hockey, July 1 following the completion of the junior year in high school for most other sports).

(2) Recruiting – Telephone Calls. This proposal would eliminate the limitations on the numbers and frequency of telephone calls to prospective student-athletes, once the permissible date on which institutions may begin calling prospective student-athletes is reached.

MEMORANDUM

July 13, 2011

TO: NCAA Division I Board of Directors.

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

SUBJECT: Reappointments to the Division I Committee on Infractions.

The Administration Cabinet recommends that the Board of Directors reappoint Britton Banowsky, commissioner, Conference USA; Melissa Conboy, deputy director of athletics, University of Notre Dame, Big East Conference, and John Black, attorney (public member) to the Division I Committee on Infractions. Committee on Infractions members serve three-year terms and may be reappointed, but shall serve not more than nine years on the committee. This would be the first reappoint for all three committee members.

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

WC/JGC

REPORT OF THE DIVISION I NCAA INFRACTIONS APPEALS COMMITTEE

***ACTION ITEMS*.**

1. Legislative Items.

a. Enforcement Policies and Procedures – Appeal Procedure – Document Submission Deadlines.

(1) Recommendation. The NCAA Division I Infractions Appeals Committee recommends that the NCAA Division I Board of Directors approve the revision made by the committee, pursuant to NCAA Constitution 5.2.3.3, to NCAA Bylaw 32.10.

(2) Bylaw.

Deadlines for the submission of written documents within the infractions appeals, except for the Notice of Appeal, shall be considered met if the written document is submitted electronically to the NCAA Infractions Appeals Committee liaisons by 5 p.m. Eastern time on the due date. Electronic submission to the liaisons shall be completed through a method designated by the Infractions Appeals Committee. Immediately after electronic submission, hard copies of the written documents shall be provided directly from the filing party to all members of the Infractions Appeals Committee.

(3) Effective Date. Immediate.

(4) Rationale. Currently, parties are required to submit documents by due date directly to all the committee members (by hard copy) and the national office through the committee liaison (electronically or hard copy) by the due date. This requires the liaison to confirm receipt of material by all committee members (e.g., calling committee members), and process which has become time-consuming and inefficient. This change will establish one action to meet submission deadlines and will simplify the determination of whether those deadlines are met.

(5) Estimated Budget Impact. None.

(6) Student-Athlete Impact. None.

b. Enforcement Policies and Procedures – Appeal Procedure – Determination of Appeal Procedures.

(1) Recommendation. The Infractions Appeals Committee recommends that the Board of Directors approve revision made by the committee, pursuant to Constitution 5.2.3.3, to Bylaw 32.10.6.

(2) Bylaw. Amend Bylaw 32.10.6 as follows:

The specific procedures to be followed during the written appeals process will be determined by the Infractions Appeals Committee. **Further, the Infractions Appeals Committee has the authority to review requests to waive the procedures established for the written appeal process.**

(3) Effective Date. Immediate.

(4) Rationale. There are matters within the infractions appeals process, such as submission deadlines and attendance requirements, which the Committee on Infractions, enforcement staff, or the appellant occasionally request to be waived, extended, or otherwise altered in particular cases. The Infractions Appeals Committee reviews those requests and grants or denies them in its discretion. It is inherent within the Infractions Appeals Committee's authority to establish the procedure to be followed in the appeal process (subject to the Board of Directors approval) that the Infractions Appeals Committee would be able to waive those procedures. The Infractions Appeals Committee believes that it is important to codify this authority.

(5) Estimated Budget Impact. None.

(6) Student-Athlete Impact. None.

c. Enforcement Policies and Procedures – Appeal Hearings – Infractions Appeals Committee - Determination of Hearing Procedures.

(1) Recommendation. The Infractions Appeals Committee recommends that the Board of Directors approve the revision made by the committee, pursuant to Constitution 5.2.3.3, to Bylaw 32.11.3.

(2) Bylaw. Amend Bylaw 32.11.3 as follows:

The procedure to be followed in the conduct of the hearing will be determined by the Infractions Appeals Committee, but shall be consistent with the operating policies and procedures that apply to hearings conducted by the Committee on Infractions. **Further, the Infractions Appeals Committee has the authority to review requests to waive the policies and procedures for conducting hearings.**

(3) Effective Date. Immediate.

(7) Rationale. There are matters within the infractions appeals process, such as submission deadlines and attendance requirements, which the Committee on Infractions, enforcement staff, or the appellant occasionally request to be waived, extended, or otherwise altered in particular cases. The Infractions Appeals Committee reviews those requests and grants or denies them in its discretion. It is inherent within the Infractions Appeals Committee's authority to establish the procedure to be followed in the appeal process (subject to the Board of Directors approval) that the Infractions Appeals Committee would be able to waive those procedures. The Infractions Appeals Committee believes that it is important to codify this authority.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- **None.**

INFORMATIONAL ITEMS.

- **None.**

Committee Chair: Christopher Griffin, Foley & Lardner LLP
Staff Liaison(s): Wendy Walters, Membership and Student-Athlete Affairs
LaMan Dantzler, Academic and Membership Affairs
Alex Smith, Academic and Membership Affairs

MEMORANDUM

July 8, 2011

TO: NCAA Division I Board of Directors.

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

SUBJECT: Recommended Committee Appointment to the Division I Infractions Appeals Committee.

The Division I Infractions Appeals Committee submitted four nominations to the Division I Administration Cabinet Administrative Committee for consideration for the appointment of a public member to replace Christopher Griffin, whose term on the committee will end September 1, 2011. The Administration Cabinet Administrative Committee reviewed the following nominations:

1. Richard Greene, attorney, Greene Radovsky Maloney Share & Hennigh LLP.
2. W. Anthony Jenkins, attorney, Dickinson Wright PLLC.
3. Brandon D. Fox, assistant United States Attorney, United States Attorney's Office.
4. Howard H. Vogel, attorney & mediator, O'Neil, parker & Williamson, PLLC.

The Administrative Committee recommends the appointment of W. Anthony Jenkins to the committee. Mr. Jenkins is a former Division I student-athlete and an ethnic minority.

Attached are the nomination materials for the four nominees.

WC:skt

Attachments

PUBLIC NOMINEE INFORMATION FORM
NCAA Committees
(Please type or print)

Richard L. Greene — Name of Nominee

March 4, 2011 — Date

You have been nominated to serve as a member on the following Association-wide committee(s):

- [ ] Committee on Competitive Safeguards
- [ ] High School Review Committee
- [ ] Honors Committee
- [ ] Committee on Infractions (Divisions I, II and III)
- [ ] International Student Records Committee
- [X] Infractions Appeals Committee (Division I, II and III)
- [ ] Postgraduate Scholarship Committee

Nominee's Full Name: **Richard Lawrence Greene** ☒ Male ☐ Female

Title: **Attorney / Partner**

Institution/Business: **Greene Radovsky Maloney Share & Hennigh LLP**

Office Address: **Four Embarcadero Center, Suite 4000** City: **San Francisco** State: **CA** ZIP: **94111**

Office Telephone: **(415) 981-1400** Fax Number: **(415) 777-4961**

E-Mail Address: **rgreene@greeneradovsky.com**

Home Address: **12 Acela Drive** City: **Tiburon** State: **CA** ZIP: **94920**

Home Telephone: **(415) 435-1583**

In order to assist the appointing bodies in complying with the principle of diversity included in the NCAA Constitution, Article 2, please indicate if you are an ethnic minority. ☐ Yes ☒ No

(see next page)

Nominee's Name: Richard L. Greene

SPECIFIC QUALIFICATIONS FOR SERVICE ON THE ABOVE-NAMED COMMITTEE(S) AND/OR A BRIEF STATEMENT OF REASONS YOU WOULD LIKE TO SERVE
(Please provide experiences that relate directly to the work of the committee involved or brief comments on why you want to serve)

Through my public service work, in particular at the University of California Berkeley, I have gained an understanding of the very important (not dominant) role intercollegiate athletics plays in education. I believe this, as well as my background, professional experience and work provides me with the perspective to be effective on the Infractions Appeals Committee.

PAST OR CURRENT SERVICE ON THIS COMMITTEE, OTHER NCAA COMMITTEES OR COMMITTEES OF OTHER ORGANIZATIONS

1981-Present	Director, Koret Foundation
1991-2001	Director, Mt. Diablo Health & Fitness Institute
1991-Present	Director, Bill Graham Foundation
	Past Director Jewish Museum and S.F. Hearing and Speech Center
1996-Present	Trustee, San Francisco Museum of Modern Art
1998-6/30/08	President, Board of Trustees, San Francisco Museum of Modern Art
7/1/08-Present	Vice Chair, Board of Trustees, San Francisco Museum of Modern Art
1998-Present	Director, The Gerson Bakar Foundation
2003-Present	Director, The Hofmann Foundation
2005-2008	Member, Advisory Board, Berkeley Center for Law, Business and the Economy
2005-Present	Director, Fromm Institute for Lifelong Learning
2005-Present	Member, UC Berkeley Library Advisory Board
2008-Present	Berkeley Fellow
2006-Present	Trustee, Berkeley Foundation
2009-Present	Member, Berkeley Foundation Executive Committee
2009-Present	Vice Chairman, Berkeley Foundation Finance Committee
2009-Present	Vice Chairman, Berkeley Foundation Audit Committee
2008-Present	Member, UC Berkeley Athletic Director Advisory Board

(see next page)

Nominee's Name: **Richard L. Greene**

PROFESSIONAL HISTORY

4/64-11/84	Law Offices of Bronson, Bronson & McKinnon; became a partner January 1, 1971
12/84-Present	Greene Radovsky Maloney Share & Hennigh LLP

LEGAL AFFILIATIONS

1978-1979	Co-Chairman, Executive Committee, State Bar Tax Section
1975-1978	Member, Executive Committee, State Bar Tax Section
1976-1977	Chairman, Education Committee, State Bar Tax Section
1976-1982	Member, State Bar Taxation Law Advisory Commission to State Board of Legal Specialization
1981	President, Tax Litigation Club

EDUCATION

1950-1953	Ralph Waldo Emerson Junior High School
1953-1956	University High School, Los Angeles, California
1956-1960	University of California at Berkeley A.A. Degree in June, 1958 B.S. Degree with Honors in June, 1960
1960-1963	Boalt Hall School of Law, Berkeley, California L.L.B. Degree in June, 1963

HONORS

College - Phi Beta Kappa
Interfraternity Scholastic Honor Society
President, Berkeley Chapter of Beta Alpha Psi (National Honorary Accounting Fraternity)

Law School - Order of the Coif

Professional - Past President, San Francisco Barristers Club, Tax Section
1981-82 Chairman, Tax Litigation Club of San Francisco
1981 Recipient, V. Judson Klein Award for Outstanding Contribution to the Field of Taxation
1983 Included in Tax Attorney Section, The Best Lawyers in America, Woodward/White
2009 Berkeley Citation Award

Return this form to:

Sharon K. Tufano
NCAA Committee Coordinator
P.O. Box 6222
Indianapolis, Indiana 46206-6222
Fax No. 317/917-67351

Tufano, Sharon

From: Karen H. Soriano [KSoriano@greeneradovsky.com] on behalf of Richard L. Greene [RGreene@greeneradovsky.com]
Sent: Monday, March 07, 2011 6:59 PM
To: Tufano, Sharon; Walters, Wendy
Cc: jfried@law.gwu.edu; Richard L. Greene
Subject: NCAA Infractions Appeals Committee (25099-9999-000)
Attachments: DOCSSF1-285243-v1-RLG CURRICULUM VITAE.DOC

Jack Friedenthal suggested that I send you my complete CV which is attached with a short elaboration.

I began my career with the litigation defense law firm, Bronson, Bronson & McKinnon, where I worked as an associate for slightly less than 7 years and then became a partner for 13 years. I am primarily a tax attorney, where active trials are rare, but I have tried and won one Tax Court case. Throughout my career with the Bronson firm, I was involved in various litigation matters, assisting my colleagues and partners in preparation and active trials, although I am not a litigator. I have testified as an expert witness on numerous occasions both in litigation and arbitration matters. This has been of significant help in the contested matters we now handle in the Probate Court and the appeals I have argued before the California Court of Appeal both at Bronson and with my present firm. I have also acted as an arbitrator/mediator. Thus, I am fully familiar with the litigation process and the role of an appellate body in reviewing a decision that has been made after a thorough investigation. It is very important for there to be consistency in the application of the rules that are involved in an appeal.

As mentioned in the form I sent on Friday, intercollegiate athletics has been a longstanding passion of mine, particularly college basketball. In that regard, I have been a longtime supporter of the Cal men's basketball and tennis teams as well as other intercollegiate athletic programs at Cal. I am of course fully familiar with the NCAA as well as the role of its rules in leveling the playing field so that all its members are subject to the same standards. It is important to the integrity of intercollegiate athletics for those rules to be supported, enforced and consistently applied to all NCAA members.

I hope this information is of help in evaluating my application.

Thank you again for considering me to serve on the Infractions Appeals Committee.

Regards,
Richard L. Greene

PLEASE NOTE: To ensure compliance with revised Treasury Regulations under Circular 230, this is to advise you that any tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of avoiding tax-related penalties that may be asserted against the taxpayer. A taxpayer may rely on professional advice to avoid federal tax penalties only if that advice is reflected in a comprehensive tax opinion that conforms to stringent requirements under federal law.

CURRICULUM VITAE

RICHARD L. GREENE
12 Acela Drive
Tiburon, California 94920
(415) 435-1583

BORN: October 16, 1938
Los Angeles, California
HEIGHT: 5'10" WEIGHT: 160
HEALTH: Excellent

MARITAL STATUS

Married: January 23, 1963 to Lorrie Lee Levin
Children: 3 daughters (Dana 43; Julie 41; Elisa 37)

EDUCATION

1950-1953 Ralph Waldo Emerson Junior High School

1953-1956 University High School, Los Angeles, California

1956-1960 University of California at Berkeley
A.A. Degree in June, 1958
B.S. Degree with Honors in June, 1960

1960-1963 Boalt Hall School of Law, Berkeley, California
L.L.B. Degree in June, 1963

HONORS

College - Phi Beta Kappa
Interfraternity Scholastic Honor Society
President, Berkeley Chapter of Beta Alpha Psi
(National Honorary Accounting Fraternity)

Law School - Order of the Coif

Professional - Past President, San Francisco Barristers Club, Tax Section
1981-82 Chairman, Tax Litigation Club of San Francisco
1981 Recipient, V. Judson Klein Award for Outstanding Contribution to the Field of Taxation
1983 Included in Tax Attorney Section, The Best Lawyers in America, Woodward/White
2009 Berkeley Citation Award

MILITARY

9/63-3/64 United States Army - Active Duty
3/64-6/69 United States Army Reserve - Attained the rank of Sergeant First Class (E-7)
6/69 Honorable discharge

PROFESSIONAL EXPERIENCE

4/64-11/84	Law Offices of Bronson, Bronson & McKinnon; became a partner January 1, 1971
12/84-Present	Greene Radovsky Maloney Share & Hennigh LLP

LEGAL AFFILIATIONS

1978-1979	Co-Chairman, Executive Committee, State Bar Tax Section
1975-1978	Member, Executive Committee, State Bar Tax Section
1976-1977	Chairman, Education Committee, State Bar Tax Section
1976-1982	Member, State Bar Taxation Law Advisory Commission to State Board of Legal Specialization
1981	President, Tax Litigation Club

COMMUNITY SERVICES

1981-Present	Director, Koret Foundation
1991-2001	Director, Mt. Diablo Health & Fitness Institute
1991-Present	Director, Bill Graham Foundation
	Past Director Jewish Museum and S.F. Hearing and Speech Center
1996-Present	Trustee, San Francisco Museum of Modern Art
1998-6/30/08	President, Board of Trustees, San Francisco Museum of Modern Art
7/1/08-Present	Vice Chair, Board of Trustees, San Francisco Museum of Modern Art
1998-Present	Director, The Gerson Bakar Foundation
2003-Present	Director, The Hofmann Foundation
2005-2008	Member, Advisory Board, Berkeley Center for Law, Business and the Economy

COMMUNITY SERVICES (continued)

2005-Present	Director, Fromm Institute for Lifelong Learning
2005-Present	Member, UC Berkeley Library Advisory Board
2008-Present	Berkeley Fellow
2006-Present	Trustee, Berkeley Foundation
2009-Present	Member, Berkeley Foundation Executive Committee
2009-Present	Vice Chairman, Berkeley Foundation Finance Committee
2009-Present	Vice Chairman, Berkeley Foundation Audit Committee
2008-Present	Member, UC Berkeley Athletic Director Advisory Board

LEGAL EDUCATION POSITIONS

1974-1977	Adjunct Professor of Law, University of San Francisco Law School, Corporate Taxation
1964-1972	Grader, California Bar Examinations
1967-1973	Preparer of questions, California Bar Examinations
1973-1979	Grader, California Tax Specialists Examination
1976, 1978, 1980	Preparer of questions, California Tax Specialists Examination
1975-1988	Guest Lecturer, Boalt Hall School of Law, "Advanced Business Tax Seminar"
1980	Guest Lecturer, Boalt Hall School of Law, "Basic Federal Income Tax"
1984	Assistant Professor, Boalt Hall School of Law, "Advanced Business Tax Seminar"
1998-2001	Director, Boalt Hall Alumni Association

Publications

Continuing Education of the Bar, Book on California Businesses, Chapter on Dissolving California Corporations, co-authored with Miles A. Cobb

"Stock Redemptions in Connection with the Dissolution of California Marriages," Tax Section News, Winter, 1975-1976, co-authored with Robert C. Boffa

U.S.C. Tax Institute, "Compensating The Executive in Cash: Payment Now or Payment Later," 1978

"Some Heretofore Relatively Unpublicized Portions of The Tax Reform Act of 1976," Tax Section News, Fall, 1976, co-authored with Joseph S. Radovsky

"Special Problems for California Corporations Electing Under Subchapter S, Part II," Tax Section News, Summer, 1976, co-authored with Robert C. Boffa

"Starker and Beyond: Including the Uncertain Life of the Secured Deferred Exchange," Taxes, 10/80, co-authored with Donald R. Share

U.S.C. Tax Institute, "Unraveling Part of the Tangled Web of §355: Uses, Abuses and Alternatives to Corporate Separation," 1981

U.S.C. Tax Institute, "Washington Responds to Wall Street - 1984 Tax Act Corporate Tax Changes," 1984

University of Chicago Federal Tax Conference, "Tailoring Buy/Sell Agreements to Solve the Unique Problems of S Corporations," 1985

"Drafting Buy/Sell Agreements for S Corporations," S Corporations, Prentiss Hall, 1987

U.S.C. Tax Institute, "Planning to Use Closely Held Corporation Real Estate for the Benefit of Family Members," 1988

U.S.C. Tax Institute, "Are Charitable Trusts a Viable Alternative in Planning Real Estate Transfers?" 1996

Lectures

2/1975	Continuing Education of the Bar, "Drafting Buy Out Agreements for California Businesses"
5/1976	Continuing Education of the Bar, "Dissolving California Businesses"
5/1976	East Bay Chapter Northern California CPA Society, "Accountants' Malpractice"

Lectures (continued)

1974-1980	BAR course for persons taking California Bar Exam on "How to Answer Questions on California Bar Examination"
	CPA Society Meetings on "Accountants' Liability"
1978	U.S.C. Tax Institute, "Compensating The Executive in Cash: Payment Now or Payment Later"
	1st Annual Corporate Tax Workshop, "Compensating the Executive in Cash or Property - An Update"
	Tax Seminars at Boalt Hall, Stanford, Hastings and University of San Francisco Law Schools on questions on reorganizations, liquidations and related corporations
1979	Western Regional Meeting, National Association of Accountants, "Keeping Your Key People"
	PLI - Advanced Corporate Taxation, "Operating Matters-- Compensation Issues"
1980	32nd Annual Virginia Conference on Federal Taxation, "Compensation Current Developments and Planning Techniques"
	Young Presidents Organization, "Foreign Investment in U.S. Real Estate"
1981	U.S.C. Tax Institute, "Unravelling Part of the Tangled Web of §355: Uses and Abuses in Corporate Separations"
	San Diego Tax Section, "Planning Tax Deferred Exchanges"
	NARTC, May 2, 1981, "Personal Tax Planning"
	San Francisco Bar Association, "New Perspectives on Incorporating your Law Firm (or Someone Else's), Practical and Interpersonal Problems of Incorporating" PLI, "Corporate Separations" and "Compensation" courses
	1981 California Tax Institute
1982	C.E.B. Advanced Real Estate Tax Planning Conference
	1982 Recent Developments in Taxation Conference
1985	U.S.C. Tax Institute, "Washington Responds to Wall Street - 1984 Tax Act Corporate Tax Changes"
	University of Chicago Federal Tax Conference, "Tailoring Buy/Sell Agreements to Solve the Unique Problems of S Corporations"

Lectures (continued)

1987	The National Association of Bar Executives, "Executive Compensation: What Are You Worth"
1988	U.S.C. Tax Institute, "Planning to Use Closely Held Corporation Real Estate for the Benefit of Family Members"
1995	San Francisco Tax Club, "Charitable Trusts - Uses and Abuses"
1995	The National Association of Real Estate Companies, "Anatomy of a Tax Controversy"
1996	U.S.C. Tax Institute, "Are Charitable Trusts a Viable Alternative in Planning Real Estate Transfers?"
1997	Hawaii Tax Institute, "S Stock and Family Limited Partnerships - Planning Opportunities and Pitfalls" and "Planning for the Small Estate"
2002	San Francisco Museum of Modern Art, "Gifts of Tangible Personal Property"
2004	Jewish Community Endowment Fund, "Tax Considerations in Planning"
2005	Young Presidents Association, A Day of Art
	Golden Gate Collectors, "Collections – What to Do With Them"
2005	Hawaii Tax Institute, "Dealing with Special Issues Related to Divorce in Estate Planning" and "Income and Estate Tax Consequences of Charitable Gifts of Tangible Personal Property"
2006	Northern California Estate Planning Council, "Planning for Charitable Gifts of Tangible Personal Property"
2009	Farrer & Co. LLP Seminar, The National Gallery, London, "Encouraging Philanthropy To Expand Public Collections Of Cultural Property", U.S. Approach, Income and Estate Tax Consequences of Charitable Gifts of Tangible Personal Property

PUBLIC NOMINEE INFORMATION FORM
NCAA Committees
(Please type or print)

W. ANTHONY JENKINS — Name of Nominee

02/23/2011 — Date

You have been nominated to serve as a member on the following Associationwide committee(s):

- [ ] Committee on Competitive Safeguards
- [ ] International Student Records Committee
- [ ] High School Review Committee
- [x] Infractions Appeals Committee (Division I, II and III)
- [ ] Honors Committee
- [ ] Postgraduate Scholarship Committee
- [ ] Committee on Infractions (Divisions I, II and III)

Nominee's Full Name: Willie Anthony (Tony) Jenkins [x] Male [ ] Female

Title: Attorney

Institution/Business: Dickinson Wright PLLC (Law Firm)

Office Address: 500 Woodward Ave., Suite 4000 City: Detroit State: MI ZIP: 48226

Office Telephone: (313) 223-3156 Fax Number: (313) 223-3598

E-Mail Address: wjenkins@dickinsonwright.com

Home Address: 19395 Strathcona City: Detroit State: MI ZIP: 48203

Home Telephone: (313) 891-7463

In order to assist the appointing bodies in complying with the principle of diversity included in the NCAA Constitution, Article 2, please indicate if you are an ethnic minority. [x] Yes [ ] No

(see next page)

Nominee's Name: W. ANTHONY JENKINS

SPECIFIC QUALIFICATIONS FOR SERVICE ON THE ABOVE-NAMED COMMITTEE(S) AND/OR A BRIEF STATEMENT OF REASONS YOU WOULD LIKE TO SERVE
(Please provide experiences that relate directly to the work of the committee involved or brief comments on why you want to serve)

1. Former Athlete Turned Lawyer. I have always had a keen interest in the regulation of collegiate athletics, which stems from my experience as a high school All-America basketball recruit through my career as a Division I All-Ivy varsity basketball player. (I was a 1974 draft selection of the Boston Celtics and spent two (2) years playing in Europe and South America before deciding to attend graduate school/law school.) Participation in the work of the Committee would be fun, interesting and personally rewarding from that perspective. In addition, the work of the Committee would allow me to draw upon my experiences as a practicing attorney. I began my legal career with a Washington, D.C. law firm doing regulatory work in air and surface transportation and in U.S. trade law matters. Today, I handle regulatory matters involving the creation of condominiums, licensure of mortgage brokers and realtors, and other regulatory aspects of real estate law (i.e., land sales, land use, environmental, etc.). It would be a great opportunity for me to apply my skills and experience in regulatory matters in the context of inter-collegiate athletics.

PAST OR CURRENT SERVICE ON THIS COMMITTEE, OTHER NCAA COMMITTEES OR COMMITTEES OF OTHER ORGANIZATIONS

1 State Bar of Michigan. I am presently serving as the 76th President of the State Bar of Michigan. As President, I serve as the principal spokesperson for the 41,000 member mandatory bar association. My duties also include serving as Chair of the meetings of the SBM Board of Commissioners, and representing the SBM at local, state-wide, regional and national legal forums on issues confronting our profession. Prior to serving as President, as an SBM officer, I have chaired, in succession, each of the major committees of the SBM: (i) Finance/Audit, (ii) Programs and Services, (iii) Public Policy (i.e., proposed legislation and court rules) and (iv) Professional Standards.

2 Detroit Police Commission. Between 2000 and 2002, I was a Mayoral appointee to the Commission, whose mission is to (i) review, evaluate and establish Department policies, rules and regulations, (ii) review and approve the Department budget, (iii) act as final authority in the appeal of disciplinary action, and (iv) review and approve Department promotions. I chaired the Discipline Appeals Committee during my tenure. That included conducting formal hearings, typically where employees subject to discipline were represented by legal counsel, and overseeing an appellate review and evaluation by the Appeals Committee of initial disciplinary measures, and issuing a recommendation for final disposition by the full Commission.

(cont'd - see page 2"A")

(see next page)

Nominee's Name: W. ANTHONY JENKINS

PAST OR CURRENT SERVICE ON THIS COMMITTEE, OTHER NCAA COMMITTEES OR COMMITTEES OR OTHER ORGANIZATIONS

(cont'd)

3. Detroit Elected Officials Compensation Commission. Between 1997 and 2003, I served as a volunteer member, and ultimately as Chairperson, of the Commission, whose mission is to review and recommend compensation levels for the Mayor of Detroit and members of the Detroit City Council. By Charter, the Commission meets every two years to review and evaluate data from other municipalities, as well as local budget and fiscal information, as a basis for its recommendation.

Nominee's Name: W. ANTHONY JENKINS

PROFESSIONAL HISTORY

I was graduated from New York University Law School in June, 1980. My legal career started with a Washington, D.C. firm of 250 lawyers where I handled regulatory matters and litigation in air and surface transportation matters and in U.S. trade law matters. In 1982, I relocated to my hometown and started practice with a 200 plus attorney law firm handling progressive responsibilities in litigation, health care, real estate and liquor licensing, all regulatory and transactional in nature. In 1994, I joined my current law firm where I serve as a member of the Board of Directors and Chief Diversity Officer. My practice includes real estate, public finance and municipal law. I am licensed to practice in Washington, D.C. (1981) and Michigan (1982)

EDUCATION

1. Harvard College, Cambridge, MA - BA General Studies, 1974
2. Princeton University, Princeton, NJ - MPA 1979 (Woodrow Wilson School)
3. New York University Law School, New York, NY - JD 1980

Return this form to:

Sharon K. Tufano
NCAA Committee Coordinator
P.O. Box 6222
Indianapolis, Indiana 46206-6222
Fax No. 317/917-6735

CURRICULUM VITAE

W. ANTHONY JENKINS

Telephone / Email:
O - (313) 223-3156
F - (313) 223-3598
wjenkins@dickinsonwright.com

EDUCATION:

J.D. Degree	New York University School of Law, New York, NY - June 1980
M.P.A. Degree	Woodrow Wilson School of Public and International Affairs, Princeton University, Princeton, NJ - June 1979
B.A. Degree	Harvard College, Harvard University, Cambridge, MA - June 1974 Dean's List; All-Ivy Basketball Team

WORK EXPERIENCE:

May, 1994 - Present	Member, Dickinson Wright PLLC Detroit, Michigan Chief Diversity Officer Member of Firm Governing Board 2002-2005, 2005-2008, 2010-present Member of Firm Benefits Committee Counsel to broad range of clients in real estate, corporate and public finance transactions, including formation and capitalization of minority-certified joint ventures.
May, 1982 - May, 1994	Associate/Partner, Honigman Miller Schwartz and Cohn Detroit, Michigan Counsel to broad range of client in real estate and commercial development projects, including acquisitions and sales, land development, leasing, secured lending and workouts and liquor licensing matters.

Sept 1980 - April 1982 Associate, Verner, Liipfert, Bernard, McPherson and Hand
Washington, D.C.

Progressive responsibilities in legal research, drafting of pleadings, preparation of position papers and providing assistance to senior attorneys in regulatory and administrative law practice.

PROFESSIONAL ASSOCIATIONS:

American Bar Association
- Federal Judiciary Committee, 6th Circuit Representative, 2009-present
- Board of Governors, 2008-2009
  - Finance Committee; Subcommittee on Investments
- House of Delegates, 1998-present
  - State Delegate, Michigan, 1998-2007
- Task Force on Law School Accreditation, 2008 - 2009
- Commission on Access to Lawyers, 2001-2003
- Committee on Rules and Calendar, 2002-2004, 2006-2008
- Nominating Committee, 1998-2007
- Steering Committee of Nominating Committee, 2004-2006
- Committee on Credentials and Admissions, 2000-2002
- Committee on Justice Initiatives, 1997-2001
- Chair, Standing Committee on Group and Pre-paid Legal Services, 2002-2006
- Commission on Multijurisdictional Practice, 2000-2002
- Real Property and Probate Section, Member, 1981 - present

American Bar Foundation
- Fellows Society, 1994 - present

State Bar of Michigan
- President, 2010-2011
- President-Elect, 2009-2010
- Board of Commissioners, 1997 - present
- Vice President, 2008 - 2009
- Treasurer, 2007-2008
- Secretary, 2006-2007
- Real Property Section, Member, 1981 - present

State Bar Foundation
- Fellows Society, 1999 - present

Wolverine Bar Association, Member, 1981 - present

Detroit Metropolitan Bar Association
- Past President, 1996-1997
- Board of Directors, 1988-1996

National Association of Bond Lawyers, 1994 - present

Urban Land Institute, 1997-2000

Bar Admissions:

- State of Michigan, 1982
- District of Columbia, 1981

CIVIC ASSOCIATIONS:

Board of Directors, Detroit Medical Center, 2004 - 2006
Board of Directors, Detroit Institute of Arts, 1997-2003
- Endowment Committee, 2001-2003

Detroit Investment Fund, 2003-2004
City of Detroit Elected Officials Compensation Commission, 1997-2003
City of Detroit Police Foundation, 2001-2002
City of Detroit Board of Police Commissioners, 2000-2002
Board of Directors, Detroit Chamber Music Society, 1995-1998
Board of Directors, Detroit Urban League, 1995-1998
Board of Directors, Detroit Metro Boy Scouts of America, 1995-1997
Board of Directors, Kids' Voting Project, 1994-1999
Board of Directors, Detroit Sports Commission, 1991-1996
Board of Directors, Big Brothers Big Sisters, 1997-2000
Member, Detroit Sports Commission, 1994-1996
President, Liberty Hill Housing Development Corp., 1991-1997
Mayor Dennis W. Archer Transition Team
- Member of Task Force on Economic Development, 1993

Mayor Kwame Kilpatrick Transition Team
- Member of Task Force on Transportation, 2001

United States Senator Carl Levin Appointee, Merit Selection
- Committee for Federal District Court Judge Nominations, 1996 & 1998

PUBLICATIONS:

- Author, "Winning in the Pro Bono League," President's Page, State Bar Journal (February, 2011)
- Author, "Diversity Matters: Here and Now," President's Page, State Bar Journal (January, 2011)
- Author, "Diversity Matters: A Personal Journey," President's Page, State Bar Journal (December, 2010)
- Author, "Where Did I Put My Rhythm and Balance?" President's Page, State Bar Journal (November, 2010)
- Author, "Looking Ahead," President's Page, State Bar Journal (October, 2010)
- Author, "MBEs: Does Minority Enterprise Status Make Sense for Your Construction Bid?" Published by Real Estate Finance (June, 2007)

- Author, "MBE: Joint Ventures: An Overview," Published by Michigan Business Network (May, 1999)
- Author, "Expert Advice: An Interview with Minority Supplier and Expert, W. Anthony Jenkins," Published by Michigan Business Network (Feb/Mar, 1999)

SPEECHES:

- University of Detroit Mercy Law School (Detroit, MI): *Professionalism and Ethics*, Keynote Address (January, 2011)
- Cooley Law School (Lansing, MI), Investiture for Hon. Clinton Canady: *Judicial Qualifications* (January, 2011)
- Cooley Law School (Lansing, MI), *Professionalism and Ethics*, Keynote Address (January, 2011)
- Genesee County Inns of Court (Flint, MI): *The SBM Pledge to Diversity and Inclusion* (November, 2010)
- Great Rivers Bar Leaders Conference (Doral, FL): *Strategic Planning and Changing Demographics of the SBM* (October, 2010)
- Legal Aid and Defender Association of Detroit (Southfield, MI): *Pro Bono Opportunities* (October, 2010)
- Marquette County Bar Association (Marquette, MI): *Planning for the Bar Year* (October, 2010)
- Copper County Bar Association (Hancock, MI): *Planning for the Bar Year* (October, 2010)
- Gogebic Ontonagon County Bar Association (Ironwood, MI): *Planning for the Bar Year* (October, 2010)
- Dickinson-Iron County Bar Association (Iron Mountain, MI): *Planning for the Bar Year* (October, 2010)
- Menominee County Bar Association (Menominee, MI): *Planning for the Bar Year* (October, 2010)
- Delta Bar Association (Escanaba, MI): *Planning for the Bar Year* (October, 2010)
- Dickinson Wright SBM Inaugural Reception (Detroit, MI): *Delivering on Promises* (September, 2010)
- SBM Installation (Grand Rapids): *Diversity: A Personal Journey* (September, 2010)

- Incorporated Society of Irish American Lawyers (Detroit, MI): *Planning for the Bar Year* (September, 2010)
- Wayne State University Law School (Detroit, MI), Diversity Colloquia, Opening Remarks: *Diversity in the Legal Profession* (June, 2010)
- State Bar of Michigan Annual Meeting (Mackinac Island, MI), Opening Address: *Diversity In the Legal Profession* (June, 2010)
- State Bar of Michigan, Panelist, Upper Michigan Legal Institute (Mackinac Island, MI): *How to Run an Effective Meeting* (June, 2010)
- State Bar of Michigan, Bar Leadership Forum (Mackinac Island, MI), Opening Address (June, 2010)
- State Bar of Michigan (Plymouth, MI), Opening Address: *Importance of Lawyer and Judges Assistance Program* (April, 2010)
- State Bar of Michigan (Lansing, MI), Opening Remarks, Justice Initiatives Summit (April, 2010)
- Cooley Law School (Auburn Hills, MI), Opening Address: *Professionalism and Ethics* (September, 2009)

AWARDS:

Michigan Chronicle, Men of Excellent Award (June, 2010)
Diversity Business Leader, Corp Magazine (2010)
Best Lawyers in America (2010)
Best Lawyers in Metro Detroit, Crain's Detroit (2010)
Michigan Super Lawyers (2007)
Detroit City Council, Spirit of Detroit Award (May, 1996)

OTHER EXPERIENCES:

Harvard College Rockefeller Fellow - Independent foreign trade research project, Dar es Salaam, Tanzania, March 1975 - January 1976

Professional Basketball:
Italy, Summer 1974
Spain, Fall 1974 - Spring 1975
Venezuela and Columbia, Summer 1976

PUBLIC NOMINEE INFORMATION FORM
NCAA Committees
(Please type or print)

Howard H. Vogel — Name of Nominee

February 3, 2011 — Date

You have been nominated to serve as a member on the following Association-wide committee(s):

- [ ] Committee on Competitive Safeguards
- [ ] High School Review Committee
- [ ] Honors Committee
- [ ] Committee on Infractions (Divisions I, II and III)
- [ ] International Student Records Committee
- [X] Infractions Appeals Committee (Division I, II and III)
- [ ] Postgraduate Scholarship Committee

Nominee's Full Name: **Howard Harris Vogel** ☒ Male ☐ Female

Title: **Attorney & Mediator**

Institution/Business: **O'Neil, Parker & Williamson, PLLC**

Office Address: **416 Cumberland Avenue** City: **Knoxville** State: **TN** ZIP: **37902**

Office Telephone: **865-546-7190** Fax Number: **865-546-0789**

E-Mail Address: **hvogel@opw.com**

Home Address: **6509 Orchard Road** City: **Knoxville** State: **TN** ZIP: **37919**

Home Telephone: **865-584-0469** Cell Telephone: **865-335-9900**

In order to assist the appointing bodies in complying with the principle of diversity included in the NCAA Constitution, Article 2, please indicate if you are an ethnic minority. ☐ Yes ☒ No

(see next page)

Nominee's Name: **Howard H. Vogel**

SPECIFIC QUALIFICATIONS FOR SERVICE ON THE ABOVE-NAMED COMMITTEE(S) AND/OR A BRIEF STATEMENT OF REASONS YOU WOULD LIKE TO SERVE
(Please provide experiences that relate directly to the work of the committee involved or brief comments on why you want to serve)

I have practiced law for about thirty five years, as a civil trial and appellate lawyer. The last twelve years or so have been predominately devoted to my work as a mediator of over 1700 civil disputes. I have worked extensively in volunteer service with various legal organizations at the local, state and national levels. I believe that my work in the legal world has equipped me for this type of service.

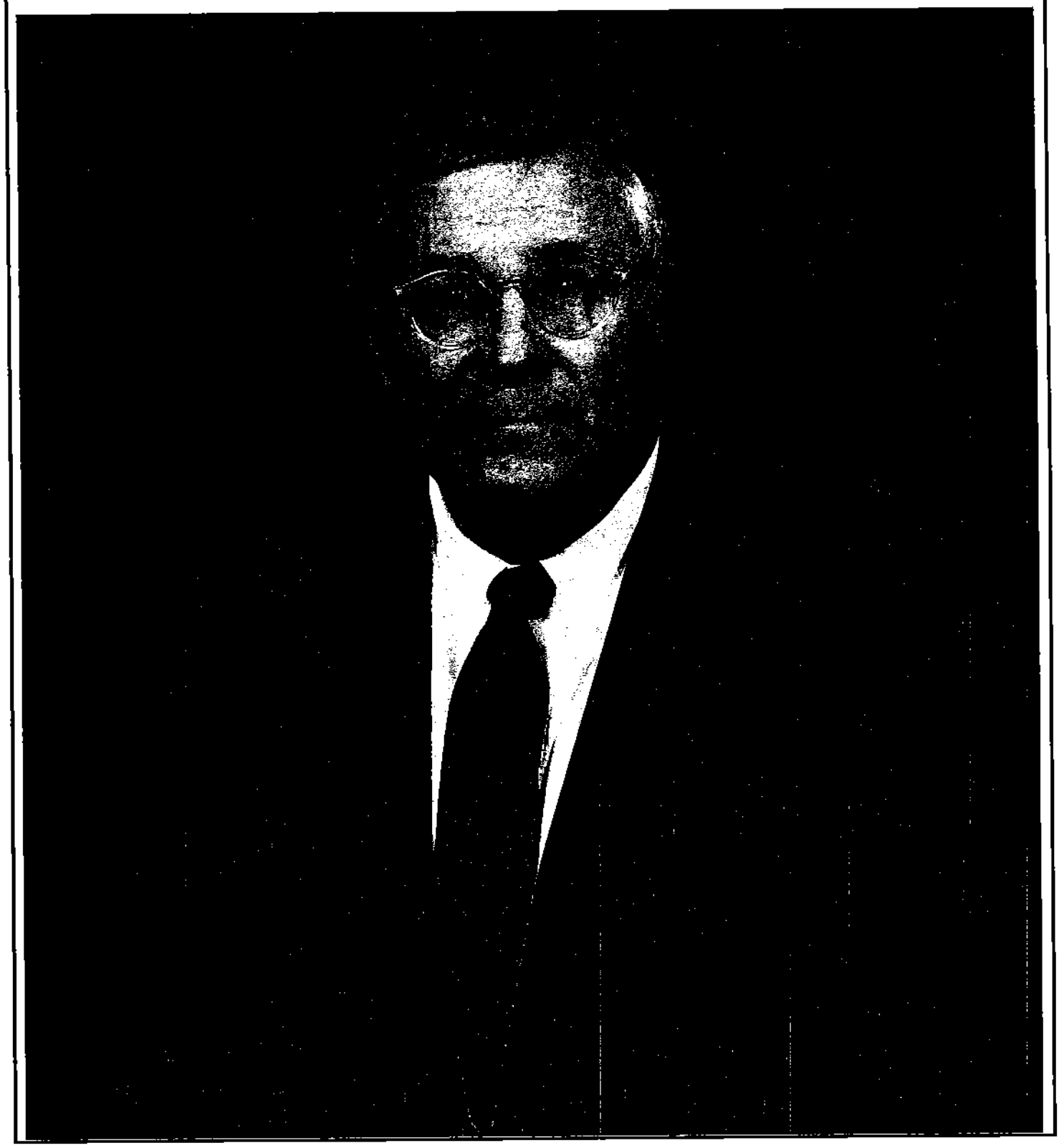
I believe in the importance of sports, as a part of the American educational experience. My participation ended at the secondary school level. My son was a college baseball player. He is now a partner in our law firm.

I respect the difficult work that the NCAA does in trying to keep all relevant playing fields level and as equal as possible. Rules enforcement is a necessary function for the NCAA. I do not see the work of the NCAA getting easier. I would like to help. I think that my legal skills, experience and work as a consensus builder would be well suited for this important form of volunteer participation.

PAST OR CURRENT SERVICE ON THIS COMMITTEE, OTHER NCAA COMMITTEES OR COMMITTEES OF OTHER ORGANIZATIONS

I have no prior NCAA experience.

Nominee's Name: **Howard H. Vogel**



Nominee's Name: **Howard H. Vogel**

PROFESSIONAL HISTORY

Please see the attached resume.

EDUCATION

Please see the attached resume.

Return this form to:

Sharon K. Tufano
NCAA Committee Coordinator
P.O. Box 6222
Indianapolis, Indiana 46206-6222
Fax No. 317/917-6735

HOWARD H. VOGEL

Howard H. Vogel was born in Paris, Tennessee, on September 4, 1949. He was admitted to the practice of law in Tennessee on April 19, 1975. Mr. Vogel received his Bachelor of Arts degree from Vanderbilt University in 1971. He received his Doctor of Jurisprudence degree from the University of Tennessee College of Law in December of 1974. He was a member of Phi Alpha Delta.

He served as the president of the Knoxville Bar Association for 1993, and a member of the Board of Governors for 1978; 1981-82; and 1992-94. He served as president of the Barristers Club of the Knoxville Bar Association.

He was the president of the Tennessee Bar Association for 1995-96. He was a member of the Board of Governors of the Tennessee Bar Association for 1980-81 and 1990-97. He was the president of the Tennessee Young Lawyers Conference of the Tennessee Bar Association for 1980-1981. He is a member of the Founders of the Supreme Court of Tennessee Historical Society.

His first term of service in the American Bar Association House of Delegates was from 1983 through 1990. He served as a member of the Council of the ABA Section of Litigation and the Executive Council of the Young Lawyers Division of the ABA. Mr. Vogel served as Editor-in-Chief of the *Barrister* magazine of the American Bar Association from 1983 through 1985.

He served as a member of the American Bar Association Board of Governors from 1985 - 1988, and he was vice-chairman of the Board Finance Committee for 1987 - 1988. He served as chairman of the ABA Special Committee on Meetings and Travel from 1988-90, and he served as the chairman of the ABA Standing Committee on Meetings and Travel for 1990-92. He served as the chairman of the ABA Task Force on Outreach to the Public for 1988 - 1989. He is a past member of the Board of Editors for the *ABA Journal*. He served as the chair of the ABA Standing Committee on Public Education for 1996-97. He is a former chair of the ABA Commission on Public Understanding About the Law. He was the chair of the ABA Committee on Scope & Correlation of Work for 1997-98. He is a former member of the ABA Standing Committee on Strategic Communications. He is a former State Delegate for Tennessee in the ABA House of Delegates. He is a former member of the ABA Standing Committee on Constitution & Bylaws.

He serves as the District 6 member of the ABA Board of Governors for a term from 2008 to 2011. He served as the chair of the Finance Committee and a member of the Executive Committee for 2009-2010.

He is a member of the American Bar Endowment Board of Directors.

Mr. Vogel participated as a member of the Domestic and International Law Commission at the US/USSR Emerging Leaders Summit in Philadelphia, Pennsylvania, in December of 1988.

He is a former member of the Board of Trustees for the Tennessee Bar Foundation, and he served as Chair of the Board for 2007-2008. He is a Fellow of the American Bar Foundation, Knoxville Bar Foundation and Tennessee Bar Foundation. He served as President of the Fellows of the Tennessee Young Lawyers Conference for 1991-92. He is an emeritus member of the Hamilton Burnett American Inn of Court in Knoxville, Tennessee. He is a member of the American Counsel Association.

He was a member of the Leadership Knoxville Class of 1995.

Mr. Vogel is admitted to practice before the Sixth Circuit Court of Appeals and the United States Supreme Court. He is a Life Member of the Sixth Circuit Judicial Conference.

He is a Tennessee Supreme Court Rule 31 civil mediator and a member of the mediation panel for the United States District Court for the Eastern District of Tennessee. He has mediated over 1700 civil disputes. He is a Distinguished Fellow of the International Academy of Mediators, and the president-elect of that organization. He is a Fellow of the American College of Civil Trial Mediators. He serves a member of the Board of Directors of the Tennessee Association of Professional Mediators.

He is a member of the Alternative Dispute Resolution Commission of the Tennessee Supreme Court (2002-2013).

He was named one of the 101 Best Lawyers in Tennessee by the *Tennessee Business* magazine in January of 2004 and January of 2005. He was selected as one of the 150 Best Lawyers in Tennessee by the *Tennessee Business* magazine in January of 2006. For the past several years, he has been was recognized as one of "*The Best Lawyers in America*".

He is a member of the American Law Institute.

He is a member of the Metropolitan Knoxville Airport Authority Board of Commissioners.

In December of 2007, he was presented with the Knoxville Bar Association's Governors Award.

hvogel@opw.com

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Direct:
865/684-1105
615/296-0393 fax to e-mail

hhv.12/27/2010

PUBLIC NOMINEE INFORMATION FORM
NCAA Committees
(Please type or print)

Brandon D. Fox — Name of Nominee

May 27, 2011 — Date

You have been nominated to serve as a member on the following Association-wide committee(s):

- [ ] Committee on Competitive Safeguards
- [ ] High School Review Committee
- [ ] Honors Committee
- [ ] Committee on Infractions (Divisions I, II and III)
- [ ] International Student Records Committee
- [X] Infractions Appeals Committee (Division I, II and III)
- [ ] Postgraduate Scholarship Committee

Nominee's Full Name: Brandon D. Fox X Male ☐ Female

Title: Assistant United States Attorney

Institution/Business: United States Attorney's Office

Office Address: 219 South Dearborn, 5th Floor City: Chicago State: IL ZIP: 60305

Office Telephone: 312-353-5277 Fax Number: 312-886-0657

E-Mail Address: Fox.Brandon.D@gmail.com

Home Address: 935 Thatcher Avenue City: River Forest State: IL ZIP: 60305

Home Telephone: 708-366-5754

In order to assist the appointing bodies in complying with the principle of diversity included in the NCAA Constitution, Article 2, please indicate if you are an ethnic minority. ☐ Yes X No

(see next page)

Nominee's Name: Brandon D. Fox

SPECIFIC QUALIFICATIONS FOR SERVICE ON THE ABOVE-NAMED COMMITTEE(S) AND/OR A BRIEF STATEMENT OF REASONS YOU WOULD LIKE TO SERVE
(Please provide experiences that relate directly to the work of the committee involved or brief comments on why you want to serve)

I am a federal prosecutor who investigates white collar crime, including fraud and public corruption. My job requires me to analyze evidence to determine: (a) the facts; (b) whether the facts are a violation of the law; and (c) what kind of punishment is appropriate given the facts and the law. I am involved in every stage of the case, from the investigation to the trial to the appeal. Based on this experience, I believe that I am uniquely qualified to serve on the Infraction Appeals Committee.

Additionally, I have studied various sentencing models in researching a sentencing class that I taught at DePaul University College of Law. I am well versed in sentencing theories, which forms of punishment have worked, and which forms of punishment have not worked.

Finally, I am familiar with the NCAA rules and its enforcement process.

PAST OR CURRENT SERVICE ON THIS COMMITTEE, OTHER NCAA COMMITTEES OR COMMITTEES OF OTHER ORGANIZATIONS

I am involved in my hometown's youth sports programs, serving on its Youth Basketball Advisory Committee and coaching Little League baseball and travel basketball.

(see next page)

Nominee's Name: Brandon D. Fox

PROFESSIONAL HISTORY

I am currently the Deputy Chief of Financial Crimes and Special Prosecutions in the U.S. Attorney's Office for the Northern District of Illinois. Soon after becoming a federal prosecutor in 2003, I began to focus on white collar prosecutions. I have extensive experience investigating corruption at all levels of government and corporate fraud.

In 2006 and 2007, I developed and taught a start-up course on sentencing law and policy as an adjunct professor at DePaul University's College of Law.

I have lectured on various topics, including: (1) an obstruction of justice presentation during a national public corruption seminar for the Department of Justice; (2) a presentation regarding criminal investigations of lawyers for the Practising Law Institute; and (3) a discussion of sentencing law during a continuing legal education seminar for DePaul University's College of Law. I have written two legal articles that have been published.

From 2002 to 2003, I clerked for U.S. District Court Judge Amy J. St. Eve. My duties including writing judicial opinions and memoranda.

From 2000 to 2002, I was an associate of the law firm Kirkland & Ellis in Chicago. While there, I split my time between the litigation and intellectual property departments. I worked on antitrust, trademarks, trade secret, and copyright matters.

Before becoming an attorney, I was a sports producer for the Fox affiliate in Chicago and a sports anchor/reporter for the NBC affiliate in Champaign, Illinois. I also spent time at McDonald's Corporation's internal communications department.

EDUCATION

In 2000, I received a juris doctor degree from DePaul University's College of Law.

In 1992, I earned a bachelor of arts from the University of Illinois.

Return this form to:

Sharon K. Tufano
NCAA Committee Coordinator
P.O. Box 6222
Indianapolis, Indiana 46206-6222
Fax No. 317/917-6735

MEMORANDUM

July 13, 2011

TO: NCAA Division I Board of Directors.

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

SUBJECT: Reappointments to the Division I Infractions Appeals Committee.

The Administration Cabinet recommends that the Board of Directors reappoint David Williams II, vice-chancellor/general counsel, Vanderbilt University, Southeastern Conference, and Jack Friedenthal, professor of law, George Washington University, Atlantic 10 Conference to the Division I Infractions Appeals Committee. Infractions Appeals Committee members serve three-year terms and may be reappointed, but shall serve not more than nine years on the committee. This would be the first reappoint for Mr Friedenthal and the second for Mr Williams.

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

WC/JGC

NCAA Government Relations Report

(July 2011)

1. Congressional Overview.

As Congress works through the early summer months, its agenda continues to be dominated by an ongoing debate regarding government spending, and a stand-off over raising the nation's $14.3-trillion debt limit. In early May, Treasury Secretary Timothy Geithner announced that the nation would hit its borrowing limit on August 2, and put the country at risk of not being able to pay its debts. In response, negotiators have self-imposed a deadline of July 1 to finish a deal that trims the budget deficit and raises the debt ceiling to avoid a default. If a deal is reached prior to Independence Day, it would provide adequate time for Congress to act on legislation before the August 2 deadline.

In the midst of a difficult economic recovery, ongoing wars and other situations abroad, the 2012 Presidential campaign has begun to move forward. President Barack Obama launched his 2012 reelection campaign in early April with an online video titled "It Begins with Us". A number of Republican challengers have officially launched their campaigns as well. The first major debate of the 2012 Republican presidential race occurred in New Hampshire on June 13, 2011. Participants included former Minnesota Governor Tim Pawlenty, former House Speaker Newt Gingrich (R-GA), Representative Michele Bachmann (R-MN), Representative. Ron Paul (R-TX), Businessman Herman Cain, former Senator Rick Santorum (R-PA), and former Massachusetts Governor Mitt Romney.

Due to a packed agenda, Congress has not focused a great deal on matters related to the amateur or professional sports communities. Without interjecting themselves, members of Congress have watched the labor negotiations of the professional sports leagues closely. Also, there has been a continued interest and push for improved safety standards for athletes at all levels of play.

2. Federal Issues.

a. Football Helmet Safety.

Mild traumatic brain injuries suffered by athletes and the effectiveness of equipment being worn to prevent these types of injuries, continues to be of interest to members of Congress. On March 16, 2011, the Children's Sports Athletic Equipment Safety Act was introduced in the House and Senate by Representative Bill Pascrell (D-NJ) and Senator Tom Udall (D-NM) respectively. Upon passage, S. 601 and H.R. 1127 would give industry groups nine months to improve the voluntary football helmet safety standards for youth athletes. After that nine month period, the Consumer Product Safety Commission (CPSC) would be given the responsibility of determining if the voluntary industry standards for new and used football helmets are adequate. If

the standards are deemed inadequate, CPSC would initiate a process to establish mandatory standards for football helmets worn by high school and younger athletes. The bills would also allow the FTC to levy civil penalties against companies that use false claims to sell sporting equipment.

To date, S. 601 and H.R. 1127 have not received significant legislative attention. However, two key Democratic members of the House Energy and Commerce committee have called for a hearing to explore ways to reduce concussions and other head injuries to football players at all levels of play and examine the voluntary helmet safety standards established by the National Operating Committee on Standards for Athletic Equipment (NOCSAE). In March, Representative G.K. Butterfield (D-NC), ranking member of the Commerce, Trade and Manufacturing Subcommittee and Representative Henry Waxman (D-CA), ranking member of the House Energy and Commerce Committee sent a letter requesting this hearing to Representative Mary Bono Mack (R-CA), chair of the Commerce, Trade and Manufacturing Subcommittee and Representative Fred Upton (R-MI), chair of the Energy and Commerce Committee. A public response to this letter has not been made available.

The NCAA government relations staff continues to work with congressional staff and share relevant information and updates on the Association's efforts to address concerns with mild traumatic brain injuries suffered by athletes on all levels of play. Additionally, the NCAA has continued to work with industry leaders to encourage transparency in their activities and pushed for the best football helmet safety standards that are scientifically possible.

b. Native American Images.

On May 5, 2011, the U.S. Senate Indian Affairs Committee held an oversight hearing titled "Stolen Identities: The Impact of Racist Stereotypes on Indigenous People." The hearing focused on the negative impact that Native American mascots and other imagery have on native and non-native people alike. Witnesses included The Honorable Tex Hall, chairman, Mandan, Hidats and Arika Nation; Suzan Shown Harjo, president, the Morning Star Institute; Charlene Teters, professor, Studio Arts, Institute of American Indian Arts; Stephanie Fryberg, associate professor of Psychology, University of Arizona; Chaske Spencer, actor/producer/partner, Urban Dream Productions; and Jim Warne, president, Warrior Society Development.

The NCAA policy which banned member institutions from displaying hostile and abusive racial/ethnic/national origin mascots, nicknames or imagery at NCAA sponsored championship events, was highlighted at numerous points during the hearing. Several witnesses credited the 2005 policy for helping to remove these negative images from the collegiate environment and in return creating a more safe and inclusive setting for native and non-native students. The NCAA government relations staff will continue to monitor the issue and provide information on the NCAA policy.

3. <u>State Issues</u>.

a. Lystedt Law.

As an extension of its concerns with the health and safety of collegiate athletes, the NCAA has worked to identify ways to properly address mild traumatic brain injuries suffered by youth athletes and has taken a leadership role in this endeavor. As a part of this overall effort, the NCAA and NFL released a joint press release on June 7, 2011, announcing a collaborative effort to seek adoption of the Lystedt law throughout the country.

The Lystedt law, which was initially passed in the state of Washington in 2009, requires athletes, parents, and coaches to be educated about the dangers associated with concussions; any student-athlete who is suspected of having a concussion must be removed from play; and the athlete will not be allowed to return to play until he/she is cleared by a licensed physician. By working in a collaborative manner, there is a hope that the NFL and NCAA can bring greater visibility to the issue and encourage state legislatures to consider and pass the law.

The NCAA government relations staff continues to work with the Council of State Governments and other national state organizations to help educate them on the related issues. To date the Lystedt Act has become law in nearly twenty-five states; in three of those states, the bills are awaiting final signature by their respective Governors' for final consideration. As the majority of state legislatures near their respective adjournment dates, we will continue to work to educate legislators as we seek additional passages in the coming year.

b. Student Athlete Right to Know Act.

Following a near unanimous passage by the Connecticut legislature, the Student Athletes' Right to Know Act was sent to Governor Dan Malloy for his signature on June 7, 2011. The Act mandates that beginning on January 1, 2012, the state's institutions of higher education that offer athletic scholarships will be required to post on their websites specific information regarding athletic scholarships, NCAA and institutional policies regarding scholarship renewal, NCAA and institutional policies regarding athletically related medical expenses, and NCAA and institutional policies on granting a student-athlete with an athletic release. The law closely resembles a measure that was signed into law in California in September 2010.

c. Uniform Athlete Agents Act.

The Uniform Athlete Agents Act (UAAA) is a state model act designed to protect student-athletes and membership institutions from the unscrupulous conduct of some athlete agents. The act establishes uniform athlete agent registration procedures and places limitations on the type of conduct that an athlete agent may engage in when dealing with a student-athlete. In addition, the act imposes criminal, civil and/or administrative penalties against unscrupulous agents.

To date, the UAAA has been passed in 40 states, Washington D.C. and the U.S. Virgin Islands. However, due to growing concerns about the detrimental impact of athlete agents on student-athletes and membership institutions, a number of state legislatures have considered bills to amend the UAAA. Most of these new measures have sought to increase the criminal and civil penalties for violating the law, alter the definition of athlete agent to broaden the scope of individuals who must adhere to the law, and add a provision requiring that notice be given to a membership institution before an athlete agent may have contact with a student-athlete. With many state legislatures nearing adjournment, it is unclear how many of the bills amending the UAAA will be passed this year.

NCAA staff will continue to work with the National Conference of Commissioners on Uniform State Laws to provide feedback on the various proposed changes to the UAAA. The NCAA will also work in a collaborative effort to identify states of priority where we will work to seek the introduction and passage of the UAAA next year.

d. Higher Education Associations.

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

REPORT OF THE NCAA DIVISION I LEGISLATIVE COUNCIL JULY 14, 2011, TELECONFERENCE AND THE NCAA DIVISION I FOOTBALL CHAMPIONSHIP GOVERNANCE COMMITTEE JULY 14, 2011, TELECONFERENCE

***ACTION ITEMS*.**

• None.

***INFORMATIONAL ITEMS*.**

1. **Approval of NCAA Division I Legislative Council Administrative Committee Report.** The NCAA Division I Legislative Council approved the report of the NCAA Division I Legislative Council Administrative Committee's June 17, 2011, teleconference.

2. **NCAA Proposal No. M-2011-6 Recruiting -- Time Period for Telephone Calls -- Sports Other Than Football -- Nontraditional Academic Calendars.** The Legislative Council reviewed and approved NCAA Proposal No. M-2011-6, which, in sports other than football, clarifies the application of the time period for telephone calls legislation to an individual who attends an educational institution that uses a nontraditional academic calendar, as specified, effective immediately. The modification was necessary due to the suspension of Proposal No. 2010-30 (recruiting -- telephone calls -- time period for telephone calls -- sports other than football).

3. **Review of Proposals Subject to Override Vote.** Pursuant to NCAA Constitution 5.3.2.3.3, the Legislative Council reviewed its legislative decisions regarding Proposal No. 2009-100-A (recruiting – tryouts -- nonscholastic practice or competition and noninstitutional camps or clinics -- men's basketball) and Proposal No. 2010-30 (recruiting -- telephone calls -- time period for telephone calls -- sports other than football). The Legislative Council sustained its previous action of adopting Proposal No. 2009-100-A (which was amended and also adopted by the NCAA Division I Board of Directors) and reversed its previous action of adopting Proposal No. 2010-30. (Voting results may be found in Attachment.)

   [Note: Per NCAA Constitution 5.3.2.2.4, legislative actions taken by the Legislative Council shall be subject to possible review by the Board of Directors at its next meeting. As a result of the Legislative Council's actions, Proposal No. 2009-100-A will be subject to a membership override vote and Proposal No. 2010-30 is defeated, pending potential review by the Board of Directors during its August 11 meeting.]

[Note: For ease of reference, information related to the NCAA Division I Football Championship Subdivision Governance Committee's review of Proposal No. 2010-83 is included in this report below.]

Pursuant to Constitution 5.3.2.3.3, the Football Championship Subdivision Governance Committee reviewed its legislative decision regarding Proposal No. 2010-83 (awards, benefits and expenses -- expenses provided by the institution for practice and competition -- nonpermissible -- lodging in conjunction with a regular-season home contest -- championship subdivision football). The committee reversed its previous action of adopting Proposal No. 2010-83. (Voting results may be found in Attachment.)

[Note: Per Constitution 5.3.2.2.4, legislative actions taken by the Football Championship Subdivision Governance Committee shall be subject to possible review by the NCAA Division I Presidential Advisory Group at its next meeting. As a result of the committee's action, Proposal No. 2010-83 is defeated, pending potential review by the Presidential Advisory Group.]

4. Future Meeting Dates.

a. October 17-18, 2011, Indianapolis.

b. January 10-12, 2012, Indianapolis, in conjunction with the NCAA Convention.

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

ATTACHMENT
SUPPLEMENT NO. 2B
DI Leadership Council 8/11

Conference -- Voting Delegate	Conference Type	Voting Weight	Administrative Committee Report	M-2011-6	2009-100-A	2010-30	2010-83 FCS
America East -- B. Barrio	DI	1.2		Y	N	Y	
Atlantic 10 -- E. Pasque	DI	1.2		Y	Y	Y	
Atlantic Coast -- S. Lyons	FBS	3		Y	Y	N	
Atlantic Sun -- K. Capriotti	DI	1.2		Y	Y	Y	
Big 12 -- L. Ebihara	FBS	3		Y	Y	Y	
Big East -- J. D'Antonio, Jr.	FBS	3		Y	N	Y	
Big Sky -- J. Gee	FCS	1.2		Y	N	Y	Y
Big South -- M. Eaker	FCS	1.2		Y	N	Y	N
Big Ten -- J. Heppel	FBS	3		Y	N	N	
Big West -- C. Masner	DI	1.2		Y	Y	Y	
Colonial Athletic -- P. Bowden	FCS	1.2	APPROVED	Y	N	N	N
Conference USA -- R. Philippi	FBS	3		Y	Y	Y	
Horizon League -- E. Jacobs	DI	1.2		Y	N	Y	
Ivy League -- C. Campbell-McGovern	FCS	1.2		Y	Y	N	N
Metro Atlantic Athletic -- B. Church	DI	1.2		Y	N	N	
Mid-American -- D. Gragg	FBS	1.5		Y	N	N	
Mid-Eastern Athletic -- S. Stills	FCS	1.2		Y	N	N	N
Missouri Valley -- M. Cross	FCS	1.2		Y	N	Y	
Mountain West -- J. Ruggiero*	FBS	1.5					
Northeast -- A. Alford	FCS	1.2		Y	N	N	N
Ohio Valley -- M. Banker	FCS	1.2		Y	N	Y	Y
Pacific-12 -- B. Goode	FBS	3		Y	Y	Y	
Patriot League -- P. Muffley	FCS	1.2		Y	Y	N	Y
Southeastern -- G. Sankey	FBS	3		Y	Y	N	
Southern -- R. Johnson	FCS	1.2		Y	Y	N	N
Southland -- S. McDonald*	FCS	1.2					N
Southwestern Athletic -- A. Robinson	FCS	1.2		Y	N	N	N
Sun Belt -- K. Keene	FBS	1.5		Y	Y	N	
The Summit League -- K. Heylens	DI	1.2		Y	Y	N	
West Coast -- S. Fink	DI	1.2		Y	Y	Y	
Western Athletic -- R. Spear	FBS	1.5		Y	Y	N	
Missouri Valley Football -- M. Mulvenna (FCS voting only)	FCS	1					N
Pioneer League -- B. Lynch (FCS voting only)	FCS	1					Y
		Adopt/Yes (Y)		48.3	27.6	24	4
		Defeat/No (N)		0	20.7	24.3	9
		Abstain (A)		0	0	0	0
		No Vote ()		2.7	2.7	2.7	0
		Total		51	51	51	13

***Did not participate in the Legislative Council teleconference.**

REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I LEADERSHIP COUNCIL AUGUST 2, 2011, MEETING

- ***ACTION ITEMS.***

  - None.

- ***INFORMATION ITEMS.***

1. **Men's Basketball Recruiting Discussion**. The Leadership Council received reports from its two men's basketball recruiting subcommittees regarding concepts recommended for consideration by the full Council. The Council noted that there should be a logical progression within the recruiting model and conducted its discussions with that in mind. The Council agreed on concepts in several areas within the recruiting model, but noted that other areas required further discussion and feedback. The Council's recommendations will be distributed to various constituent groups [e.g., Collegiate Commissioners Association (CCA), National Association for Athletics Compliance (NAAC), DIA Faculty Athletics Representatives, Collegiate Commissioners Association Compliance Administrators (CCACA), Division I Recruiting and Athletics Personnel Issues Cabinet] for feedback prior to final review in October, at which time the Council will finalize its recommendations for consideration by the Board of Directors at its October meeting. The details regarding the Council's recommendations can be found in the attachment to this report.

2. **Discussion of Agent Activities.** Rachel Newman, NCAA director of agent, gambling and amateurism activities, informed the Council of the following strategies being developed to address the agent-related issues:

   a. **Definition of an Agent.** The Amateurism Cabinet has agreed to sponsor legislation for the 2011-12 legislative cycle to expand the definition of an agent to limit the use of outside third parties to recruit and solicit prospective and enrolled student-athletes for financial gain.

   b. **Agent Registration Program.** The Amateurism Cabinet has reviewed a proposed program for agent registration and has asked that staff seek feedback regarding the program from the National Association of Athletics Compliance (NAAC), the Division I Leadership Council and various professional sports players' associations.

   c. **Potential Legislation Regarding the Use of Agents and Advisors Prior to Enrollment.** The Amateurism Cabinet has reviewed recommendations to consider legislation to allow the use of agents and advisors prior to enrollmen

for nonopt-in drafts that allow players to be drafted out of high school. The Amateurism Cabinet did not support the position to permit the use of agents in these sports at this time. Discussion regarding sports-specific legislation regarding agents will continue.

d. Collaboration with the National Association of Attorney Generals (NAAG) and State Agencies. The NCAA staff has contacted NAAG in an effort to determine if the current definition of an "athlete agent" under the Uniform Athlete Agent Act (UAAA) subjects third party actors to penalties for violating the UAAA. The staff will continue its efforts to collaborate with NAAG and other interested state and federal agencies.

e. National Football League (NFL)/National Football League Players Association (NFLPA)/National Collegiate Athletic Association (NCAA)/Collegiate Commissioners Association (CCA)/American Football Coaches Association (AFCA) Task Force. The staff plans to continue its discussions with the NFL/NFLPA/NCAA/CCA/AFCA Task Force in an effort to address improper agent activity with football student-athletes in order to better collaborate on educational and enforcement initiatives.

f. National Basketball Associatin (NBA)/National Basketball Players Association (NBPA)/NCAA Dialogue. Similar to football, the staff plans to continue its discussions with the NBA and NBPA in an effort to address improper agent activitiy in the sport of men's basketball.

g. Women's Basketball Group on Agent Issues. The staff plans to develop a task force to address agent issues in the sport of women's basketball.

h. Educational Initiatives. The staff continues to work on creating comprehensive agent education for all key stakeholders.

The Leadership Council took no formal action but encouraged its Agent Subcommittee to continue discussion and monitoring of these issues.

3. Multidivisional Reclassification – Opposite Gender – NCAA Bylaw 20.4.1.2. The Leadership Council reviewed a request from the Division I Administration Cabinet that it consider sponsoring legislation to permit current non-Division I institutions with only one sport (other than football and basketball) classified in Division I to seek reclassification of one sport of the opposite gender. The Council asked that staff provide the following information for its review in October:

a. Draft of a legislative proposal that would permit the institutions that currently have only one sport in one gender classified in Division I to seek reclassification in one sport of the opposite gender.

b. Information regarding the reclassification process.

c. A proposed reclassification fee and how it was calculated.

d. Possible time limitation for the opportunity to reclassify a second sport.

4. Transgender Student-Athlete Presentation. The Council received a presentation regarding a proposed Association-wide policy to addresss transgender student-athlete participation in intercollegiate athletics. The policy will go before the Executive Committee for review and approval during its August 11, 2011, meeting.

[Note: For additional information and resources realated to transgender student-athletes, go to www.ncaa.org/gender_equity and select LGBTQ Resources under the Current News section.]

5. Report from the Division I Student-Athlete Advisory Committee. Division I SAAC Chair Scott Krapf presented a report of the committee's recent meeting and priorities for the upcoming year.

6. Future Meetings.

a. October 13, 2011, Indianapolis, IN.

b. January 12, 2012, Indianapolis, IN

Leadership Council chair: Mike Alden, University of Missouri
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance
Kevin Lennon, academic and membership affairs

ATTACHMENT

Preliminary Division I Men's Basketball Recruiting Model

Feature	Current	Leadership Council Recommendation	Additional Comments/Outstanding Isssues
Recruiting calendar evaluations			

April	No evaluations permitted at nonscholastic events.	• Permit evaluations at certified nonscholastic events on two weekends.
		• Neither weekend can fall on ACT/SAT testing dates or Easter.
		• Events must be subject to NCAA certification program.
			• Further define time frame of the weekend as part of the basketball event certification criteria to minimize missed class time. Suggested time frame from Friday 6 p.m. until Sunday 4 p.m.
			• Continue to study a model that provides for the establishment of non-exclusive evaluation camps as either a pilot or full-blown program. Issues to be determined:
			  • Site(s).
			  • Numbers and ages of PSAs.
			  • Format.
			  • Management (NCAA, USA Basketball, iHoops).
			  • Coaches ability to work camps.
			  • Cost.

July	Evaluations permitted at certified nonscholastic events during two 10-day evaluation periods.	• Permit evaluations at nonscholastic certified events during a total of 12 days in July; the 12 days would consist of three four-day periods (with intervening dead periods) that run from Thursday at 5 pm to Sunday at 5 pm.
		or
		• Permit evaluations at nonscholastic certified events during two seven-day periods with an intervening dead period; eliminate the last week in July.
			• Event certification criteria needs to be modified to include time frame for attending events.
			• Continue to study a model that provides for the establishment of non-exclusive evaluation camps as either a pilot or full-blown program. Issues to be determined:
			  • Site(s).
			  • Numbers and ages of PSAs.
			  • Format.
			  • Management (NCAA, USA Basketball, iHoops).
			  • Coaches ability to work camps.
			  • Cost.

Communication with PSAs			
Types	Phone, e-mail, fax only.	Eliminate restrictions on all modes of communication beginning August 1 prior to the junior year in high school.	

Feature	Current	Leadership Council Recommendation	Additional Comments/Outstanding Isssues
Phone call frequency	• June 15 of sophomore year through July 31 of junior year of high school: One per month. • August 1 prior to senior year of high school: Unlimited during contact period; two per week otherwise. • Two-year institutions and four-year PSAs: One call per week.	• Permit phone and text communication starting June 15 prior to junior year in high school – one call in June/ one call in July. • Keep July communication restrictions. • Unlimited communication beginning August 1 prior to junior year in high school.	Should text messages in addition to phone calls be allowed before August 1 prior to the junior year?
Off-campus contacts			
Off-campus contact starting point	July 1 after junior year of high school.	• Off campus contacts may be made with a prospect during the junior year in high school. • September contact period – contacts during the junior year only at the prospect's educational institution. • April contact period – contacts during the junior year only at the prospect's educational institution or at the prospect's residence.	• All contacts would be included in the limitations on the permissible number of contacts and recruiting opportunities. • Requested feedback on whether the April contact should be allowed only at the prospect's educational institution. • Current rule limiting visits to a prospect's educational institution to not more than once a week would remain applicable.
Off-campus contact in conjunction with an evaluation	Prohibited during evaluation period.	• Permit contact with juniors and seniors at the prospect's educational institution in conjunction with an evaluation (except during the time period when classes are in session and during the day of competition), provided scholastic authorities or parents and /or legal guardians are present.	• Bring back for additional discussion in October. • Should the starting date coincide with the September contact period? • All contacts/evaluations at the prospect's educational institution would count as a single recruiting opportunity. • May be necessary to change recruiting calendar terminology since contacts/ evaluations would be permitted [with some restrictions] during both a contact and an evalution period.

Feature	Current	Leadership Council Recommendation		Additional Comments/Outstanding Isssues
Official visits				
Starting point	Senior year of high school.	• The weekend after the Men's Basketball Championship of the junior year thru the senior year of high school.		• Current requirements (standardized test score, high school transcript, register with Eligiblity Center, placed on institution's IRL) necessary to provide an official visit would remain applicable. • Included in the total number of permissible visits for the prospect and the institution.
Travel expenses	Prospect.	• May be provided to the prospect and two parents/legal guardians.		
On-campus staged evaluations (OCE) (formerly known as tryouts)	Prohibited.	• OCE permitted beginning the weekend after the Men's Basketball Championship of the junior year high school. • Limitations to be determined.		Bring back for additional discussion at October meeting.
		Division II Model • On-campus or normal practice/ competition site. • One OCE per PSA per institution. • Must be high school senior or older. • Typically after	**NABC (Based on recommendations made in 2004)** • On-campus. • 6 OCEs per PSA. • 18 OCEs per institution. • Between first permissible date for official visit and beginning of early NLI period, OCE may only occur during an official visit. • Following the senior season, OCE may occur during official or unofficial visit.	Bring back for additional discussion at October meeting.

Feature	Current	Leadership Council Recommendation		Additional Comments/Outstanding Isssues
		completion of season. • Pre-OCE physical. • Up to 2 hours. • May include testing and competition with team.	• No missed class time for OCE. • Up to 2 hours. • OCEs must be closed and unpublicized. • Only PSAs and S-As may participate.	
Summer Relationship Building/Athletics Development	Prohibited	Permit entering and continuing student-athletes to engage in summer athletics development [eight hours of conditioning per week, of which no more than two hours can be devoted to skill instruction], regardless of enrollment of summer school.		• Particpation at the discretion of the student-athlete. • Student-athletes not receving financial aid to attend summer school would be responsible for expenses.

Leadership Council Attendance
August 2, 2011, Meeting

Leadership Council members in attendance:
Michael Alden, University of Missouri, Columbia, Big Twelve Conference, chair
McKinley Boston, Jr., New Mexico State University, Western Athletic Conference
Shonna Brown, America East Conference (alternate)
Morgan Burke, Purdue University, Big Ten Conference (joined via telephone)
Peg Bradley-Doppes, University of Denver, Sun Belt Conference
Barry Collier, Butler University, Horizon League (alternate)
Janet Cone, University of North Carolina, Asheville, Big South Conference
Joan Cronan, University of Tennessee, Southeastern Conference
Beth DeBauche, Ohio Valley Conference
Peter Fields, Montana State University-Bozeman, Big Sky Conference
Dave Gavitt, Big East Conference (alternate)
Chet Gladchuk, U.S. Naval Academy, Patriot League
Ted Gumbart, Atlantic Sun Conference (alternate)
Robin Harris, Ivy League
Alan Hauser, Appalachian State University, Southern Conference
Jack Hayes, Hofstra University, Colonial Athletic Association
R.C. Johnson, University of Memphis, Conference USA
Cynthia K. Jones, Southern Illinois University at Carbondale, Missouri Valley Conference
Paul Kowalczyk, Colorado State University, Mountain West Conference
Scott Krapf, Division I Student-Athlete Advisory Committee
Myndee Kay Larsen, Summit League
Susan Cross Lipnickey, Miami University, Mid-American Conference
Janet Lucas, University of California, Riverside, Big West Conference
Charles McClelland, Texas Southern University, Southwestern Athletic Conference
Clyde McCoy, University of Miami, Atlantic Coast Conference
John McCutcheon, University of Massachusetts, Atlantic 10 Conference
Noreen Morris, Northeast Conference
John Ritschdorff, Marist College, Metro Atlantic Athletic Conference
Duer Sharp, Southwestern Athletic Conference
Ky Snyder, University of San Diego, West Coast Conference
Kevin Weiberg, Pacific-12 Conference (alternate)
Bobby Williams, Sam Houston State University, Southland Conference
Mark Wilson, Tennessee Technological University, Ohio Valley Conference

NCAA primary staff liaisons in attendance:
S. David Berst, NCAA
Jacqueline Campbell, NCAA, recording secretary

Leadership Council members not in attendance: Sandy Barbour, University of California, Berkeley, Pacific-12 Conference; Harold Bardo, Southern Illinois University at Carbondale, Missouri Valley Conference; Mike Bitter, Stetson University, Atlantic Sun Conference; Dave Blank, Elon University, Southern Conference; Jonathan (Jon) LeCrone, Horizon League; John Marinatto, Big East Conference; Derrick Ramsey, Coppin State University, Mid-Eastern Athletic Conference, and Dennis Thomas, Mid-Eastern Athletic Conference.

Guests
Jim Haney, executive director, National Association of Basketball Coaches (NABC), and Shane Lyons, Division I Legislative Council (former chair).

NCAA staff members in attendance: Libby Harmon, Michelle Hosick, LuAnn Humphrey, Steve Mallonee, Karen Morrison, Jarrett Newby, Bill Nesidal, Rachel Newman, Donald Remy, Julie Roe Lach, and Naima Stevenson also were present during portions of the meeting.

NCAA Division I Committee on Academic Performance and NCAA Division I Academic Cabinet Recommendations

NCAA Division I Board of Directors
August 2012 Meeting

Committee on Academic Performance Recommendations

- No. 1: NCAA Division I Academic Performance Program Policy (APP):
  - Create an exception to the definition of the NCAA Division I Academic Progress Rate (APR) cohort for student-athletes who are five years beyond initial full-time collegiate enrollment and have exhausted athletics eligibility.
    - Encourages institutions to provide athletically related financial aid to former student-athletes without those student-athletes negatively impacting the APR.

Committee on Academic Performance Recommendations

- No. 2: APP Level-Three Penalty Waiver Hearing Policy:
  - Require the chief academic officer attend the hearing as part of the institutional delegation.
    - Ensures that the appropriate institutional personnel are present to answer questions regarding the academic commitment of the institution.

Committee on Academic Performance Recommendations

- No. 3: APP Penalty and Ineligibility for Postseason Competition Waiver Policies:
  - Require confirmation of accurate data prior to waiver submission.
  - Institutional request for reconsideration of a waiver is limited to only nondata related mitigation.
  - Require notification to student-athletes of ineligibility within 48 hours of final decision.

Academic Cabinet – Legislative Items

1. To prohibit an academic redshirt from serving as a student host.
2. To permit a two-year college transfer student, who did not meet the transfer requirements, and was an academic redshirt to be eligible for practice and financial aid during residence year.
3. Amend the effective date of the new early academic qualifications standards to August 1, 2013.

Board Action

- One Vote Approving All Six Items:
  - Three recommendations from the Committee on Academic Performance to amend policies and procedures as outlined.
  - Three legislative actions from the Academic Cabinet.

Key Informational Items

- Initial-Eligibility Standards Outreach and Education.
  - Engaging with coaches associations and conference offices.
  - Significant efforts by the association to inform prospective student-athletes.
    - Tool kit.
  - Promote earlier involvement by institutional staff members in the education.
    - Possible legislative recommendation in October.

Key Informational Items, continued

- Committee on Academic Performance determined that the current process for APR data collection and implementation of penalties is effective and achieves the appropriate balance of all factors.

- Ongoing review of the timing of an institution imposing a penalty.

Ongoing Academic Reform Items

- Four-year college transfer requirements.
- Review of academic fraud definition and penalties.
- Progress-toward-degree standards for high-achieving student-athletes that involves less regulation.

REPORT OF THE AUGUST 11, 2011, MEETING OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I BOARD OF DIRECTORS

1. **Report of the April 28, 2011, Board of Directors Meeting. The Board approved the report of its April 28, 2011, meeting, noting that the approval of the recommendations of the Task Force to Clarify the Roles of the Committee on Infractions and the Infractions Appeals Committee should include the following clarification:**

   - **When the Committee on Infractions requests that the academic and membership affairs staff provide an interpretation of applicable legislation based on facts submitted, written notice of the request and the response shall be provided to all involved parties (e.g., institution, enforcement staff, Committee on Infractions).** (Unanimous voice vote) [Reference Supplement No. 2.]

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

   a. **Presidential Retreat.** President Emmert thanked the Board members for their lively discussion during the retreat the previous two days and noted that participants in the retreat have asked that he appoint working groups and establish an agenda with aggressive timelines for the Board to act on their recommendations that address the following areas:

      (1) Financial Sustainability.

         (a) Institutional and NCAA resource efficiencies that can be achieved through the review of NCAA rules and athletics practices (e.g., personnel, travel, recruitment).

         (b) Identification of areas where greater flexibility can be employed on a conference-by-conference basis to use resources in support of the student-athlete well-being, particularly the value of grants-in-aid and multi-year scholarship commitments.

      (2) Integrity of the Collegiate Model.

         (a) Review and amend the NCAA Division I Manual to reduce the volume of unenforceable and inconsequential rules that fail to support our core principles and place an emphasis on the most strategically important matters. The group is also charged with developing filters that ensure new legislation aligns and addresses our core principles and values.

(b) Charge the NCAA Enforcement Staff, Division I Committee on Infractions and Division I Infractions Appeals Committee to propose a multi-level enforcement penalty structure.

BOARD ACTION: The Board directed President Emmert to bring to the Board in October an action plan (including the formation of several working groups and possible action items) that would expeditiously address the issues in the areas of financial sustainability and integrity of the collegiate model. (Unanimous voice vote.)

b. Status Report on Work of Bowl Game Licensing Task Force. Harvey Perlman, chair of the Task Force, provided the Board with an interim report on the work of the Task Force, which included recommendations in the area of governance, advertising and sponsorship, and student-athlete welfare. In its review of bowl game licensing, the Task Force noted that the purpose of NCAA regulation of postseason football bowls should be to assure that the bowls reflect the collegiate model of intercollegiate athletics. In that context, the NCAA has a strong interest in assuring that bowls are governed with integrity, that they are managed in a way that is consistent with student-athlete welfare, and that their commercial, promotional and sponsorship activities be consistent with the values associated with collegiate sports. The Task Force will distribute its preliminary recommendations to constituent groups [e.g., Football Bowl Subdivision (FBS) commissioners, DIA Athletics Directors, DIA Faculty Athletics Representatives, bowl operators) for review and comment with plans to present its final report to the Board in October.

c. NCAA Division I Committee on Academic Performance Report. Walt Harrison, chair of the Committee on Academic Performance (CAP), presented the following committee recommendations to the Board:

(1) Academic Performance Rate (APR) Penalty Benchmark.

(a) That the Board amend the Academic Performance Rate (APR) penalty benchmark from the current multi-year rate of 900 to a multiyear rate of 930 in order to avoid penalties within the new penalty structure.

(b) Replace the current filter system used for determining historical penalties with a single filter system that is based on improvement and is available to all teams/institutions.

(c) Approve a longer transition timeline for lower resourced institutions.

BOARD ACTION: The Board approved the revised APR penalty benchmark and the filter systems. (Unanimous voice vote.)

(2) Academic Performance Program (APP) Penalty Structure. That the Board approve a revised single APP penalty structure that will be cumulative and progressive and consist of five levels.

BOARD ACTION: The Board approved the revised penalty structure in principle and directed CAP to bring to the Board in October a final recommendation for a multi-year penalty structure that incorporates the APR benchmark (930) as the four-year academic performance requirement for a team's eligibility to participate in any postseason event. (Unanimous voice vote.)

(3) Occasion-Three and –Four Historical Penalty Waiver Hearing Procedures. That the Board approve a revision to CAP's current policies and procedures for Occasion-Three and –Four Historical Penalty waiver hearings that requires the institutional staff member responsible for the implementation of the institution's APR improvement plan be in attendance at the institution's in-person penalty waiver hearing.

BOARD ACTION: The Board approved the revision to the waiver hearing policies and procedures as recommended above. (Unanimous voice vote.)

(4) Division I Academic Performance Program Supplemental Support Fund. That the Board approve and fund the APP Supplemental Support Fund (SSF) for two additional years (i.e., 2011-12 and 2012-13).

BOARD ACTION: The Board agreed to approve the APP Supplemental Support Fund for two additional years. (Unanimous voice vote.)

(5) Appointment of Vice Chair. That the Board appoint President Roderick McDavis of Ohio University as vice chair of the committee.

BOARD ACTION: The Board voted to appoint President Roderick McDavis as vice chair of the committee. (Unanimous voice vote.)

It was noted that legislation to address the 2-4 transfer academic requirements are included in the 2011-12 legislative cycle and the Board expressed its intent to consider the legislation by the end of the academic year. In addition, the Board expects the Academic Cabinet to present recommendations regarding enhanced initial

eligibility standards, which could include a partial qualifier group that would qualify for financial assistance but nit competition during the initial year in residence.

d. **Institutional and Conference Networks.** Board members previously received a letter from the chair of the Big 12 Board of Directors noting their recent action to set a moratorium of at least a year to prohibit high school content from being broadcast on Big 12 institutional media platforms. In that regard, the staff recommended that the Board endorse a staff interpretation of current recruiting rules to preclude the broadcast of any youth programming on an institutional- or conference-branded network.

BOARD ACTION: The Board voted to endorse the staff interpretation, noting that discussions will continue throughout the upcoming year to determine the best course of action for the Association relative to this issue. (Unanimous voice vote.)

3. **NCAA Executive Committee Report**. During its April 28, 2011, meeting, the Executive Committee took action to recommend restructuring of the inclusion advocacy committees within the Association's governance structure, which included the dissolution of the Executive Committee Subcommittee on Gender and Diversity Issues. The Executive Committee noted the need for greater involvement of presidents within the substructure to provide guidance and insight at the policy development level. To achieve this goal, the Executive Committee recommended that the divisional presidential bodies consider sponsoring legislation to modify the composition of the NCAA Committee on Women's Athletics (CWA) and the NCAA Minority Opportunities and Interests Committee (MOIC) by increasing the size of each committee from 15 to 18 members and to specify that the three additional positions be filled by a president from each division. Further, that there be an equal distribution of committee members from each division. [Reference Supplement Nos. 3A and 3B.]

BOARD ACTION: The Board used its authority to adopt Proposal No. 2011-09 as noncontroversial legislation to modify the composition of the CWA and MOIC as recommended. (Unanimous voice vote.)

4. **Division I Governance Structure Update**.

a. **Report of the August 2, 2011, Meeting of the Leadership Council**. Mike Alden, chair of the Division I Leadership Council, highlighted the following issues from its August 2, 2011, Leadership Council meeting. [Reference Supplement No. 5.]

(1) Men's Basketball Recruiting Model. The Leadership Council received reports from its two men's basketball recruiting subcommittees and developed recommendations for concepts to be considered in a new men's basketball recruiting model. The Council's recommendations will be distributed to various constituent groups for feedback prior to final review in October. The Council will present its final recommendations to the Board during its October meeting, at which time the Board will be asked to sponsor legislation for the 2011-12 legislative cycle.

(2) Agents. The Leadership Council received a report on several strategies being developed to address agent-related issues. The Council took no formal action, but encouraged its Agent Subcommittee to continue discussion and monitoring of agent-related issues.

b. Report of the July 14, 2011, Teleconference of the Division I Legislative Council. Carolyn Campbell-McGovern, chair of the Division I Legislative Council, reported on actions taken during the Legislative Council's July 14, 2011, teleconference.

[Note: In accordance with the Division I legislative process, the Board has the authority to consider any action taken by the Legislative Council, but is not required to do so. Where the Board decided to take action on proposals below, you will see the action indicated in bold type. For those proposals on which it did not act, the Legislative Council's actions stand.]

(1) Legislative Actions. Due to the receipt of the requisite number of requests for override votes, the Legislative Council reconsidered its previous actions to adopt Proposal Nos. 2010-30 and 2009-100-A and took the following actions:

(a) Proposal No. 2009-100-A – Recruiting – Nonscholastic Practice and Competition and Institutional Camps or Clinics – Men's Basketball. This proposal would prohibit an institution from hosting a nonscholastic practice/competition on its campus that involves men's basketball prospects, with limited exceptions. The Legislative Council voted to maintain its previous action to adopt the proposal. The Board took no action.

(b) Proposal No. 2010-30 – Recruiting – Telephone Calls – Time Period For Telephone Calls – Sports Other Than Football. This proposal would apply the current telephone rule in men's basketball to all sports other than football. The Legislative Council reversed its previous action and defeated the proposal. The Board took no action.

(2) Board of Directors Resolution. The Legislative Council continued its discussion of the Board's resolution to review the legislative process and developed two concepts for which it requests Board endorsement:

(a) Development of a legislative process that consists of two overlapping two-year cycles to allow the membership to focus attention on particular bylaws during each legislative cycle.

BOARD ACTION: The Board endorsed the concept of two overlapping two-year cycles and asked that draft legislation be brought to the Board for review and sponsorship in October. (Unanimous voice vote.) [Reference Supplement No. 7.]

(b) Increase the requisite number of requests required to initiate an override of the adoption or defeat of a legislative proposal. The recommendation would be to increase the number required for a call for override vote from 30 to 75 and the number to suspend a proposal from 100 to 125. In addition, for Football Championship Subdivision (FCS) specific legislation, the number would increase from 15 to 25 and 40 to 50. Further, it is recommended that the same minimum threshold numbers that are applicable to FCS specific legislation be established for Football Bowl Subdivision (FBS) specific legislation.

BOARD ACTION: **The Board used its authority to adopt Proposal No. 2011-10 as emergency legislation, effective immediately, to increase the requisite number of override requests as recommended above.** (Unanimous voice vote.) [Reference Supplement No. 7.]

5. **Division I Committee on Infractions**. The NCAA Division I Administration Cabinet requested the Board reappointment Britton Binowsky, commissioner, Conference USA; Melissa Conboy, deputy director of athletics, University of Notre Dame, and John Black, attorney (public member) to the Committee on Infractions. [Reference Supplement No. 9.]

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

6. **Division I Infractions Appeals Committee**. The committee requested the Board approve several bylaw revisions and the Division I Administration Cabinet recommended one committee appointment and several reappointments. [Reference Supplement No. 10A.]

a. **Bylaw 32.10 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.10 that would establish one action to meet the submission deadlines for written documents and would simplify the determination of whether those deadlines are met.

b. **Bylaw 32.10.6 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.10.6 that would grant the committee the authority to review requests to waive the procedures established for the written appeal process.

c. **Bylaw 32.11.3 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.11.3 that would grant the committee the authority to review requests to waive the policies and procedures for conducting hearings.

BOARD ACTION: The Board approved the three legislative revisions as recommended by the committee. (Unanimous voice vote.)

d. **Committee Appointment and Reappointments**.

(1) Appointment. The Division I Administration Cabinet recommended the Board appoint W. Anthony Jenkins (Dickinson Wright PLLC, Detroit, Michigan) as a public member of the committee. [Reference Supplement No. 10B.]

BOARD ACTION: The Board approved the appointment of W. Anthony Jenkins (Dickinson Wright PLLC, Detroit, Michigan) as a public member of the committee. (Unanimous voice vote.)

(2) Reappointments. The Division I Administration Cabinet recommended the Board reappoint David Williams II, vice chancellor/general counsel, Vanderbilt University, Southeastern Conference, and Jack Friedenthal, professor of law, George Washington University, Atlantic 10 Conference, to the committee. [Reference Supplement No. 10C.]

BOARD ACTION: The Board approved the reappointments as recommended. (Unanimous voice vote.)

7. **Division I Administration Cabinet Recommendation**. The Administration Cabinet recommended that the Board elect Florida Gulf Coast University, Houston Baptist University, University of North Carolina Central and University of South Carolina Upstate to active Division I membership status. The cabinet also recommended that the Board approve the conference applications of the Great West Conference, a multi-sport conference, and the National Lacrosse Conference, a single-sport conference.

<u>BOARD ACTION</u>: The Board voted to elect the four recommended institutions to active Division I membership status and approved the two conference applications. (Unanimous voice vote.)

8. <u>Future Meeting Dates</u>.

a. October 27, 2011, Indianapolis, Indiana.

b. January 14, 2012, in conjunction with the NCAA Convention, Indianapolis, Indiana

c. April 26, 2012, Indianapolis, Indiana.

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

NCAA DIVISION I BOARD OF DIRECTORS
August 11, 2011, MEETING ATTENDANCE

Board members in attendance:
Stanley Albrecht, Utah State University, Western Athletic Conference
Guy Bailey, Texas Tech University, Big 12 Conference
William Beauchamp, University of Portland, West Coast Conference
Judy Genshaft, University of South Florida, Big East Conference, chair
Nathan Hatch, Wake Forest University, Atlantic Coast Conference
David Hopkins, Wright State University, Hhorizon League
Sidney McPhee, Middle Tennessee State University, Sun Belt Conference
William Meehan, Jacksonville State University, Ohio Valley Conference
Ann Millner, Weber State University, Big Sky Conference
Harris Pastides, University of South Carolina, Southeastern Conference
John Peters, Northern Illinois University, Mid-American Conference
Edward Ray, Oregon State University, Pacific-12 Conference
David Schmidly, University of New Mexico, Mountain West Conference
Lou Anna Simon, Michigan State University, Big Ten Conference
Steadman Upham, University of Tulsa, Conference USA
Timothy Wright, University of California, Riverside, Big West Conference

Board members not in attendance:
William R. Harvey, Hampton University, Mid-Eastern Athletic Conference
David Skorton, Cornell University, Ivy League

NCAA staff liaisons in attendance:
S. David Berst, NCAA
Jacqueline Campbell, NCAA, recording secretary

Guests from other Division I governance bodies:
Michael Alden, University of Missouri, chair of the Division I Leadership Council
Carolyn Campbell-McGovern, Ivy League, chair of the Division I Legislative Council
Walter Harrison, University of Hartford, chair of the Division I Committee on Academic Performance
Harvey Perlman, University of Nebtraska, chair of the Division I Bowl Licensing Task Force

Other NCAA staff members in attendance: Scott Bearby, Erik Christanson, Joni Comstock, Diane Dickman, Mark Emmert, Bernard Franklin, Lynn Holzman, Michelle Hosick, Jim Isch, Amy Kudwa, Kevin Lennon, Steve Mallonee, Keith Martin, Kathleen McNeely, Delise O'Meally, Tom Paskus, Todd Petr, Dennie Poppe, Ronnie Ramos, Bill Regan, Donald Remy, Wallace Renfro, Julie Roe Lach, Greg Shaheen, Jennifer Strawley, Robert Vowels, Wendy Walters and Bob Williams.