A G E N D A

National Collegiate Athletic Association
Division I Board of Directors

The Westin Indianapolis — April 28, 2011
Indianapolis, Indiana — 9 a.m. – 3 p.m.

1. Opening remarks.

2. Minutes of the January 15, 2011, Board of Directors meeting. [Supplement No. 1] [**Anticipated Action Item.]**

3. Report from NCAA President Mark Emmert.

    a. Update on presidential retreat.

    b. Report on review of Division I athletics certification process. **[Anticipated Action Item.]**

    c. Discussion of NCAA licensing of postseason bowl games/NCAA advertising policies/conflict of interest policies.

    d. Joint NCAA/NACUBO study of coaches' compensation.

4. Report of the January 15, 2011, meeting of the NCAA Executive Committee. [Supplement No. 2] [No action anticipated.]

5. Report of the Division I Presidential Advisory Group April 27, 2011, meeting. [Supplement No. 3 to be distributed in advance of the meeting.] **[Possible action item.]**

6. Report from the Task Force to Clarify Roles of Committee on Infractions and Infractions Appeals Committee. [Supplement No. 4.] [Bernard Franklin, executive vice president for membership and student-athlete affairs] [**Anticipated Action Item]**

7. Division I Governance Structure Update.

a. Report of the April 4, 2011, Division I Leadership Council meeting. [Supplement No. 5]

b. Report of the April 11-12, 2011, Division I Legislative Council meeting. [Supplement No. 6B.] **[Possible Action Item.]**

[Note: Supplement No. 6A includes the proposals on which the Legislative Council will take action during its April 11-12 meeting. We have highlighted those proposals that may be of particular interest to Board members.]

(1) Possible emergency/noncontroversial legislation.

(2) Report of legislative proposals adopted by the Legislative Council.

[Note: As a reminder, the Legislative Council will be responsible for considering, and ultimately voting on, all legislative proposals remaining in the annual legislative cycle. Thereafter, the Board has the authority to consider any proposal adopted by the Legislative Council that it identifies, but is not required to do so. The intent of this process is to allow the Legislative Council to take the final action on the legislative matters necessary for the efficient management of Division I, and to leave to the discretion of the Board the authority to address the broader legislative issues facing the division. After the April 11-12, 2011, Legislative Council meeting, and prior to the Board meeting, the Board will be sent a listing of those proposals adopted by the Legislative Council to assist in preparation for the meeting.]

(3) Board review and discussion of its previous actions relative to the following proposals: **[Anticipated Action Items.]**

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

(b) Proposal No. 2010-48 -- Recruiting -- Use Of Recruiting Funds -- Recruiting Or Scouting Services -- List Of Permissible Recruiting Services -- Men's Basketball. The Legislative Council adopted this proposal, which would require that the NCAA national office publish

men's basketball scouting services that are deemed to meet the required standards for subscription. The Board rescinded the action of the Legislative Council and restored this proposal to the 2010-11 legislative cycle.

(c) 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 was defeated and would have establish a summer academic preparation, limited practice period with the coaching staff and college acclimatization model for men's basketball student-athletes. The Board rescinded the action of the Legislative Council and restored this proposal to the 2010-11 legislative cycle.

(d) 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. The Legislative Council adopted this proposal, which would allow professional sports organizations to serve as financial sponsors for conference and NCAA championships. The Board tabled this proposal.

(4) Report regarding the Board's April 2010 Resolution requesting a review of the Division I legislative process.

c. Key Items from the February Division I cabinet meetings. [Supplement No. 7]

8. Committee on Infractions. [Supplement No. 8] **[Anticipated Action Item.]**

- Bylaws 19 and 32 modifications.

9. Division I Administration Cabinet. [Supplement No. 9] **[Anticipated Action Item.]**

- Bylaw 21.7.2 recommendation.

10. Report from the Committee on Academic Performance [Supplement No. 10]

    [Note: A report of the committee's February 2011 meeting is included for the Board's information. The Board will receive a more extensive report from the committee during its August meeting.]

11. Governance transitional issues. **[Anticipated Action Items.]**

    a. Appointment of new members to the Division I Board of Directors. [Supplement No. 11]

    b. Appointment of Division I and Football Championship Subdivision (FCS) members to councils and cabinets. [Supplement No. 12 to be distributed at the meeting.]

    c. Appointments to the NCAA Executive Committee.

12. Litigation Update. [Supplement No. 13 to be distributed at the meeting.]

13. Governmental relations report. [Supplement No. 14] [No action anticipated.]

14. Other business.

15. Future meeting dates.

    a. August 11, 2011, The Westin Indianapolis, Indianapolis, Indiana.

    b. October 27, 2011, Indianapolis, Indiana.

    c. January 14, 2012, Indianapolis, Indiana.

    d. April 26, 2012, Indianapolis, Indiana.

    e. August 9, 2012, Indianapolis, Indiana.

16. Adjournment.

NCAA DIVISION I BOARD OF DIRECTORS
JANUARY 15, 2011, MEETING ATTENDANCE

Board members in attendance:
Stanley Albrecht, Utah State University, Western Athletic Conference
Guy Bailey, Texas Tech University, Big 12 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
William Meehan, Jacksonville State University, Ohio Valley Conference
Ann Millner, Weber State University, Big Sky Conference
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
Lee Todd, University of Kentucky, Southeastern Conference

Board members not in attendance:
William R. Harvey, Hampton University, Mid-Eastern Athletic Conference
Sidney McPhee, Middle Tennessee State University, Sun Belt Conference
Kevin Mullen, Siena College, Metro Atlantic Athletic Conference
Steadman Upham, University of Tulsa, Conference USA

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: Scott Bearby, Erik Christianson, Joni Comstock, Mark Emmert, Bernard Franklin, Lynn Holzman, Michelle Hosick, Jim Isch, Kevin Lennon, Steve Mallonee, Keith Martin, Delise O'Meally, Stacey Osburn, Tom Paskus, Todd Petr, Donald Remy, Wallace Renfro, Julie Roe Lach, Greg Shaheen, Robert Vowels, Bob Williams and Brandon Wright.

The National Collegiate Athletic Association
January 16, 2011 SDB/JGC:vlm

REPORT OF THE JANUARY 15, 2011, MEETING OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I BOARD OF DIRECTORS

1. **Report of the October 28, 2010, Board of Directors Meeting. The Board approved the report of its October 28, 2010, meeting.** (Unanimous voice vote) [Reference Supplement No. 1.]

2. **Report of the October 28, 2010, Executive Committee Meeting**. The Board reviewed a report of the October 28, 2010, meeting of the Executive Committee and took no action. [Reference Supplement No. 2.]

3. **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 January 10, 2011, conference call. The Board was informed of PAG's views regarding various Board agenda items as they were considered by the Board. [Reference Supplement No. 4.]

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

   a. **Athletics Certification.** Dr. Emmert noted that the staff is conducting a review of the NCAA's athletics certification process in an effort to streamline the process and reduce the resource burden on member institutions. Recommendations for possible changes in the process will be presented as they are developed to various governance entities and the membership for feedback.

   b. **Recent Enforcement and Student-Athlete Reinstatement Cases.** Dr. Emmert noted that there has been much attention in the media recently regarding several student-athlete reinstatement cases and the various penalties imposed. The Board was informed that a review of NCAA legislation has begun in an effort to address situations currently not contemplated under NCAA legislation as well as to evaluate consistency of philosophies among responsible staffs and committees. Dr. Emmert suggested that the issue is more complex than merely changing the bylaws and the Association must work collaboratively with constituent groups to address the issues. It is hoped that recommended actions will be presented to the Board in April.

   c. **NCAA Advertising Policies/Bowl Game Licensing**. Dr. Emmert reminded the Board of concerns expressed regarding GoDaddy.com participating as a naming sponsor of an NCAA-licensed bowl game. He noted that the criticism has caused him to question whether the NCAA should continue to license such games, and, if so, what the appropriate number of bowl games should be and how advertising for these

games should be regulated. It was also suggested that a moratorium on the proliferation of bowl games be enacted while these issues are considered. It was determined that such a moratorium should be discussed further in April.

d. **NCAA GOALS and SCORE Studies.** The Board received a presentation regarding the findings of the 2010 NCAA GOALS and SCORE studies. GOALS is a study of approximately 20,000 current student-athletes that was conducted during spring 2010. The presentation focused on an analysis of three general hot-button areas: 1) recruitment and college choice; 2) ethical leadership issues, and 3) student-athlete time demands. SCORE is a study of over 7,000 former student-athletes who entered college in 1996. Analyses for the SCORE presentation focused on long-term academic outcomes and attempted to identify important influences on eventual academic success.

e. **Supplemental Distribution**. Dr. Emmert informed the group that the Finance Committee of the Executive Committee will be recommending that the Executive Committee approve a supplemental distribution of approximately $27,000,000 to be dispensed to the Division I membership at the end of January.

BOARD ACTION: **The Board voted to approve the recommendation of the Finance Committee for a Division I supplemental distribution of $27,000,000 to be dispensed at the end of January.** (Unanimous voice vote)

5. Litigation Update. Scott Bearby, NCAA interim general counsel, provided this report to the Board.

6. Division I Committee on Academic Performance Appointment. The Board voted to approve a two-year extension of the term of Walter Harrison as chair of the committee. [Reference Supplement No. 7.]

7. Division I Governance Structure Update.

a. **Report of the January 13, 2011, meeting of the Leadership Council**. Mike Alden, chair of the Division I Leadership Council, reported briefly on the January 13, 2011, Leadership Council meeting. [Refer to Attachment A for the full report.]

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

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

(b) New Definition of Agent.

(c) Agent Contact Calendar.

(d) National Agent Registration Program.

(2) Men's Basketball Recruiting Model. The Leadership Council received presentations regarding the men's basketball recruiting environment from representatives of various men's basketball stakeholders [i.e., Black Coaches and Administrators (BCA), Collegiate Commissioners Association (CCA), iHoops, National Association of Basketball Coaches (NABC), National Federation of High Schools (NFHS)]. The Council will continue its recruiting discussions at its April 4 meeting, which will include presentations from additional interested groups.

(3) Olympic Sports Liaison Committee Report. The Leadership Council received a report from the Olympic Sports Liaison Committee/National Governing Bodies (NGB) Working Group regarding a review of issues related to endangered sports and sports that face challenges to their growth. The Council noted that this is an issue that needs some focus and attention, and the Council agreed to include this on the agenda of its next meeting for a more complete review.

b. Report of the January 12-13, 2010, meeting of the Division I Legislative Council. Shane Lyons, chair of the Division I Legislative Council, reported that the Legislative Council adopted 63 proposals, defeated 25 proposals and sent 29 proposals out for comment. The following Legislative Council actions were identified for Board discussion: [Refer to Attachment B for the full report and voting results.]

(1) Adopted Proposals.

(a) Proposal No. 2010-100 -- Division Membership – Elimination of Provisional and Multidivisional Membership – Reclassification Process and Multisport Conference Requirements. This proposal would implement the new Division I membership standards. Several Board members noted concerns expressed by the ice hockey community regarding the elimination of multi-divisional membership for Divisions II and III institutions. It is anticipated that institutions with concerns regarding the elimination of multi-divisional membership are continuing to evaluate the impact of this proposal and may encourage legislation for the 2011-12 cycle to address the matter. No action was taken.

(b) Proposal No. 2010-117 -- NCAA Membership -- Affiliated And Corresponding Membership -- Requirements For Affiliated

Membership And Elimination Of Corresponding Membership. This proposal would eliminate the corresponding membership category and redefine the affiliated membership category. No action was taken.

(2) Proposals sent out for comment.

(a) **Proposal Nos. 2010-16-C -- Personnel -- Limitations On The Number And Duties Of Coaches -- Noncoaching Staff Members -- Basketball -- Limit Of Two; 2010-18-C -- Personnel -- Limitations On The Number And Duties Of Coaches -- Bowl Subdivision Football -- Noncoaching Staff Members -- Limit Of Six; and 2010-20-C -- Personnel -- Limitations On The Number And Duties Of Coaches -- Championship Subdivision Football -- Noncoaching Staff Members -- Limit Of Four.** These proposals relate to limits on non-coaching sports-specific staff members in football and basketball. No action was taken.

(b) **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. No action was taken.

(c) **Proposal No. 2010-26 -- Amateurism – Promotional Activities – Use of a Student-Athlete's Name or Likeness.** This proposal would revise legislation related to promotional activities and the use of student-athletes' names and likenesses. No action was taken.

(d) **Proposal Nos. 2010-51-A – Eligibility – General Eligibility Requirements – Full-Time Enrollment – Requirement For Competition – Nontraditional Courses, 2010-51-B -- Eligibility – General Eligibility Requirements – Full-Time Enrollment – Requirement For Competition – Nontraditional Courses – Up To 50 Percent Minimum Requirement and 2010-60 – Eligibility – Progress-Toward-Degree Requirements – Regulations For Administration Of Progress Toward Degree – Nontraditional Courses.** These proposals would allow student-athletes to use nontraditional courses to satisfy full-time enrollment and progress-toward-degree requirements. No action was taken.

(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. No action was taken. [Note: FCS previously sent Proposal Nos. 2010-59-A, 2010-59-B and 2010-59-C out for comment.]

(f) **Proposal No. 2010-110 Playing And Practice Seasons And Recruiting -- Mandatory Medical Examination -- Sickle Cell Solubility Test -- Written Release.** This proposal would eliminate the opportunity for an individual to decline and sign a written release for the sickle cell solubility test. No action was taken.

(3) Other Proposals.

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

BOARD ACTION: **The Board voted to table Proposal No. 2010-12 until its April meeting.** (Unanimous voice)

(b) **Proposal No. 2010-48 -- Recruiting -- Use Of Recruiting Funds -- Recruiting Or Scouting Services -- List Of Permissible Recruiting Services -- Men's Basketball.** The Legislative Council adopted this proposal, which would require that the NCAA national office publish men's basketball scouting services that are deemed to meet the required standards for subscription.

BOARD ACTION: The Board voted to rescind the action of the Legislative Council and restore Proposal No. 2010-48 to the 2010-11 legislative cycle. (Unanimous voice vote)

(c) **Proposal Nos. 2010-58-A -- Eligibility, Financial Aid And Playing And Practice Seasons -- Summer Academic Preparation And College Acclimatization -- Men's Basketball, Proposal No. 2010-58-B --**

Eligibility, Financial Aid And Playing And Practice Seasons -- Summer Academic Preparation And College Acclimatization -- Men's Basketball – Six Hours Requirement For Incoming Student-Athletes, and 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. These proposals were defeated and would establish a summer academic preparation and college acclimatization model for men's basketball student-athletes.

BOARD ACTION: The Board voted to restore Proposal No. 2010-58-C to the 2010-11 legislative cycle. (Unanimous voice vote)

(d) 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. The Legislative Council adopted this proposal, which would allow professional sports organizations to serve as financial sponsors for conference and NCAA championships.

BOARD ACTION: The Board voted to table Proposal No. 2010-109-B until its April meeting. (Unanimous voice vote)

8. Future meeting Dates.

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

[Note: The Board agreed to participate in a joint dinner (6 p.m.) and meeting (7-9 p.m.) with the PAG on April 27, 2011, to discuss the enforcement experience.]

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

c. October 27, 2011, National Office, 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

The National Collegiate Athletic Association
January 16, 2011 SDB/JGC:vlm

NCAA Division I Board of Directors
April 2011 Legislative Action Requested Regarding
NCAA Division I Athletics Certification Program

Certification History and Rationale for Change.

When the Knight Foundation Commission on Intercollegiate Athletics made its landmark report in 1991 and called for its "1 plus 3 model" for college sports, it advocated increased presidential authority, academic integrity, financial integrity and accountability through certification. The model gave rise to development of the NCAA Division I Athletics Certification Program with the goal of helping member institutions self-examine their compliance with specified standards of operation and behavior. As currently structured, the certification process is an extension of what had been an institutional self-study initiative that includes a written review by the NCAA Division I Committee on Athletics Certification, identification of areas that require additional attention, and a peer-review campus visit that includes interviews with key campus personnel. An important intent of the certification process has been to promote campus-wide discussions of objectives designed to improve the student-athlete experience and to engage an institution's larger community regarding important policy matters in athletics.

In the ensuing 20 years since the certification program was established, nearly all Division I member institutions have been through three full cycles of the process. The program as it has evolved today includes seven standards or operating principles that each Division I institution needs to meet. They include: (1) institutional control, presidential authority and shared responsibilities; (2) commitment to rules compliance; (3) academic standards; (4) academic support; (5) gender issues; (6) diversity issues; and (7) student-athlete well-being. In addition, the gender/diversity principle includes 15 program areas for gender issues and four for diversity issues that must be evaluated. Clearly, the strongest external – and often niche – support for certification has hoped the program would more directly mandate specific compliance behaviors. As a result, the program has become, in the minds of those who find it excessively burdensome, encumbered with numerous evaluations that require extraordinary time and effort to complete. Indeed, it is estimated that the entire athletics certification experience costs each Division I member approximately $300,000 and includes an average of approximately 400 hours of campus committee and other personnel time, travel and expense. In addition, it can be argued that changes by the membership in the cycle for undergoing the certification review from the original five years to 10 years is the result of a rising perception that the process is onerous, overly costly and inadequately valued.

Having heard the sentiment of the membership, the NCAA staff has developed an alternative approach outlined below that is far more technology based, outcome based and institutional managed in nature. The recommendations below represent a shift from a process-oriented approach to one that is outcome-oriented and that focuses on maximizing the student-athlete experience. The gathering and assessing of institutional information would be entirely electronic and would produce "indicator" products similar to and incorporating the already existing financial dashboards that would provide benchmark data in four areas: student-athlete experience, academics, financial and diversity/inclusion. Costs in terms of dollars and time

would be significantly reduced at both the institutional and national office levels. The magnitude of campus involvement would be at the discretion of the institution. Accountability would reside with the institutional leadership. And campuses would be provided with management tools and assessments as a means to determine its compliance with behavioral norms of peer institutions.

Recommended Action Items.

1. It is recommended that the NCAA Division I Board of Directors adopt emergency legislation that places an immediate moratorium on the Division I athletics certification program for active Division I members through August 1, 2013. During this moratorium, no active Division I members will begin the athletics certification process; those active Division I members currently in the process (i.e., "Class 3" schools with nearly completed self-studies) should be permitted to choose whether or not to continue the process. This two-year moratorium provides the Committee on Athletics Certification and staff time to focus on development of a new program that meets the Board's goals and objectives without the pressing, ongoing work involved in the current athletics certification program. Reclassifying members are not included in this moratorium and continue to be subject to the athletics certification program requirements as defined within the applicable reclassifying legislative requirements. Given the importance of the athletics certification process and outcomes for reclassifying members in the membership process, such institutions should continue to be subject to all athletics certification legislation throughout the moratorium period.

   Class 1 and 2 institutions that have not had a certification decision rendered by the Committee on Athletics Certification are also not included in this moratorium. Such institutions shall complete the athletics certification process and the committee shall render certification decisions for such schools.

2. Additionally, it is recommended that the Board charge the committee with fully developing a new program to replace the current athletics certification program and forwarding to the Board for sponsorship a legislative proposal for the 2012-13 legislative cycle for membership consideration. As part of this charge the Board requests the committee develop a new self-study program considering the following:

   a. The focus of the review should be the student-athlete experience, including a student-athlete survey instrument.

   b. The process should be simplified, streamlined and technology-driven (e.g., enhanced dashboard indicators).

   c. The process should be outcome driven (e.g., schools with no or only minor identified issues or concerns should experience a streamlined process compared

with schools with identified issues of some significance).

d. The program should be more cost-efficient and save the Association and member institutions resources compared with the current program.

e. The program should focus on four areas: The student-athlete experience; academics; financial and diversity. This process of gathering and assessing information would be entirely electronic and provide institutions with benchmark data in all areas as a source for comparing themselves with peers. Wherever possible, existing NCAA and other data (e.g., federal requirements) should be used.

f. The program should include defined accountability measures and the committee should provide the Board with a spectrum of options in this area.

g. The program should eliminate the peer-review team aspect of the current process and replace it with a streamlined issue-focused review that reduces the number of membership individuals and resources involved.

h. Data in the identified areas should be provided by each Division I member annually to the NCAA. The committee should determine the appropriate timeframe for each member to review this data and respond appropriately. The penalty for not providing the required data will be ineligibility for all postseason competition for all of the institution's teams, similar to other academic data requirements currently in effect.

i. The committee should report back to the Board in October 2011 and again in April 2012 with its progress. The recommendations may include a phased-in approach given the time needed to develop the necessary technology, educate the membership and generally prepare for implementation of the new program. The committee should forward to the Board not later than October 2012 a legislative proposal for the 2012-13 legislative cycle.

j. Active members currently in the athletics certification process (e.g., those who have completed self-studies) should be given the option to continue the process to completion pursuant to current policies and legislation or to discontinue the process and use the report as determined to be appropriate by the institution's president. No active members will begin the process. Reclassifying members will continue in the athletics certification process. Those institutions in athletics certification Class 1 or 2 that have not completed the process shall continue to the point of a Committee on Athletics Certification decision.

k. The committee should recommend a new name for the program.

l. A robust, rigorous program should be developed for all reclassifying members (e.g., such schools may undergo a different, modified or more substantial process than active members).

m. The committee should engage the membership for feedback and should consider the following key questions as part of its review:

(1) Given the parameters noted, what should be the mission and purpose of the new program?

(2) Should the program certify schools in some manner or should the program be a simple self-study with no "accreditation" outcome? If the program has accreditation-type outcomes, what should be the ramifications of not meeting the minimum standards?

(3) What should the role of NCAA staff be in the process?

(4) Should an external review process be part of the new program?

(5) What should be the role of the committee in this new program?

n. The committee should consider and begin administering elements of the new program in 2011-12 that advance the stated goals (e.g., incorporation of existing data for each active Division I member into the current NCAA dashboards).

o. Other issues the committee identifies as important to ensuring a smooth, orderly transition from the current athletics certification process to the new program.

Rationale Summary.

The athletics certification program has served a valuable purpose to the Division I membership and governance structure for nearly 20 years. After nearly three full cycles of certification, this moratorium provides the membership with an opportunity to develop a more student-athlete and outcome focused program that is technology-driven, simplified and more fiscally efficient. The new program that will be developed will be outcome driven (e.g., schools with no or only minor identified issues or concerns should experience a streamlined process compared with schools with identified issues of some significance) and should be more cost-effective. Overall, this new program will focus on the student-athlete experience, providing member institutions with key data to assist in evaluating the athletics program and improving the student-athlete experience.

It is estimated that the entire athletics certification experience costs each Division I member approximately $300,000. This includes an average of approximately 400 hours of campus committee and other personnel time, as well as travel and other expenses. During the moratorium schools otherwise scheduled for review, could yield substantial savings. Additionally, an objective of the new program is greater efficiency and cost-reduction for the committee, staff and member institutions.

DRAFT

Supplement to NCAA Division I Board of Directors
Athletics Certification Materials
April 20, 2011

Based upon initial staff communications with the 45 active member institutions currently in the athletics certification process (i.e., Class 3 schools), the following reactions and information may be useful to the NCAA Division I Board of Directors as it considers possible action:

- An interest by many schools to have a certification decision rendered, given the time and investment to date on the institution's self-study.

- An interest by some schools to immediately cease all athletics certification work.

- Some schools are assuming that by completing this current process, their school will be placed at the end of any new athletics certification process. This may not be accurate as the new process may not have "classes" and the new process could include some review of the data by presidents/schools annually. Schools electing to continue the current process need to be made aware that from a timing perspective there may be no advantage to completing the current process.

As a result of this input, it is recommended that the NCAA Division I Board of Directors action include the following specifics regarding these Class 3 schools:

- The moratorium should provide the NCAA Division I Committee on Athletics Certification with the authority to render certification decisions for Class 3 active members that opt to continue in the process. Schools could opt to discontinue the process in which cases no certification decision will be rendered.

- The Class 3 certification schools that opt to continue will have a certification decision rendered which in most cases will be based on an abbreviated process (e.g., Committee on Athletics Certification may certify based only the written self-study without an evaluation visit). The staff and the committee shall oversee this process, identify only schools with significant issues for the evaluation visit and certify all others based on the self-study information.

These actions provide schools the opportunity to have a certification decision, bringing a "close" to the process, while finalizing these decisions in a very cost and time effective manner.

This also allows the Committee on Athletics Certification and staff to spend considerable time in the coming months on development of the new program and efficiently render decisions for schools that want them.

While in some limited cases, evaluation visits will be needed for Class 3 schools, this allows the committee to make that determination.

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

San Antonio Marriott Rivercenter
San Antonio, Texas

January 15, 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
James Harris, Widener University
Nathan Hatch, Wake Forest University
Ann Millner, Weber State University
J. Patrick O'Brien, West Texas A&M University
John Peters, Northern Illinois University
Edward Ray, Oregon State University, chair
David Schmidly, University of New Mexico
Lou Anna Simon, Michigan State University
Lee Todd, University of Kentucky
Mark Emmert, NCAA
Bernard Franklin, NCAA
Delise O'Meally, NCAA, recording secretary

William Harvey, Hampton University; Chris Martin, College Conference of Illinois & Wisconsin; Sidney McPhee, Middle Tennessee State University; and Kevin Mullen, Siena College, were not able to participate.

Also in attendance were: Scott Bearby, interim general counsel and vice president of legal affairs; Joni Comstock, senior vice president of championships; Jim Isch, chief operating officer; Kevin Lennon, vice president of academic and membership affairs; Keith Martin, interim vice president of administration/chief financial officer; Donald Remy, NCAA general counsel and vice president of legal affairs-designate; 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; Bob Williams, vice president of communications; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Jackie Campbell and Terri Steeb, NCAA governance directors.

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

The meeting was called to order at 3 p.m. by the chair, President Ray. All members were present as noted above.

1. Welcome and announcements. Ray welcomed Rick Cole, director of athletics at Dowling College and incoming chair of the Division II Management Council. Also, Ray presented James Harris, chair of the Division III Presidents Council, with an award for his service to the Executive Committee.

2. Approval of October 28, 2010, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the October 28, 2010, meeting as distributed."

3. NCAA President report. President Emmert noted that each of the items on the president's report had been discussed during the respective divisional presidential meetings. Further discussion will occur during the April round of meetings.

4. NCAA Executive Committee Finance Committee report.

   a. Fiscal year 2009-10 audited financial statements. The Finance Committee met with the audit firm of KPMG to review fiscal year 2009-10 financial statements and conduct the required audit communications and review.

      (1) KPMG issued an unqualified opinion for the fiscal year statements ending August 31, 2010.

      (2) Highlights of the Consolidated Statement of Financial Position are:

         (a) The Association's total assets increased by approximately $67 million in comparison to the prior year. The increase was primarily in the investment holdings as of year-end, including approximately

$18 million in restricted investments from the 2010 bond issuance proceeds. These proceeds will be used to partially fund the building project that was approved in the prior year.

(b) The state, through White River State Park, leased the NCAA the additional land required for the new building project and extended the lease for the current office building for 50 years with three ten-year options. Since the NCAA pays only a dollar a year for this lease, this required a revaluation of the existing building and the addition of the contributed land as part of the revised lease agreement with White River State Park. The end result was a $19 million decrease to contributions receivable over the life of the lease due to changes in the accounting pronouncements, the downtown market for office leases, and the historical growth in lease rates.

(c) Deferred revenue increased by $14 million. Most of the increase is timing related to collection of championship revenues for the Men's Final Four, Frozen Four and Women's Final Four ticket sales. In addition, Arbiter generated more subscription sales than in the prior year.

(d) NCAA issued tax-exempt revenue bonds to partially finance the construction of the headquarters' expansion over a 10-year period at a rate of less than three percent. This resulted in an $18 million increase to net bonds payable.

(e) The Association had an overall increase in revenue of $47.9 million this past year, primarily related to the increases in television and marketing rights fees, as well as an increase of $15 million in investment earnings as a result of the bounceback in the investment markets.

(f) Contributions' revenue was a negative $10 million related to the revaluation of the existing NCAA building and the addition of the contributed land.

(g) The distribution to Division I expenses increased approximately 11 percent. This is due to the eight percent increase approved in the distribution plan, plus a supplemental distribution of $15 million approved in the prior year.

(h) Division I championships expenses increased approximately six percent, which is mostly the result of higher travel costs this year. Travel costs were higher because there was a reduction to the inventory of commercial airfare, which led to increased charter usage.

(i) The increase in Association-wide expenses is primarily due to the recognition of a one-time $3 million in amortization expense related to the prepayment of the National Invitation Tournament (NIT) liability. The remaining NIT liability of $19.2 million was paid off in October 2010 using a four percent discount rate and saving the Association dollars over the remaining life of the payment.

(j) Excess revenues over expenses for the year were approximately $43 million.

It was VOTED

"To approve the fiscal year 2009-10 audited financial statements."

b. Recommended uses of unallocated net assets. Fiscal year 2009-10 year ended with the Association having $28.5 million in unrestricted net assets available for allocation. The Finance Committee recommended the surplus be used in the following manner:

(1) $27 million distributed back to the Division I members.

(2) $1.5 million allocated to fund transition expenses related to national office restructuring.

It was VOTED

"To approve the proposed unallocated net assets allocations."

c. Recommended target balance for quasi-endowment reserve. The Finance Committee reviewed the quasi-endowment purpose, the funding reserve policies, the current and future targeted balance, the asset allocation policies and an investment committee performance report. Since more than 90 percent of the revenues are the result of one revenue stream, the committee continued to support the need for a quasi-endowment reserve to sustain championships, Association-wide programming and operations, and at least 50 percent of the Division I revenue distribution in the year of a catastrophic event for a period of time not to exceed one year.

The committee noted that the growth of the quasi-endowment could be slowed by modifying the current funding policy to remove the requirement that 50 percent of the year-end unallocated net assets be allocated and invested in the quasi-endowment. These additional funds likely would go directly back to the Division I membership. The Finance Committee also reduced the future funding target from $500 million to $380 million to align it with a one-year funding target to sustain operations and meet the minimum 50 percent of the Division I revenue distribution.

It was VOTED

"To approve the revised quasi-endowment policy and targeted balance."

d. Recommended budget allocations for 2011-12. The NCAA is in the second year of a biennial budget cycle. This budget process will only address inflationary adjustments necessary to maintain the current level of services. The revenue increase for the coming year is projected at approximately two percent. The Finance Committee recommended the following allocations:

(1) The recommended Division I revenue distribution is increased by $14.8 million. In the prior year, a portion of the inflationary dollars was reserved in order to meet the Division I student-athlete distribution commitments that were required to settle the White litigation. All other distributions are budgeted for a two percent increase.

(2) New initiatives totaling $200,000 that were approved in the prior year were allocated to championships and the basketball enforcement area.

(3) The recommended increase for the Divisions II and III allocations is $1.06 million. The Divisions II and III allocations are the respective increases in revenue allocations.

(4) One percent allocation of $1.5 million is to provide President Emmert some flexibility to come back in April with specific budget recommendations. The specific budget recommendations will be reviewed by the Finance Committee and presented to the Executive Committee for approval at its April meeting.

It was VOTED

"To approve the 2011-12 proposed budget allocations."

e. First quarter fiscal year 2010-11 budget to actual.

(1) The Association has limited financial activity in the first quarter, with the majority of revenues and expenditures occurring in the second half of the year related to championship activity and revenue distributions.

(2) Television and marketing rights revenue received is 15 percent of the budget and is consistent with the prior year. Championships revenue is two percentage points ahead of the prior year as men's basketball tickets sales revenue is slightly higher than the prior year.

(3) The Association's expenses are approximately 10 percent of the total budget for the first quarter, which is higher than the prior year because of a $17.2 million settlement with a third party that occurred in October 2010.

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

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

(1) Postseason football bowl licensing and NCAA advertising policies. Discussed the NCAA's involvement in postseason football bowl licensing and how the Association's advertising policies should apply. The Board will continue these discussions in April.

(2) Supplemental distribution. Approved the Finance Committee's recommendation for a supplemental distribution of $27 million to be dispensed to the Division I membership at the end of January.

(3) Membership categories. The Division I Legislative Council adopted Proposal No. 2010-117, which would eliminate the corresponding membership category and redefine the affiliated membership category.

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

(1) 2011 NCAA Convention. Division II completed another successful Convention. The membership voted on 24 proposals during Saturday's business session – 21 of those were passed by the membership, and three were defeated. Significant proposals include the following:

(a) Division II Convention Proposal No. 2011-12—NCAA membership. Per the request of the NCAA Executive Committee Working Group on Membership, this proposal eliminates corresponding membership and modifies the requirements for affiliated membership.

(b) Proposal No. 2011-18—eligibility—freshman academic requirements. This proposal specifies that a nontraditional course to satisfy NCAA core-course requirements must meet certain requirements and ensures that incoming students are prepared to meet the rigors of college life as students who have had a traditional high school education; the legislation aligns the Division II legislation more closely to that of Division I.

(c) Proposal No. 2011-19—eligibility—two-year college transfers. This proposal adds the requirement that two-year college transfer student-athletes also complete a minimum of six semester or eight quarter hours of transferable English credit and three semester or four quarter hours of transferable math credit prior to transferring. It holds two-year college students who were partial qualifiers or nonqualifiers to the same standards as four-year college students by requiring them to complete college-level coursework in English and math at the two-year institution. This legislation aligns the Division II legislation more closely to that of Division I.

(d) The Division II membership also approved three more proposals in the "Life in the Balance" legislative initiative that shortens the length of Division II nonchampionship playing seasons for student-athletes and staffs.

(2) Division II Strategic Growth and Long-Range Projections Task Force. During the Convention, Division II engaged its governance groups and general membership in discussions regarding its strategic growth and long-range projections. The overall goal is to enhance Division II membership requirements so that it manages future growth in a strategic way; that the division takes steps to ensure that future growth does not create an unnecessary financial burden on the division's resources and long-range revenue allocations; and that a membership system is developed that is flexible enough to maximize growth in certain geographical areas.

(3) Review of transgender student-athletes. Mary Wilfert of the NCAA staff provided the Councils with an update on the transgender student-athlete

issue and informed them that an educational resource will be available to the membership later this spring/summer.

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

(1) Special Olympics partnership. Consistent with the division's strategic positioning platform, the Presidents Council formally endorsed the Division III Student-Athlete Advisory Committee's (SAAC's) national partnership with Special Olympics. The new partnership was unveiled at Saturday's business session where the division was joined by two dozen local Special Olympics athletes. This initiative follows a successful outreach to campus and conference SAACs across the division to support relief efforts in Haiti (greater than $145,000). The SAAC decided to partner with Special Olympics, given the similar values and principles shared by Division III and the Special Olympics. Approximately one-half of Division III schools have an existing relationship with the Special Olympics. Implementation of the partnership will begin in 2011-12.

(2) Division III expenses report. Continues to support further examination of Division III expenses and the development of financial dashboard indicators. The information was presented during the presidents/chancellors forum and luncheon, where feedback was very positive.

(3) Academic reporting pilot. Data from the first year of the two-year pilot were shared with the membership during Saturday's business session. The data show that Division III student-athletes graduate at a rate greater than other students. The Presidents Council remains committed to gathering data regarding the academic success of Division III student-athletes and will continue to monitor the progress of the pilot program.

(4) Executive Committee scorecard. Received initial information regarding the development of an Executive Committee scorecard and performance management program to align with the division's priorities outlined in its strategic plan. The Council supported the development of this tool to measure and assess the division's progress and success relative to its stated goals and priorities. It charged the staff and the Division III Strategic Planning and Finance Committee with developing more specifics for its April meeting.

(5) 2011 NCAA Convention. The membership addressed 14 proposals during Saturday's business session. Eleven proposals were adopted, one proposal failed, one proposal was not moved and one proposal was withdrawn. A proposal with significant Association-wide impact is as follows:

- Division III Convention Proposal No. 2011-6—NCAA membership—definitions and applications—affiliated and corresponding membership—requirements for affiliate membership and elimination of corresponding membership. At the request of the Executive Committee Working Group on Membership, this proposal eliminates corresponding membership and modifies the requirements for affiliated membership.

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

7. Adjournment. Ray adjourned the meeting at 4 p.m.

# # # # #

REPORT OF THE
NCAA Division I Committee on Infractions and NCAA Division I Infractions Appeals Committee Clarification Task Force

ACTION ITEMS.

1. Legislative Recommendations.

a. **Revise NCAA Bylaw 19.1.1.4 (duties of the coordinators of appeals).** The bylaw should be modified to reflect the current practice of the appeals coordinators participating in the discussions during NCAA Division I Committee on Infractions' deliberations. The oral input of appeals coordinators during deliberations is a valuable resource during the Committee on Infractions' deliberation. The appeals coordinator would continue to serve as a nonvoting member of the Committee on Infractions.

b. **Renaming the NCAA Division I Infractions Appeals Committee hearing.** The Infractions Appeals Committee process should not be called a "hearing." It is not a hearing which would include the submission of evidence and witness testimony. It is an oral argument where an oral presentation of the party's position and reasoning behind it is presented to an appellate body. Bylaws 19 and 32 should be revised to change "hearing" to "oral argument" in sections related to the Infractions Appeals Committee.

c. **Clarify Bylaw 32.8.8.1 and the operating procedures regarding Committee on Infractions' ability to request interpretations from the NCAA academic and membership affairs staff.** Bylaw 32.8.8.1 and the operating procedures of the Committee on Infractions should be clarified to state expressly that the Committee on Infractions may confidentially ask academic and membership affairs for a ruling, during the deliberations by the Committee on Infractions, on facts submitted by the Committee on Infractions to academic and membership affairs. Inasmuch as no involvement by the institution or involved individual would be anticipated, the only notice would be a routine oral notice at the conclusion of a hearing that such advice might be sought by the Committee on Infractions if it thought it necessary. (Assuming nonlegislative item k(4) below is adopted by the Committee on Infractions. Otherwise, the institution or involved individual would receive written notice of the request.)

2. Nonlegislative Recommendations.

a. **Addition of one staff member to the national office's Committee on Infractions' staff.** Routinely, institutions and involved individuals hire attorneys

to represent the institution/involved individual during the infractions process. These lawyers/law firms have considerably more resources and time to devote to an appeal. The appeals coordinators, representing the Committee on Infractions, are volunteers with full-time jobs. They are required to shoulder a heavy burden in responding to appeals - spending dozens of hours in reviewing the hearing transcript, appeal written submissions, researching past case precedent and writing the appeal response for a case.

Responding to appeals is a daunting task. The current Committee on Infractions' staff assists with these appeals as much as possible, but finds it difficult to devote the time that may be needed to adequately assist the appeals coordinators. The addition of a staff member would provide the opportunity for additional assistance for the appeals coordinators in the appeal process helping to alleviate the time dedicated by appeals coordinators in processing appeals cases.

b. **NCAA enforcement staff developing document to provide guidance regarding the expectation of institutions and involved individuals during an investigation.** The enforcement staff is developing a document grounded in the cooperative principle that sets forth expectations of member institutions, involved individuals and the enforcement staff during an investigation. The document will be vetted with a representative group of the membership and ultimately shared via the NCAA website.

c. **Adding language regarding the use of prior reports to LSDB*i* as well as committees, policies and procedures.** This language would explain that Committee on Infractions and Infractions Appeals Committee reports in prior cases are not binding in future cases, as prior cases might be considered to be in some courtroom settings. While the reports are intended as explanations for those involved and for the general guidance of other members, they are not intended to be a main focus in future situations (as compared to staff and official interpretations of NCAA legislation, for example). Reports are intended to be succinct and thus, do not reflect all of the facts and circumstances considered by the committees, the rules and standards under which the reports are written have changed, the committee members have changed and the environment for student-athletes, institutions and coaches change, as do the appropriateness of various penalty combinations. Thus, more focus is given to the facts and penalties involved in a particular case than to the partial record preserved by Committee on Infractions and Infractions Appeals Committee reports from earlier cases and the penalties earlier imposed. This explanation will help those appearing before the committees to focus correctly on the conduct involved in the actual matter now pending before the Committee on Infractions or Infractions Appeals Committee.

Similarly, the Committee on Infractions and Infractions Appeals Committee may wisely continue to try to explain their actions in each matter. In wording their reports so as not to create the impression that they are announcing future rules, the explanations need to be couched as "these are the things we considered in selecting this group of penalties" or "this legal point has been brought up. We considered this in resolving it." Rather than announcing a broad "precedent."

d. **Creation of membership advisory group.** Concern has been voiced by athletics directors that more representatives from the athletics directors' ranks are needed for the Committee on Infractions. However, some athletics directors have declined the opportunity to participate on this committee due to its significant workload. In recognition of the value of the athletics directors' voice and views, the task force recommends the creation of a Membership Infractions Advisory Group. This group would meet once or twice a year with representatives of the enforcement staff, Committee on Infractions and Infractions Appeals Committee. It would provide athletics directors the opportunity to discuss policies and noncase specific issues with enforcement, Committee on Infractions and Infractions Appeals Committee.

e. **Selection of committee members.** The factors below should be considered in the selection of new Committee on Infractions or Infractions Appeals Committee members.

(1) In selecting new members for each of the committees, consideration should be given to persons who have completed their service on one committee to serve on the other committee. This should be balanced with the opportunity for those who have not served on either committee to be named to the committees – there is value in the new perspectives and vision brought by such individuals.

(2) The Association should continue its efforts to have a diversity of experience and background for the members of the Committee on Infractions and Infractions Appeals Committee.

(3) In appointing Infractions Appeals Committee members, it is important to appoint individuals that understand and accept the limited role of appellate review set forth in NCAA legislation.

f. **Continue educational outreach to the membership.** The enforcement staff, Committee on Infractions and Infractions Appeals Committee should continue and expand their efforts to educate the membership about the infractions process.

(e.g., Major Infractions Symposium and enforcement sessions at regional rules seminars, conference meetings, etc.)

g. **Establish regular periodic meetings between Committee on Infractions and Infractions Appeals Committee.**

(1) **Joint meetings of the Committee on Infractions and Infractions Appeals Committee.** A regular type of interaction should be created so that members of the Committee on Infractions and Infractions Appeals Committee have the opportunity to meet each other and to discuss how each committee can better interact with the other. These meetings will be an opportunity for the committees to discuss policies, procedures and noncase specific related issues.

(2) **Joint meetings of the leaders (chairs and vice chairs) of Committee on Infractions and Infractions Appeals Committee.** A regular interaction should also be implemented between the leaders of the committees more frequently to facilitate communication between the committees (not for the discussion of specific cases). There is no current mechanism for such communications between committees, other than what each writes in its formal reports.

h. **Orientation and on-going continuing education of Committee on Infractions and Infractions Appeals Committee.**

(1) New members of the Committee on Infractions and of the Infractions Appeals Committee each should observe a Committee on Infractions hearing and an Infractions Appeals Committee oral argument.

(2) New member orientation for both committees should include:

(a) Enforcement staff presentation regarding how they do their work, typical new issues and new misconducts and major challenges. Additionally, they should discuss what constitutes a typical investigation for both enforcement staff and campus folks in a major infractions case;

(b) Academic and membership affairs presentation regarding the interpretation process;

(c) NCAA general counsel presentation regarding the role of general counsel and staff attorneys as it relates to the enforcement

investigation, Committee on Infractions process and Infractions Appeals Committee process, and with institutions and involved individuals. Additionally, the presentation should include a review of the confidentiality rules that apply to counsel as well as state open-records and confidentiality laws;

(d) Update on current compliance challenges and describing the wide variety of types and sizes of compliance programs on campus. This is important for all Committee on Infractions and Infractions Appeals Committee members, but essential for persons who have no background in compliance or whose involvement was some time ago;

(e) Review of the new evidence rule and procedure for the Infractions Appeals Committee;

(f) Presentation by experienced member(s) of the Committee on Infractions regarding how the Committee on Infractions sets penalties, using a wide variety of hypothetical fact patterns;

(g) Presentation on the history of the development of the Committee on Infractions and Infractions Appeals Committee structure, decisions and important cases. It is important to focus especially on case reports decided under the current bylaws (since January 2008); and

(h) Review of administrative issues such as meeting logistics and etiquette; managing case documents and materials; report writing process; how does the burden of proof work in the absence of agreed-on facts; penalty determination process; timeline; and best practices for note-taking.

(3) A continuing education program for Committee on Infractions and Infractions Appeals Committee members should be developed.

i. **Review of penalty discussion during the Committee on Infractions process.** The Committee on Infractions has been asked to continue its efforts to discuss with institutions/involved individuals penalties at the end of the hearings. Additionally, the Committee on Infractions will review the manner in which institutions/involved individuals provide input or perspective on potential penalties.

j. **It was recommended that the Committee on Infractions set aside time to discuss long-range planning**. The Committee on Infractions is considered allocation of at least a half day, twice a year, or a full one to two days per year to meet for this purpose. Such meetings should be unencumbered by any existing infractions case processes, such as hearings or deliberations. The committee has scheduled a half-day meeting for these purposes the day prior to the start of its April 2011 meeting.

k. **Modifications to the Committee on Infractions' hearings.** The task force referred recommendations regarding the Committee on Infractions hearing process to that committee. Committee on Infractions has formed an ad hoc subcommittee which has been charged to review hearing procedures, among other areas. This subcommittee will review the following recommendations from the task force:

(1) Add a new section, immediately before closing statements -- "discussion of penalties." In this part of the Committee on Infractions' hearing, the Committee on Infractions will discuss with the parties the self-imposed penalties and invite discussion of any penalties that were not selected, formalizing the actual current practice and emphasizing its importance.

(2) The "discussion of penalties" section could include a guide document on discussing factors a party urges should be taken into account by the Committee on Infractions in assessing penalties.

(3) Revise room arrangements to place all Committee on Infractions members on the panel level, with the appeals coordinators sitting at the left-hand end of the committee's table. This will make clear, visually, that the appeals coordinators are members of the Committee on Infractions and eliminate any visual confusion that they represent the enforcement staff.

(4) Have the Committee on Infractions consider whether to have its chair include in normal opening or closing remarks that the Committee on Infractions may confidentially ask academic and membership affairs for an interpretation, as part of the Committee on Infractions' decision-making process.

l. **Rearranging the Infractions Appeals Committee oral argument room setup.** The layout of the meeting room would be rearranged placing those making the primary presentations [appeals coordinator and appellant (school or involved individual)] in a first row facing the Infractions Appeals Committee. Thus, it will appear like an oral argument, not like a hearing. (see attached diagram)

m. **Review of the use of press conference in the release of Committee on Infractions' reports.** Currently, a press conference is held by the chair of the Committee on Infractions when its reports are publically released. In a few infractions appeals cases, the appellant has attempted to use comments from the Committee on Infractions' press conference in the institution's or individual's appeal. The appellant viewed these comments as a further explanation of the committee's report. Statements from press conferences also have been used by litigants against the NCAA.

The task force expressed concern about this practice. While the task force recognizes the need to inform the membership and public about the outcomes of infractions case, the task force began to discuss alternative ways in which the information may be provided. For example, the development of a "spokesperson" for the committee was discussed. The skill set which may make an individual an excellent chair or member of a committee may not be very different than the skill set required to effectively handle a press conference – the "spokesperson" would be someone who is media savvy.

The task force recommends that the national office's public and media relations staff continue to review with members of the Committee on Infractions and Infractions Appeals Committee whether the current structure using press conferences to announce Committee on Infractions' reports is the best option for informing the public and membership.

n. **Discussion of communication between enforcement staff and the Committee on Infractions**. A working group of the task force discussed this issue and developed draft recommendations. The draft recommendations have been forwarded to the Committee on Infractions and Infractions Appeals Committee for their feedback. The task force will provide a report regarding these recommendations at the August 2011 Board of Directors meeting.

REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I LEADERSHIP COUNCIL APRIL 4, 2011, MEETING

- ***ACTION ITEMS.***

Olympic Sports Liaison Committee (OSLC)/National Governing Bodies (NGB) Working Group Recommendations. The Leadership Council received a report from the Council's subcommittee on Olympic sports regarding its review of the OSLC/NGB working group's recommendations related to endangered sports and sports that face challenges to their growth. The subcommittee recommended that the NCAA national office assign to a senior leader the responsibility for creating collaborative strategies to prioritize and sustain Olympics sports within the collegiate structure. The subcommittee noted that designating a senior staff member with specific duties relative to Olympic sports would assist with the growth of Olympic sports at the collegiate level while at the same time acknowledging the importance of college sports to the success of the United States Olympic efforts. The Leadership Council unanimously agreed to recommend that the Board of Directors approve the subcommittee's recommendations. [See Attachment A]

- ***INFORMATION ITEMS.***

1. **Discussion of Men's Basketball Recruiting Model.** The Leadership Council received presentations regarding men's basketball recruiting from two panels of current and former Division I head men's basketball coaches (i.e., Jim Boeheim, Syracuse University; Paul Hewitt, Georgia Tech University; Ron Hunter, Georgia State University; Jeff Jones, American University, and Phil Martelli, Saint Joseph's University), several individuals involved with nonscholastic event operations (Criss Beyers, assistant athletics director at Bloomington High School South, and Rob Kennedy, president of Hoop Group), Jim Haney, the executive director of the NABC, and comments from two Division I Student-Athlete Advisory Committee (SAAC) members (Scott Krapf, chair, C.J. Williams, men's basketball student-athlete). Among themes/concepts that were shared with the Leadership Council:

    - Coaches should have earlier contact with prospective student-athletes and their parents (e.g., earlier phone calls, earlier contact with prospects at their high schools).
    - The NCAA should consider permitting official paid visits and on-campus evaluations during a prospect's junior year of high school.
    - Coaches would support shortening the July evaluation period if they are provided additional days to evaluate in April.
    - The NCAA should consider eliminating the text messaging restrictions.
    - Coaches would be supportive of relaxing the rules related to telephone calls, possibly allowing calls earlier and then progressively more often (e.g., start in

sophomore year with limited calls, more calls in junior year and unlimited calls during senior year).

- The NCAA should consider eliminating the terms contacts and evaluations, and use recruiting opportunities.
- "Third parties" are a reality in the current recruiting environment. NCAA rules need to allow coaches to enter the recruiting process earlier.
- The NCAA should consider modifying its event certification requirements in order to address some of the concerns regarding nonscholastic events.
- All parties report that coaches and prospects are exhausted by the last week in July.
- Student-athlete well-being should be emphasized when making decisions regarding changes to the men's basketball recruiting model.

2. **Report from the Leadership Council Men's Basketball Recruiting Subcommittees.** Morgan Burke and Robin Harris, chairs of the two subcommittees, reported the following factors/concepts as critical in the analysis of access to prospects and a more effective use of recruiting time and resources:

- Providing opportunities for earlier access to prospects, their coaches and parents/legal guardians.
- Increasing opportunities for more direct access to prospects, their coaches and/or parents/legal guardians during academic year evaluation periods.
- Providing greater opportunities for greater access to prospects, while maintaining the 130 recruiting days that currently exists.
- Establishing some objective measure of academic readiness/preparedness that must be satisfied before an institution may expend recruiting funds to provide an official visit to a prospect.
- Modifying the current official visit legislation in order to minimize the need for unofficial visits.

The recruiting subcommittees will continue their discussions of men's basketball recruiting in the upcoming months. The Leadership Council will meet again in July or early August to review the work of both subcommittees with the goal of developing recommendations regarding a new recruiting model to forward to the Board of Directors in October.

3. **Report from Division I and Football Championship Subdivision (FCS) Commissioners and Head Men's Basketball Coaches.** The Leadership Council received a report of recent discussions of men's basketball recruiting by Division I and FCS commissioners and a head men's basketball coach from each of those conferences. The following concepts resulted from those discussions:

- There should be more and earlier communication in the recruiting process.

- The rules regarding communication should be simplified.
- The recruiting process should include parents as much as possible.
- There should be a spring evaluation period.
- The July evaluation period is very valuable
- High school evaluations should be structured to allow coaches to gather as much information as possible about prospects.
- Should consider allowing tryouts during official visits.

4. **Men's Basketball Recruiting Model Alternatives.** The Leadership Council received a document outlining men's basketball alternative recruiting models that was developed by conference office administrators with NCAA rules compliance and basketball backgrounds from the Atlantic Coast, Big Ten, Big East, Big 12, Pac-10 and Southeastern Conferences (See Attachment B). While the document has not been discussed with the presidents/chancellors of the six conferences, it was offered to the Leadership Council for consideration in its discussions of men's basketball recruiting models.

5. **Status Report from the Subcommittee on Agent Issues.** Rachel Newman, NCAA director of agent, gambling and amateurism activities, noted that the Amateurism Cabinet discussed agent issues during its February meeting and will continue those discussions in June. The subcommittee plans to begin work this summer and will assess whether sport specific legislation is viable.

6. **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.

7. **Future Meetings**.

   a. July, 2011, TBD.

   b. October, 2011, TBD.

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

The National Collegiate Athletic Association
April 7, 2011 SDB/JGC:vlm

ADDENDUM
SUPPLEMENT NO 5
DI Board of Directors 4/11

Leadership Council Attendance
April 4, 2011, Meeting

Leadership Council members in attendance:
Michael Alden, University of Missouri, Columbia, Big Twelve Conference, chair
Jeffrey Altier, Stetson University, Atlantic Sun Conference
Sandy Barbour, University of California, Berkeley, Pacific-10 Conference
Kathleen Batterson, Colonial Athletic Association (alternate)
Karl Benson, Western Athletic Conference (alternate)
Peg Bradley-Doppes, University of Denver, Sun Belt Conference
Morgan Burke, Purdue University, Big Ten Conference
Janet Cone, University of North Carolina, Asheville, Big South Conference
Joseph D'Antonio, Big East Conference (alternate for portion of meeting)
Tom Douple, Summit League
Peter Fields, Montana State University-Bozeman, Big Sky Conference
Chet Gladchuk, U.S. Naval Academy, Patriot League
Robin Harris, Ivy League
Alan Hauser, Appalachian State University, Southern Conference
R.C. Johnson, University of Memphis, Conference USA
Cynthia K. Jones, Southern Illinois University at Carbondale, Missouri Valley Conference
Lynn King, University of the Pacific, Big West Conference
Paul Kowalczyk, Colorado State University, Mountain West Conference
Scott Krapf, Division I Student-Athlete Advisory Committee
Jonathan (Jon) LeCrone, Horizon League
Susan Cross Lipnickey, Miami University, Mid-American Conference
John Marinatto, Big East 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
Patrick Nero, America East Conference
John Ritschdorff, Marist College, Metro Atlantic Athletic Conference
Greg Sankey, Southeastern Conference (alternate)
Dennis Thomas, Mid-Eastern Athletic Conference
Bobby Williams, Sam Houston State University, Southland Conference
Mark Wilson, Tennessee Technological University, Ohio Valley Conference
Jamie Zaninovich, West Coast Conference (alternate)

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

Leadership Council members not in attendance:, McKinley Boston, Jr., New Mexico State University, Western Athletic Conference; Joan Cronan, University of Tennessee, Southeastern Conference, and; Jack Hayes, Hofstra University, Colonial Athletic Association

Guests:
Criss Beyers, assistant athletics director, Bloomington High School South
Jim Boeheim, head men's basketball coach, Syracuse University
Jim Haney, executive director, National Association of Basketball Coaches (NABC)
Paul Hewitt, former head men's basketball coach, Georgia Tech University
Ron Hunter, head men's basketball coach, Georgia State University
Tom Izzo, head men's basketball coach, Michigan State University
Jeff Jones, head men's basketball coach, American University
Rob Kennedy, president, Hoop Group
Shane Lyons, chair, Division I Legislative Council
Phil Martelli, head men's basketball coach, Saint Joseph's University

NCAA staff members in attendance: Mark Emmert, Bernard Franklin, Ken Hubert, LuAnn Humphrey, Jim Isch, Kevin Lennon, Steve Mallonee, Kayla McCulley, Rachel Newman, Stacey Osburn, Tom Paskus, Donald Remy and Wallace Renfro were also present during portions of the meeting.

ATTACHMENT A
SUPPLEMENT NO. 5
DI Board of Directors 4/11

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

March 25, 2011

TO: NCAA Division I Leadership Council.

FROM: Peg Bradley-Doppes, chair
NCAA Division I Leadership Council Subcommittee on Olympic Sports Efforts.

SUBJECT: Olympic Sports Efforts.

As directed by the NCAA Division I Leadership Council, the NCAA Division I Leadership Council Subcommittee on Olympic Sports Efforts reviewed the December 17, 2010, executive summary prepared by the Olympic Sports Liaison Committee/National Governing Bodies (NGBs) Working Group. [Attachment]

During the course of two conference calls, the subcommittee examined the rationale provided for each recommendation included in the summary and expressed support for all of the recommendations. While the subcommittee made minor adjustments to three of the recommendations, the adjustments do not substantively alter the main goals set forth in the executive summary.

Furthermore, the subcommittee proposes that the recommendations be combined to form a single recommendation to suggest that the NCAA national office appoint a senior leader whose duties would include the responsibility for creating collaborative strategies to prioritize and sustain Olympic sports within the collegiate structure. The subcommittee also recommends that the duties be added to an existing senior-level position (rather than creating a new position on the NCAA staff).

Specifically, the duties would involve overseeing the following:

- Creating an Olympic/NCAA sport network of NGB and athletics department executives who are appointed by their respective organizations (e.g., institutions/organizations appoint a "senior Olympic administrator" to assist in communicating and tracking Olympic-sport related information, NGBs appoint senior-level collegiate liaison).
- Developing a communication program that provides frequent and ongoing dialogue between the respective parties to galvanize support and sustain initiatives.
- Increasing involvement with NCAA sport committees for NGBs and coaches associations and vice versa.

- Developing a strategy to maximize the use of pre-existing institutional facilities within the athlete development structure for Olympic sport.
- Collaborating with the United States Olympic Committee (USOC) and NGBs to explore potential growth opportunities for Olympic sports where opportunities exist including NCAA-sponsored sports that currently may not be Olympic sports (e.g., softball, lacrosse, bowling, cross country and rugby).
- Promoting and recognizing the contributions of the collegiate system and the college student-athlete and coach to the success of the U.S. Olympic Team.
- Creating coaching education and fundraising programs that increase the value of at-risk programs and Olympic sports at the institutional level.
- Ensuring that the involved stakeholders continue to discuss/review the mutual obligations and focus given to the topics and issues surrounding at-risk and Olympic sports.
- Enhancing the promotion of the NCAA championships that are Olympic sports through a cooperative effort provided from the USOC and NGBs.

It is the subcommittee's belief that designating a senior staff member at the national office with specific duties relative to Olympic sports will continue to improve the relationship between the national office and the USOC and NGBs. In addition, the implementation of the recommendations listed above should assist in helping Olympic sports grow at the collegiate level while at the same time acknowledge the importance of collegiate sports to the success of the U.S. Olympic efforts.

As a reminder, the other members of the subcommittee are Joan Cronan, Tom Douple, Lynn King and Susan Lipnickey.

We look forward to discussing this topic at the Leadership Council's April 4 meeting.

PBD:rlh

Attachment

FINAL REPORT

Olympic Sports Liaison Committee/National Governing Bodies Working Group
Executive Summary

Following the 2010 Olympic Assembly, the NCAA Olympic Sports Liaison Committee (OSLC) established a working group, composed of two athletic directors and one conference commissioner, executive directors from three National Governing Bodies (NGBs) and staff members from the NCAA and USOC. The OSLC/NGB working group's focus is concern for at-risk sports, and developing recommendations that could promote increased collaboration between the USOC, the NCAA, and the NGBs to support the daily needs of various athletic programs and their institutions.

The impact of the recent economy and the continued erosion of programs have renewed emphasis at the NGB and USOC level on the inter-relationship between collegiate sport and the athlete development pipeline (ADP) that produces the U.S. Olympic Team. The NGB leadership of at-risk sports and the USOC is engaged in a collective effort to support the NCAA and its member institutions with a plan that helps sustain collegiate programs.

In recent years, two important reports addressed the relationship between the USOC and the NCAA: a report of the NCAA/USOC Joint Task Force in 2005; and a report from TSE Consulting in June 2007. Two key principles summarize the importance of those reports: an economic solution must be created that helps sustain at-risk Olympic sports; and the USOC, NGB and NCAA leadership must be engaged in a meaningful partnership to address issues.

The working group reviewed strategies designed to keep Olympic sports alive within the NCAA structure and has created a list of recommendations that are big picture in nature, easily implemented, and could have a substantial effect in meeting mutually beneficial objectives. ***One the most significant conclusions is a clear acknowledgement that those connected with the interests of sport within the NCAA and USOC must work together on a more consistent and collaborative basis and create real progress in the promotion of their common values.***

Circumstances

- The recent economic downturn has increased the pressures for institutions and athletic departments regarding the funding for sport programs. These increased pressures affect the long-term ability for institutions to meet the challenges of providing equitable opportunities. Not only does this increase the at-risk environment, but it also severely diminishes the chance for growth at the institutional level.

- There is little recognition and few incentives to make Olympic sports a priority on most campuses, however, the participants represent some of the best examples of student-athletes.
- Collegiate programs play an integral role in the ADP for many Olympic sports, including the involvement of coaches, access to facilities, and training athletes.
- Enrollment-driven schools may benefit from the inclusion of Olympic sports and provide a basis for the cost-effective growth of programs.

The OSLC/NGB working group developed five direct recommendations that, if implemented, will elevate the focus of Olympic sport to a higher level through creative thinking and cooperation.

Direct Recommendations

1. ***Clearly appoint senior leaders at the USOC and the NCAA who share the responsibility for creating a collaborative strategy to prioritize and sustain Olympic sports within the collegiate structure. Priorities include:***
    - Creating an Olympic/NCAA sport network of NGB and athletic department executives who are appointed by their respective organizations (e.g., institutions/organizations appoint a "senior Olympic administrator" to assist in communicating and tracking Olympic-sport related information, NGB's appoint senior-level collegiate liaison);
    - Developing a communication program that provides frequent and on-going dialogue between the respective parties to galvanize support and sustain initiatives;
    - Organizing educational symposiums for coaches and that include strategies for institutional fund-raising;
    - Developing a strategy to maximize the use of pre-existing institutional facilities within the athlete development structure for Olympic sport;
    - Increasing involvement and representation on NCAA sport committees for NGBs and coaches associations and vice-versa;
    - Exploring potential growth opportunities of Olympic sport where opportunities exist.

2. ***Promote and recognize the contributions of the collegiate system and the college student-athlete to the success of the U.S. Olympic Team.***
    - Create campaigns and recognition programs that are student-athlete and institutionally focused. These include advertising campaigns, internal NGB and institutional campaigns, and recognition opportunities for universities that contribute to Olympic success. Emphasis should be based on encouraging broad-based NCAA programs.

_____

3. ***Create coaching education and fund-raising programs that increase the value of at-risk programs and Olympic sport at the institutional level.***
    - There is an acknowledgement that everyone benefits from helping college coaches become better "administrators." The working group also shares the perspective that fund-raising that supports the institutional goals and policies of the respective universities should be prioritized.

4. ***Continue frequent discussion and acknowledgement of the OSLC/NGB Working Group to review the mutual objectives and focus given to the topics and issues surrounding at-risk and Olympic sport*.**
    - Clear progress, insight and ideas are emerging from the on-going discussions and combined efforts of this working group, and immediately implementable recommendations are being developed.
    - Frequent discussion and review of legislation that helps the Olympic movement and the student-athlete should continue.

5. ***Enhance the promotion of the NCAA Championships for Olympic sports through a cooperative effort from the USOC and NGBs***.
    - Through cooperative efforts with the NCAA championship staff, the USOC and the NGBs can play a key role to elevate and support NCAA Championships that are part of the Olympic movement.

Summary

There is much to be gained by creating a synergistic ~~a~~pproach that combines the power of the NCAA, its member institutions, the U.S. Olympic Committee, and the NGBs. These organizations represent hope, opportunity, and the dreams of many young student-athletes who aspire to represent their university and/or country on the field of play. As sport administrators and stewards of these efforts, we must acknowledge our mutual objectives and work closely to achieve them.

Respectfully submitted,

The Olympic Sports Liaison/<u>NGB</u> Working Group:
Dave Roach, Colgate University, Co-Chair
Steve Penny, USA Gymnastics, Co-Chair
Rich Bender, USA Wrestling
Peg Bradley-Doppes, University of Denver
Zak Ivkovic, CUNY Division III Conference
Chuck Wielgus, USA Swimming
12.17.10

Men's Basketball Recruiting Model Alternatives

Background

For more than two decades there have been several attempts to change the structure of the NCAA Division I men's basketball recruiting model. These efforts centered on a perceived need to develop a more educationally sound and healthier environment for the recruitment of prospective student-athletes. Despite numerous reform attempts, the current recruiting structure continues to be filled with challenges. In general, legislative change over the years resulted in the empowerment of third-party influences while contact between NCAA Division I coaches, prospects, and their parents/guardians became increasingly more limited.

In September 2010, a strong majority of conference commissioners voted to recommend to the NCAA Division I Board of Directors that the summer recruiting evaluation period conducted around non-scholastic club basketball tournaments be eliminated. The Board responded by not supporting the immediate elimination of summer recruiting, but noted its intent to sponsor such legislation in the 2011-12 legislative cycle. In the meantime, the Board assigned to the Leadership Council, along with appropriate stakeholders, the responsibility to evaluate and create a new comprehensive recruiting model for men's basketball. The Board also suggested that the Legislative Council not take action on proposals in the 2010-11 legislative cycle that impact the recruiting calendar in men's basketball. Resolution of this issue is expected by August 2011.

A group of conference office administrators with NCAA rules compliance and basketball backgrounds from the Atlantic Coast Conference, Big Ten Conference, Big East Conference, Big 12 Conference, Pac-10 Conference, and Southeastern Conference convened to review the history of NCAA regulation in this area and to review and discuss issues and alternatives related to it. The discussions were held at the direction of the commissioners of the six conferences. The results of the discussions were not vetted with the presidents and chancellors of the conferences and is not being advanced as a proposal of the Group of Six Conferences.

Objectives and consensus

The group focused on developing concepts for change to the current men's basketball recruiting model that would support the following objectives:

1. Empower coaches, prospects, and parents to make the best informed decision in the recruiting process with less reliance on third parties.
2. Allow coaches along with prospects and their parents to better know each other through the recruiting process.
3. Simplify the regulatory burden for athletics departments.
4. Recognize the modern reality of technology and communication.

5. Create a more flexible recruiting structure with increased emphasis on campus access.

Consensus formed around the following components of a package that could be put into place effective with a prospect's junior year of high school to meet these objectives:

- Permit contact with prospects beginning April 15 of the junior year of high school.
- Permit official visits to begin April 15 of the junior year of high school.
- Permit institutions to provide travel expenses for a prospect's parents/legal guardians during official visits.
- Deregulate bylaws to permit institutions and prospects to communicate more frequently using any method (text messaging, phone, email, etc.).
- Explore initiating limited tryouts during official visits using rules that compare to current Division II regulations.

In addition, the group supports Proposal 2010-58-C, but recommends it be referred to the Leadership Council for its review of men's basketball recruiting.

A pair of recruiting calendar alternatives

Two differing approaches emerged related to the specifics of the recruiting calendar and evaluations at non-scholastic events.

Five of the six conferences (ACC, Big East, Big Ten, Big 12, Pac-10) reached general consensus around changes to the recruiting calendar (labeled as Alternative 1, below) that reduces the summer evaluation period while also reinstating a brief evaluation period for non-scholastic events held during two weekends in April.

The SEC offered an alternative (labeled as Alternative 2, below) which focuses the months of April and May on contact rather than evaluation while reducing and eventually eliminating summer evaluations of non-scholastic events.

Alternative 1

Alternative 1 acknowledges that past attempts to regulate the role and influence of the non-scholastic basketball environment in the recruiting process have been largely ineffective. Attempts to change the culture surrounding non-scholastic basketball by limiting coaches' attendance at events has had no effect, and elimination of summer recruiting might produce a similar outcome. Further, some broad opportunity to evaluate at non-scholastic events was needed for all Division I members—not only during the summer, but also in April.

Alternative 1 features the following changes to the recruiting calendar:

- An April evaluation period for certified non-scholastic events would be held on Saturday-Sunday for two weeks beginning two weekends after the Final Four. If those two weekends conflict with SAT/ACT national testing dates, evaluations would be permitted during an alternate weekend in April or May.

- Summer evaluations at certified non-scholastic events would be reduced from 20 days to a 9-day period during the last three weekends (Friday-Sunday) in July.

Limiting the summer evaluation period to weekends would allow coaches to remain on-campus with their team members during the week, an important consideration in the event Proposal 2010-58-C is adopted, providing greater opportunities for summer interaction between coaches and student-athletes.

Elimination of some of the certification requirements for non-scholastic events that have proven to be difficult to verify or enforce would be included in this alternative.

Alternative 1 also features exploring the establishment of a pilot program of evaluation camps held in April and during the summer.

Some of the parameters for these camps (number of camps, number of participants, sites, costs, management, format, college coaches' involvement, etc.) are to be determined. These camps could be modeled on the format used for the NBA Pre-Draft Camp or USA Basketball U16 national team development camp. USA Basketball, through its executive director, expressed strong interest in working on this project (sample structure documents are attached).

Alternative 2

Proponents of Alternative 2 do not believe that reducing the summer evaluation period by several days and adding evaluation opportunities in April effectively changes the status quo—as the overwhelming majority of the commissioners and the NCAA Board of Directors preferred.

Thus, Alternative 2's spring recruiting philosophy is intended to move away from evaluation of athletics skill to in-person recruiting contact with prospects and their family members.

Like Alternative 1, Alternative 2 features earlier contact with prospects (starting in April of the junior year of high school). Both alternatives would permit one contact on the high school campus with a high school junior. Alternative 2 would also allow two contacts at the prospect's home in April and May.

As for the summer, the long-term goal of Alternative 2 is to eliminate evaluations at non-scholastic events, shifting evaluations from non-scholastic events to the evaluation camp model outlined in Alternative 1.

In the near term, Alternative 2 proposes:

- A 9-day period during the last three weekends (Friday-Sunday) in July during which evaluations at certified non-scholastic events may occur. This 9-day period is identical to that proposed in Alternative 1, but it would only exist for a three-year period while the transition to evaluation camps occurs.

- An additional requirement that all certified non-scholastic events include both an evaluation session and a skill-instruction component for all participants.

kw/mm
3/31/2011

Proposed alternatives to basketball recruiting model

Feature	Current	Alternative 1	Alternative 2
Official visits			
Starting point	Senior year of high school	April 15 of junior year of high school	
Travel expenses	Prospect	Prospect and two parents/legal guardians	
Off-campus contact starting point	July 1 after junior year of high school	April 15 of junior year (one contact at PSA's high school)	April 15 of junior year (two contacts at PSA's home, one contact at PSA's high school in months of April and May)
On-campus tryouts	Prohibited	Explore initiating tryouts with the following parameters: • Starting point: April 15 of the junior year of high school • During official visit only • Pre-tryout physical required • Up to 2 hours • May including testing and competition with team; only PSAs and S-As may participate • Tryouts must be closed and unpublicized	
		• On-campus or normal practice/competition site	• Most frequently used on-campus practice site
Communications with PSAs			
Types	Phone, email, fax only	The forms of communication would not be regulated	
Phone call frequency	• June 15 of sophomore year through July 31 of junior year of high school: 1 per month • August 1 prior to senior year of high school: Unlimited during contact period; two per week otherwise • JC and four-year PSAs: One call per week	Starting point: August 1 prior to the junior year of high school The frequency of phone calls would not be regulated	

mm—3/28/2011

Feature	Current	Alternative 1	Alternative 2
Recruiting calendar evaluations			
April and May	No evaluations permitted at non-scholastic events	• Permit evaluations at certified non-scholastic events on two weekends (Saturday-Sunday) in late April. Dates would change if conflicts with national testing dates for SAT/ ACT occur. • Modify certification requirements for non-scholastic events • Explore creation of evaluation camps as a pilot program. To be determined: - Site(s) - Numbers and ages of PSAs - Format - Management - Coaches ability to work camps - Cost	• No evaluations permitted in April. Focus of spring recruiting would be on contact.
July	Evaluations permitted at certified non-scholastic events during two 10-day evaluation periods	• Permit evaluations at certified non-scholastic events during a 9-day evaluation period consisting of the last three Fridays-Saturdays-Sundays • Modify certification requirements for non-scholastic events	• Permit evaluations at certified non-scholastic events during a 9-day evaluation period consisting of the last three Fridays-Saturdays-Sundays for a three-year period as a transition to evaluation camps • Modify certification requirements for non-scholastic events to require both an evaluation session and a skill instruction session
		• Explore creation of evaluation camps as a pilot program. To be determined: - Site(s) - Numbers and ages of PSAs - Format - Management - Coaches ability to work camps - Cost	

Illustration of Alternative Evaluation Model in NCAA Division I Men's Basketball and Related Issues

USAB to stage evaluation camps on two-weekends in April (or early May) and three weekends in July.

Invitation-based camps targeting collegiate prospects in the rising Junior and Senior high school classes. Expected participation of 1,000 student-athletes evenly divided between the two class levels (500 rising juniors and 500 rising seniors). Participating camp instructors/coaches and student-athletes would be selected by USAB or other partner organizations. Could include NCAA Division I college coaches with representation balanced so that all institutions have the opportunity to participate.

All expenses of participants would be paid, including travel. NCAA and conferences would underwrite it. No sponsorship or commercial involvement associated with the camps (clean venue concept) to avoid potential turf battles and conflict of interest issues.

Sites would be in proximity to major airport hubs, geographically balanced. Also consider using campus facilities to house athletes and conduct camps. Anticipate five sites with approximately 200 student-athletes assigned to each site.

Camp format would be similar to USAB U16 national team development camp.

Primary focus is basketball but also a limited opportunity for educational and rules messaging.

Camps would be operated as an alternative to other evaluation events but coaches could still participate in evaluation at certified events not part of the camp structure as long as they occur in the permissible evaluation window (two April and three July weekends).

USA BASKETBALL
2011 NATIONAL TEAM TRIALS SCHEDULE
(U16 FIBA Americas Championship)
May 26-30, 2011

U.S. Olympic Training Center-Colorado Springs, CO

SCHEDULE

Wednesday, May 25 Arrival of Lead Clinician, Coaching Staff and Support Staff

Thursday, May 26 Arrival of Athletes and Selection Committee

12:00-4:00p Registration - Sports Center 2

SKILLS TRAINING SESSION 1 (Sports Center 2) - closed
4:30-5:00p Orientation (parents and athletes)
5:00-6:30p Group 1 - Individual Skills Clinics/Position Work
Group 2 - Maximum Performance Session – West Wing
6:30-8:00p Group 2 - Individual Skills Clinics/Position Work
Group 1 - Maximum Performance Session – West Wing

Friday, May 27 **SKILLS TRAINING SESSION 2 (Sports Center 2) - closed**
8:30-10:00a Group 1 - Individual Skills Clinics/Position Work
Group 2 - USADA Information Session – West Wing
10:00-11:30a Group 2 - Individual Skills Clinics/Position Work
Group 1 - USADA Information Session – West Wing

SKILLS TRAINING SESSION 3 (Sports Center 2) - closed
1:00-2:30p Group 1 - Individual Skills Clinics/Position Work
Group 2 - Recruiting Information Session – West Wing
2:30-4:00p Group 2 - Individual Skills Clinics/Position Work
Group 1 - Recruiting Information Session – West Wing

TRIALS SESSION 1 (Sports Center 2)
5:00-6:30p Group 1 - Team Offense & Defense/Scrimmages
Group 2 - Parent Recruiting Session – West Wing
6:30-8:00p Group 2 - Team Offense & Defense/Scrimmages
Group 1 - Parent Recruiting Session – West Wing

Saturday, May 28 **TRIALS SESSION 2 (Sports Center 2)**

	8:30-10:00a	Group 1 - Position Work/Scrimmages
	10:00-11:30a	Group 2 - Position Work/Scrimmages
	TRIALS SESSION 3 (Sports Center 2)	
	1:00-2:30p	Group 1 - Position Work/Scrimmages
	2:30-4:00p	Group 2 - Position Work/Scrimmages
	TRIALS SESSION 4 (Sports Center 2)	
	5:00-6:30p	Group 1 - Position Work/Scrimmages
	6:30-8:00p	Group 2 - Position Work/Scrimmages
Sunday, May 29	**TRIALS SESSION 5 (Sports Center 2)**	
	9:00-9:15a	Stretching/Shooting
	9:15-10:45a	Scrimmages
	TRIALS SESSION 6 (Sports Center 2)	
	1:45-2:00p	Stretching/Shooting
	2:00-3:30p	Scrimmages
	TRIALS SESSION 7 (Sports Center 2)	
	5:45-6:00p	Stretching/Shooting
	6:00-7:30p	Scrimmages
Monday, May 30	**TEAM SESSION (Sports Center 2) - closed**	
	8:30 am	Announcement of U16 National Team
	9:30-11:00a	Team Meeting/Practice
	pm	Departure of Athletes, Coaches and Committee Members

NCAA Division I 2010-11 Legislative Cycle Voting Chart
April 2011 Legislative Council Meeting

The following chart lists the proposals set forth in the 2011 NCAA Official Notice in the order in which the NCAA Division I Legislative Council will vote on them at its April 11-12, 2011 meeting.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2009-100-B	RECRUITING -- TRYOUTS -- NONSCHOLASTIC PRACTICE OR COMPETITION AND NONINSTITUTIONAL CAMPS OR CLINICS -- MEN'S BASKETBALL -- EXCEPTION FOR LONGSTANDING EVENTS	Horizon League	Immediate; a contract signed before October 29, 2009 may be honored.	In men's basketball, to specify that an institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic basketball practice or competition in which men's basketball prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs; further, to specify that the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants shall be limited to the months of June, July and August and that an institution may host basketball-related events that are part of state-sponsored multisport events and longstanding contests or events, as specified.	The adoption of Proposal No. 2009-100-B renders Proposal No. 2009-100-A moot.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2009-100-A	RECRUITING -- TRYOUTS -- NONSCHOLASTIC PRACTICE OR COMPETITION AND NONINSTITUTIONAL CAMPS OR CLINICS -- MEN'S BASKETBALL	NCAA Division I Board of Directors	Immediate; a contract signed before October 29, 2009 may be honored.	In men's basketball, to specify that an institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic basketball practice or competition in which men's basketball prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs; further, to specify that an institution may host basketball-related events that are part of state-sponsored multisport events and that the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants shall be limited to the months of June, July and August.	The Board of Directors modified Proposal No. 2009-100-A consistent with the feedback provided by the Division I Men's Basketball Issues Committee. Proposal No. 2009-100-A rendered moot by the adoption of Proposal No. 2009-100-B.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-16-C-1	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF MEMBERS -- BASKETBALL -- LIMIT OF FOUR -- EXCEPTION FOR FULL-TIME STUDENTS	NCAA Division I Recruiting and Athletics Issues Cabinet	August 1, 2012	To amend NCAA Proposal No. 2010-16-C, in basketball, to specify that there shall be a limit of four noncoaching staff members (four for men's basketball and four for women's basketball) whose duties include support of the basketball program in any capacity (e.g., clerical staff, director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further to specify that a full-time undergraduate or graduate student at the certifying institution who performs duties in support of the basketball program is exempt from the limitation on the number of noncoaching staff members.	The adoption of Proposal No. 2010-16-C-1 renders Proposal No. 2010-16-C-2 moot.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-16-C-2	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF MEMBERS -- BASKETBALL -- LIMIT OF TWO -- EXCEPTION FOR VIDEO PERSONNEL WHO ARE FULL-TIME UNDERGRADUATE STUDENTS	Atlantic Coast Conference	August 1, 2012	To amend NCAA Proposal No. 2010-16-C, in basketball, to specify that a videographer who is a full-time undergraduate student at the certifying institution is exempt from the limitation on the number of noncoaching staff members.	Proposal No. 2010-16-C-2 rendered moot by the adoption of Proposal No. 2010-16-C-1

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-16-C	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF MEMBERS -- BASKETBALL -- LIMIT OF TWO	NCAA Division I Legislative Council	August 1, 2012	In basketball, to specify that there shall be a limit of two noncoaching staff members (two for men's basketball and two for women's basketball) whose duties include support of the basketball program in any capacity (e.g., director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff and managers and noncoaching institutional staff members whose responsibilities relate to basketball, but who do not directly support the basketball program (e.g., sports information personnel, equipment manager, academic advisor, athletic trainer, marketing staff) are exempt from the limitation on the number of noncoaching staff members.	The Legislative Council sponsored alternative Proposal No. 2010-16-C at its October 2010 meeting.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-17	PERSONNEL -- LIMITATIONS ON THE NUMBER OF COACHES -- FOOTBALL BOWL SUBDIVISION -- FOUR GRADUATE ASSISTANT COACHES	Big East Conference	August 1, 2012	In bowl subdivision football, to increase, from two to four, the limit on graduate assistant coaches.	No position. Noted that support, or lack thereof, may be contingent on the subdivision vote related to noncoaching staff members.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-18-C-1	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- BOWL SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF NINE -- EXCEPTION FOR FULL-TIME STUDENTS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	To amend NCAA Proposal No. 2010-18-C, in bowl subdivision football, to specify that there shall be a limit of nine noncoaching staff members whose duties include support of the football program in any capacity (e.g., clerical staff, director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further to specify that a full-time undergraduate or graduate student at the certifying institution who performs duties in support of the football program is exempt from the limitation on the number of noncoaching staff members.	The adoption of Proposal No. 2010-18-C-1 renders Proposal No. 2010-18-C-2 moot.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-18-C-2	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- BOWL SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF SIX -- EXCEPTION FOR VIDEO PERSONNEL WHO ARE FULL-TIME UNDERGRADUATE STUDENTS	Atlantic Coast Conference	August 1, 2012	To amend NCAA Proposal No. 2010-18-C, in bowl subdivision football, to specify that a videographer who is a full-time undergraduate student at the certifying institution is exempt from the limitation on the number of noncoaching staff members.	Proposal No. 2010-16-C-2 rendered moot by the adoption of Proposal No. 2010-18-C-1.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-18-C	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- BOWL SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF SIX	NCAA Division I Legislative Council	August 1, 2012	In bowl subdivision football, to specify that there shall be a limit of six noncoaching staff members whose duties include support of the football program in any capacity (e.g., director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff and managers and noncoaching institutional staff members whose responsibilities relate to football, but who do not directly support the football program (e.g., sports information personnel, equipment manager, academic advisor, athletic trainer, marketing staff) are exempt from the limitation on the number of noncoaching staff members.	The Legislative Council sponsored alternative Proposal No. 2010-18-C at its October 2010 meeting.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-20-C-1	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF SIX -- EXCEPTION FOR FULL-TIME STUDENTS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	To amend Proposal No. 2010-20-C, in championship subdivision football, to specify that there shall be a limit of six noncoaching staff members whose duties include support of the football program in any capacity (e.g., clerical staff, director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that a full-time undergraduate or graduate student at the certifying institution who performs duties in support of the football program is exempt from the limitation on the number of noncoaching staff members.	

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-20-C	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF FOUR	NCAA Division I Legislative Council	August 1, 2012	In championship subdivision football, to specify that there shall be a limit of four noncoaching staff members whose duties include support of the football program in any capacity (e.g., director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff and managers and noncoaching institutional staff members whose responsibilities relate to football, but who do not directly support the football program (e.g., sports information personnel, equipment manager, academic advisor, athletic trainer, marketing staff) are exempt from the limitation on the number of noncoaching staff members.	The Legislative Council sponsored alternative Proposal No. 2010-20-C at its October 2010 meeting. The adoption of Proposal No. 2010-20-C (amended or unamended) renders Proposal Nos. 2010-20-A and 2010-20-B moot.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-20-A	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF WITH SPORT-SPECIFIC RESPONSIBILITIES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- LIMIT OF FOUR	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In championship subdivision football, to specify that there shall be a limit of four noncoaching staff members whose responsibilities are specific to football and who work directly for the football program who may be employed (either on a salaried or a volunteer basis) by the institution; further to specify that clerical staff and managers who work exclusively for the football program are exempt from the application of this limitation.	No position. Expressed concern as to whether the proposal as written can effectively address the identified concerns related to the proliferation of noncoaching sport-specific personnel, inasmuch as there are inherent difficulties in managing, enforcing and interpreting the legislation. Proposal No. 2010-20-A renders Proposal No. 2010-20-B moot as it relates to the limit of noncoaching staff members, but not to the exemption of video coordinators from the application of the numerical limits. Proposal No. 2010-20-A rendered moot by the adoption of Proposal No. 2010-20-C.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-20-B	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF WITH SPORT-SPECIFIC RESPONSIBILITIES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- LIMIT OF THREE	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In championship subdivision football, to specify that there shall be a limit of three noncoaching staff members whose responsibilities are specific to football and who work directly for the football program who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff, managers and video coordinators who work exclusively for the football program are exempt from the application of this limitation.	No position. Expressed competitive equity concerns resulting from the absence of any limitations on the number of video coordinators who may be employed. Proposal No. 2010-20-B rendered moot by the adoption of Proposal No. 2010-20-C and moot as it relates to the limits of noncoaching staff members by the adoption of Proposal No. 2010-20-A.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-24	AMATEURISM -- INVOLVEMENT WITH PROFESSIONAL TEAMS -- PROFESSIONAL BASKETBALL DRAFT -- FOUR-YEAR COLLEGE STUDENT-ATHLETE -- MEN'S BASKETBALL	Atlantic Coast Conference	August 1, 2011	In men's basketball, to specify that the date by which a student-athlete must request that his name be removed from a professional league's draft list in order to retain his eligibility shall be the day before the first day of the spring National Letter of Intent signing period for the applicable year.	No position. • Noted the current rule (May 8 withdrawal date) has only been in effect for one year. • Noted that the earlier date will provide greater opportunity for coaches to address roster issues, but expressed concern as to whether student-athletes would have adequate time to gather sufficient information related to their draft status. • Expressed concern that the earlier date may create unnecessary distractions at the end of the student-athlete's regular season. • Noted that the proposal's withdrawal date precedes the National Basketball Association's (NBA) application deadline so some student-athletes may not have declared for the NBA as of the day before the first day of the spring National Letter of Intent signing date.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-25	AMATEURISM AND AWARDS, BENEFITS AND EXPENSES -- USE OF AGENTS -- BENEFITS, GIFTS AND SERVICES -- CAREER COUNSELING AND INTERNSHIP/JOB PLACEMENT SERVICES	Big East Conference	Immediate	To permit a student-athlete to use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses his or her athletics ability.	No position. • Expressed concern regarding additional monitoring associated with internship/job placement exclusively for student-athletes and potential involvement of third parties (e.g., agents). • Noted that sufficient opportunities exist to use services available to the general student body.
2010-26-1	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS -- PRIMARY PURPOSE OF COMMERCIAL ADVERTISEMENT	NCAA Division I Amateurism Cabinet	August 1, 2011	To amend NCAA Proposal No. 2010-26, to specify that primary purpose of a commercial advertisement or promotion that includes the names or likenesses of student-athletes is to publicize the commercial entity's affiliation with the institution, conference or the NCAA.	The adoption of Proposal No. 2010-26-1 renders Proposal Nos. 2010-26-2 and 2010-26-3 moot.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-26-2	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS -- NO COMMERCIAL ADVERTISEMENTS OTHER THAN CONGRATULATORY	NCAA Division I Amateurism Cabinet	August 1, 2011	To amend NCAA Proposal No. 2010-26, to restrict the use of a student-athlete's name or likeness for commercial promotions or advertisements to congratulatory advertisements, as specified.	The adoption of Proposal No. 2010-26-2 renders Proposal No. 2010-26-3 moot. Proposal No. 2010-26-2 rendered moot by the adoption of Proposal No. 2010-26-1.
2010-26-3	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS -- CO-SPONSORS OF PROMOTIONAL ACTIVITIES -- CONSOLIDATION OF MEDIA ACTIVITIES	NCAA Division I Amateurism Cabinet	August 1, 2011	To amend NCAA Proposal No. 2010-26, to restrict the use of a student-athlete's name or likeness for promotions and advertisements, as specified; further, to eliminate the distinction in the application of the media activities legislation between those that occur during the playing season and those that occur outside the playing season.	Proposal No. 2010-26-3 rendered moot by the adoption of Proposal No. 2010-26-1 or Proposal No. 2010-26-2.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-26	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS	NCAA Division I Amateurism Cabinet	August 1, 2011	To revise the regulations related to use of a student-athlete's name or likeness for promotions, advertisements and media activities, as specified.	No position. • Acknowledged the work of the NCAA Task Force on Commercial Activity in Division I Intercollegiate Athletics and their goal to help achieve balance with regard to commercial activities and the use of student-athlete's names or likenesses. • Noted the importance of the student-athlete's consent related to the use of his/her name/likeness by commercial entities, but some expressed concern as to whether the proposal sufficiently protects student-athletes from commercial exploitation.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-30	RECRUITING -- TELEPHONE CALLS -- TIME PERIOD FOR TELEPHONE CALLS -- SPORTS OTHER THAN FOOTBALL	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2011	In sports other than football, to specify that an institution may make one telephone call per month to an individual (or the individual's relatives or legal guardians) on or after June 15 at the conclusion of the individual's sophomore year in high school through July 31 after the individual's junior year in high school, two telephone calls per week beginning August 1 prior to the individual's senior year in high school, and one telephone call per week to a two-year or four-year college prospective student-athlete (or the prospective student-athlete's relatives or legal guardians); further, in sports other than football for which a defined recruiting calendar applies, to specify that during a contact period that occurs on or after August 1 before an individual's senior year in high school, telephone calls may be made at the institution's discretion.	Preliminary support.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-37	RECRUITING -- FOOTBALL EVALUATIONS -- SCHOLASTIC AND NONSCHOLASTIC ACTIVITIES -- OTHER EVALUATION EVENTS ORGANIZED OR SANCTIONED SCHOLASTIC ATHLETICS ASSOCIATION -- CHAMPIONSHIP SUBDIVISION FOOTBALL	Northeast Conference	August 1, 2011	In championship subdivision football, to specify that an institutional staff member may attend a recruiting event in which information (e.g., athletics or academic credentials, highlight or combine video) related to prospective student-athletes is presented or otherwise made available, provided the event is organized or sanctioned by the applicable state high school athletics association, state preparatory school association or state or national junior college athletics association.	FCS only. Preliminary support. Originally preferred Proposal No. 2010-37 instead of Proposal No. 2010-36 as it includes appropriate oversight by a scholastic entity, but adopted Proposal No. 2010-36 (effective immediately) to permit attendance at such events this spring.
2010-39	RECRUITING -- RECRUITING MATERIALS -- MEDIA GUIDES AND VIDEO/AUDIO MATERIALS -- METHODS OF DELIVERY TO PROSPECTIVE STUDENT-ATHLETES	The Ivy League	August 1, 2011; applicable to media guides produced for the 2011-12 academic year and thereafter.	To specify that an institution may only provide permissible video or audio material to a prospective student-athlete via an electronic mail attachment or hyperlink.	Amended the effective date to apply to media guides produced for the 2011-12 academic year and thereafter. The sponsors modified Proposal No. 2010-39 after the conclusion of the Legislative Council's October 2010 meeting.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-45-1	RECRUITING AND PLAYING AND PRACTICE SEASONS -- TRYOUT EXCEPTIONS AND OUT-OF-SEASON RESTRICTIONS -- RECOGNIZED TRAINING AND DEVELOPMENT PROGRAMS -- FUNDING NOT RESTRICTED TO NATIONAL GOVERNING BODY	The Ivy League	Immediate	To amend NCAA Proposal No. 2010-45, to remove the requirement that the national governing body fund an Olympic or national team development program in order for such a program to include a coach and student-athlete from the same institution.	

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-45	RECRUITING AND PLAYING AND PRACTICE SEASONS -- TRYOUT EXCEPTIONS AND OUT-OF-SEASON RESTRICTIONS -- RECOGNIZED TRAINING AND DEVELOPMENT PROGRAMS	The Ivy League	Immediate	To specify that in order for an athletics department staff member or coach to participate in state, regional, national and international training programs involving prospective student-athletes, the staff member must be selected by the applicable governing body and the participants are selected by an authority or a committee of the applicable governing body that is not limited to athletics department staff members affiliated with one institution; further, to specify that Olympic and national team development programs may involve a coach and current student-athletes from the same institution, provided (in addition to existing criteria) a committee or other authority of the national governing body, which is not limited to coaches affiliated with one particular institution, selects the involved participants and the national governing body funds the program.	Preliminary support.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-48	RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING OR SCOUTING SERVICES -- LIST OF PERMISSIBLE RECRUITING SERVICES -- MEN'S BASKETBALL	Southeastern Conference	August 1, 2011	In men's basketball, to specify that the NCAA national office shall publish a list, on a quarterly basis, of men's basketball recruiting or scouting services deemed to meet the required standards for subscription.	The Board of Directors rescinded the action of the Legislative Council and placed the proposal back in to the 2010-11 legislative cycle.
2010-51-A	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES	NCAA Division I Academics Cabinet	August 1, 2011	To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet/virtual courses, independent study or any other course or credit that is not earned in a face-to-face classroom environment with regular interaction between the instructor and the student) offered by the certifying institution may be used to satisfy the full-time enrollment requirement for competition, provided specified conditions are met.	Preliminary support. Agreed that a student-athlete should be provided similar access to nontraditional courses as all students at his/her institution, but also noted the value of campus integration associated with the traditional classroom environment. The adoption of Proposal No. 2010-51-A renders Proposal No. 2010-51-B moot.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-51-B	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES -- UP TO 50 PERCENT OF MINIMUM REQUIREMENT	NCAA Division I Legislative Council	August 1, 2011	To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet/virtual courses, independent study or any other course or credit that is not earned in a face-to-face classroom environment with regular interaction between the instructor and the student) offered by the certifying institution may be used to satisfy up to 50 percent of the minimum full-time enrollment requirement for competition, provided specified conditions are met.	The Legislative Council sponsored alternative Proposal No. 2010-51-B at its October 2010 meeting. Proposal No. 2010-51-B rendered moot by the adoption of Proposal No. 2010-51-A.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-52	ELIGIBILITY -- GRADUATE STUDENT/ POSTBACCALAUREATE PARTICIPATION -- ONE-TIME TRANSFER EXCEPTION -- NONRENEWAL OF ATHLETICS AID AT PREVIOUS INSTITUTION -- BASEBALL, BASKETBALL, FOOTBALL AND MEN'S ICE HOCKEY	Mountain West Conference	August 1, 2011	In baseball, basketball, football and men's ice hockey, to permit a student-athlete who is enrolled in a graduate or professional school of an institution other than the institution from which he or she previously received a baccalaureate degree to participate in intercollegiate athletics, provided the student-athlete meets the conditions of the one-time transfer exception (other than the sport restrictions), has at least one season of competition remaining and the student-athlete's previous institution did not renew his or her athletically related financial aid for the following academic year.	FBS - preliminary support. FCS - preliminary Support. All other Division I (applicable to baseball, basketball, ice hockey) - preliminary support.
2010-58-C	ELIGIBILITY, FINANCIAL AID AND PLAYING AND PRACTICE SEASONS -- SUMMER ACADEMIC PREPARATION AND COLLEGE ACCLIMATIZATION -- MEN'S BASKETBALL -- NATIONAL SERVICE ACADEMY EXCEPTION	Mountain West Conference	August 1, 2011	In men's basketball, to establish a summer academic preparation and college acclimatization model, as specified, including exceptions for national service academies.	Proposal No. 2010-58-C was originally defeated by the Legislative Council in January, but was restored into the 2010-11 legislative cycle by the Division I Board of Directors.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-59-B	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- FULFILLMENT OF CREDIT HOUR REQUIREMENTS -- FALL TERM ACADEMIC REQUIREMENTS FOR FUTURE COMPETITION -- POTENTIAL TO REGAIN FULL ELIGIBILITY -- FOOTBALL	Big East Conference	August 1, 2011	In championship subdivision football, to specify that a student-athlete who does not successfully complete nine-semester hours or eight-quarter hours of academic credit during the fall term and earn the Academic Progress Rate eligibility point for the fall term shall not be eligible to compete in the first four contests against outside competition in the following playing season; further, to specify that the student-athlete may regain eligibility to compete in the first four contests against outside competition in the following playing season, provided he or she successfully completes at least 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term.	FCS – preliminary opposition. The adoption of Proposal No. 2010-59-B renders Proposal Nos. 2010-59-A and 2010-59-C moot.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
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	Atlantic Coast Conference	August 1, 2011	In football, to specify that a student-athlete who does not successfully complete nine-semester hours or eight-quarter hours of academic credit during the fall term and earn the Academic Progress Rate eligibility point for the fall term shall not be eligible to compete in the first four contests against outside competition in the following playing season; further, to specify that the student-athlete may regain eligibility to compete in the third and fourth contests of that season, provided he or she successfully completes 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term; finally, to specify that one time during a student-athlete's five-year period of eligibility, a student-athlete may regain eligibility to compete in the first four contests against outside competition in the following playing season, provided he or she successfully completes at least 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term.	FCS – preliminary opposition. Proposal No. 2010-59-C rendered moot by the adoption of Proposal No. 2010-59-B. The adoption of Proposal No. 2010-59-C renders Proposal No. 2010-59-A moot. FBS – no position.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-59-A	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- FULFILLMENT OF CREDIT HOUR REQUIREMENTS -- FALL TERM ACADEMIC REQUIREMENTS FOR FUTURE COMPETITION -- POTENTIAL TO REGAIN ELIGIBILITY FOR TWO CONTESTS -- FOOTBALL	NCAA Division I Board of Directors (Football Academic Working Group)	August 1, 2011	In championship subdivision football, to specify that a student-athlete who does not successfully complete nine-semester hours or eight-quarter hours of academic credit during the fall term and earn the Academic Progress Rate eligibility point for the fall term shall not be eligible to compete in the first four contests against outside competition in the following playing season; further, to specify that the student-athlete may regain eligibility to compete in the third and fourth contests of that season, provided he or she successfully completes at least 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term.	FCS – preliminary support. Acknowledged the work of the Football Academic Working Group in developing the proposal to improve the academic performance of football student-athletes. Proposal No. 2010-59-A rendered moot by the adoption of either Proposal Nos. 2010-59-B or 2010-59-C.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-60	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE -- NONTRADITIONAL COURSES	NCAA Division I Academics Cabinet	August 1, 2011	To specify that nontraditional courses (e.g., distance-learning, correspondence, extension, Internet/virtual courses, independent study or any other course or credit that is not earned in a face-to-face classroom environment with regular interaction between the instructor and the student) completed at an institution other than the certifying institution, may be used to meet credit-hour and percentage-of-degree requirements, provided specified conditions are met.	No position. Agreed that a student-athlete should be provided similar access to nontraditional courses as all students at his/her institution, but also noted the value of campus integration associated with the traditional classroom environment.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-82-A, Section B	AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- TRAVEL TO NCAA CHAMPIONSHIPS, NATIONAL GOVERNING BODY CHAMPIONSHIPS IN EMERGING SPORTS AND POSTSEASON BOWL GAMES DURING VACATION PERIOD -- EXCEPTIONS AND INCIDENTAL EXPENSES	Southeastern Conference	August 1, 2011	To increase, from $20 to $55, the amount of money that an institution may provide to each member of the squad to cover unitemized incidental expenses during travel and practice for such events.	No position on section B. Expressed concern regarding the purpose for the increase in the incidental expenses in section B and how such an amount was established.
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	NCAA Division I Championships /Sports Management Cabinet	August 1, 2011	In championship subdivision football, to specify that an institution shall not provide lodging (e.g., hotel, motel) to any student-athlete in conjunction with a regular-season home contest.	FCS only. Preliminary support.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-86	PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING SEASON REGULATIONS -- NO MISSED CLASS TIME IN CONJUNCTION WITH NONCHAMPIONSHIP SEGMENT COMPETITION -- BASEBALL, CROSS COUNTRY, FIELD HOCKEY, LACROSSE, SOCCER AND VOLLEYBALL	NCAA Division I Championships /Sports Management Cabinet	August 1, 2011	In baseball, men's and women's cross country (without indoor or outdoor track and field), field hockey, men's and women's lacrosse, men's and women's soccer, and men's and women's volleyball, to specify that no class time shall be missed in conjunction with competition during the nonchampionship segment, including activities associated with such competition (e.g., travel and other pregame or postgame activities).	No position. • Expressed concerns over potential lost competitive opportunities depending on the institution's geographic location. • Noted that spring sports use the nonchampionship fall segment to determine their squad for the spring championship season.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-87	PLAYING AND PRACTICE SEASONS -- NONCHAMPIONSHIP SEGMENT -- TRAVEL RESTRICTIONS -- CROSS COUNTRY, FIELD HOCKEY, SOCCER, SOFTBALL AND VOLLEYBALL -- HAWAII OR ALASKA EXCEPTION -- ONCE IN FOUR YEARS	Western Athletic Conference	August 1, 2011	In men's and women's cross country (for institutions without indoor or outdoor track and field), field hockey, men's and women's soccer, softball and men's and women's volleyball, to specify that, once every four years, an institution may use any form of transportation for travel to Hawaii or Alaska for nonchampionship segment competition against an active member institution located in Hawaii or Alaska.	Preliminary support. Noted that if Proposal No. 2010-86 is adopted, an amendment would be necessary to permit missed class time in conjunction with competition.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-94	PLAYING AND PRACTICE SEASONS -- MEN'S SOCCER -- FIRST CONTEST OR DATE OF COMPETITION -- 12-WEEK SEASON	Pacific-10 Conference and Atlantic Coast Conference	August 1, 2011	In men's soccer, to specify that an institution shall not play its first contest or engage in its first date of competition (game) with outside competition prior to the Friday prior to the 12th weekend prior to the start of the applicable Division I soccer championship, except that an alumni contest may be played the previous weekend.	No position. • Noted that proposed increases to the length of both the men's and women's soccer playing season have been approved in recent years. • Noted that the proposal does make consistent the length of men's and women's soccer seasons based on the current date for conducting the men's and women's championship. • Received information regarding on-going discussion to conduct the men's and women's championship at the same site on the same weekend, but the Division I Championships/Sports Management Cabinet has not made any final decision on that matter.

Proposal Number	Title	Source	Effective Date	Intent	Actions/Preliminary Positions/Points to Consider/Comments/ Mootnicity Issues
2010-108	EXECUTIVE REGULATIONS -- ADMINISTRATION OF NCAA CHAMPIONSHIPS -- SITES AND DATES -- NONREVENUE CHAMPIONSHIPS SITE ASSIGNMENT	Pacific-10 Conference	August 1, 2011	To specify that in championships that do not generate revenue and for which only 25 percent of the bracket is seeded, seeded teams shall have the opportunity to host preliminary rounds and that conference opponents shall be avoided in the first two rounds of the championship.	No position. • Noted that the sponsor has modified the proposal to address separately the issues of hosting preliminary rounds and avoiding conference opponents in the first two rounds of the championship. • The Legislative Council voted to separate Sections A and B at its January meeting and such sections will be voted on separately at its April meeting. • Noted that it is not realistic in every championship to avoid conference match-ups in the first two rounds.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2010-110	PLAYING AND PRACTICE SEASONS AND RECRUITING -- MANDATORY MEDICAL EXAMINATION -- SICKLE CELL SOLUBILITY TEST -- WRITTEN RELEASE	NCAA Division I Championships/Sports Management Cabinet (Committee on Competitive Safeguards and Medical Aspects of Sports)	August 1, 2011	To eliminate the opportunity for an individual to decline and sign a written release for the sickle cell solubility test as part of the required medical examination or evaluation for student-athletes who are beginning their initial season of eligibility and students who are trying out for a team must undergo prior to participation in voluntary summer conditioning or voluntary individual workouts pursuant to the safety exception, practice, competition or out-of-season conditioning activities.	The Board of Directors, on the recommendation of the Legislative Council, agreed to sponsor Proposal No. 2010-110 to permit the Division I membership to consider its merits during the 2010-11 legislative cycle.

REPORT OF THE NCAA DIVISION I LEGISLATIVE COUNCIL MEETING APRIL 11-12, 2011

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. Legislative Actions. A list of the NCAA Division I Legislative Council's legislative actions may be found in Attachment A and detailed voting results may be found in Attachment B.

a. Consideration of Proposals Related to Limitations on the Number of Noncoaching Staff Members. The Legislative Council tabled NCAA Proposal Nos. 2010-16-C, 2010-16-C-1, 2010-16-C-2, 2010-18-C, 2010-18-C-1, 2010-18-C-2, 2010-20-C and 2010-20-C-1 in order to allow for further discussion and potential refinement of the concepts. The Legislative Council requested that the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet review and discuss potential revisions or alternatives to the current versions of the proposals that may more appropriately address competitive equity and financial resource issues and concerns related to monitoring and enforcement. Possible alternatives include limits on the number of noncoaching staff members who are permitted to attend practices and access to the bench area during competition. It is anticipated that the Legislative Council will consider the proposal again during its October meeting.

b. Consideration of Proposal No. 2010-26 and Amendments. The Council tabled Proposal No. 2010-26, as amended by Proposal No. 2010-26-3, in order to help ensure that the Legislative Council and the membership understand its application as compared to the current legislation. The NCAA staff was directed to develop additional educational material and provide examples of promotional activities that would be impermissible pursuant to current legislation but would be permissible pursuant to Proposal No. 2010-26, as amended. It is anticipated that the Legislative Council will consider the proposal again during its October meeting.

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

2. Report of the NCAA Division I Legislative Review and Interpretations Committee.

a. Item No. 1 of the minutes of the March 3, 2011, teleconference (No. 4) was rendered moot by the adoption of Proposal Nos. M-2011-1 and M-2011-2.

b. The Legislative Council approved the remaining items (Nos. 2-6) of the minutes of the March 3, 2011, teleconference (No. 4) as distributed.

3. Report of the NCAA Division I Legislative Council Subcommittee for Legislative Relief. (For additional information, see Supplement No. 10 of the Legislative Council meeting materials and the NCAA Division I Legislative Council Subcommittee for Legislative Relief page on the NCAA website.)

- The Legislative Council approved a revision to the subcommittee's policies and procedures to establish a protocol for an appeal teleconference in which an applicant institution is a participant.

4. NCAA Division I Board of Directors Resolution – The Division I Legislative Process. The Legislative Council continued its discussion of the Board of Directors resolution related to the legislative process. As a result of its discussion, the Legislative Council outlined the concepts listed below for review by the Board of Directors. Based on feedback provided by the Board of Directors, the concepts could be further refined and, ultimately, introduced into the 2011-12 legislative cycle for consideration by the membership.

a. Development of a Legislative Process that Consists of Two Overlapping Two-Year Cycles. 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. A determination would be made regarding which bylaws would be included in each separate two-year cycle.

b. Increase the Requisite Number of Requests to Initiate an Override of the Adoption or Defeat of a Legislative Proposal. The Legislative Council recommends that the number of requests necessary to call for an override increase from 30 to 75 and that the number of requests necessary to suspend a legislative change increase from 100 to 125. For NCAA Football Championship Subdivision specific legislation, the numbers would increase from 15 to 25 and from 40 to 50. 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.

5. Election of Chair and Vice Chair. Carolyn Campbell-McGovern, representative of the Ivy League, was elected to serve as chair of the Legislative Council, effective September 1. Greg Sankey, representative of the Southeastern Conference, was elected to serve as vice chair of the Legislative Council, effective September 1.

6. Future Meeting Dates.

a. October 17-18, 2011, Indianapolis.

b. January 11-12, 2012, Indianapolis in conjunction with the NCAA Convention.

Council Chair: *Shane Lyons, Atlantic Coast Conference*
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 April 2011 Legislative Actions

1. Proposals Recommended as Emergency or Noncontroversial Legislation.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2011-1	AMATEURISM -- EXCEPTION FOR PRIZE MONEY FOR PROSPECTIVE STUDENT-ATHLETES AFTER FULL-TIME ENROLLMENT AT NON-NCAA INSTITUTIONS -- OUTSIDE THE PLAYING SEASON DURING THE SUMMER VACATION PERIOD	NCAA Division I Amateurism Cabinet	Immediate	To specify that after a prospective student-athlete has enrolled full-time at a non-NCAA institution, he or she may accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside his or her institution's declared playing and practice season during the institution's summer vacation period.	Supported as noncontroversial legislation. Adopted.
2011-2	ATHLETICS CERTIFICATION -- ACADEMIC INTEGRITY -- ACADEMIC STANDARDS -- RETENTION RATE OF STUDENT-ATHLETE SUBGROUPS	NCAA Division I Legislative Council (Committee on Athletics Certification)	Immediate; beginning with class four institutions.	To eliminate the requirement that the retention rate of any student-athlete subgroup be analyzed by the institution as part of its self-study.	Supported as noncontroversial legislation. Adopted.
2011-3	ATHLETICS CERTIFICATION -- ACADEMIC INTEGRITY -- ACADEMIC SUPPORT -- APR IMPROVEMENT PLANS	NCAA Division I Legislative Council (Committee on Athletics Certification)	Immediate; beginning with class four institutions.	To eliminate the requirement that an institution must demonstrate implementation of any academic-improvement plans developed in response to a requirement of the NCAA Division I Academic Performance Program as part of its self-study.	Supported as noncontroversial legislation. Adopted.

2011-4	EXECUTIVE REGULATIONS -- SELECTION OF TEAMS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION -- LIMITATIONS ON AUTOMATIC-QUALIFYING POSITIONS – MEN'S VOLLEYBALL, MEN'S WATER POLO AND WOMEN'S WATER POLO	NCAA Division I Championships/Sports Management Cabinet	August 1, 2011	To exempt men's volleyball, men's water polo and women's water polo from the requirement that 50 percent of the championship field shall be reserved for at-large teams.	Supported as noncontroversial legislation. Adopted.
	ATHLETICS CERTIFICATION -- CONSOLIDATION OF REGULATIONS		Immediate	To move certain sections of NCAA Bylaw 33 to Bylaw 22, as specified; further, to eliminate Bylaw 33.	Not supported as noncontroversial legislation. Recommendation to be considered for sponsorship into the 2011-12 legislative cycle by the NCAA Division I Legislative Council Administrative Committee during its June teleconference.

2. Actions Related to Modifications of Wording.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
M-2011-1	RECRUITING -- UNOFFICIAL (NONPAID) VISIT -- VISIT IN JULY AFTER COMMITMENT -- MEN'S BASKETBALL	NCAA Division I Legislative Council	Immediate	In men's basketball, to clarify that a prospective student-athlete who has signed a National Letter of Intent (NLI) is permitted to make an unofficial visit during July to the institution with which he has signed the NLI; further; for an institution not using the NLI in a particular sport, or for a prospective student-athlete who is not eligible to sign the NLI (e.g., four-year college transfer), a prospective student-athlete is permitted to make an unofficial visit during July, provided he has signed the institution's written offer of admission or financial aid, or the institution has received a financial deposit from the prospective student-athlete in response to an offer of admission.	Approved.
M-2011-2	RECRUITING -- UNOFFICIAL (NONPAID) VISIT -- VISIT IN JULY AFTER COMMITMENT -- MEN'S BASKETBALL	NCAA Division I Legislative Council	August 1, 2011	In men's basketball, to clarify that a prospective student-athlete may make an unofficial visit during July, provided he has signed a National Letter of Intent or the institution's written offer of admission and/or financial aid, or the institution receives a financial deposit in response to the institution's offer of admission.	Approved.

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

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2009-100-A	RECRUITING -- TRYOUTS -- NONSCHOLASTIC PRACTICE OR COMPETITION AND NONINSTITUTIONAL CAMPS OR CLINICS -- MEN'S BASKETBALL	NCAA Division I Board of Directors	Immediate; a contract signed before October 29, 2009 may be honored.	In men's basketball, to specify that an institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic basketball practice or competition in which men's basketball prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs; further, to specify that an institution may host basketball-related events that are part of officially recognized state multisport events and that the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants shall be limited to the months of June, July and August.	Adopted.

2009-100-B	RECRUITING -- TRYOUTS -- NONSCHOLASTIC PRACTICE OR COMPETITION AND NONINSTITUTIONAL CAMPS OR CLINICS -- MEN'S BASKETBALL -- EXCEPTION FOR LONGSTANDING EVENTS	Horizon League	Immediate; a contract signed before October 29, 2009 may be honored.	In men's basketball, to specify that an institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic basketball practice or competition in which men's basketball prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs; further, to specify that the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants shall be limited to the months of June, July and August and that an institution may host basketball-related events that are part of officially recognized state multisport events and longstanding contests or events, as specified.	Defeated.
2010-16-C	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF MEMBERS -- BASKETBALL -- LIMIT OF TWO	NCAA Division I Legislative Council	August 1, 2012	In basketball, to specify that there shall be a limit of two noncoaching staff members (two for men's basketball and two for women's basketball) whose duties include support of the basketball program in any capacity (e.g., director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff and managers and noncoaching institutional staff members whose responsibilities relate to basketball, but who do not directly support the basketball program (e.g., sports information personnel, equipment manager, academic advisor, athletic trainer, marketing staff) are exempt from the limitation on the number of noncoaching staff members.	On initial consideration, adopted, as amended by NCAA Proposal No. 2010-16-C-1. On reconsideration, tabled.

2010-16-C-1	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF MEMBERS -- BASKETBALL -- LIMIT OF FOUR -- EXCEPTION FOR FULL-TIME STUDENTS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	To amend NCAA Proposal No. 2010-16-C, in basketball, to specify that there shall be a limit of four noncoaching staff members (four for men's basketball and four for women's basketball) whose duties include support of the basketball program in any capacity (e.g., clerical staff, director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further to specify that a full-time undergraduate or graduate student at the certifying institution who performs duties in support of the basketball program is exempt from the limitation on the number of noncoaching staff members.	On initial consideration, approved. On reconsideration, tabled.
2010-16-C-2	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF MEMBERS -- BASKETBALL -- LIMIT OF TWO -- EXCEPTION FOR VIDEO PERSONNEL WHO ARE FULL-TIME UNDERGRADUATE STUDENTS	Atlantic Coast Conference	August 1, 2012	To amend NCAA Proposal No. 2010-16-C, in basketball, to specify that a videographer who is a full-time undergraduate student at the certifying institution is exempt from the limitation on the number of noncoaching staff members.	Initially rendered moot by the approval of Proposal No. 2010-16-C-1. After reconsideration of Proposal No. 2010-16-C-1, tabled.
2010-17	PERSONNEL -- LIMITATIONS ON THE NUMBER OF COACHES -- FOOTBALL BOWL SUBDIVISION -- FOUR GRADUATE ASSISTANT COACHES	Big East Conference	August 1, 2012	In bowl subdivision football, to increase, from two to four, the limit on graduate assistant coaches.	Adopted.

2010-18-C	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- BOWL SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF SIX	NCAA Division I Legislative Council	August 1, 2012	In bowl subdivision football, to specify that there shall be a limit of six noncoaching staff members whose duties include support of the football program in any capacity (e.g., director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff and managers and noncoaching institutional staff members whose responsibilities relate to football, but who do not directly support the football program (e.g., sports information personnel, equipment manager, academic advisor, athletic trainer, marketing staff) are exempt from the limitation on the number of noncoaching staff members.	On initial consideration, defeated. On reconsideration, tabled.
2010-18-C-1	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- BOWL SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF NINE -- EXCEPTION FOR FULL-TIME STUDENTS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	To amend NCAA Proposal No. 2010-18-C, in bowl subdivision football, to specify that there shall be a limit of nine noncoaching staff members whose duties include support of the football program in any capacity (e.g., clerical staff, director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further to specify that a full-time undergraduate or graduate student at the certifying institution who performs duties in support of the football program is exempt from the limitation on the number of noncoaching staff members.	On initial consideration, defeated. On reconsideration, tabled.

2010-18-C-2	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- BOWL SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF SIX -- EXCEPTION FOR VIDEO PERSONNEL WHO ARE FULL-TIME UNDERGRADUATE STUDENTS	Atlantic Coast Conference	August 1, 2012	To amend NCAA Proposal No. 2010-18-C, in bowl subdivision football, to specify that a videographer who is a full-time undergraduate student at the certifying institution is exempt from the limitation on the number of noncoaching staff members.	On initial consideration, defeated. On reconsideration, tabled.
2010-20-A	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF WITH SPORT-SPECIFIC RESPONSIBILITIES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- LIMIT OF FOUR	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In championship subdivision football, to specify that there shall be a limit of four noncoaching staff members whose responsibilities are specific to football and who work directly for the football program who may be employed (either on a salaried or a volunteer basis) by the institution; further to specify that clerical staff and managers who work exclusively for the football program are exempt from the application of this limitation.	Defeated.
2010-20-B	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- NONCOACHING STAFF WITH SPORT-SPECIFIC RESPONSIBILITIES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- LIMIT OF THREE	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	In championship subdivision football, to specify that there shall be a limit of three noncoaching staff members whose responsibilities are specific to football and who work directly for the football program who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff, managers and video coordinators who work exclusively for the football program are exempt from the application of this limitation.	Defeated.

2010-20-C	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF FOUR	NCAA Division I Legislative Council	August 1, 2012	In championship subdivision football, to specify that there shall be a limit of four noncoaching staff members whose duties include support of the football program in any capacity (e.g., director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that clerical staff and managers and noncoaching institutional staff members whose responsibilities relate to football, but who do not directly support the football program (e.g., sports information personnel, equipment manager, academic advisor, athletic trainer, marketing staff) are exempt from the limitation on the number of noncoaching staff members.	On initial consideration, adopted. On reconsideration, tabled.
2010-20-C-1	PERSONNEL -- LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES -- CHAMPIONSHIP SUBDIVISION FOOTBALL -- NONCOACHING STAFF MEMBERS -- LIMIT OF SIX -- EXCEPTION FOR FULL-TIME STUDENTS	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2012	To amend Proposal No. 2010-20-C, in championship subdivision football, to specify that there shall be a limit of six noncoaching staff members whose duties include support of the football program in any capacity (e.g., clerical staff, director of operations, video coordinator, quality control personnel, director of player development, director of community relations) who may be employed (either on a salaried or a volunteer basis) by the institution; further, to specify that a full-time undergraduate or graduate student at the certifying institution who performs duties in support of the football program is exempt from the limitation on the number of noncoaching staff members.	On initial consideration, approved. On reconsideration, tabled.

2010-24	AMATEURISM -- INVOLVEMENT WITH PROFESSIONAL TEAMS -- PROFESSIONAL BASKETBALL DRAFT -- FOUR-YEAR COLLEGE STUDENT-ATHLETE -- MEN'S BASKETBALL	Atlantic Coast Conference	August 1, 2011	In men's basketball, to specify that the date by which a student-athlete must request that his name be removed from a professional league's draft list in order to retain his eligibility shall be the day before the first day of the spring National Letter of Intent signing period for the applicable year.	Adopted.
2010-25	AMATEURISM AND AWARDS, BENEFITS AND EXPENSES -- USE OF AGENTS -- BENEFITS, GIFTS AND SERVICES -- CAREER COUNSELING AND INTERNSHIP/JOB PLACEMENT SERVICES	Big East Conference	Immediate	To permit a student-athlete to use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses his or her athletics ability.	Adopted.
2010-26	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS	NCAA Division I Amateurism Cabinet	August 1, 2011	To revise the regulations related to use of a student-athlete's name or likeness for promotions, advertisements and media activities, as specified.	Tabled, as amended by Proposal No. 2010-26-3.
2010-26-1	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS -- PRIMARY PURPOSE OF COMMERCIAL ADVERTISEMENT	NCAA Division I Amateurism Cabinet	August 1, 2011	To amend NCAA Proposal No. 2010-26, to specify that primary purpose of a commercial advertisement or promotion that includes the names or likenesses of student-athletes is to publicize the commercial entity's affiliation with the institution, conference or the NCAA.	Defeated.

2010-26-2	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS -- NO COMMERCIAL ADVERTISEMENTS OTHER THAN CONGRATULATORY	NCAA Division I Amateurism Cabinet	August 1, 2011	To amend NCAA Proposal No. 2010-26, to restrict the use of a student-athlete's name or likeness for commercial promotions or advertisements to congratulatory advertisements, as specified.	Defeated.
2010-26-3	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS -- CO-SPONSORS OF PROMOTIONAL ACTIVITIES -- CONSOLIDATION OF MEDIA ACTIVITIES	NCAA Division I Amateurism Cabinet	August 1, 2011	To amend NCAA Proposal No. 2010-26, to restrict the use of a student-athlete's name or likeness for promotions and advertisements, as specified; further, to eliminate the distinction in the application of the media activities legislation between those that occur during the playing season and those that occur outside the playing season.	Approved.

2010-30	RECRUITING -- TELEPHONE CALLS -- TIME PERIOD FOR TELEPHONE CALLS -- SPORTS OTHER THAN FOOTBALL	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2011	In sports other than football, to specify that an institution may make one telephone call per month to an individual (or the individual's relatives or legal guardians) on or after June 15 at the conclusion of the individual's sophomore year in high school through July 31 after the individual's junior year in high school, two telephone calls per week beginning August 1 prior to the individual's senior year in high school, and one telephone call per week to a two-year or four-year college prospective student-athlete (or the prospective student-athlete's relatives or legal guardians); further, in sports other than football for which a defined recruiting calendar applies, to specify that during a contact period that occurs on or after August 1 before an individual's senior year in high school, telephone calls may be made at the institution's discretion.	Adopted.
2010-37	RECRUITING -- FOOTBALL EVALUATIONS -- SCHOLASTIC AND NONSCHOLASTIC ACTIVITIES -- OTHER EVALUATION EVENTS ORGANIZED OR SANCTIONED SCHOLASTIC ATHLETICS ASSOCIATION -- CHAMPIONSHIP SUBDIVISION FOOTBALL	Northeast Conference	August 1, 2011	In championship subdivision football, to specify that an institutional staff member may attend a recruiting event in which information (e.g., athletics or academic credentials, highlight or combine video) related to prospective student-athletes is presented or otherwise made available, provided the event is organized or sanctioned by the applicable state high school athletics association, state preparatory school association or state or national junior college athletics association.	Tabled.
2010-39	RECRUITING -- RECRUITING MATERIALS -- VIDEO/AUDIO MATERIALS -- METHODS OF DELIVERY TO PROSPECTIVE STUDENT-ATHLETES	The Ivy League	August 1, 2011	To specify that an institution may only provide permissible video or audio material to a prospective student-athlete via an electronic mail attachment or hyperlink.	Adopted.

2010-45	RECRUITING AND PLAYING AND PRACTICE SEASONS -- TRYOUT EXCEPTIONS AND OUT-OF-SEASON RESTRICTIONS -- RECOGNIZED TRAINING AND DEVELOPMENT PROGRAMS	The Ivy League	Immediate	To specify that in order for an athletics department staff member or coach to participate in state, regional, national and international training programs involving prospective student-athletes, the staff member must be selected by the applicable governing body and the participants are selected by an authority or a committee of the applicable governing body that is not limited to athletics department staff members affiliated with one institution; further, to specify that Olympic and national team development programs may involve a coach and current student-athletes from the same institution, provided (in addition to existing criteria) a committee or other authority of the national governing body, which is not limited to coaches affiliated with one particular institution, selects the involved participants and the national governing body funds the program.	Adopted, as amended by Proposal No. 2010-45-1.
2010-45-1	RECRUITING AND PLAYING AND PRACTICE SEASONS -- TRYOUT EXCEPTIONS AND OUT-OF-SEASON RESTRICTIONS -- RECOGNIZED TRAINING AND DEVELOPMENT PROGRAMS -- FUNDING NOT RESTRICTED TO NATIONAL GOVERNING BODY	The Ivy League	Immediate	To amend NCAA Proposal No. 2010-45, to remove the requirement that the national governing body fund an Olympic or national team development program in order for such a program to include a coach and student-athlete from the same institution.	Approved.

2010-48	RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING OR SCOUTING SERVICES -- LIST OF PERMISSIBLE RECRUITING SERVICES -- MEN'S BASKETBALL	Southeastern Conference	August 1, 2011	In men's basketball, to specify that the NCAA national office shall publish a list, on a quarterly basis, of men's basketball recruiting or scouting services deemed to meet the required standards for subscription.	Tabled.
2010-51-A	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES	NCAA Division I Academics Cabinet	August 1, 2011	To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet/virtual courses, independent study or any other course or credit that is not earned in a face-to-face classroom environment with regular interaction between the instructor and the student) offered by the certifying institution may be used to satisfy the full-time enrollment requirement for competition, provided specified conditions are met.	Adopted.
2010-51-B	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES -- UP TO 50 PERCENT OF MINIMUM REQUIREMENT	NCAA Division I Legislative Council	August 1, 2011	To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet/virtual courses, independent study or any other course or credit that is not earned in a face-to-face classroom environment with regular interaction between the instructor and the student) offered by the certifying institution may be used to satisfy up to 50 percent of the minimum full-time enrollment requirement for competition, provided specified conditions are met.	Rendered moot by the adoption of Proposal No. 2010-51-A.

2010-52	ELIGIBILITY -- GRADUATE STUDENT/POSTBACCALAUREATE PARTICIPATION -- ONE-TIME TRANSFER EXCEPTION -- NONRENEWAL OF ATHLETICS AID AT PREVIOUS INSTITUTION -- BASEBALL, BASKETBALL, FOOTBALL AND MEN'S ICE HOCKEY	Mountain West Conference	August 1, 2011	In baseball, basketball, football and men's ice hockey, to permit a student-athlete who is enrolled in a graduate or professional school of an institution other than the institution from which he or she previously received a baccalaureate degree to participate in intercollegiate athletics, provided the student-athlete meets the conditions of the one-time transfer exception (other than the sport restrictions), has at least one season of competition remaining and the student-athlete's previous institution did not renew his or her athletically related financial aid for the following academic year.	FBS: Adopted. FCS: Adopted. Division I: Adopted.
2010-58-C	ELIGIBILITY, FINANCIAL AID AND PLAYING AND PRACTICE SEASONS -- SUMMER ACADEMIC PREPARATION AND COLLEGE ACCLIMATIZATION -- MEN'S BASKETBALL -- NATIONAL SERVICE ACADEMY EXCEPTION	Mountain West Conference	August 1, 2011; effective beginning with the summer 2012.	In men's basketball, to establish a summer academic preparation and college acclimatization model, as specified, including exceptions for national service academies.	Tabled, pending review of the men's basketball recruiting model by the NCAA Division I Leadership Council.

2010-59-A-FCS	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- FULFILLMENT OF CREDIT HOUR REQUIREMENTS -- FALL TERM ACADEMIC REQUIREMENTS FOR FUTURE COMPETITION -- POTENTIAL TO REGAIN ELIGIBILITY FOR TWO CONTESTS -- CHAMPIONSHIP SUBDIVISION FOOTBALL	NCAA Division I Board of Directors (Football Academic Working Group)	August 1, 2011	In championship subdivision football, to specify that a student-athlete who does not successfully complete nine-semester hours or eight-quarter hours of academic credit during the fall term and earn the NCAA Division I Academic Progress Rate (APR) eligibility point for the fall term shall not be eligible to compete in the first four contests against outside competition in the following playing season; further, to specify that the student-athlete may regain eligibility to compete in the third and fourth contests of that season, provided he or she successfully completes at least 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term.	Defeated.
2010-59-B-FCS	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- FULFILLMENT OF CREDIT HOUR REQUIREMENTS -- FALL TERM ACADEMIC REQUIREMENTS FOR FUTURE COMPETITION -- POTENTIAL TO REGAIN FULL ELIGIBILITY -- CHAMPIONSHIP SUBDIVISION FOOTBALL	Big East Conference	August 1, 2011	In championship subdivision football, to specify that a student-athlete who does not successfully complete nine-semester hours or eight-quarter hours of academic credit during the fall term and earn the NCAA Division I Academic Progress Rate (APR) eligibility point for the fall term shall not be eligible to compete in the first four contests against outside competition in the following playing season; further, to specify that the student-athlete may regain eligibility to compete in the first four contests against outside competition in the following playing season, provided he or she successfully completes at least 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term.	Defeated.

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	Atlantic Coast Conference	August 1, 2011	In football, to specify that a student-athlete who does not successfully complete nine-semester hours or eight-quarter hours of academic credit during the fall term and earn the Academic Progress Rate eligibility point for the fall term shall not be eligible to compete in the first four contests against outside competition in the following playing season; further, to specify that the student-athlete may regain eligibility to compete in the third and fourth contests of that season, provided he or she successfully completes 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term; finally, to specify that one time during a student-athlete's five-year period of eligibility, a student-athlete may regain eligibility to compete in the first four contests against outside competition in the following playing season, provided he or she successfully completes at least 27-semester hours or 40-quarter hours of academic credit before the beginning of the next fall term.	FBS: Adopted. FCS: On initial consideration, defeated. On reconsideration, adopted.
2010-60	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE -- NONTRADITIONAL COURSES	NCAA Division I Academics Cabinet	August 1, 2011	To specify that nontraditional courses (e.g., distance-learning, correspondence, extension, Internet/virtual courses, independent study or any other course or credit that is not earned in a face-to-face classroom environment with regular interaction between the instructor and the student) completed at an institution other than the certifying institution, may be used to meet credit-hour and percentage-of-degree requirements, provided specified conditions are met.	Adopted.

2010-82-A-B	AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- INCIDENTAL EXPENSES AT NCAA CHAMPIONSHIPS, NATIONAL GOVERNING BODY CHAMPIONSHIPS IN EMERGING SPORTS AND LICENSED BOWL GAMES	Southeastern Conference	August 1, 2011	To increase, from $20 to $30, the amount of money that an institution may provide to each member of the squad to cover unitemized incidental expenses during travel and practice for NCAA championship events or national governing body championship events in emerging sports, during a period limited to the maximum number of days of per diem allowed for the involved championship, or, for licensed postseason bowl contests, for a period not to exceed 10 days.	Defeated an amendment to set the amount for unitemized expenses at $35. On initial consideration, defeated an amendment to set the amount for unitemized expenses at $30. On reconsideration, approved an amendment to set the amount for unitemized expenses at $30. Adopted, as amended.

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	NCAA Division I Championships /Sports Management Cabinet	August 1, 2011	In championship subdivision football, to specify that an institution shall not provide lodging (e.g., hotel, motel) to any student-athlete in conjunction with a regular-season home contest.	Adopted.
2010-86	PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING SEASON REGULATIONS -- NO MISSED CLASS TIME IN CONJUNCTION WITH NONCHAMPIONSHIP SEGMENT COMPETITION -- BASEBALL, CROSS COUNTRY, FIELD HOCKEY, LACROSSE, SOCCER AND VOLLEYBALL	NCAA Division I Championships /Sports Management Cabinet	August 1, 2011	In baseball, men's and women's cross country (without indoor or outdoor track and field), field hockey, men's and women's lacrosse, men's and women's soccer, and men's and women's volleyball, to specify that no class time shall be missed in conjunction with competition during the nonchampionship segment, including activities associated with such competition (e.g., travel and other pregame or postgame activities).	Adopted.

2010-87	PLAYING AND PRACTICE SEASONS -- NONCHAMPIONSHIP SEGMENT -- TRAVEL RESTRICTIONS -- CROSS COUNTRY, FIELD HOCKEY, SOCCER, SOFTBALL AND VOLLEYBALL -- HAWAII OR ALASKA EXCEPTION -- ONCE IN FOUR YEARS	Western Athletic Conference	August 1, 2011	In men's and women's cross country (for institutions without indoor or outdoor track and field), field hockey, men's and women's soccer, softball and men's and women's volleyball, to specify that, once every four years, an institution may use any form of transportation for travel to Hawaii or Alaska for nonchampionship segment competition against an active member institution located in Hawaii or Alaska.	Approved an amendment to allow for missed class time in conjunction with the exception. Adopted, as amended.
2010-94	PLAYING AND PRACTICE SEASONS -- MEN'S SOCCER -- FIRST CONTEST OR DATE OF COMPETITION -- 12-WEEK SEASON	Pacific-10 Conference and Atlantic Coast Conference	August 1, 2011	In men's soccer, to specify that an institution shall not play its first contest or engage in its first date of competition (game) with outside competition prior to the Friday prior to the 12th weekend prior to the start of the applicable Division I soccer championship, except that an alumni contest may be played the previous weekend.	Adopted.
2010-108	EXECUTIVE REGULATIONS -- ADMINISTRATION OF NCAA CHAMPIONSHIPS -- SITES AND DATES -- NONREVENUE CHAMPIONSHIPS SITE ASSIGNMENT	Pacific-10 Conference	August 1, 2011	To specify that in championships that do not generate revenue and for which only 25 percent of the bracket is seeded, seeded teams shall have the opportunity to host preliminary rounds and that conference opponents shall be avoided in the first two rounds of the championship.	Section A: Adopted. Section B: Adopted.

2010-110	PLAYING AND PRACTICE SEASONS AND RECRUITING -- MANDATORY MEDICAL EXAMINATION -- SICKLE CELL SOLUBILITY TEST -- WRITTEN RELEASE	NCAA Division I Championships /Sports Management Cabinet (Committee on Competitive Safeguards and Medical Aspects of Sports)	August 1, 2011	To eliminate the opportunity for an individual to decline and sign a written release for the sickle cell solubility test as part of the required medical examination or evaluation for student-athletes who are beginning their initial season of eligibility and students who are trying out for a team must undergo prior to participation in voluntary summer conditioning or voluntary individual workouts pursuant to the safety exception, practice, competition or out-of-season conditioning activities.	Defeated.

Conference -- Voting Delegate	Conference Type	Voting Weight	M-2011-1 and M-2011-2	Package of LRIC Minutes of 3/3/2011 (2-6)	SLR Policies and Procedures	Ratification of Chair and Vice Chair	2011-1 as noncontroversial	2011-1	2011-2 as noncontroversial	2011-2	2011-3 as noncontroversial	2011-3	2011-4 as non-controversial	2011-4	2011- Athletics Certification – Consolidation of Regulations as noncontroversial	2009-100-B	2009-100-A	2010-16-C-1	2010-16-C as amended
America East B. Barrio	DI	1.2	Y				N	Y	Y	Y	Y	Y	A	A	N	N	N	Y	N
Atlantic 10 J. Redmond	DI	1.2	N				Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y
Atlantic Coast S. Lyons	FBS	3	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N
Atlantic Sun B. Breedlove	DI	1.2	N				Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Big 12 L. Ebihara	FBS	3	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Big East J. F. D'Antonio, Jr.	FBS	3	Y				Y	Y	Y	Y	Y	Y	A	A	N	N	N	N	N
Big Sky J. Gee	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
Big South M. Eaker*	FCS	1.2																	
Big Ten B. Jaffee	FBS	3	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
Big West C. Masner	DI	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Colonial Athletic K. Batterson	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Conference USA R. Philippi	FBS	3	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Horizon League E. Jacobs/S. Jarvis	DI	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Ivy Group C. Campbell-McGovern	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Metro Atlantic Athletic W. Maher	DI	1.2	Y				N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y
Mid-American J. Bacon	FBS	1.5	Y				Y	Y	Y	Y	Y	Y	Y	A	N	N	Y	N	Y
Mid-Eastern Athletic S. Stills	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	A	A	N	N	N	N	Y
Missouri Valley M. Mulvenna	FCS	1.2	N				Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
Mountain West J. Ruggiero	FBS	1.5	-				Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Northeast M. Hefferan	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Ohio Valley M. Banker	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	Y	A	N	Y	N	Y	Y
Pacific-10 B. Goode	FBS	3	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N
Patriot League P. Muffley	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
Southeastern G. Sankey	FBS	3	Y				Y	Y	Y	Y	Y	Y	A	A	Y	N	Y	Y	Y
Southern D. King*	FCS	1.2																	
Southland S. McDonald	FCS	1.2	N				Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	N
Southwestern Athletic A. Robinson	FCS	1.2	Y				Y	Y	Y	Y	Y	Y	A	A	Y	N	N	N	Y
Sun Belt K. Keene	FBS	1.5	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
The Summit League A. Torain	DI	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
West Coast K. Peters	DI	1.2	Y				Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N
Western Athletic R. Spear	FBS	1.5	Y				Y	Y	Y	Y	Y	Y	A	A	N	N	N	Y	Y
Pioneer League B. Collier (FCS voting only)	FCS	1																	
Adopt/Yes (Y)			42.3	APPROVED	APPROVED	APPROVED	46.2	48.6	48.6	48.6	48.6	48.6	36.3	34.8	18.6	7.5	27.6	33.9	36
Defeat/No (N)			4.8				2.4	0	0	0	0	0	1.2	0	30	41.1	21	14.7	12.6
Abstain (A)			0				0	0	0	0	0	0	11.1	13.8	0	0	0	0	0
No Vote Cast (-)			1.5				0	0	0	0	0	0	0	0	0	0	0	0	0
Total			48.6				48.6	48.6	48.6	48.6	48.6	48.6	48.6	48.6	48.6	48.6	48.6	48.6	48.6

***Was unable to attend in-person meeting.**

NCAA Division I Legislative Council
April 11-12, 2011

Conference -- Voting Delegate	Conference Type	Voting Weight	Reconsider 2010-16-C as amended	Reconsider 2010-16-C-1	Table 2010-16-C, 2010-16-C-1 and 2010-16-C-2	2010-18-C-1 FBS	2010-18-C-2 FBS	2010-18-C	Reconsider 2010-18-C, 2010-18-C-1	Table 2010-18-C, 2010-18-C-1 and 2010-18-C-2	2010-17 FBS	Reconsider 2010-17	2010-20-A FCS	2010-20-B FCS	2010-20-C-1 FCS	2010-20-C FCS as amended	Reconsider 2010-20-C and 2010-20-C-1	Table 2010-20-C and 2010-20-C-1	2010-24	2010-25
America East B. Barrio	DI	1.2	N	N	N														Y	Y
Atlantic 10 J. Redmond	DI	1.2	N	N	Y														Y	Y
Atlantic Coast S. Lyons	FBS	3	Y	Y	Y	N	Y	N	Y	Y	N	Y							Y	Y
Atlantic Sun B. Breedlove	DI	1.2	Y	Y	Y														Y	N
Big 12 L. Ebihara	FBS	3	Y	Y	Y	N	N	N	Y	Y	Y	N							Y	N
Big East J. F. D'Antonio, Jr.	FBS	3	Y	Y	Y	N	N	N	Y	Y	Y	N							N	Y
Big Sky J. Gee	FCS	1.2	Y	Y	Y								N	N	Y	Y	Y	Y	N	Y
Big South M. Eaker*	FCS	1.2											N	N						
Big Ten B. Jaffee	FBS	3	Y	Y	Y	N	N	N	Y	Y	N	Y							Y	N
Big West C. Masner	DI	1.2	N	Y	Y														Y	Y
Colonial Athletic K. Batterson	FCS	1.2	Y	Y	Y								N	N	Y	Y	Y	Y	Y	Y
Conference USA R. Philippi	FBS	3	Y	Y	Y	Y	N	Y	Y	Y	Y	N							Y	Y
Horizon League E. Jacobs/S. Jarvis	DI	1.2	N	Y	N														Y	N
Ivy Group C. Campbell-McGovern	FCS	1.2	Y	Y	Y								N	N	Y	Y	Y	Y	N	Y
Metro Atlantic Athletic W. Maher	DI	1.2	Y	Y	Y														Y	Y
Mid-American J. Bacon	FBS	1.5	Y	Y	Y	N	Y	N	Y	Y	Y	Y							Y	Y
Mid-Eastern Athletic S. Stills	FCS	1.2	Y	Y	Y								N	N	N	N	Y	Y	Y	Y
Missouri Valley M. Mulvenna	FCS	1.2	N	Y	N								N	N	Y	Y	Y	Y	N	N
Mountain West J. Ruggiero	FBS	1.5	Y	Y	Y	Y	N	Y	Y	Y	Y	Y							Y	Y
Northeast M. Hefferan	FCS	1.2	Y	Y	Y								N	N	N	Y	Y	Y	N	Y
Ohio Valley M. Banker	FCS	1.2	Y	Y	N								N	N	N	N	Y	Y	Y	Y
Pacific-10 B. Goode	FBS	3	Y	Y	Y	Y	N	N	Y	Y	N	Y							N	Y
Patriot League P. Muffley	FCS	1.2	Y	Y	Y								N	N	Y	Y	Y	Y	A	Y
Southeastern G. Sankey	FBS	3	Y	Y	Y	N	Y	N	Y	Y	Y	N							Y	Y
Southern D. King*	FCS	1.2											N	N						
Southland S. McDonald	FCS	1.2	Y	Y	Y								N	N	Y	N	Y	Y	Y	N
Southwestern Athletic A. Robinson	FCS	1.2	Y	Y	Y								N	N	N	N	Y	Y	Y	Y
Sun Belt K. Keene	FBS	1.5	Y	Y	Y	Y	N	Y	Y	Y	Y	N							N	N
The Summit League A. Torain	DI	1.2	Y	Y	Y														Y	Y
West Coast K. Peters	DI	1.2	Y	Y	Y														N	Y
Western Athletic R. Spear	FBS	1.5	N	N	N	Y	Y	Y	Y	Y	N	Y							Y	N
Pioneer League B. Collier (FCS voting only)	FCS	1											N	N						
Adopt/Yes (Y)			41.1	44.7	42.3	10.5	9	7.5	27	27	16.5	13.5	0	0	6	6	10	10	33.9	34.8
Defeat/No (N)			7.5	3.9	6.3	16.5	18	19.5	0	0	10.5	13.5	13	13	4	4	0	0	13.5	13.8
Abstain (A)			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1.2	0
No Vote Cast (-)			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total			48.6	48.6	48.6	27	27	27	27	27	27	27	13	13	10	10	10	10	48.6	48.6

***Was unable to attend in-person meeting.**

NCAA Division I Legislative Council
April 11-12, 2011

Conference -- Voting Delegate	Conference Type	Voting Weight	2010-26-1	2010-26-2	Table 2010-26 and 2010-26-3	2010-26-3	Table 2010-26 as amended	2010-30	Table 2010-37 FCS	2010-39	2010-45-1	2010-45 as amended	Table 2010-48	2010-51-A	2010-52 FBS	2010-52 FCS	2010-52 Division I	Table 2010-58-C	2010-59-C FBS
America East B. Barrio	DI	1.2	N	N	N	N	N	Y		N	Y	Y	Y	N			Y	Y	
Atlantic 10 J. Redmond	DI	1.2	N	N	N	Y	Y	Y		Y	Y	Y	Y	N			Y	Y	
Atlantic Coast S. Lyons	FBS	3	N	N	N	Y	Y	N		N	Y	Y	Y	Y	Y		Y	Y	Y
Atlantic Sun B. Breedlove	DI	1.2	N	N	N	N	Y	Y		Y	Y	Y	Y	N			Y	Y	
Big 12 L. Ebihara	FBS	3	N	N	N	Y	Y	Y		Y	Y	Y	Y	Y	Y		Y	Y	N
Big East J. F. D'Antonio, Jr.	FBS	3	N	N	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y		Y	Y	N
Big Sky J. Gee	FCS	1.2	N	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y		Y	Y	Y	
Big South M. Eaker*	FCS	1.2							Y							Y			
Big Ten B. Jaffee	FBS	3	N	N	N	Y	Y	Y		Y	Y	Y	Y	Y	Y		Y	Y	Y
Big West C. Masner	DI	1.2	N	N	Y	N	Y	Y		Y	Y	Y	Y	Y			Y	N	
Colonial Athletic K. Batterson	FCS	1.2	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	
Conference USA R. Philippi	FBS	3	N	N	N	Y	Y	Y		Y	N	Y	Y	Y	Y		Y	N	N
Horizon League E. Jacobs/S. Jarvis	DI	1.2	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	N			Y	Y	
Ivy Group C. Campbell-McGovern	FCS	1.2	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	N		Y	Y	Y	
Metro Atlantic Athletic W. Maher	DI	1.2	N	N	N	Y	Y	N		Y	Y	Y	Y	Y			Y	Y	
Mid-American J. Bacon	FBS	1.5	N	N	Y	Y	Y	N		Y	Y	Y	Y	Y	Y		Y	Y	Y
Mid-Eastern Athletic S. Stills	FCS	1.2	N	N	N	Y	N	N	Y	Y	Y	Y	Y	N		Y	Y	Y	
Missouri Valley M. Mulvenna	FCS	1.2	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	A		Y	N	Y	
Mountain West J. Ruggiero	FBS	1.5	Y	Y	Y	Y	Y	Y		Y	A	Y	N	Y	Y		Y	Y	Y
Northeast M. Hefferan	FCS	1.2	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	
Ohio Valley M. Banker	FCS	1.2	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	N	
Pacific-10 B. Goode	FBS	3	N	N	N	Y	Y	Y		Y	Y	Y	Y	Y	Y		Y	Y	Y
Patriot League P. Muffley	FCS	1.2	Y	N	Y	N	Y	N	Y	Y	Y	Y	Y	N		Y	Y	Y	
Southeastern G. Sankey	FBS	3	N	N	Y	Y	N	Y		N	Y	Y	Y	N	Y		Y	Y	Y
Southern D. King*	FCS	1.2							Y							Y			
Southland S. McDonald	FCS	1.2	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	
Southwestern Athletic A. Robinson	FCS	1.2	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	
Sun Belt K. Keene	FBS	1.5	N	N	N	Y	Y	Y		Y	Y	Y	Y	Y	Y		Y	Y	N
The Summit League A. Torain	DI	1.2	N	N	Y	Y	Y	N		Y	Y	Y	Y	Y			Y	Y	
West Coast K. Peters	DI	1.2	N	N	N	Y	Y	Y		Y	Y	Y	Y	N			Y	Y	
Western Athletic R. Spear	FBS	1.5	N	N	N	Y	Y	Y		Y	Y	Y	Y	Y	Y		Y	Y	Y
Pioneer League B. Collier (FCS voting only)	FCS	1							Y							Y			
Adopt/Yes (Y)			5.1	6.3	16.2	43.8	42	38.1	13	39	44.1	48.6	47.1	34.8	27	13	47.4	43.2	16.5
Defeat/No (N)			42.3	42.3	32.4	4.8	6.6	10.5	0	9.6	3	0	1.5	12.6	0	0	1.2	5.4	10.5
Abstain (A)			0	0	0	0	0	0	0	0	1.5	0	0	1.2	0	0	0	0	0
No Vote Cast (-)			1.2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total			48.6	48.6	48.6	48.6	48.6	48.6	13	48.6	48.6	48.6	48.6	48.6	27	13	48.6	48.6	27

***Was unable to attend in-person meeting.**

NCAA Division I Legislative Council
April 11-12, 2011

Conference -- Voting Delegate	Conference Type	Voting Weight	2010-59-A FCS	2010-59-B FCS	2010-59-C FCS	Reconsider 2010-59-C FCS	2010-59-C FCS	2010-60	Amend 2010-82-A-B ($35)	Amend 2010-82-A-B ($30)	Reconsider Amendment to 2010-82-A-B ($30)	Amend 2010-82-A-B ($30)	2010-82-A-B as amended	2010-83 FCS	2010-86	Amend 2010-87	2010-87 as amended	2010-94	2010-108 Section A	2010-108 Section B
America East B. Barrio	DI	1.2						N	N	N	N	N	N		Y	Y	N	N	Y	N
Atlantic 10 J. Redmond	DI	1.2						Y	Y	Y	Y	Y	Y		Y	A	Y	Y	Y	Y
Atlantic Coast S. Lyons	FBS	3						Y	N	Y	Y	Y	Y		A	Y	Y	Y	Y	Y
Atlantic Sun B. Breedlove	DI	1.2						Y	N	N	N	Y	N		Y	Y	Y	N	N	N
Big 12 L. Ebihara	FBS	3						Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y
Big East J. F. D'Antonio, Jr.	FBS	3						N	N	N	N	N	N		N	Y	Y	Y	Y	Y
Big Sky J. Gee	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	N
Big South M. Eaker*	FCS	1.2	N	N										N						
Big Ten B. Jaffee	FBS	3						Y	N	Y	Y	Y	Y		Y	N	N	N	N	N
Big West C. Masner	DI	1.2						Y	N	N	N	N	N		Y	Y	Y	Y	Y	Y
Colonial Athletic K. Batterson	FCS	1.2	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Conference USA R. Philippi	FBS	3						Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y
Horizon League E. Jacobs/S. Jarvis	DI	1.2						Y	Y	Y	Y	Y	Y		N	Y	Y	Y	Y	Y
Ivy Group C. Campbell-McGovern	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	N	N	N	N	N
Metro Atlantic Athletic W. Maher	DI	1.2						Y	Y	Y	Y	Y	N		N	Y	Y	Y	Y	Y
Mid-American J. Bacon	FBS	1.5						N	Y	Y	Y	Y	Y		Y	Y	Y	Y	N	N
Mid-Eastern Athletic S. Stills	FCS	1.2	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	A	Y	Y
Missouri Valley M. Mulvenna	FCS	1.2	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	N	Y	N	N	Y	N	N
Mountain West J. Ruggiero	FBS	1.5						Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y
Northeast M. Hefferan	FCS	1.2	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ohio Valley M. Banker	FCS	1.2	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	A	N	Y
Pacific-10 B. Goode	FBS	3						Y	N	N	Y	N	N		N	Y	Y	Y	Y	Y
Patriot League P. Muffley	FCS	1.2	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Southeastern G. Sankey	FBS	3						N	Y	Y	Y	Y	Y		Y	Y	Y	A	Y	Y
Southern D. King*	FCS	1.2	N	N										Y						
Southland S. McDonald	FCS	1.2	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Southwestern Athletic A. Robinson	FCS	1.2	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	-	Y	Y	A	Y	Y
Sun Belt K. Keene	FBS	1.5						Y	Y	Y	Y	Y	Y		Y	Y	Y	N	N	N
The Summit League A. Torain	DI	1.2						Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y
West Coast K. Peters	DI	1.2						N	N	N	Y	Y	N		Y	Y	Y	Y	Y	Y
Western Athletic R. Spear	FBS	1.5						Y	N	N	N	Y	Y		Y	Y	Y	Y	Y	Y
Pioneer League B. Collier (FCS voting only)	FCS	1	N	N										Y						
Adopt/Yes (Y)			0	0	5	7	6	37.5	27.9	36.3	40.5	40.2	36.6	8	34.8	42	40.8	32.7	37.8	34.2
Defeat/No (N)			13	13	5	3	4	11.1	20.7	12.3	8.1	8.4	12	4	9.6	5.4	7.8	8.1	10.8	14.4
Abstain (A)			0	0	0	0	0	0	0	0	0	0	0	1	3	1.2	0	7.8	0	0
No Vote Cast (-)			0	0	0	0	0	0	0	0	0	0	0	0	1.2	0	0	0	0	0
Total			13	13	10	10	10	48.6	48.6	48.6	48.6	48.6	48.6	13	48.6	48.6	48.6	48.6	48.6	48.6

***Was unable to attend in-person meeting.**

NCAA Division I Legislative Council
April 11-12, 2011

Conference -- Voting Delegate	Conference Type	Voting Weight	2010-110
America East B. Barrio	DI	1.2	N
Atlantic 10 J. Redmond	DI	1.2	N
Atlantic Coast S. Lyons	FBS	3	Y
Atlantic Sun B. Breedlove	DI	1.2	Y
Big 12 L. Ebihara	FBS	3	Y
Big East J. F. D'Antonio, Jr.	FBS	3	N
Big Sky J. Gee	FCS	1.2	N
Big South M. Eaker*	FCS	1.2	
Big Ten B. Jaffee	FBS	3	N
Big West C. Masner	DI	1.2	N
Colonial Athletic K. Batterson	FCS	1.2	Y
Conference USA R. Philippi	FBS	3	A
Horizon League E. Jacobs/S. Jarvis	DI	1.2	N
Ivy Group C. Campbell-McGovern	FCS	1.2	N
Metro Atlantic Athletic W. Maher	DI	1.2	Y
Mid-American J. Bacon	FBS	1.5	N
Mid-Eastern Athletic S. Stills	FCS	1.2	Y
Missouri Valley M. Mulvenna	FCS	1.2	A
Mountain West J. Ruggiero	FBS	1.5	Y
Northeast M. Hefferan	FCS	1.2	Y
Ohio Valley M. Banker	FCS	1.2	Y
Pacific-10 B. Goode	FBS	3	Y
Patriot League P. Muffley	FCS	1.2	N
Southeastern G. Sankey	FBS	3	N
Southern D. King*	FCS	1.2	
Southland S. McDonald	FCS	1.2	N
Southwestern Athletic A. Robinson	FCS	1.2	Y
Sun Belt K. Keene	FBS	1.5	Y
The Summit League A. Torain	DI	1.2	N
West Coast K. Peters	DI	1.2	N
Western Athletic R. Spear	FBS	1.5	N
Pioneer League B. Collier (FCS voting only)	FCS	1	
		Adopt/Yes (Y)	20.4
		Defeat/No (N)	24
		Abstain (A)	4.2
		No Vote Cast (-)	0
		Total	48.6

***Was unable to attend in-person meeting.**

Key Items from the February 2011, NCAA Division I Cabinet Meetings.

1. **Academic Cabinet**. The Academic Cabinet continued its discussion of possible changes to the two-year college transfer academic requirements. Based on membership and two-year college feedback regarding the draft package of concepts, the cabinet refined the concepts for additional input. The cabinet continues to present the modified draft concepts as a package for feedback in preparation for developing legislative proposals for the 2011-12 legislative cycle during its June 2011 meeting. The package strives to balance principles of increased academic success, simplicity of administration, access to higher education and opportunity for those prospective student-athletes who are academically underprepared while taking into account the full breadth of feedback from the membership and two-year college community.

2. **Administration Cabinet**.

   a. **Committee Appointments**. The cabinet approved appointments to Division I and Association-wide committees.

   b. **Proposal No. 2010-100 - The Membership Reclassification Process.** The cabinet received an overview of the application of the new membership reclassification process and engaged in a discussion regarding the role of the cabinet and the conferences in the new process. The cabinet noted that inasmuch as conference membership is a prerequisite for any prospective Division I institution to begin Year One of the reclassification process, conferences who have extended such offers of membership should have increased involvement in shepherding the reclassifying member through the entire process, including assistance with the preparation and completion of its annual report and strategic plan. It was noted that the legislation continues to provide the cabinet oversight responsibility for monitoring each institution's progress through the reclassification process. In that regard, the group agreed that it should continue to adhere to its current philosophy of reviewing all annual reports and strategic plans, providing constructive feedback to institutions and moving those institutions to the next year of the process who have satisfied all applicable legislative requirements and demonstrated sufficient progress that merit advancement.

3. **Amateurism Cabinet**.

   a. **Amendments to the Legislative Proposal to Revise the Regulations Related to the Use of a Student-Athlete's Name or Likeness in Promotional Activities**. The

cabinet agreed to sponsor three amendments-to-amendments to Proposal No. 2010-26 related to the use of a student-athlete's name or likeness in promotions, advertisements and media activities.

b. **Agent/Advisor Discussion**. The cabinet continued its comprehensive review of the agent/advisor issue. Specifically, the cabinet focused on: (1) Broadening the current definition of an agent; (2) Creating a national registration program, and (3) Creating a national sports counseling panel.

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

a. **Examination of Maximum Grant-In-Aid Limitations/Equivalency Versus Head Count Designations**. The cabinet reviewed a summary of statistical data provided by the NCAA research staff related to the ratio of available grants-in-aid to participants, award distribution across head count and equivalency sports, and median dollar amounts received by student-athletes. After reviewing this information, the cabinet discussed potential financial aid models that may be feasible in future options for the membership (e.g., hybrid model currently used in sports like baseball ice hockey). The cabinet noted that additional feedback from the membership is necessary prior to recommending any modification of the current maximum grant-in-aid limitations or alteration of a sport's designation as a head count or equivalency sport. The cabinet asked staff to collect additional statistical information, including information related to unduplicated head counts by institution and by gender, and to research and to develop potential alternative financial aid models. During its June meeting, the cabinet will review information gathered and consider how amending financial aid legislation may impact Title IX and participation levels.

b. **Review of Frequently Requested Legislative Waivers Associated With NCAA Bylaw 16**. The cabinet reviewed and discussed frequently-requested legislative relief waivers associated with Bylaw 16. Following the review, the cabinet agreed to sponsor legislation for the 2011-12 legislative cycle to expand the current legislation to permit an institution to pay transportation, housing and meal expenses for any student-athlete to be present in situations in which a student-athlete suffers a life-threatening injury or illness, or, in the event of a student-athlete's death, to provide these expenses in conjunction with funeral arrangements. The cabinet also agreed to sponsor legislation to eliminate the prohibition against an institution providing the

proceeds of fundraising conducted for student-athletes (or their immediate family) under extreme circumstances directly to beneficiaries. Finally, the cabinet directed the staff to solicit feedback from the Collegiate Commissioners Association Compliance Administrators, Faculty Athletics Representatives and the National Association for Athletics Compliance, on issues related to departure/return expense restrictions legislation (Bylaw 16.8.1.2.1). Specifically, the cabinet is seeking feedback regarding the length of time (e.g., 60 hours before the start of the actual competition, a certain number of nights away from campus) that is appropriate for providing departure and return expenses and, when a waiver of this legislation is needed, the appropriate body (conference, institution or national office) to consider such waivers. The cabinet will review this feedback at its June meeting.

5. Championships/Sports Management Cabinet.

a. NCAA Division I Men's and Women's Soccer Committee – Joint Championship. The cabinet was informed that the Men's and Women's Soccer Committees have agreed that it is not in the best interest of the sport to combine the NCAA Division I Men's and Women's Soccer Championships. Furthermore, it was noted that the Women's Soccer Committee is discussing standardizing the date formula for the Women's College Cup, and will submit a recommendation to the cabinet for its June meeting.

b. Men's and Women's Water Polo and Men's Volleyball – Automatic Qualification. The cabinet agreed to request that the Division I Legislative Council adopt noncontroversial legislation that would exempt the three sports above from the requirement that 50 percent of the championship bracket be reserved for at-large bids. Further, the cabinet requested that each sports committee confirm how it would administer its championship if the proposal is adopted. The cabinet noted that any request for bracket expansion would need to be submitted during the cabinet's September 2011 meeting when it considers all budget requests.

6. Recruiting and Athletics Personnel Issues Cabinet.

a. Amendments to Legislative Proposals to Limit the Number of Noncoaching Staff Members in Basketball and Football. The cabinet sponsored three amendments-to-

amendments related to establishing limits on the number of noncoaching staff members for basketball, bowl subdivision football and championship subdivision football (NCAA Proposal Nos. 2010-16-C, 2010-18-C and 2010-20C).

b. Review of 2010-11 Cycle Proposals Forwarded to the Membership for Review and Comment. The cabinet reviewed and took positions on recruiting and athletics personnel proposals that remain in the 2010-11 legislative cycle and were sponsored or modified by other NCAA governance entities or conferences after the cabinet's initial review of legislation in September 2010. In January, the proposals were forwarded by the Legislative Council to the membership for review and comment, and will be voted on by the Legislative Council at its April meeting.

c. Priority Item – Continuing Examination of Recruiting Models. The cabinet continued its extensive examination of recruiting models. 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. Also, the cabinet discussed possible modification of current legislation pertaining to contacts and evaluations, electronic transmissions, official visits and tryouts.

MEMORANDUM

March 24, 2011

TO: NCAA Board of Directors.

FROM: NCAA Division I Committee on Infractions.

SUBJECT: Reorganization and Redrafting of Bylaw 19.5

This proposed revision of Bylaw 19.5 includes, among other revisions, the following major changes:

- Eliminates the concept of a "presumptive" penalty (also eliminates the requirement that the Committee on Infractions (COI) specifically state reasons for *not* imposing a presumptive penalty).
- Eliminates the distinction between penalties and "disciplinary measures."
- Adds academic fraud and repeat-violator status to factors under which a postseason ban particularly should be considered. (This is consistent with the Infractions Appeals Committee's (IAC) report in the Michigan case.)
- Restructures the show-cause bylaws.
- Indicates that repeat violator status enhances *all* penalties; it does not simply introduce the possibility of a "death penalty."

It should be noted that there has been a change since this proposal was last submitted to the Board. The committee had previously adopted the position that coaching suspensions would no longer be a possible penalty. However, the committee has reconsidered and now recognizes that coaching suspensions should be on the list of penalties. The current committee has noticed that several high-profile Division I institutions have suspended head coaches from specified numbers of contests as a result of their involvement in what the institutions concluded were major infractions. These suspensions were implemented prior to these institutions appearing before the committee. Further, in a recent infractions case, the committee imposed a three-game suspension on a head men's basketball coach for the upcoming 2011-12 season.

19.5 PENALTIES

19.5.1.1 Penalties for Secondary Violations. [no changes]

19.5.1.2 Penalties for Major Violations. Penalties for major violations should be significantly harsher than penalties for secondary violations, and they should be consistent with the penalty structure and guidelines employed by other committees such as the Committee on Academic Performance (CAP) and the Student-Athlete Reinstatement Committee (SAR).

The COI may impose any or all of the following penalties for a major violation:

(a) Public reprimand and censure;

(b) A probationary period (including a periodic in-person monitoring system, written institutional reports, and institutional affirmation that current athletics policies and procedures conform to all requirements of NCAA regulations) up to five years;

(c) Institutional staff members determined by the committee to have engaged in or condoned a major violation be subject to suspension from their duties for a specified period.

(d) A reduction in the number of financial aid awards (to be imposed in every major infractions case, unless the COI articulates extraordinary circumstances under which such a penalty is not warranted);

(e) A reduction in the number of expense-paid recruiting visits to the institution in the involved sport(s);

(f) A prohibition against, or limits on, recruiting activities by some or all coaching staff members in the involved sport(s);

(g) A prohibition against specified competition in the sport (including but not limited to postseason competition, invitational tournaments, and exempt contests such as foreign tours or contests in Alaska or Hawaii), particularly in those cases in which:
   (1) Involved individuals remain active at the institution;
   (2) A significant competitive advantage resulted from the violation(s);
   (3) The violation(s) reflect a lack of institutional control, failure to monitor a program, or violation of the cooperative principle set forth in Bylaw 32.1.4;
   (4) The violation(s) include findings of academic fraud; or
   (5) The institution is a repeat violator (as defined in Bylaw 19.5.3.1);

(h) Vacation of records in a case in which a student-athlete(s) have competed while ineligible, particularly when any of the following factors is present: academic fraud; serious intentional violations; direct involvement of a coach or high-ranking school administrator; a large number of violations; competition while academically ineligible; ineligible competition in a case in which there also is a finding of failure to monitor or lack of institutional control; a repeat violator; or when vacation or a similar penalty would be imposed if the underlying violations were secondary. The penalties may include one or more of the following:
   (1) Individual records and performances shall be vacated;
   (2) Team records and performances shall be vacated or, in applicable cases, team point totals shall be reconfigured; or

(3) Individual or team awards shall be returned to the Association;

(i) A financial penalty;

(j) Prohibition against television appearances of the institution's intercollegiate athletics team or teams in the sport(s) in which the violations occurred.

(k) A member institution that has been found in violation of NCAA legislation, or that has an athletics department staff member who has been found in violation of the provisions NCAA legislation while representing another institution, may be required to show cause why a penalty or additional penalty should not be imposed if, in the opinion of the COI, the institution has not taken appropriate disciplinary or corrective action against athletics department personnel involved in the infractions case, any other institutional employee if the circumstances warrant, or representatives of the institution's athletics interests.

(1) The penalty imposed under this bylaw may include a recommendation to the membership that the institution's membership in the Association be suspended or terminated;

(2) "Appropriate disciplinary or corrective action" may include severance of relations with any representative of the institution's athletics interests who may be involved; the debarment of the head coach or any assistant coaches involved in the infractions from coaching, recruiting, or speaking engagements; and the prohibition of all recruiting in a specified sport for a specified period;

(3) The nature and extent of such action shall be the determination of the institution [delete "after due notice and hearing to the individuals concerned"?], but the determination of whether or not the action is appropriate in the fulfillment of NCAA policies and principles, and its resulting effect on any institutional penalty, shall be solely that of the COI (or the IAC per Bylaw 19.2);

(4) In the event the COI imposes additional penalties upon an institution, the institution shall be provided the opportunity to appear before the committee; further, the institution shall be provided the opportunity to appeal (per Bylaw 19.6.2) any additional penalty imposed by the committee;

(l) Other penalties as appropriate.

19.5.2 Repeat Violators.

19.5.3.1 Time Period. [no changes]

19.5.3.2 Repeat-Violator Penalties. Repeat-violator status indicates a significant failure of the institution to comply with NCAA legislation. Thus, in any major case, repeat-violator status enhances the penalties set forth in Bylaw 19.5.2. In addition, it places the institution at risk for

additional penalties beyond those set forth in Bylaw 19.5.2. Those additional penalties may include the following:

(a) The prohibition of some or all outside competition in the sport involved in the latest major violation for a prescribed period as deemed appropriate by the COI and the prohibition of all coaching staff members in that sport from involvement directly or indirectly in any coaching activities at the institution during that period;

(b) The elimination of all initial grants-in-aid and all recruiting activities in the sport involved in the latest major violation in question for a prescribed period;

(c) The requirement that all institutional staff members serving on the Board of Directors, Leadership Council, Legislative Council or other cabinets or committees of the Association resign those positions, it being understood that all institutional representatives shall be ineligible to serve on any NCAA committee for a prescribed period; and

(d) The requirement that the institution relinquish its voting privilege in the Association for a prescribed period.

[Note: (a) through (d) above previously had specific periods of time for these sanctions (two-four years). The COI suggests that these time periods be at the discretion of the committee]

Although it is suggested that current Bylaws 19.5.2.4 through 19.5.4 remain the same, the Board may want to review current Bylaw 19.5.2.5 (and the above associated Bylaw 19.5.1.2(j), which address the television ban penalty.

ATTACHMENT
SUPPLEMENT NO. 8A
DI Board of Directors 4/11

REPORT OF THE NCAA DIVISION I COMMITTEE ON INFRACTIONS

***ACTION ITEMS*.**

1. NCAA Bylaw 32.1.1 – Enforcement Policies and Procedures – Special Operating Rules -- Confidentiality.

a. Recommendation: The committee recommends that the NCAA Division I Board of Directors approve a revision made by the Committee on Infractions, pursuant to Constitution 5.2.3.3 to revise Bylaw 32.1.1(Confidentiality).

b. Bylaw: Amend 32.1.1 as follows:

32.1.1 Confidentiality

The Committee on Infractions, the Infractions Appeals Committee and the enforcement staff shall treat all cases before them as confidential until they have been announced in accordance with the prescribed procedures. In addition, an institution and any individual subject to NCAA rules involved in a case shall treat cases under inquiry by the enforcement staff**, under consideration by the Committee on Infractions and, if appealed, under consideration by the Infractions Appeal Committee,** as confidential until the **decisions in such** case**s** ~~*has*~~ **have** been announced in accordance with prescribed procedures.

c. Effective Date: Immediate.

d. Rationale: The current language of Bylaw 32.1.1 could be construed to mean that confidentiality applies only to cases "under inquiry by the enforcement staff." This revision expands the requirement for confidentiality to not only include cases "under inquiry by the enforcement staff" but also to include cases which have moved past the enforcement staff inquiry (investigation) stage to the point where they are under consideration by the Committee on Infractions (post hearing) and/or the Infractions Appeals Committee (if appealed).

e. Estimated Budget Impact: None.

f. Impact on Student-Athlete's Time: None.

2. NCAA Bylaw 32.3.8 – Limited Immunity.

a. **Recommendation:** The committee recommends that the NCAA Division I Board of Directors approve a revision made by the Committee on Infractions, pursuant to Constitution 5.2.3.3 to revise Bylaw 32.3.8 (Limited Immunity).

b. **Bylaw:** Amend 32.3.8 as follows:

32.3.8 Limited Immunity.

32.3.8.1 Athletics Personnel. At the request of the enforcement staff, the Committee on Infractions may grant limited immunity to ~~*a student-athlete who provides information when such individual otherwise might be declared ineligible for intercollegiate competition based on the information that he or she reports and*~~ an institutional employee with responsibilities related to athletics **based on information that the employee reports** when such an ~~*individual*~~ **employee** otherwise would be subject to disciplinary action as described in Bylaws 19.5.1-(i) and 19.5.2.2-(k*)* ~~*based on the information that individual reports.*~~ Such immunity shall not apply to the ~~*individual's*~~ **employee's** involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the *individual* **employee** or to ~~*any actions that an*~~ **action taken by** an institution ~~*imposes.*~~ In any case, such immunity shall not be granted unless the *individual* **employee** provides information not otherwise available to the enforcement staff.

32.3.8.2 Student-Athlete. At the request of the enforcement staff, the Committee on Infractions may grant limited immunity to a student-athlete or prospective student-athlete when such an individual otherwise might be declared ineligible for inter-collegiate competition based on information reported to the enforcement staff by the student-athlete or a prospective student-athlete or a third party associated with the student-athlete or prospective student-athlete. Such immunity shall not apply to the individual's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the individual or to any action taken by an institution. In any case, such immunity shall not be granted unless the relevant information would not otherwise be available to the enforcement staff.

c. **Effective Date**: Immediate.

d. **Rationale**: The intent of the limited immunity legislation was to encourage at-risk student-athletes and athletics department employees to assist the enforcement staff in obtaining full and complete information. In today's recruiting environment, it is often the parents or third parties who possess critical knowledge or evidence that would be relevant to the investigation. In some instances, these individuals not under the jurisdiction of the NCAA may want to cooperate and share information, but due to

potential eligibility consequences for the student-athlete, they choose not to assist with the investigation by sharing important information. The ability to grant immunity to a student-athlete in certain circumstances for information reported by another individual will assist the enforcement staff in the development of full information.

e. **Estimated Budget Impact**: None.

f. **Impact on Student-Athlete's Time**: None.

3. **NCAA Bylaw 32.8.8.3 – Posthearing Committee Deliberations - Imposition of Penalty.**

a. **Recommendation:** The committee recommends that the NCAA Division I Board of Directors approve a revision made by the Committee on Infractions, pursuant to Constitution 5.2.3.3 to Bylaw 32.8.8.3 Imposition of Penalty.

b. **Bylaw:** Amend 32.8.8.3 as follows:

32.8.8.3 Imposition of Penalty.

If the committee determines that there has been a violation, it shall impose an appropriate penalty (see Bylaw 19.5); or it may recommend to the Board of Directors suspension or termination of membership in an appropriate case. **Failure to fully implement the adopted and/or imposed penalty may subject the institution, and/or an involved individual under a show-cause restriction, to further disciplinary action by the Committee on Infractions.**

c. **Effective Date**: Immediate.

d. **Rationale**: The modification makes it clear that institutions and/or individuals previously involved in infractions cases for which penalties and/or show-cause provisions have been imposed are subject to further disciplinary actions should they not adhere to the conditions and requirements of the sanctions.

e. **Estimated Budget Impact**: None.

f. **Impact on Student-Athlete's Time**: None

MEMORANDUM

April 22, 2011

TO: NCAA Division I Board of Directors.

FROM: NCAA Division I Committee on Infractions.

SUBJECT: Recommendation for Replacement of Committee on Infractions Member Brian P. Halloran.

The nine-year term of Committee on Infractions (COI) member Brian Halloran will conclude on August 31 of this year. Mr. Halloran is a public member and has served primarily as an appeals coordinator. Attached are the resumes for three candidates to replace Mr. Halloran. All three are attorneys in private practice. They are:

1. Mr. Chris Griffin (Foley & Lardner, Tampa, Florida). Mr. Griffin is the current chair of the NCAA Division I Infractions Appeals Committee (IAC). He is a former football student-athlete at Florida State University. His practice is concentrated in commercial litigation.

2. Mr. Ron McLean (Serkland Law Firm, Fargo, North Dakota). Mr. McClean area of expertise is commercial litigation.

3. Mr. Doug Richmond (Aon Risk Services, Chicago, Illinois). Mr. Richmond specializes in risk advisory and the legal aspects of insurance brokerage and risk assessment.

The COI endorses Mr. Griffin to replace Mr. Halloran. The appointment of Mr. Griffin would be consistent with a recommendation of the COI-IAC Role Clarification Task Force chaired by outside consultant Ed Stoner. This task force recommended that the COI and IAC have an exchange of members between the two committees. The COI notes that former COI chair Jack Friedenthal is currently serving on the IAC. Moreover, the selection of Mr. Griffin would afford the COI an opportunity to better understand the perspective of the IAC in its consideration of appealed infractions cases. If the Board does not select Mr. Griffin, Mr. Mclean would be the COI's second choice.

Attached to this memorandum are the resumes for the three candidates.

CHRISTOPHER L. GRIFFIN

Employment:

Foley & Lardner (2001-present)

Annis, Mitchell, Cockey, Edwards & Roehn (1992-2001)
Hiring Partner (1995-1997)

Carlton, Fields, Ward, Emmanuel, Smith & Cutler
Member, Board of Directors
Hiring Partner
Chair, Associate Relations Committee

At all three firms I have practiced in the area of commercial litigation, in state and federal courts, at the trial and appellate levels. My current practice is concentrated in matters of business torts, enforcement and defense of non-competition agreements, theft of trade secrets, and interference with contract and other business relationships.

Education:

J.D., 1978
College of Law, Florida State University
Summa Cum Laude
Class Rank: 1

Articles Editor, Law Review
Order of the Coif

B.S., 1976
Florida State University
Summa Cum Laude
Class Rank: 1

Football Letterman, Three Years
Student Representative, University Athletics Committee (1974-1976)
Student Representative, Football Coach Search Committee (1975)

Professional Associations and Activities:

American Bar Association

Member, Diversity Council (2009-present)
Chair, Standing Committee on Substance Abuse (2000-2003)
Member, Committee on Scope and Correlation of Work (1999-2005)
Board of Directors, American Bar Endowment (1996-present)
Co-Chair, Commission on Domestic Violence (1994-1997)
Member, Commission on Women in the Profession (1991-1994)
At-Large Delegate, House of Delegates (1992-present)
Delegate, United Nations Fourth World Conference on Women
Beijing, China (August, 1995)
Chair, ABA National Conference: "At the Breaking Point:
The Emerging Crisis in the Quality of Lawyers' Health and Lives -- Its Impact on Law Firms and Client Services," Airlie, Virginia (April, 1991)

Litigation Section

Co-Chair, Task Force on Children
(1991-1994)
Co-Chair, Membership Committee
(1991-1993)
Young Lawyers Division Liaison to Section Council (1989-1991)

Young Lawyers Division

Chairperson (1988-1989)
Chairperson-Elect (1987-1988)
Secretary (1986-1987)
Meetings Coordinator (1985-1986)
District Representative, Division Executive Council (1984-1987)
Member, Long Range Planning Committee (1985-1988)
Chair, Finance Committee (1985-1986)

The Florida Bar

Member, Thirteenth Judicial Circuit Grievance Committee
(1996-1999)
Co-Chair, Florida Bar Special Committee for Gender Equality
(1995-1996)
Member, Trial Lawyers Section
Presenter, Constitutional Implications of "Politically Correct" Speech, 1992 Media Law Conference

Presenter, Basic Libel Law, 1984 Media Law Conference
Member, Special Committee to Create Internal Grievance Appeals Process in Florida's Corrections System (1985-1987)

Hillsborough County Bar Association

Chair, Centennial Committee (1994-1996)
Chair, Program Committee (1992-1993)
Chair, Law Week Committee (1991-1992)
President, Young Lawyers Section (1984-1985)
Member, Board of Directors (1985-1987)
Chair, Public Information Committee (1986-1987)
Member, Law and Media Committee (1985-1986)
Member, Young Lawyers Section Board of Directors (1981-1984)
Most Productive Young Lawyer Award (1987)
Chair, Young Lawyers Section Lawyers Desk Book Committee (1981-1982)

Civic and Other Associations and Activities:

Outback Bowl Association

Chairman (1999-2000)
President (1995-1997)
Member, Board of Directors (1988-present)

NCAA Division I Infractions Appeals Committee

Chairman (2006-present)
Member (2002-2006)

NCAA Vice President/Enforcement Search Committee

Member (2010)

Tampa Chapter, National Football Foundation

President (1990-1991)
Member (1980-1994)

Hillsborough Constituency for Children

Member, Board of Directors (1985-1988)
Member, Executive Committee (1984-1986)

Florida State University Alumni Association

Regional Vice-President (1980-1984; 1992-1995)
President, FSU Seminole Club of Hillsborough County (1983-1984)

Leadership Tampa (1990-1991)

Tampa Connection (1989-1990)

Personal Information:

Address – 4943 Bay Way Place, Tampa, Florida 33629
Telephone – 813.225.4194 (office)
813.486.4447 (cell)
813.282.0006 (home)

Biography

Ronald H. McLean was born and attended school in Fargo, North Dakota. He is married to Mona and has one daughter, Chelsea, and two sons, Colin and Ian.

Mr. McLean is a trial lawyer. He graduated from the University of North Dakota School of Law, and immediately joined the Serkland Law Firm. He practices in all state and federal courts in North Dakota and Minnesota. His areas of practice include products liability, personal injury, oil and gas, class action, business dispute litigation, insurance law, professional malpractice, professional ethics disputes and business torts.

Mr. McLean wrote the article "Admissibility of Polygraph Evidence" which was published in the North Dakota Law Review in 1975. He has spoken at many seminars. Mr. McLean's past and present activities include the North Dakota Supreme Court Pattern Jury Instruction Commission (1985-1996, 2001-2005, Chair 1991-1994; appointed by the North Dakota Supreme Court); Member of the North Dakota Supreme Court Joint Procedures Commission since 1985 (appointed by the North Dakota Supreme Court to draft procedural rules); Board of Directors, Attorneys Liability Protection Society (Chair Person, 1997-2004).

His areas of concentration of practice are commercial litigation and personal injury litigation. He is a member of the North Dakota Defense Lawyer's Association and the Defense Research Institute. Mr. McLean is licensed to practice law in North Dakota and Minnesota. He is Norwegian Consul for North Dakota.

Mr. McLean is a fellow in the American College of Trial Lawyers. He is the State Chair for North Dakota. The American College of Trial Lawyers is an invitation only organization of lawyers limited to the top 1% in the United States. He is a member of the International Society of Barristers, which is an organization limited by invitation to 800 trial lawyers in the United States. He is a fellow in the Litigation of Counsel of America, another organization limited by invitation to 1,000 lawyers in the United States.

Chambers USA has recognized Mr. McLean as the "star" litigator in commercial litigation in North Dakota. Chambers USA America's Leading Business Lawyers' identified Mr. McLean as being among the top commercial litigators in North Dakota. The authors noted: "Ronald McLean, who received accolades of his 'common sense and intelligence' and 'tenacity' in the courtroom." His is a frequent lecturer for continuing legal education presentations. He has been identified as a Great Plains Super Lawyer and was determined to be in the group of the top 25 lawyers in North Dakota, South Dakota and Nebraska.

Mr. McLean has been recognized as the best commercial litigator in Fargo/Moorhead by a survey of local attorneys. He has been statewide defense liaison counsel in asbestos litigation since 1985, and fen-phen litigation since 2002. He practices throughout North Dakota and Minnesota. He has successfully represented defendants in serious cases. He has secured awards in excess of $1 million for plaintiffs in business litigation. He has represented law firms, individual lawyers, judges and law school professors. He enjoys reading, baseball, and golf.

Areas of Practice: Business Dispute Litigation
Business Torts
Class Actions
Insurance Law
Oil and Gas
Personal Injury
Products Liability
Professional Malpractice
Professional Ethics Disputes

Litigation Percentage: 100% of Practice Devoted to Litigation

Bar Admission: North Dakota, 1975
Minnesota
United States District Court of North Dakota
United States District Court of Minnesota

Education: University of North Dakota School of Law, Grand Forks, North Dakota, 1975
J.D., Doctor of Jurisprudence
Honors: Dean's List
Honors: Senior Editor, University of North Dakota Law Review, 1974-75
Law Review: Admissibility of Polygraph Evidence, 1975 – N.D. Law Review

University of Wisconsin, Madison, Wisconsin, 1972
B.A., Bachelor of Arts
Honors: Cum Laude
Honors: With Honors

Published Works: Admissibility of Polygraph Evidence 51 North Dakota Law Review 679, 1975

Represented Cases:

Hector v. City of Fargo, 788 N.W. 2d 354 (N.D. 2010)
M.M. v. Fargo Public School Dist. No. 1, 783 N.W.2d 806 (N.D. 2010)
Rakowski v. City of Fargo, 777 N.W.2d 880 (N.D. 2010)
Lamb v. State Bd. Of Law Examiners, 777 N.W.2d 343 (N.D. 2010)
Bice v. Petro-Hunt, L.L.C., 768 N.W.2d 496 (N.D. 2009)
In re Disciplinary Action Against Light, 765 N.W.2d 536 (N.D. 2009)
Red River Wings, Inc. v. Hoot, Inc., 751 N.W. 2d 206, (N.D. 2008)
Alerus Financial, N.A. v. Western State Bank and A.G. Edwards & Sons, 750 N.W. 2d 412, (N.D. 2008)
Erickson v. Brown, 747 N.W. 2d 34, (N.D. 2008)
In re Disciplinary Action Against Johnson, 743 N.W. 2d 117, (N.D. 2007)
Hendricks Property Management Corp. v. Birchwood Properties Ltd. Partnership, 741 N.W. 2d 461 (N.D. 2007)
Disciplinary Board v. Bullis, 723 N.W. 2d 667 (N.D. 2006)

CybrCollect, Inc. v. N.D. Department of Financial Institutions, 703 N.W. 2d 285 (N.D. 2005)
Ficek v. Morken, 685 N.W. 2d 98 (N.D. 2004)
Smith Enterprises v. In-Touch Phone Cards, 685 N.W. 2d 741 (N.D. 2004)
Ritter, Laber and Associates, Inc., v. Koch Oil, Inc., 680 N.W. 2d 634 (N.D. 2004)
Bice v. Petro-Hunt, L.L.C., 681 N.W. 2d 74 (N.D. 2004)
Western National Mutual Insurance Co. v. University of North Dakota, 643 N.W.2d 4 (N.D. 2002)
Jacobson v. Garaas, 652 N.W. 2d 918 (N.D. 2002)
Warner and Co. v. Solberg, 634 N.W.2d 65, 145 Lab.Cas. P59, 474, 17 IER (N.D. 2001)
Ritter, Laber and Associates, Inc. v. Koch Oil, Inc., a Div. of Koch Industries, Inc., 623 N.W.2d 424 149 Oil & Gas Rep. 261 (N.D. 2001)
Disciplinary Board v. Boulger, 637 N.W. 2d 710 (N.D. 2001)
Lonesome Dove Petroleum, Inc. v. Nelson, 611 N.W.2d 154, 145 Oil & Gas Rep. 87 (N.D. 2000)
Ritter, Laber and Associates, Inc. v. Koch Oil, Inc., a Div. of Koch Industries, Inc., 605 N.W.2.d 153, 149 Oil & Gas Rep. 87 (N.D. 2000)
Black v. Abex Corp., 603 N.W.2d 182 Prod.Liab.Rep (CCH) p15, 730 (N.D. 1999)
Minot Town & Country v. Fireman's Fund Ins. Co., 587 N.W. 2d 189 (N.D. 1998)
Kaiser v. Kaiser, 555 N.W. 2d 585 (N.D. 1996)
Smith v. F-M Ambulance Service, Inc., 914 F. Supp. 359, 131 Lab.Cas. P 33, 379 (D.N.D. Nov. 9 1995)
Jensen v. Wrolstad, 526 N.W. 2d 113 (N.D. 1994)
Smits v. Wal-Mart Stores, inc., 525 N.W.2d 554 (Minn. App. 1994)
Disciplinary Board v. Kaiser, 484 N.W. 2d 102 (N.D. 1992)
Dullea v. Dullea Co., 1991 WL 271479 (Minn. App. 1991)
Kaiser v. Kaiser, 474 N.W. 2d 63 (N.D. 1991)
In re North Dakota Personal Injury Asbestos Litigation, No. 1, 737 F. Supp 1087, 58 USLW 2695 (D.N.D. 1990)
Nogosek v. Asbestos Corp. of America, 129 F.R.D. 540 (D.N.D. 1989)
Twin City Const. Co. of Fargo v. Turtle Mountain Band of Chippewa Indians through LaFromboise, 866 F.2d 971 (C.A.8 (N.D.) 1989)
Dick v. Dick, 414 N.W. 2d 288 (N.D. 1987)
Pitsenbarger v. Pitsenbarger, 398 N.W. 2d 741 (N.D. 1986)
Ruud v. Larson, 392 N.W. 2d 62 (N.D. 1986)
Greenwood v. American Family Insurance Co., 398 N.W.2d 108 (N.D. 1986)
Ray E. Friedman & Co. v. Jenkins, 738 F.2d 251 (C.A.8 (N.D.) 1984)
Hall GMC, Inc. v. Crane Carrier Co., 332 N.W.2d 54 (N.D. 1983)
Minch v. City of Fargo, 332 N.W. 2d 71 (N.D. 1983)
Bye v. Elvick, 336 N.W. 2d 106 (N.D. 1983)
American Mut. Life Ins. Co. v. Jordan, 315 N.W.2d 290 (N.D. 1982)
State Bank of Fargo v. Dakota Bank and Trust Co., 305 N.W. 2d 661 (N.D. 1981)
Minch v. City of Fargo, 297 N.W. 2d 785 (N.D. 1980)
C.B.D. v. W.E.B., 298 N.W. 2d 493 (N.D. 1980)
Schlenk v. Aerial Contractors, Inc., 268 N.W. 2d 466 (N.D. 1978)
Dehn v. Otter Tail Power Co., 251 N.W.2d 404 (N.D. 1977)

References: US District Judge Ralph Erickson
US Magistrate Judge Karen Klein
Judge Douglas Herman
Paul Richard, General Counsel, MeritCare Health Systems

Classes/Seminars Taught:

Professionalism – UND Law School, 2008
No Country for Old Men Nor Justice Crothers and How To Keep Your License, 2008
Professionalism – UND Law School, 2007
Ethics and the Trial, 2007
Picking the Right Jury, 2006
Real Evidence for the Trial Practitioner, 2005
Real Evidence for the Trial Practitioner, June 2003
Taking and Defending Effective Depositions in North Dakota, 1999, 2000
Conflicts of Interest Under Professional Responsibility Rules, September 1998
Jury Reform in North Dakota – Presentation to State Bar Association, June 1997
Recent Developments in Law Regarding Fraud, Deceit, Malpractice and Premises Liability, State Bar Association, September 1994
Jury Instruction Presentation, North Dakota Defense Lawyers Meeting, 1993
How to Limit Damages for the Defense in North Dakota, 1992
Jury Instruction Presentation, North Dakota Defense Lawyers Meeting, 1991
Statutory Procedures for Removal of Judge and Opposing Counsel, 1990
Negotiation Techniques in Civil Litigation, 1989
How to Evaluate and Settle Personal Injury Claims in North Dakota, 1989

Honors and Awards:

Litigation Counsel of America

Great Plains Super Lawyer

International Society of Barristers.

Fellow American College of Trial Lawyers (State Chair).

Appointed defense liaison counsel by state and federal courts to speak for over 50 asbestos defendants in approximately 300 cases.

Appointed "FenPhen" defense liaison counsel by state courts to speak for defendants.

Chairman of the Board from 1997 through 2005 of Attorneys Liability Protection Society, an Insurance company providing insurance coverage to attorneys in 24 states through affiliation with the various state bar associations.

Norwegian Counsel for North Dakota

Handles City of Fargo litigation

Professional Associations:

North Dakota Supreme Court Joint Procedures Committee Member, 1985
North Dakota Bar Association Pattern Jury Instruction Committee, 1987-1996, 2001-2005
Lawyer Referral Program of State Bar Association, 1980-1984 Chairman
Legal Assistance of North Dakota, President, 1984-1990
Rape and Abuse Crisis Center, Fargo, North Dakota, 1983-1990
Fraser Hall (care giver of developmentally disabled), 1981-Present
State Bar Association
Minnesota Bar Association
American Bar Association
American Bar Association – Litigation Section
American Bar Association – Tort and Insurance Practice Section
American Bar Association – Class Action Section – North Dakota Reporter
North Dakota Defense Lawyers Association
Defense Research Institute
North Dakota Supreme Court Pattern Jury Instruction Commission – Appointed by North Dakota Supreme Court, 1985-1995 - Member
North Dakota Supreme Court Pattern Jury Instruction Commission – Appointed by North Dakota Supreme Court, 1989-1994 - Chair
Legal Assistance of North Dakota – Appointed by North Dakota State Bar Association, 1983-1990 Board of Directors
North Dakota Supreme Court Pattern Jury Instruction Commission - Appointed by N.D. Supreme Court, 1989 - 1990 - Past President
Norwegian Counsel for North Dakota
Fraser Board Member
Kiwanis Member
Member of the United Methodist Church
N.D. College of Trial Lawyers of America - State Chair
International Society of Barristers
Litigation Counsel of America

Birth Information: February 8, 1950, Fargo, North Dakota, United States of America

DOUGLAS R. RICHMOND

Office

Aon Risk Services
200 E. Randolph, 12th Floor
Chicago, Illinois 60601
Tel.: (312) 381-7121 Fax: (312) 381-7007
E-mail: Doug.Richmond@aon.com

Home

3150 N. Lakewood, Unit 3, Chicago, Illinois 60657
Telephone: (773) 935-2526

PROFESSIONAL EXPERIENCE

Senior Vice President, Global Professions Practice, Aon Risk Services, Inc., Chicago, Illinois. February 2004 to Present.

Aon is a leading international financial services company. Aon's Global Professions Practice ("AGP") specializes in insurance brokerage and risk advisory services to professional services firms, and it represents more law, accounting, and consulting firms than any other broker in the world.

Responsible for the collaborative leadership of one of Aon's leading business units. Member of the AGP Management Committee. Lead all AGP loss prevention efforts. Personally consult with large law firm clients (approximately 250 law firms, including 60 of the Am Law 100) on professional responsibility, professional liability, and loss prevention issues, and develop related publications and programs. Advise and counsel AGP staff on various legal issues as required. Participate in team efforts to attract new clients and expand existing client relationships. Assist AGP clients and staff in varied matters requiring legal expertise, including coverage analysis and drafting insurance policy language.

Licensed in Illinois as a producer for property and casualty insurance lines since January 2005.

Partner, Armstrong Teasdale LLP, Kansas City, Missouri. November 1995 to March 2004.

Elected Partner in 1995 when first eligible, having joined the firm as an associate in March 1989.

Trial and appellate lawyer with diverse civil practice. Significant first-chair jury trial experience in major cases in federal and state courts (40+ first-chair trials with more

than $1 million at stake). Argued numerous cases in federal and state appellate courts. Represented clients in insurance and reinsurance, professional liability, catastrophic personal injury and wrongful death, complex commercial, product liability, RICO, civil rights, and employment litigation, including class actions. Represented clients in federal administrative actions (OSHA and STAA), including trials to administrative law judges. Rated AV by *Martindale-Hubbell.*

Led the Insurance Coverage, Reinsurance and Extracontractual Liability Litigation Group firm-wide, and led the Tort and Complex Trial Group in the Kansas City office. Served as the firm's Loss Prevention Partner in Kansas City.

In 1998, was named the nation's top defense lawyer in a poll of insurance industry sources as reported in the publications *Inside Litigation* and *Of Counsel.*

Associate, Armstrong Teasdale LLP, Kansas City, Missouri. March 1989 to November 1995.

Associate in the Litigation Department, principally handling business, insurance, employment, and product liability litigation. Significant first-chair and second-chair jury trial experience in state and federal courts. In 1992-94, led the firm's defense of the *Americold* consolidated litigation, in which roughly 40 corporate plaintiffs and subrogated insurers sought more than $70 million in damages. In 1990-91, served as a Special Assistant Attorney General of Missouri, defending the Public School Retirement System in a constitutional class action.

Assistant Director for Residential and Judicial Affairs, Vanderbilt University, Nashville, Tennessee. July 1984 to July 1986.

Administered a comprehensive student services program.

Assistant Dean of Students, Eureka College, Eureka, Illinois. July 1983 to July 1984.

Responsible for all aspects of student life.

Assistant Football Coach and Residence Hall Director, Nebraska Wesleyan University, Lincoln, Nebraska. July 1981 to July 1983.

Served as offensive and recruiting coordinator. Supervised two men's residence halls.

TEACHING EXPERIENCE

Adjunct Professor, Northwestern University School of Law, Chicago, Illinois. September 2004 to Present.

Teach Legal Ethics.

Adjunct Professor, University of Missouri School of Law, Columbia, Missouri. January 2003 to May 2005.

Team-taught seminar based on the book *Damages* (Winter 2003 and Winter 2005 semesters). Taught 2-hour Insurance Law course during 2004 Winter semester.

Lecturer, University of Kansas School of Law, Lawrence, Kansas. August 1994 to January 2004.

Taught 3-hour Trial Advocacy course and 2-hour Insurance Law course.

EDUCATION

J.D. University of Kansas, January 1989

M.Ed. University of Nebraska, 1981

B.S. Fort Hays State University, 1980

BAR ADMISSIONS

Supreme Court, 1993; U.S. Court of Appeals, Tenth Circuit, 1998; U.S. Court of Appeals, Eighth Circuit, 1994; U.S. Court of Federal Claims, 1994; U.S. District Court, District of Kansas, 1990; U.S. District Court, Western District of Missouri, 1989; Kansas, 1990; Missouri, 1989.

PROFESSIONAL ASSOCIATIONS

Current

American Bar Association
- Editor, *CGL Reporter,* 1999-2000
- Associate Editor, *Tort & Insurance Law Journal,* 1994-97
- Member, Center for Professional Responsibility

American Board of Trial Advocates
American Law Institute
- Adviser, *Principles of the Law of Liability Insurance,* 2010 to Present

Association of Professional Responsibility Lawyers
Council on Litigation Management
Defense Research Institute
Federation of Defense & Corporate Counsel
International Association of Defense Counsel
- Board of Editors, *Defense Counsel Journal*, 2005-Present

Kansas Bar Association
- Member, Professional Ethics Advisory Committee, 1998-Present
- Member, Professional Ethics Grievance Committee, 1998-2004

The Missouri Bar

Former

Kansas Association of Defense Counsel
Kansas City Claims Association
    Member, Board of Directors, 1997–2000
Kansas City Metropolitan Bar Association
    Chair, Insurance Law Committee, 2003, 1998
Missouri Organization of Defense Lawyers
National Association of Railroad Trial Counsel

SELECTED PUBLICATIONS

Books

PROFESSIONAL RESPONSIBILITY IN LITIGATION (Forthcoming Feb. 2011) (with Brian S. Faughnan & Michael L. Matula) (ABA Publishing).

NEW APPLEMAN INSURANCE LAW PRACTICE GUIDE (2007) (with Leo Martinez & Marc S. Mayerson eds.) (4 vols.) (annual updates).

UNDERSTANDING INSURANCE LAW (4th ed. 2007) (with Robert H. Jerry, II).

Articles

Independent Counsel in Insurance, 48 SAN DIEGO L. REV. — (Forthcoming 2011).

The Contemporary Legal Environment and Employment Claims Against Law Firms, 43 TEXAS TECH L. REV. — (Forthcoming 2011) (invited symposium contribution).

Appealing from Judicial Scoldings, 62 BAYLOR L. REV. 741-87 (2010).

Defining and Confining Institutional Bad Faith in Insurance, 45 TORT TRIAL & INS. PRAC. L.J. — (Forthcoming 2010).

Saber-Rattling and the Sound of Professional Responsibility, 34 AM. J. TRIAL ADVOC. — (Forthcoming 2010).

Model Rule 1.15: The Elegant Solution to the Problem of Purloined Documents, 26 No. 21 ABA/BNA LAWYERS' MANUAL ON PROF'L CONDUCT 623-26 (Oct. 13, 2010) (with Brian S. Faughnan).

The Partnership Paradigm and Law Firm Non-equity Partners, 58 U. KAN. L. REV. 507-51 (2010).

Professional Responsibilities of Co-Counsel: Joint Venturers or Scorpions in a Bottle?, 98 KY. L.J. 461-515 (2009-10).

REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I ADMINISTRATION CABINET

***ACTION ITEM*.**

Legislative Items.

- The cabinet recommends that the Division I Board of Directors use its authority pursuant to NCAA Bylaw 21.7.2 to add the Division I Initial-Eligibility Waivers Committee to the list of committees in NCAA Bylaw 27.2.1 that are excepted from the requirement that no subdivision shall have more than 50 percent representation on any committee. The cabinet noted that the Initial Eligibility Waivers Committee is divided into four subcommittees that evaluate waivers based on specified deficiencies. The Education Impacting Disability Subcommittee evaluates waivers submitted on behalf of student-athletes with documented learning disabilities and it is strongly preferred that its members have expertise in disability service areas. It appears that institutions with greater resources employ more individuals with the preferred expertise and restricting representation by subdivision makes it difficult to fill these subcommittee positions.

Cabinet chair: *Rob Halvaks, Big West Conference*
Cabinet liaisons: *Jacqueline Campbell, Division I governance*
Steve Mallonee, academic and membership affairs
Dave Schnase, academic and membership affairs
Sharon Tufano, governance

REPORT OF THE NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE FEBRUARY 21, 2011, MEETING

KEY ITEM.

- **Examination of the NCAA Division I Academic Performance Program (APP).** The NCAA Division I Committee on Academic Performance continued its comprehensive examination of the 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. The committee welcomes membership comment on these concepts.

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- None.

INFORMATIONAL ITEMS.

1. APP Penalty Structure. The committee continued its review of the APP penalty structure and agreed in principle to a revised 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.

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 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 will finalize recommendations for a revised penalty structure during its April or July meetings. 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.

2. APP Penalty Benchmarks and Filters. The committee continued its review of the current NCAA Division I Academic Progress Rate (APR) penalty benchmarks and filters and discussed potential changes. Based on changes to the APR metric calculation, the current historical-penalty benchmark does not project a 50 percent graduation rate as originally intended when the metric was adopted. At that time a 925 APR predicted a 50 percent Federal Graduation Rate and a 60 percent Graduation Success Rate (GSR), while a 900 predicted a 37 percent Federal Graduation Rate and a 50 percent GSR. Currently, a 925 predicts roughly a 36 percent Federal Graduation Rate and a 50 percent GSR while the 900 predicts a 25 percent Federal Graduation Rate and a 40 percent GSR.

Several APR adjustments designed to improve fairness of the rate have led to this change in the projected graduation rate for a given benchmark. The committee continued its discussion around increasing the penalty benchmark to ensure it predicts to a minimum 50 percent GSR. The Board has indicated its interest in ensuring the penalty benchmarks, at a minimum, identify teams with an anticipated GSR below 50 percent.

The committee discussed the academic outcomes of teams that should be considered subpar and therefore potentially subject to APP penalties. Discussion centered on three levels of academic performance:

a. Teams with a projected GSR below 50 percent;

b. Teams with a projected GSR above 50 percent, but within their campus student-body or among other athletics teams are significantly below the norm; and

c. Teams with a high APR, but low numbers of graduates within the current APR cohort.

In addition to the review of the penalty benchmarks, the committee continued its discussion of the appropriateness of each of the current filters and possible new filters.

The committee had preliminary discussions regarding several models that could be used in conjunction with the new single-penalty structure. These include:

a. Applying the current contemporaneous penalty APR benchmark of 925 while maintaining the current historical penalty filters;

b. Applying the current contemporaneous penalty APR benchmark of 925 while amending the current historical penalty filters. These revised filters could include elimination of the by-sport filter, expansion of a low-resourced filter that could include a higher percentage of schools, and an amended institutional

characteristics filter based on the number of graduates within the current APR cohort rather than the Federal Graduation Rate; and

c. A tiered approach to identifying academically underperforming teams, which would include several different APR benchmarks and incorporate a graduation filter that considers the actual graduation behavior of student-athletes on the team within the four-year cohort.

The committee came to no conclusions during the meeting and will revisit the discussion during its April and July meetings. The committee invites membership comment and feedback through its July meeting on all of these topics. The committee anticipates making a final recommendation to the Board for its August meeting followed by membership consideration during the 2011-12 legislative cycle.

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

SUPPLEMENT NO. 11
DI Board of Directors 4/11

MEMORANDUM

March 23, 2011

TO: NCAA Division I Board of Directors.

FROM: Sharon K. Tufano
NCAA Committee Coordinator.

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

The following are the conference recommendations for Board of Directors' and Presidential Advisory Group positions with terms beginning at the conclusion of the April 2011 Board of Directors meeting.

Board of Directors (See Attachment A for roster):

- Big West Conference – Timothy White, chancellor, University of California, Riverside.
- Ivy League – David Skorton, president, Cornell University.
- Horizon League – David Hopkins, president, Wright State University.

Presidential Advisory Group (See Attachment B for roster):

- Metro Atlantic Athletic Conference – John Hurley, president, Canisius College.
- Summit League – David Chicoine, president, South Dakota State University.

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

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

SKT

Attachments

2011-12 Division I Board of Directors

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

Chair: Judy Genshaft

Subd	Pos	Name	Institution	Conference Representation	GEN	EM	Term Expiration
FBS	President	Nathan Hatch	Wake Forest University	Atlantic Coast	M	N	Apr 2014*
FBS	President	Guy Bailey	Texas Tech University	Big 12	M	N	Apr 2014*
FBS	President	Judy Genshaft	University of South Florida	Big East	F	N	Apr 2013*
FBS	President	Lou Anna Simon	Michigan State University	Big Ten	F	N	Apr 2014*
FBS	President	Steadman Upham	University of Tulsa	Conference USA	M	N	Apr 2014*
FBS	President	John Peters	Northern Illinois University	Mid-American	M	N	Apr 2013*
FBS	President	David Schmidly	University of New Mexico	Mountain West	M	N	Apr 2012*
FBS	President	Edward Ray	Oregon State University	Pacific-10	M	N	Apr 2012*
FBS	President	Lee Todd	University of Kentucky	Southeastern	M	N	Apr 2014*
FBS	President	Sidney McPhee	Middle Tennessee State University	Sun Belt	M	Y	Apr 2013*
FBS	President	Stan Albrecht	Utah State University	Western Athletic	M	N	Apr 2014*
FCS	President	F. Ann Millner	Weber State University	Big Sky	F	N	Apr 2012*
FCS	**Chancellor**	**Timothy White**	**University of California, Riverside**	**Big West**	**M**	**N**	**Apr 2015***
FCS	**President**	**David Skorton**	**Cornell University**	**Ivy League**	**M**	**N**	**Apr 2015***
FCS	President	William Meehan	Jacksonville State University	Ohio Valley	M	N	Apr 2013*
FCS	President	William R. Harvey	Hampton University	Mid-Eastern Athletic	M	Y	Apr 2013*
DI	**President**	**David Hopkins**	**Wright State University**	**Horizon League**	**M**	**N**	**Apr 2015***
DI	President	E. William Beauchamp	University of Portland	West Coast	M	N	Apr 2012*

*Not eligible for reappointment.

2011-12 Division I Presidential Advisory Group

Legislated Composition**.** Shall consist of one president or chief executive officers from each of the 20 Division Football Championships Subdivision and Division I conferences identified in Constitution 4.2.1, seven of which shall be the current conference representatives on the Board of Directors. As a minimal goal the group membership shall include at least one person who is an ethnic minority and at least one person of each gender and a single member shall not be considered to meet both minimums.

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

Chair: F. Ann Millner

Subd	Pos	Name	Institution	Conference Representation	GEN	EM
FCS	Chancellor	Philip Dubois	University of North Carolina, Charolette	Atlantic 10	M	N
FCS	President	Ann Millner	Weber State University	Big Sky	F	N
FCS	President	David Skorton	Cornell University	Ivy Group	M	N
FCS	President	James Ammons	Florida A&M University	Mid-Eastern Athletic	M	Y
FCS	President	Gregory Dell'Omo	Robert Morris University	Northeast	M	N
FCS	President	William Meehan	Jacksonville State University	Ohio Valley	M	N
FCS	President	John Bravman	Bucknell University	Patriot League	M	N
FCS	Chancellor	Kenneth Peacock	Appalachian State University	Southern	M	N
FCS	President	Randall Webb	Northwestern State University	Southland	M	N
FCS	President	George Wright	Prairie View A&M University	Southwestern Athletic	M	Y
FCS	President	Penelope Kyle	Radford University	Big South	F	N
DI	President	Walter Harrison	University of Hartford	America East	M	N
DI	President	Robert Fisher	Belmont University	Atlantic Sun	M	N
DI	**Chancellor**	**Timothy White**	**University of California, Riverside**	**Big West**	**M**	**N**
DI	President	Robert Caret	Towson University	Colonial Athletic	M	N
DI	**President**	**David Hopkins**	**Wright State University**	**Horizon League**	**M**	**N**
DI	**President**	**John Hurley**	**Canisius College**	**Metro Atlantic Athletic**	**M**	**N**
DI	**President**	**David Chicoine**	**South Dakota State University**	**Summit**	**M**	**N**
DI	President	Joanne Glasser	Bradley University	Missouri Valley	F	N
DI	President	William Beauchamp	University of Portland	West Coast	M	N

FCS/DI Diversity in the Division I Councils and Cabinets

	In 2011-12					In 2012-13				
		Gender					Gender		Position	
FCS/Division I	Ethnic Minorities 20%	Males 35%	Females 35%	ADs 20%	FARs 20%	Ethnic Minorities 20%	Males 35%	Females 35%	ADs 20%	FARs 20%
Leadership Council	3 (-1)	15	5 (-2)	9	3 (-1)	4	14	6 (-1)	11	2 (-2)
Legislative Council	4	10	10	2 (-2)	1 (-3)	6	8	12	2 (-2)	3 (-1)
Championship/Sports Management Cabinet	4	14	6 (-1)	13	0 (-4)	6	13	7	10	1 (-3)
Total FCS/Division I	11	39	21	24	4	16	34	25	23	6
Percentgae in Aggregate	18%	65%	35%	40%	7%	27%	58%	42%	38%	10%

	In 2011-12					In 2012-13				
		Gender					Gender		Position	
FCS/Division I	Ethnic Minorities 20%	Males 35%	Females 35%	ADs 20%	FARs 20%	Ethnic Minorities 20%	Males 35%	Females 35%	ADs 20%	FARs 20%
Academic Cabinet	5	6	4	1 (-1)	5	5	6	4	1 (-1)	4
Administration Cabinet	5	6	4	3	0 (-2)	4	6	4	2	1 (-1)
Amateurism Cabinet	3	6	4	3	1 (-1)	3	6	4	3	2
Awards, Benefits, Expenses and Financial Aid Cabinet	1 (-1)	5	5	1 (-1)	3	3	5	5	2	3
Recruiting & Athletics Personnel Issues Cabinet	4	5	5	3	0 (-2)	3	5	5	3	2
Totals FCS/Division I	18	28	22	11	9	18	28%	22	11	12
Percentage in Aggregate	36%	56%	44%	22%	18%	36%	56%	44%	22%	24%

Note: 10 of the FCS/DI conferences' terms expire in June 2011 and the other 10 expire in June 2012. The information above indicates the status relative to diversity requirements after the first 10 conferences make their selections in 2011 and then after the second group of 10 make their selections in 2012.

2011 Nominations

Council/Cabinet	Atlantic Sun	Colonial	MEAC	MVC	NEC	OVC	Southern	SWAC	Summit	WCC
Leadership Council	Dr. Mike Bitter Stetson FAR M/N	Jack Hayes Hofstra AD M/N	Derrick Ramsey Coppin State AD M/Y	Harold Bardo SIU-Carbondale FAR M/Y	Norren Morris NEC Commissioner F/N	Beth DeBauche OVC Commissioner F/N	Dave Blank Elon AD M/N	Duer Sharp SWAC Commissioner M/Y	Myndee Kay Larsen Assoc Comm F/N	Ky Snyder Sand Diego AD M/N
Legislative Council	Dr. Kim Capriotti Jacksonville FAR F/N	Paul Bowden George Mason Assoc AD M/Y	Quintin Wright MEAC Asst Dir M/Y	Michael Cross Bradley AD M/Y	Alicia Alford Sacred Heart Assoc AD F/N	Matt Banker OVC Asst Comm M/N	Richard Johnson Wofford College AD M/N	Ashley Robinson Comp Director Prairie View M/Y	Kathy Heylens South Dakota St Assoc AD F/N	Shaney Shank San Diego Assoc AD F/N
Championships/ Sports Management Cabinet	Ken Kavanagh Florida Gulf Coast AD M/N	Wood Selig Old Dominion AD M/N	Raynoid Dedeaux MEAC Dir of Champ M/Y	Mario Moccis SIU-Carbondale AD M/Y	Bob Krimmel St Francis, PA AD M/N	Barbara Burke Eastern Illinois AD F/N	Rick Hart Tenn-Chattanooga AD M/N	Shelley Davis Asst Comm SWAC F/Y	Tom Douple Commissioner M/N	Scott Leykam Assoc Comm M/N
Academic Cabinet			Dr. Carray Banks Norfolk State FAR M/Y		Sean Simmons Robert Morris Asst AD M/Y		Eric Hall Elon FAR M/N		Dr. Deland Meyers North Dakota State FAR M/Y	Shannon Strahl Gonzaga Assoc AD F/N
Amateurism Cabinet			Candy Young Delaware St SWA F/Y		Michelle Melia Monmouth Assoc AD F/N		Fred Smith Davidson FAR M/N		Tommy Bell IPFW AD M/N	Mark Orr St. Mary's AD M/Y
Administration Cabinet	Ervin Lewis North Florida Sr Assoc AD M/Y	Peter Roby Northeastern AD M/Y		Doug Elgin MVC Commissioner M/N		Teresa Phillips Tenn State AD F/Y		Dwalah Fisher Texas So. Assoc AD F/Y		
Recruiting and Athletics Personnel Issues Cabinet			Derek Horne Florida A&M AD M/Y		David Langford Fairleigh Dickinson AD M/Y		Michelle Durban Samford Assoc AD F/N		Stacy Mosely Oakland Assoc AD F/N	Ken Anderson Gonzaga FAR M/N
Awards, Benefits, Expenses and Financial Aid Cabinet	Dr. Jim Griffis USC Upstate FAR M/N	Gail Gasparich Towson FAR F/N		Sarah Solinsky Evansville Sr Assoc AD F/N		Allen Ward Murray State AD M/N		Edgar Gantt Asst Comm SWAC M/Y		
Totals	AD: 1 FAR: 3 Minority: 1 Female: 1	AD: 3 FAR: 1 Minority: 2 Female: 1	AD: 2 FAR: 1 Minority: 6 Female: 1	AD: 2 FAR: 1 Minority: 2 Female: 1	AD: 2 FAR: Minority: 2 Female: 3	AD: 3 FAR: Minority:1 Female: 3	AD: 3 FAR: 2 Minority: Female: 1	AD: FAR: Minority: 5 Female: 2	AD: 1 FAR: 1 Minority: 1 Female: 3	AD: 2 FAR: 1 Minority: 1 Female: 2

2012 Nominations

Council/Cabinet	Am East	Atlantic 10	Big Sky	Big South	Big West	Horizon	IVY	MAAC	Patriot	Southland
Leadership Council	M/AD	F	F	M/AD	F	M/AD	M/AD	M/AD	M/AD	M/AD/EM
Legislative Council	F	F/EM	M/FAR	M/FAR/EM	F	F	F	F	F	F/EM
Championships/ Sports Management Cabinet	F/EM	M/AD	F	M/AD	F/FAR	F	M/AD	M/EM	F/EM	M/AD
Academic Cabinet	F/FAR		M/AD		F/EM	M	F/EM			
Amateurism Cabinet	M/FAR		F		M/AD	M/EM	F			
Administration Cabinet		M		F				M	F/FAR	M
Recruiting and Athletics Personel Issues Cabinet	F		M/FAR		M/AD	F/EM	F			
Awards, Benefits, Expenses and Financial Aid Cabinet		F/EM		M/AD				M/FAR	F	F/EM
Totals	AD: 1 FAR: 2 Minority: 1 Female: 4	AD: 1 FAR: Minority: 2 Female: 3	AD: 1 FAR: 2 Minority: Female: 3	AD: 3 FAR: 1 Minority: 1 Female: 1	AD: 2 FAR: 1 Minority: 1 Female: 4	AD: 1 FAR: Minority: 2 Female: 3	AD: 2 FAR: Minority: 1 Female: 4	AD: 1 FAR: 1 Minority: 1 Female: 1	AD: 1 FAR: 1 Minority: 1 Female: 4	AD: 2 FAR: Minority: 3 Female: 2

NCAA Government Relations Report
(March 2011)

1. Congressional Overview.

As anticipated, Congress' agenda during the first session of the 112th Congress has been dominated by the economy and ongoing debate between the Democratic leadership in the Senate and the Republican leadership in the House regarding government funding levels for the rest of the fiscal year. Congress has twice passed stopgap spending measures to provide more time for congressional leaders and the White House to compromise on a long-term spending agreement. The most recent Continuing Resolution was approved on March 17, 2011, and eliminated additional funding from current spending levels. Congress also continues to address many recent international developments.

On the election front, there have already been a number of announcements that will have an impact on the 2012 election. During the early stages of the 112th Congress, eight Senators have announced that they will not seek reelection. They include; Daniel Akaka (D-HI), Jeff Bingaman (D-NM), Kent Conrad (D-ND), James Webb (D-VA), Jon Kyl (R-AZ), John Ensign (R-NV), Kay Bailey Hutchison (R-TX), and Joe Lieberman (I-CT). Also, with a looming 2012 Presidential election, discussions about potential Republican Presidential candidates have begun in earnest.

With a limited number of session days and a heavy workload, Congress has not spent significant time on sports issues. However, the labor negotiations of the professional sports leagues and concerns with the health and safety of athletes have been the issues of interest this session.

2. Federal Issues.

a. Football Helmet Safety.

Despite a change in make-up and leadership, the 112th Congress commenced with members displaying a continued concern with athletes' mild traumatic brain injuries. A number of efforts have recently been launched which indicate a growing concern with football helmet safety standards and a need to determine if there are ways that football helmets can provide better protection for participants at all level of play.

On January 4, 2011, Senator Tom Udall (D-NM) sent a letter to Federal Trade Commission (FTC) Chairman, Jon Leibowitz, requesting an investigation into misleading safety claims in advertisements for football helmets. In the letter Senator Udall also focused on helmet reconditioning companies and the alleged practice of

selling used helmets that fail to meet the established industry safety standard. The FTC has not yet decided whether to launch an official investigation into the claims set out by Senator Udall.

In addition to concerns with the advertising practices of some helmet manufacturers, Senator Udall has also taken steps to increase helmet safety standards, specifically for youth athletes. In November 2010, Senator Udall sent a letter to the Consumer Product Safety Commission (CPSC) requesting an investigation into the current voluntary helmet safety standards and its adequacy in protecting football players at all levels from concussions and other head injuries. Specifically, Senator Udall expressed concern with the current "one size fits all' approach in which current standards fail to distinguish between helmet designs for professional, collegiate, high school and youth football players who have varying sizes and strength levels.

To further support this effort, Senator Udall and Representative Bill Pascrell (D-NJ) introduced companion measures on March 16, 2011. The Children's Sports Athletic Equipment Safety Act was introduced as S. 601 in the Senate and H.R. 1127 in the House of Representatives. This measure is designed to improve youth football helmet safety standards by requiring industry groups to improve the voluntary standards within a nine month period. Following the nine month deadline, the Consumer Product Safety Commission (CPSC) would be required to determine whether the voluntary industry standards for new and used helmets are adequate. If CPSC finds that the standards are not adequate, it would begin a process to establish mandatory standards for football helmets. The bill would also allow the FTC to levy civil penalties against companies that use false claims to sell football equipment.

To date, these measures have not received any additional legislative attention. The NCAA will continue to work closely with the staffs of Senator Udall and Representative Pascrell to inform them of the various measures being taken within college athletics to address ongoing concerns with the safety of our student-athletes.

b. Concussions.

On January 26, 2011, Representatative Tim Bishop (D-NY) introduced H.R. 469, the Protecting Student Athletes from Concussions Act of 2011. Very similar to legislation introduced during the 111th Congress, H.R. 469 requires school districts to educate students and parents about concussions, establish return to play guidelines, and provide students with the necessary support when recovering from a concussion.

State educational agencies which fail to require its schools to implement these minimum requirements would be ineligible to receive funds under the Elementary and Secondary Education Act of 1965.

Despite the support of House Education Committee Ranking Member George Miller (D-CA), H.R. 469 has yet to receive additional legislative consideration since introduction.

3. State Issues.

a. Lystedt Law.

In an effort to address concerns with mild traumatic brain injuries suffered by youth athletes, a number of state legislatures have recently considered legislation designed to prevent, identify and manage concussions. Many of these bills closely mirror the Zackery Lystedt law, which was passed in Washington State in 2009. This important law was named after a youth football player who was permitted to return to play in a game following a concussion, which resulted in life-threatening injuries.

As provided under the Lystedt law, most of these bills contain three key elements. Athletes, parents and coaches must be educated about the dangers of concussions each year; if a young athlete is suspected of having a concussion, he/she must be removed from a game or practice and not be permitted to return to play; and a licensed health care professional must clear the young athlete before they are allowed to return to play.

These bills have received broad support throughout the country. To date, ten states have passed the Lystedt law and nearly twenty other state legislatures are currently considering related measures. The effort to seek passage of the Lystedt law has been bolstered by its inclusion in the most recent volume of the Council of State Government's "Suggested State Legislation." This compilation of draft legislation about topics of current importance is shared with state legislatures throughout the country. With many state legislatures yet to adjourn for the year, we are hopeful that additional states will consider and pass similar measures in the near future.

The NCAA has joined with the NFL to advocate for passage of this important legislation throughout the country. The NCAA government relations staff will continue to work with the NFL to educate state legislators and other elected officials regarding the key elements of this law and its ability to protect the health and safety of youth athletes.

b. Uniform Athlete Agent Act.

The Uniform Athlete Agent 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 a uniform registration procedure and places limitations on the type of conduct athlete agents may engage in when dealing with a student-athlete. In addition, the act imposes criminal, civil and/or administrative penalties against deceitful agents.

To date, the UAAA has passed in 40 states, Washington D.C. and the U.S. Virgin Islands. This year the UAAA was introduced and considered by the Virginia and New Jersey legislatures. Virginia HB 1819 was passed by both chambers has been sent to the Governor for approval. Additionally, the NCAA government relations staff is monitoring five states currently considering legislation to amend its UAAA law. They include; Oregon, Mississippi, Texas, South Carolina and Oklahoma. In most instances the amendments are intended to broaden the definition of an athlete agent, alter the penalty structure, enhance administrators' investigative powers, and provide more notice to educational institutions of an athlete agents' intention of contacting a student-athlete. Similar amendments were in the Athlete Agent Reform Act of 2011, which was passed by the Arkansas legislature in March 2011.

The NCAA Office of Government Relations continues to work with the National Conference of Commissioners on Uniform State Laws (NCCUSL) to seek passage of the UAAA in all remaining states, and ensure that any amendments made to existing UAAA laws provide adequate protection for student-athletes and membership institutions.

c. Connecticut Disclosure.

In January 2011, Connecticut State Representative Patricia Dillon introduced HB 5415, requiring an institution of higher education to post information outlining specific terms and conditions of athletic scholarships on its official athletic Internet

web site. This bill, which is currently under consideration by the Connecticut legislature, closely mirrors California's "Student-Athletes Right to Know Act," which passed in September 2010.

The NCAA government relations staff will continue to monitor the progress of the Connecticut bill, as well as track the introduction of similar measures.

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.

MEMORANDUM

April 22, 2011

TO: NCAA Division I Board of Directors.

FROM: NCAA Division I Committee on Infractions.

SUBJECT: Recommendation for Replacement of Committee on Infractions Member Brian P. Halloran.

The nine-year term of Committee on Infractions (COI) member Brian Halloran will conclude on August 31 of this year. Mr. Halloran is a public member and has served primarily as an appeals coordinator. Attached are the resumes for three candidates to replace Mr. Halloran. All three are attorneys in private practice. They are:

1. Mr. Chris Griffin (Foley & Lardner, Tampa, Florida). Mr. Griffin is the current chair of the NCAA Division I Infractions Appeals Committee (IAC). He is a former football student-athlete at Florida State University. His practice is concentrated in commercial litigation.

2. Mr. Ron McLean (Serkland Law Firm, Fargo, North Dakota). Mr. McClean area of expertise is commercial litigation.

3. Mr. Doug Richmond (Aon Risk Services, Chicago, Illinois). Mr. Richmond specializes in risk advisory and the legal aspects of insurance brokerage and risk assessment.

The COI endorses Mr. Griffin to replace Mr. Halloran. The appointment of Mr. Griffin would be consistent with a recommendation of the COI-IAC Role Clarification Task Force chaired by outside consultant Ed Stoner. This task force recommended that the COI and IAC have an exchange of members between the two committees. The COI notes that former COI chair Jack Friedenthal is currently serving on the IAC. Moreover, the selection of Mr. Griffin would afford the COI an opportunity to better understand the perspective of the IAC in its consideration of appealed infractions cases. If the Board does not select Mr. Griffin, Mr. Mclean would be the COI's second choice.

Attached to this memorandum are the resumes for the three candidates.

CHRISTOPHER L. GRIFFIN

Employment:

Foley & Lardner (2001-present)

Annis, Mitchell, Cockey, Edwards & Roehn (1992-2001)
Hiring Partner (1995-1997)

Carlton, Fields, Ward, Emmanuel, Smith & Cutler
Member, Board of Directors
Hiring Partner
Chair, Associate Relations Committee

At all three firms I have practiced in the area of commercial litigation, in state and federal courts, at the trial and appellate levels. My current practice is concentrated in matters of business torts, enforcement and defense of non-competition agreements, theft of trade secrets, and interference with contract and other business relationships.

Education:

J.D., 1978
College of Law, Florida State University
Summa Cum Laude
Class Rank: 1

Articles Editor, Law Review
Order of the Coif

B.S., 1976
Florida State University
Summa Cum Laude
Class Rank: 1

Football Letterman, Three Years
Student Representative, University Athletics Committee (1974-1976)
Student Representative, Football Coach Search Committee (1975)

Professional Associations and Activities:

American Bar Association

Member, Diversity Council (2009-present)
Chair, Standing Committee on Substance Abuse (2000-2003)
Member, Committee on Scope and Correlation of Work (1999-2005)
Board of Directors, American Bar Endowment (1996-present)
Co-Chair, Commission on Domestic Violence (1994-1997)
Member, Commission on Women in the Profession (1991-1994)
At-Large Delegate, House of Delegates (1992-present)
Delegate, United Nations Fourth World Conference on Women
Beijing, China (August, 1995)
Chair, ABA National Conference: "At the Breaking Point:
The Emerging Crisis in the Quality of Lawyers' Health and Lives -- Its Impact on Law Firms and Client Services," Airlie, Virginia (April, 1991)

Litigation Section

Co-Chair, Task Force on Children
(1991-1994)
Co-Chair, Membership Committee
(1991-1993)
Young Lawyers Division Liaison to Section Council (1989-1991)

Young Lawyers Division

Chairperson (1988-1989)
Chairperson-Elect (1987-1988)
Secretary (1986-1987)
Meetings Coordinator (1985-1986)
District Representative, Division Executive Council (1984-1987)
Member, Long Range Planning Committee (1985-1988)
Chair, Finance Committee (1985-1986)

The Florida Bar

Member, Thirteenth Judicial Circuit Grievance Committee
(1996-1999)
Co-Chair, Florida Bar Special Committee for Gender Equality
(1995-1996)
Member, Trial Lawyers Section
Presenter, Constitutional Implications of "Politically Correct" Speech, 1992 Media Law Conference

Presenter, Basic Libel Law, 1984 Media Law Conference
Member, Special Committee to Create Internal Grievance Appeals Process in Florida's Corrections System (1985-1987)

Hillsborough County Bar Association

Chair, Centennial Committee (1994-1996)
Chair, Program Committee (1992-1993)
Chair, Law Week Committee (1991-1992)
President, Young Lawyers Section (1984-1985)
Member, Board of Directors (1985-1987)
Chair, Public Information Committee (1986-1987)
Member, Law and Media Committee (1985-1986)
Member, Young Lawyers Section Board of Directors (1981-1984)
Most Productive Young Lawyer Award (1987)
Chair, Young Lawyers Section Lawyers Desk Book Committee (1981-1982)

Civic and Other Associations and Activities:

Outback Bowl Association

Chairman (1999-2000)
President (1995-1997)
Member, Board of Directors (1988-present)

NCAA Division I Infractions Appeals Committee

Chairman (2006-present)
Member (2002-2006)

NCAA Vice President/Enforcement Search Committee

Member (2010)

Tampa Chapter, National Football Foundation

President (1990-1991)
Member (1980-1994)

Hillsborough Constituency for Children

Member, Board of Directors (1985-1988)
Member, Executive Committee (1984-1986)

Florida State University Alumni Association

Regional Vice-President (1980-1984; 1992-1995)
President, FSU Seminole Club of Hillsborough County (1983-1984)

Leadership Tampa (1990-1991)

Tampa Connection (1989-1990)

Personal Information:

Address – 4943 Bay Way Place, Tampa, Florida 33629
Telephone – 813.225.4194 (office)
813.486.4447 (cell)
813.282.0006 (home)

Biography

Ronald H. McLean was born and attended school in Fargo, North Dakota. He is married to Mona and has one daughter, Chelsea, and two sons, Colin and Ian.

Mr. McLean is a trial lawyer. He graduated from the University of North Dakota School of Law, and immediately joined the Serkland Law Firm. He practices in all state and federal courts in North Dakota and Minnesota. His areas of practice include products liability, personal injury, oil and gas, class action, business dispute litigation, insurance law, professional malpractice, professional ethics disputes and business torts.

Mr. McLean wrote the article "Admissibility of Polygraph Evidence" which was published in the North Dakota Law Review in 1975. He has spoken at many seminars. Mr. McLean's past and present activities include the North Dakota Supreme Court Pattern Jury Instruction Commission (1985-1996, 2001-2005, Chair 1991-1994; appointed by the North Dakota Supreme Court); Member of the North Dakota Supreme Court Joint Procedures Commission since 1985 (appointed by the North Dakota Supreme Court to draft procedural rules); Board of Directors, Attorneys Liability Protection Society (Chair Person, 1997-2004).

His areas of concentration of practice are commercial litigation and personal injury litigation. He is a member of the North Dakota Defense Lawyer's Association and the Defense Research Institute. Mr. McLean is licensed to practice law in North Dakota and Minnesota. He is Norwegian Consul for North Dakota.

Mr. McLean is a fellow in the American College of Trial Lawyers. He is the State Chair for North Dakota. The American College of Trial Lawyers is an invitation only organization of lawyers limited to the top 1% in the United States. He is a member of the International Society of Barristers, which is an organization limited by invitation to 800 trial lawyers in the United States. He is a fellow in the Litigation of Counsel of America, another organization limited by invitation to 1,000 lawyers in the United States.

Chambers USA has recognized Mr. McLean as the "star" litigator in commercial litigation in North Dakota. Chambers USA America's Leading Business Lawyers' identified Mr. McLean as being among the top commercial litigators in North Dakota. The authors noted: "Ronald McLean, who received accolades of his 'common sense and intelligence' and 'tenacity' in the courtroom." His is a frequent lecturer for continuing legal education presentations. He has been identified as a Great Plains Super Lawyer and was determined to be in the group of the top 25 lawyers in North Dakota, South Dakota and Nebraska.

Mr. McLean has been recognized as the best commercial litigator in Fargo/Moorhead by a survey of local attorneys. He has been statewide defense liaison counsel in asbestos litigation since 1985, and fen-phen litigation since 2002. He practices throughout North Dakota and Minnesota. He has successfully represented defendants in serious cases. He has secured awards in excess of $1 million for plaintiffs in business litigation. He has represented law firms, individual lawyers, judges and law school professors. He enjoys reading, baseball, and golf.

Areas of Practice: Business Dispute Litigation
Business Torts
Class Actions
Insurance Law
Oil and Gas
Personal Injury
Products Liability
Professional Malpractice
Professional Ethics Disputes

Litigation Percentage: 100% of Practice Devoted to Litigation

Bar Admission: North Dakota, 1975
Minnesota
United States District Court of North Dakota
United States District Court of Minnesota

Education: University of North Dakota School of Law, Grand Forks, North Dakota, 1975
J.D., Doctor of Jurisprudence
Honors: Dean's List
Honors: Senior Editor, University of North Dakota Law Review, 1974-75
Law Review: Admissibility of Polygraph Evidence, 1975 – N.D. Law Review

University of Wisconsin, Madison, Wisconsin, 1972
B.A., Bachelor of Arts
Honors: Cum Laude
Honors: With Honors

Published Works: Admissibility of Polygraph Evidence 51 North Dakota Law Review 679, 1975

Represented Cases:

Hector v. City of Fargo, 788 N.W. 2d 354 (N.D. 2010)
M.M. v. Fargo Public School Dist. No. 1, 783 N.W.2d 806 (N.D. 2010)
Rakowski v. City of Fargo, 777 N.W.2d 880 (N.D. 2010)
Lamb v. State Bd. Of Law Examiners, 777 N.W.2d 343 (N.D. 2010)
Bice v. Petro-Hunt, L.L.C., 768 N.W.2d 496 (N.D. 2009)
In re Disciplinary Action Against Light, 765 N.W.2d 536 (N.D. 2009)
Red River Wings, Inc. v. Hoot, Inc., 751 N.W. 2d 206, (N.D. 2008)
Alerus Financial, N.A. v. Western State Bank and A.G. Edwards & Sons, 750 N.W. 2d 412, (N.D. 2008)
Erickson v. Brown, 747 N.W. 2d 34, (N.D. 2008)
In re Disciplinary Action Against Johnson, 743 N.W. 2d 117, (N.D. 2007)
Hendricks Property Management Corp. v. Birchwood Properties Ltd. Partnership, 741 N.W. 2d 461 (N.D. 2007)
Disciplinary Board v. Bullis, 723 N.W. 2d 667 (N.D. 2006)

CybrCollect, Inc. v. N.D. Department of Financial Institutions, 703 N.W. 2d 285 (N.D. 2005)
Ficek v. Morken, 685 N.W. 2d 98 (N.D. 2004)
Smith Enterprises v. In-Touch Phone Cards, 685 N.W. 2d 741 (N.D. 2004)
Ritter, Laber and Associates, Inc., v. Koch Oil, Inc., 680 N.W. 2d 634 (N.D. 2004)
Bice v. Petro-Hunt, L.L.C., 681 N.W. 2d 74 (N.D. 2004)
Western National Mutual Insurance Co. v. University of North Dakota, 643 N.W.2d 4 (N.D. 2002)
Jacobson v. Garaas, 652 N.W. 2d 918 (N.D. 2002)
Warner and Co. v. Solberg, 634 N.W.2d 65, 145 Lab.Cas. P59, 474, 17 IER (N.D. 2001)
Ritter, Laber and Associates, Inc. v. Koch Oil, Inc., a Div. of Koch Industries, Inc., 623 N.W.2d 424 149 Oil & Gas Rep. 261 (N.D. 2001)
Disciplinary Board v. Boulger, 637 N.W. 2d 710 (N.D. 2001)
Lonesome Dove Petroleum, Inc. v. Nelson, 611 N.W.2d 154, 145 Oil & Gas Rep. 87 (N.D. 2000)
Ritter, Laber and Associates, Inc. v. Koch Oil, Inc., a Div. of Koch Industries, Inc., 605 N.W.2.d 153, 149 Oil & Gas Rep. 87 (N.D. 2000)
Black v. Abex Corp., 603 N.W.2d 182 Prod.Liab.Rep (CCH) p15, 730 (N.D. 1999)
Minot Town & Country v. Fireman's Fund Ins. Co., 587 N.W. 2d 189 (N.D. 1998)
Kaiser v. Kaiser, 555 N.W. 2d 585 (N.D. 1996)
Smith v. F-M Ambulance Service, Inc., 914 F. Supp. 359, 131 Lab.Cas. P 33, 379 (D.N.D. Nov. 9 1995)
Jensen v. Wrolstad, 526 N.W. 2d 113 (N.D. 1994)
Smits v. Wal-Mart Stores, inc., 525 N.W.2d 554 (Minn. App. 1994)
Disciplinary Board v. Kaiser, 484 N.W. 2d 102 (N.D. 1992)
Dullea v. Dullea Co., 1991 WL 271479 (Minn. App. 1991)
Kaiser v. Kaiser, 474 N.W. 2d 63 (N.D. 1991)
In re North Dakota Personal Injury Asbestos Litigation, No. 1, 737 F. Supp 1087, 58 USLW 2695 (D.N.D. 1990)
Nogosek v. Asbestos Corp. of America, 129 F.R.D. 540 (D.N.D. 1989)
Twin City Const. Co. of Fargo v. Turtle Mountain Band of Chippewa Indians through LaFromboise, 866 F.2d 971 (C.A.8 (N.D.) 1989)
Dick v. Dick, 414 N.W. 2d 288 (N.D. 1987)
Pitsenbarger v. Pitsenbarger, 398 N.W. 2d 741 (N.D. 1986)
Ruud v. Larson, 392 N.W. 2d 62 (N.D. 1986)
Greenwood v. American Family Insurance Co., 398 N.W.2d 108 (N.D. 1986)
Ray E. Friedman & Co. v. Jenkins, 738 F.2d 251 (C.A.8 (N.D.) 1984)
Hall GMC, Inc. v. Crane Carrier Co., 332 N.W.2d 54 (N.D. 1983)
Minch v. City of Fargo, 332 N.W. 2d 71 (N.D. 1983)
Bye v. Elvick, 336 N.W. 2d 106 (N.D. 1983)
American Mut. Life Ins. Co. v. Jordan, 315 N.W.2d 290 (N.D. 1982)
State Bank of Fargo v. Dakota Bank and Trust Co., 305 N.W. 2d 661 (N.D. 1981)
Minch v. City of Fargo, 297 N.W. 2d 785 (N.D. 1980)
C.B.D. v. W.E.B., 298 N.W. 2d 493 (N.D. 1980)
Schlenk v. Aerial Contractors, Inc., 268 N.W. 2d 466 (N.D. 1978)
Dehn v. Otter Tail Power Co., 251 N.W.2d 404 (N.D. 1977)

References: US District Judge Ralph Erickson
US Magistrate Judge Karen Klein
Judge Douglas Herman
Paul Richard, General Counsel, MeritCare Health Systems

Classes/Seminars Taught:

Professionalism – UND Law School, 2008
No Country for Old Men Nor Justice Crothers and How To Keep Your License, 2008
Professionalism – UND Law School, 2007
Ethics and the Trial, 2007
Picking the Right Jury, 2006
Real Evidence for the Trial Practitioner, 2005
Real Evidence for the Trial Practitioner, June 2003
Taking and Defending Effective Depositions in North Dakota, 1999, 2000
Conflicts of Interest Under Professional Responsibility Rules, September 1998
Jury Reform in North Dakota – Presentation to State Bar Association, June 1997
Recent Developments in Law Regarding Fraud, Deceit, Malpractice and Premises Liability, State Bar Association, September 1994
Jury Instruction Presentation, North Dakota Defense Lawyers Meeting, 1993
How to Limit Damages for the Defense in North Dakota, 1992
Jury Instruction Presentation, North Dakota Defense Lawyers Meeting, 1991
Statutory Procedures for Removal of Judge and Opposing Counsel, 1990
Negotiation Techniques in Civil Litigation, 1989
How to Evaluate and Settle Personal Injury Claims in North Dakota, 1989

Honors and Awards:

Litigation Counsel of America

Great Plains Super Lawyer

International Society of Barristers.

Fellow American College of Trial Lawyers (State Chair).

Appointed defense liaison counsel by state and federal courts to speak for over 50 asbestos defendants in approximately 300 cases.

Appointed "FenPhen" defense liaison counsel by state courts to speak for defendants.

Chairman of the Board from 1997 through 2005 of Attorneys Liability Protection Society, an Insurance company providing insurance coverage to attorneys in 24 states through affiliation with the various state bar associations.

Norwegian Counsel for North Dakota

Handles City of Fargo litigation

Professional Associations:

North Dakota Supreme Court Joint Procedures Committee Member, 1985
North Dakota Bar Association Pattern Jury Instruction Committee, 1987-1996, 2001-2005
Lawyer Referral Program of State Bar Association, 1980-1984 Chairman
Legal Assistance of North Dakota, President, 1984-1990
Rape and Abuse Crisis Center, Fargo, North Dakota, 1983-1990
Fraser Hall (care giver of developmentally disabled), 1981-Present
State Bar Association
Minnesota Bar Association
American Bar Association
American Bar Association – Litigation Section
American Bar Association – Tort and Insurance Practice Section
American Bar Association – Class Action Section – North Dakota Reporter
North Dakota Defense Lawyers Association
Defense Research Institute
North Dakota Supreme Court Pattern Jury Instruction Commission – Appointed by North Dakota Supreme Court, 1985-1995 - Member
North Dakota Supreme Court Pattern Jury Instruction Commission – Appointed by North Dakota Supreme Court, 1989-1994 - Chair
Legal Assistance of North Dakota – Appointed by North Dakota State Bar Association, 1983-1990 Board of Directors
North Dakota Supreme Court Pattern Jury Instruction Commission - Appointed by N.D. Supreme Court, 1989 - 1990 - Past President
Norwegian Counsel for North Dakota
Fraser Board Member
Kiwanis Member
Member of the United Methodist Church
N.D. College of Trial Lawyers of America - State Chair
International Society of Barristers
Litigation Counsel of America

Birth Information: February 8, 1950, Fargo, North Dakota, United States of America

DOUGLAS R. RICHMOND

Office

Aon Risk Services
200 E. Randolph, 12th Floor
Chicago, Illinois 60601
Tel.: (312) 381-7121 Fax: (312) 381-7007
E-mail: Doug.Richmond@aon.com

Home

3150 N. Lakewood, Unit 3, Chicago, Illinois 60657
Telephone: (773) 935-2526

PROFESSIONAL EXPERIENCE

Senior Vice President, Global Professions Practice, Aon Risk Services, Inc., Chicago, Illinois. February 2004 to Present.

Aon is a leading international financial services company. Aon's Global Professions Practice ("AGP") specializes in insurance brokerage and risk advisory services to professional services firms, and it represents more law, accounting, and consulting firms than any other broker in the world.

Responsible for the collaborative leadership of one of Aon's leading business units. Member of the AGP Management Committee. Lead all AGP loss prevention efforts. Personally consult with large law firm clients (approximately 250 law firms, including 60 of the Am Law 100) on professional responsibility, professional liability, and loss prevention issues, and develop related publications and programs. Advise and counsel AGP staff on various legal issues as required. Participate in team efforts to attract new clients and expand existing client relationships. Assist AGP clients and staff in varied matters requiring legal expertise, including coverage analysis and drafting insurance policy language.

Licensed in Illinois as a producer for property and casualty insurance lines since January 2005.

Partner, Armstrong Teasdale LLP, Kansas City, Missouri. November 1995 to March 2004.

Elected Partner in 1995 when first eligible, having joined the firm as an associate in March 1989.

Trial and appellate lawyer with diverse civil practice. Significant first-chair jury trial experience in major cases in federal and state courts (40+ first-chair trials with more

than $1 million at stake). Argued numerous cases in federal and state appellate courts. Represented clients in insurance and reinsurance, professional liability, catastrophic personal injury and wrongful death, complex commercial, product liability, RICO, civil rights, and employment litigation, including class actions. Represented clients in federal administrative actions (OSHA and STAA), including trials to administrative law judges. Rated AV by *Martindale-Hubbell.*

Led the Insurance Coverage, Reinsurance and Extracontractual Liability Litigation Group firm-wide, and led the Tort and Complex Trial Group in the Kansas City office. Served as the firm's Loss Prevention Partner in Kansas City.

In 1998, was named the nation's top defense lawyer in a poll of insurance industry sources as reported in the publications *Inside Litigation* and *Of Counsel.*

Associate, Armstrong Teasdale LLP, Kansas City, Missouri. March 1989 to November 1995.

Associate in the Litigation Department, principally handling business, insurance, employment, and product liability litigation. Significant first-chair and second-chair jury trial experience in state and federal courts. In 1992-94, led the firm's defense of the *Americold* consolidated litigation, in which roughly 40 corporate plaintiffs and subrogated insurers sought more than $70 million in damages. In 1990-91, served as a Special Assistant Attorney General of Missouri, defending the Public School Retirement System in a constitutional class action.

Assistant Director for Residential and Judicial Affairs, Vanderbilt University, Nashville, Tennessee. July 1984 to July 1986.

Administered a comprehensive student services program.

Assistant Dean of Students, Eureka College, Eureka, Illinois. July 1983 to July 1984.

Responsible for all aspects of student life.

Assistant Football Coach and Residence Hall Director, Nebraska Wesleyan University, Lincoln, Nebraska. July 1981 to July 1983.

Served as offensive and recruiting coordinator. Supervised two men's residence halls.

TEACHING EXPERIENCE

Adjunct Professor, Northwestern University School of Law, Chicago, Illinois. September 2004 to Present.

Teach Legal Ethics.

Adjunct Professor, University of Missouri School of Law, Columbia, Missouri. January 2003 to May 2005.

Team-taught seminar based on the book *Damages* (Winter 2003 and Winter 2005 semesters). Taught 2-hour Insurance Law course during 2004 Winter semester.

Lecturer, University of Kansas School of Law, Lawrence, Kansas. August 1994 to January 2004.

Taught 3-hour Trial Advocacy course and 2-hour Insurance Law course.

EDUCATION

J.D. University of Kansas, January 1989

M.Ed. University of Nebraska, 1981

B.S. Fort Hays State University, 1980

BAR ADMISSIONS

Supreme Court, 1993; U.S. Court of Appeals, Tenth Circuit, 1998; U.S. Court of Appeals, Eighth Circuit, 1994; U.S. Court of Federal Claims, 1994; U.S. District Court, District of Kansas, 1990; U.S. District Court, Western District of Missouri, 1989; Kansas, 1990; Missouri, 1989.

PROFESSIONAL ASSOCIATIONS

Current

American Bar Association
- Editor, *CGL Reporter,* 1999-2000
- Associate Editor, *Tort & Insurance Law Journal,* 1994-97
- Member, Center for Professional Responsibility

American Board of Trial Advocates
American Law Institute
- Adviser, *Principles of the Law of Liability Insurance,* 2010 to Present

Association of Professional Responsibility Lawyers
Council on Litigation Management
Defense Research Institute
Federation of Defense & Corporate Counsel
International Association of Defense Counsel
- Board of Editors, *Defense Counsel Journal*, 2005-Present

Kansas Bar Association
- Member, Professional Ethics Advisory Committee, 1998-Present
- Member, Professional Ethics Grievance Committee, 1998-2004

The Missouri Bar

Former

Kansas Association of Defense Counsel
Kansas City Claims Association
    Member, Board of Directors, 1997–2000
Kansas City Metropolitan Bar Association
    Chair, Insurance Law Committee, 2003, 1998
Missouri Organization of Defense Lawyers
National Association of Railroad Trial Counsel

SELECTED PUBLICATIONS

Books

PROFESSIONAL RESPONSIBILITY IN LITIGATION (Forthcoming Feb. 2011) (with Brian S. Faughnan & Michael L. Matula) (ABA Publishing).

NEW APPLEMAN INSURANCE LAW PRACTICE GUIDE (2007) (with Leo Martinez & Marc S. Mayerson eds.) (4 vols.) (annual updates).

UNDERSTANDING INSURANCE LAW (4th ed. 2007) (with Robert H. Jerry, II).

Articles

Independent Counsel in Insurance, 48 SAN DIEGO L. REV. — (Forthcoming 2011).

The Contemporary Legal Environment and Employment Claims Against Law Firms, 43 TEXAS TECH L. REV. — (Forthcoming 2011) (invited symposium contribution).

Appealing from Judicial Scoldings, 62 BAYLOR L. REV. 741-87 (2010).

Defining and Confining Institutional Bad Faith in Insurance, 45 TORT TRIAL & INS. PRAC. L.J. — (Forthcoming 2010).

Saber-Rattling and the Sound of Professional Responsibility, 34 AM. J. TRIAL ADVOC. — (Forthcoming 2010).

Model Rule 1.15: The Elegant Solution to the Problem of Purloined Documents, 26 No. 21 ABA/BNA LAWYERS' MANUAL ON PROF'L CONDUCT 623-26 (Oct. 13, 2010) (with Brian S. Faughnan).

The Partnership Paradigm and Law Firm Non-equity Partners, 58 U. KAN. L. REV. 507-51 (2010).

Professional Responsibilities of Co-Counsel: Joint Venturers or Scorpions in a Bottle?, 98 KY. L.J. 461-515 (2009-10).

NCAA Division I Board of Directors
April 2011 Legislative Action Requested Regarding
NCAA Division I Athletics Certification Program

Certification History and Rationale for Change.

When the Knight Foundation Commission on Intercollegiate Athletics made its landmark report in 1991 and called for its "1 plus 3 model" for college sports, it advocated increased presidential authority, academic integrity, financial integrity and accountability through certification. The model gave rise to development of the NCAA Division I Athletics Certification Program with the goal of helping member institutions self-examine their compliance with specified standards of operation and behavior. As currently structured, the certification process is an extension of what had been an institutional self-study initiative that includes a written review by the NCAA Division I Committee on Athletics Certification, identification of areas that require additional attention, and a peer-review campus visit that includes interviews with key campus personnel. An important intent of the certification process has been to promote campus-wide discussions of objectives designed to improve the student-athlete experience and to engage an institution's larger community regarding important policy matters in athletics.

In the ensuing 20 years since the certification program was established, nearly all Division I member institutions have been through three full cycles of the process. The program as it has evolved today includes seven standards or operating principles that each Division I institution needs to meet. They include: (1) institutional control, presidential authority and shared responsibilities; (2) commitment to rules compliance; (3) academic standards; (4) academic support; (5) gender issues; (6) diversity issues; and (7) student-athlete well-being. In addition, the gender/diversity principle includes 15 program areas for gender issues and four for diversity issues that must be evaluated. Clearly, the strongest external – and often niche – support for certification has hoped the program would more directly mandate specific compliance behaviors. As a result, the program has become, in the minds of those who find it excessively burdensome, encumbered with numerous evaluations that require extraordinary time and effort to complete. Indeed, it is estimated that the entire athletics certification experience costs each Division I member approximately $300,000 and includes an average of approximately 400 hours of campus committee and other personnel time, travel and expense. In addition, it can be argued that changes by the membership in the cycle for undergoing the certification review from the original five years to 10 years is the result of a rising perception that the process is onerous, overly costly and inadequately valued.

Having heard the sentiment of the membership, the NCAA staff has developed an alternative approach outlined below that is far more technology based, outcome based and institutional managed in nature. The recommendations below represent a shift from a process-oriented approach to one that is outcome-oriented and that focuses on maximizing the student-athlete experience. The gathering and assessing of institutional information would be entirely electronic and would produce "indicator" products similar to and incorporating the already existing financial dashboards that would provide benchmark data in four areas: student-athlete experience, academics, financial and diversity/inclusion. Costs in terms of dollars and time

would be significantly reduced at both the institutional and national office levels. The magnitude of campus involvement would be at the discretion of the institution. Accountability would reside with the institutional leadership. And campuses would be provided with management tools and assessments as a means to determine its compliance with behavioral norms of peer institutions.

Recommended Action Items.

1. It is recommended that the NCAA Division I Board of Directors adopt emergency legislation that places an immediate moratorium on the Division I athletics certification program for active Division I members through August 1, 2013. During this moratorium, no active Division I members will begin the athletics certification process; those active Division I members currently in the process (i.e., "Class 3" schools with nearly completed self-studies) should be permitted to choose whether or not to continue the process. This two-year moratorium provides the Committee on Athletics Certification and staff time to focus on development of a new program that meets the Board's goals and objectives without the pressing, ongoing work involved in the current athletics certification program. Reclassifying members are not included in this moratorium and continue to be subject to the athletics certification program requirements as defined within the applicable reclassifying legislative requirements. Given the importance of the athletics certification process and outcomes for reclassifying members in the membership process, such institutions should continue to be subject to all athletics certification legislation throughout the moratorium period.

   Class 1 and 2 institutions that have not had a certification decision rendered by the Committee on Athletics Certification are also not included in this moratorium. Such institutions shall complete the athletics certification process and the committee shall render certification decisions for such schools.

2. Additionally, it is recommended that the Board charge the committee with fully developing a new program to replace the current athletics certification program and forwarding to the Board for sponsorship a legislative proposal for the 2012-13 legislative cycle for membership consideration. As part of this charge the Board requests the committee develop a new self-study program considering the following:

   a. The focus of the review should be the student-athlete experience, including a student-athlete survey instrument.

   b. The process should be simplified, streamlined and technology-driven (e.g., enhanced dashboard indicators).

   c. The process should be outcome driven (e.g., schools with no or only minor identified issues or concerns should experience a streamlined process compared

with schools with identified issues of some significance).

d. The program should be more cost-efficient and save the Association and member institutions resources compared with the current program.

e. The program should focus on four areas: The student-athlete experience; academics; financial and diversity. This process of gathering and assessing information would be entirely electronic and provide institutions with benchmark data in all areas as a source for comparing themselves with peers. Wherever possible, existing NCAA and other data (e.g., federal requirements) should be used.

f. The program should include defined accountability measures and the committee should provide the Board with a spectrum of options in this area.

g. The program should eliminate the peer-review team aspect of the current process and replace it with a streamlined issue-focused review that reduces the number of membership individuals and resources involved.

h. Data in the identified areas should be provided by each Division I member annually to the NCAA. The committee should determine the appropriate timeframe for each member to review this data and respond appropriately. The penalty for not providing the required data will be ineligibility for all postseason competition for all of the institution's teams, similar to other academic data requirements currently in effect.

i. The committee should report back to the Board in October 2011 and again in April 2012 with its progress. The recommendations may include a phased-in approach given the time needed to develop the necessary technology, educate the membership and generally prepare for implementation of the new program. The committee should forward to the Board not later than October 2012 a legislative proposal for the 2012-13 legislative cycle.

j. Active members currently in the athletics certification process (e.g., those who have completed self-studies) should be given the option to continue the process to completion pursuant to current policies and legislation or to discontinue the process and use the report as determined to be appropriate by the institution's president. No active members will begin the process. Reclassifying members will continue in the athletics certification process. Those institutions in athletics certification Class 1 or 2 that have not completed the process shall continue to the point of a Committee on Athletics Certification decision.

k. The committee should recommend a new name for the program.

l. A robust, rigorous program should be developed for all reclassifying members (e.g., such schools may undergo a different, modified or more substantial process than active members).

m. The committee should engage the membership for feedback and should consider the following key questions as part of its review:

(1) Given the parameters noted, what should be the mission and purpose of the new program?

(2) Should the program certify schools in some manner or should the program be a simple self-study with no "accreditation" outcome? If the program has accreditation-type outcomes, what should be the ramifications of not meeting the minimum standards?

(3) What should the role of NCAA staff be in the process?

(4) Should an external review process be part of the new program?

(5) What should be the role of the committee in this new program?

n. The committee should consider and begin administering elements of the new program in 2011-12 that advance the stated goals (e.g., incorporation of existing data for each active Division I member into the current NCAA dashboards).

o. Other issues the committee identifies as important to ensuring a smooth, orderly transition from the current athletics certification process to the new program.

Rationale Summary.

The athletics certification program has served a valuable purpose to the Division I membership and governance structure for nearly 20 years. After nearly three full cycles of certification, this moratorium provides the membership with an opportunity to develop a more student-athlete and outcome focused program that is technology-driven, simplified and more fiscally efficient. The new program that will be developed will be outcome driven (e.g., schools with no or only minor identified issues or concerns should experience a streamlined process compared with schools with identified issues of some significance) and should be more cost-effective. Overall, this new program will focus on the student-athlete experience, providing member institutions with key data to assist in evaluating the athletics program and improving the student-athlete experience.

It is estimated that the entire athletics certification experience costs each Division I member approximately $300,000. This includes an average of approximately 400 hours of campus committee and other personnel time, as well as travel and other expenses. During the moratorium schools otherwise scheduled for review, could yield substantial savings. Additionally, an objective of the new program is greater efficiency and cost-reduction for the committee, staff and member institutions.

DRAFT

Supplement to NCAA Division I Board of Directors
Athletics Certification Materials
April 20, 2011

Based upon initial staff communications with the 45 active member institutions currently in the athletics certification process (i.e., Class 3 schools), the following reactions and information may be useful to the NCAA Division I Board of Directors as it considers possible action:

- An interest by many schools to have a certification decision rendered, given the time and investment to date on the institution's self-study.

- An interest by some schools to immediately cease all athletics certification work.

- Some schools are assuming that by completing this current process, their school will be placed at the end of any new athletics certification process. This may not be accurate as the new process may not have "classes" and the new process could include some review of the data by presidents/schools annually. Schools electing to continue the current process need to be made aware that from a timing perspective there may be no advantage to completing the current process.

As a result of this input, it is recommended that the NCAA Division I Board of Directors action include the following specifics regarding these Class 3 schools:

- The moratorium should provide the NCAA Division I Committee on Athletics Certification with the authority to render certification decisions for Class 3 active members that opt to continue in the process. Schools could opt to discontinue the process in which cases no certification decision will be rendered.

- The Class 3 certification schools that opt to continue will have a certification decision rendered which in most cases will be based on an abbreviated process (e.g., Committee on Athletics Certification may certify based only the written self-study without an evaluation visit). The staff and the committee shall oversee this process, identify only schools with significant issues for the evaluation visit and certify all others based on the self-study information.

These actions provide schools the opportunity to have a certification decision, bringing a "close" to the process, while finalizing these decisions in a very cost and time effective manner.

This also allows the Committee on Athletics Certification and staff to spend considerable time in the coming months on development of the new program and efficiently render decisions for schools that want them.

While in some limited cases, evaluation visits will be needed for Class 3 schools, this allows the committee to make that determination.

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

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