A G E N D A

National Collegiate Athletic Association
Division I Leadership Council

Hyatt Regency Atlanta
Atlanta, Georgia

January 14, 2010
8:30 a.m. to 3 p.m.

1. Welcome and introductions.

2. Visit with NCAA Interim President Jim Isch.

3. Governance Update.

   a. Division I matters.

      (1) Report of the October 29, 2009, Board of Directors meeting. [Supplement No. 1]

      (2) Report from the October 6, 2009, Leadership Council meeting. [Supplement No. 2]

      (3) Discussion of legislative actions taken by the Legislative Council in advance of the January 16 Division I Board of Directors meeting. [Supplement No. 3 to be distributed at the meeting.]

      (4) Reports from the Communications and Coordination Committee November 10 and December 18, 2009, conference calls. [Supplement No. 4 to be distributed at a later time.]

      (5) Discussion with the chairs of the Academic, Awards, Benefits, Expenses and Financial Aid, and Recruiting and Athletic Personnel Issues Cabinets. [Supplement Nos. 5A, 5B and 5C] [Grace Calhoun, associate athletic director for Academic and Student Development Services, Indiana University; Carolyn Callahan, faculty athletic representative, University of Virginia; and Petrina Long, senior associate athletic director, UCLA will be in attendance.]

      (6) Update from the Division I Student-Athlete Advisory Committee. [Supplement No. 6]

(7) Championships/Sports Management Cabinet recommendation regarding endangered sports. [Supplement No. 7]

b. Association-wide matters.

(1) Report from the October 29, 2009, NCAA Executive Committee meeting. [Supplement No. 8]

(2) Sportsmanship and Ethical Conduct Committee. [Supplement No. 9]

4. Consideration of recommended Division I membership principles and standards. [Supplement No. 10]

- Review of remaining questions.

5. Consideration of recommendations to enhance the level of diversity in the Division I governance structure.

a. Division IA Faculty Athletics Representatives recommendations. [Supplement No. 11]

b. Staff recommendations. [Supplement No. 12]

c. Review of draft of diversity and gender equity vision/framework.

6. News from the NCAA.

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

b. Governmental relations report. [Supplement No. 14]

7. Review of 2010 NCAA Convention schedule. [Supplement No. 15]

8. Other items of business.

9. Confirm future meetings.

    a. March 23, 2010, Indianapolis, Indiana.

    b. July 2010, Conference call TBD.

    c. October 5, 2010, Indianapolis, Indiana.

10. Adjournment.

REPORT OF THE OCTOBER 29, 2009, MEETING OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I BOARD OF DIRECTORS

Participants:

Michael F. Adams, University of Georgia, Southeastern Conference
Charles Bantz, Indiana University-Purdue University of Indianapolis, Summit League
James Barker, Clemson University, Atlantic Coast Conference (chair)
William Beauchamp, University of Portland, West Coast Conference
Robert Bruininks, University of Minnesota, Big Ten Conference
Jim Cofer, University of Louisiana at Monroe, Sun Belt Conference
Greg Dell'Omo, Robert Morris University, Northeast Conference
Judy Genshaft, University of South Florida, Big East Conference
Robert Kustra, Boise State University, Western Athletic 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
Harvey Perlman, University of Nebraska, Lincoln, Big Twelve Conference
John Peters, Northern Illinois University, Mid-American Conference
Shirley Raines, University of Memphis, Conference USA
Edward Ray, Oregon State University, Pacific-10 Conference
David Schmidly, University of New Mexico, Mountain West Conference
S. David Berst, NCAA
Jacqueline Campbell, NCAA, recording secretary

[Note: William R. Harvey, Hampton University, was unable to attend.]

Damon Evans, University of Georgia, Southeastern Conference, chair of the Division I Leadership Council and Joe D'Antonio, Big East Conference, chair of the Division I Legislative Council, also were in attendance.

NCAA staff members in attendance: Elsa Cole, Joni Comstock, Julie Cromer, Bernard Franklin, Lynn Holzman, Brad Hostetter, LuAnn Humphrey, Jim Isch, Tom Jernstedt, Kevin Lennon, Steve Mallonee, Delise O'Meally, Tom Paskus, Todd Petr, David Price, Wallace Renfro, Julie Roe, Greg Shaheen, Mark Tschaggeny, Robert Vowels, Wendy Walters, and Charlotte Westerhaus.

1. **Opening Remarks.** Board of Directors chair, James Barker, welcomed the Board members to the meeting, extending a special welcome to new member Greg Dell'Omo, president of Robert Morris University, Northeast Conference. The Board paused for a moment of silence to recognize Myles Brand for his leadership and contributions to the Association.

2. **Report of the August 6, 2009, Board of Directors meeting. The Board approved the minutes of its August 6, 2009, meeting**. (Unanimous Voice Vote.) [Reference Supplement No. 1.]

3. **Report of the Division I Presidential Advisory Group (PAG).** Ann Millner, chair of the Division I Presidential Advisory Group, reported on the group's October 28, 2009, meeting. The Board was informed of PAG's position on various Board agenda items as they were reviewed. [Reference Supplement No. 2.]

4. **Report from the Interim President.** NCAA Interim President Jim Isch noted that he plans to continue to work on the agenda established by Dr. Myles Brand. He reported that the Association's focus will remain in the areas of academic reform, fiscal stability, student-athlete well-being and diversity and inclusion. The group was also updated regarding the search for a new NCAA president, noting that the Executive Committee was expected to select the members of the search committee during its meeting later that day.

5. **Reports from the Committee on Infractions and Infractions Appeals Committee**.

[Note: Shirley Raines of Memphis University departed the meeting room during the discussion of Agenda Item Nos. 5-a and 5-b.]

a. **Committee on Infractions.** Paul Dee, chair of the Committee on Infractions, reviewed several policy areas of concern to the committee with the Board. The Board agreed to appoint two Board members to meet by conference call with several NCAA staff members and the chairs of the Committee on Infractions Appeals Committee to discuss unsolved policy areas in order to report to the Board in January.

b. **Infractions Appeals Committee.** Chris Griffin, chair of the Infractions Appeals Committee, recommended the Board approve the following change to both the Enforcement and the Infractions Appeals Committee Policies and Procedures: [Reference Supplement No. 3.]

BOARD ACTION:

- **That individual appellants be required to disclose current or future employment at a member institution.** (Unanimous Voice Vote.)

c. **Committee Appointment**.

BOARD ACTION:

- **The Board appointed Roscoe C. Howard, of Troutman Sanders in Washington, D.C. to the Infractions Committee.** [Reference Supplement No. 4.] (Unanimous Voice Vote.)

6. **Men's Basketball Enforcement Initiative.** David Price, NCAA vice president for enforcement, LuAnn Humphrey, NCAA associate director of enforcement, four conference commissioners (Britton Banowsky, Conference USA; Daniel Beebe of the Big 12 Conference; James Delaney, Big Ten Conference; and Michael Slive, Southeastern Conference) and Jim Haney, the executive director of the NABC, presented the group with a proposed four-tier plan to address the men's basketball recruiting environment.

   BOARD ACTION: The Board approved legislative Proposal No. 2009-95 and the four-tiered plan. [Reference Supplement No. 5.] (Unanimous Voice Vote.)

   - **Proposal No. 2009-95 – Recruiting – Sports Camps and Clinics – Definition of Recruited Prospective Student-Athlete – Men's Basketball.**

   [For full text of proposal, please see Attachment.]

7. **Request by Big 12 Conference to Sponsor Legislation.**

   BOARD ACTION: The Board agreed to sponsor a proposal in the 2009-10 legislative cycle that, in the Football Bowl Subdivision (FBS), would permit any institution with a final winning percentage of .500 or better to be selected for participation in a bowl game. [Reference Supplement No. 6.] [Vote: For 7 – Adams, Barker, Bruininks, Genshaft, Perlman, Ray, Schmidly; Against 4 – Cofer, Kustra, Peters, Raines.]

   - **Proposal No. 2009-103 – Postseason Bowl Licensing – Contest Status – Deserving Team.**

   [For full text of proposal, please see Attachment.]

8. **Division I Revenues and Expenses Update.** Todd Petr, NCAA director of research, updated the Board on five-year trends in athletics finances. The Board reviewed data collected from the NCAA Financial Reporting System for the fiscal years 2003-04 through 2007-08, noting trends and highlighting similarities and differences between the subdivisions. [Reference Supplement No. 7.]

9. **Report from the Committee on Academic Performance.** Walter Harrison, chair of the Committee on Academic Performance shared information regarding the annual release of Graduation Success Rate (GSR) and Federal Graduation Rate information and the committee's continued work on the development of a head coach's APR portfolio with the Board. It was noted that he will report the committee's plans for a comprehensive study of the Academic Performance Program (APP) and its effectiveness in reaching the membership's goals for academic reform, the results of a study of academic support resources and practices for student-athletes, and plans for a long-term analysis of the initial-eligibility standards in more detail in January. [Reference Supplement No. 8.]

10. **Division I Governance Structure Update.**

a. **Discussion of Legislative Proposals Related to the Basketball Academic Enhancement Group (BAEG) Report**.

BOARD ACTIONS:

(1) The Board reviewed the final report and the accompanying legislative proposals recommended by the Men's Basketball Academic Enhancement Group.

(2) The Board noted continuing concern regarding the proposals related to the summer athletic development-retention model and providing travel expenses for parents accompanying prospects on official visits.

(3) **The Board agreed not to enter these two proposals into the 2009-10 legislative cycle, but rather to discuss them at the Division I Forum during the January Convention in an effort to encourage all parties (coaches, faculty, commissioners and administrators) to seek consensus in initiatives that will enhance graduation rates**. (Unanimous Voice Vote)

(4) **The Board voted to sponsor the remaining proposals in this year's legislative cycle.** [Reference Supplement No. 9.] (Unanimous Voice Vote)

- **Proposal No. 2009-96 – Two-Year College Transfers—Physical Education Activity Courses – Men's Basketball.**

- **Proposal No. 2009-97 – Financial Aid – Counters – Aid After Departure of Head Coach – Noncounter – Men's Basketball.**

- **Proposal No. 2009-98 – Playing and Practice Seasons – Playing and Practice Season Model – Men's Basketball.**

[For full text of proposals, please see Attachment.]

b. **Report of the Division I Governance Substructure.** As part of the efforts to keep the Board informed of the activities taking place in the Division I governance substructure, the Board received a summary of key discussion items from the cabinets' September meetings. [Reference Supplement No. 10.]

c. **Report of the October 6, 2009, Division I Leadership Council meeting**. Damon Evans, chair of the Division I Leadership Council, reported briefly on the October 6, 2009, Division I Leadership Council meeting. The Board was informed of the Leadership Council's continued discussion of Division I membership standards, and the expectation of presenting final recommendations to the Board in time for spring 2010 conference meetings and consideration of appropriate legislation in the 2010-11 cycle. It was also informed of the Leadership Council's ongoing discussion of possible approaches to enhancing diversity in the governance structure and the focus on faculty concerns regarding their perceived underrepresentation in the structure. [Reference Supplement No. 11.]

d. **Report of the October 19-20, 2009, Division I Legislative Council meeting**. Division I Legislative Council Chair Joe D'Antonio reported on the October 9, 2009, Legislative Council meeting. The Board was informed that the Legislative Council reviewed all proposals in the current cycle and approved 10 of the proposals as noncontroversial legislation. It was recommended that the Board sponsor Proposal No. 2009-94, which would make the geographic requirement in the basketball event certification process consistent for men and women, into the 2009-10 legislative cycle. [Reference Supplement No. 12.]

BOARD ACTION: The Board agreed to sponsor Proposal No. 2009-94 in the 2009-10 legislative cycle. (Unanimous Voice Vote)

[For full text of proposal, please see Attachment.]

e. **2010 NCAA Convention.** [Reference Supplement Nos. 13A and 13B.]

(1) Overview of the NCAA 2010 Convention Schedule and Updates. The Board briefly reviewed a schedule of key events at the 2010 NCAA Convention, set forth below:

Thursday, January 14

- Opening Business Session. (4 – 5:30 p.m.)
- Delegates Reception (5:30 – 7 p.m.)

Friday, January 15

- Division I Issues/Legislative Forum. (9:30 – 11:30 a.m.)
- BOD/Leadership Council/Legislative Council Luncheon. (11:30 a.m. – 1 p.m.)
- Division I Issues/Legislative Forum. (cont.) (1 – 3 p.m.)
- Division I Business Session – At the conclusion of the Legislative Forum. [Note: Vote on the override of Proposal Nos. 2008-46 and 2008-59 will occur during the Division I Business Session.]
- Honors Celebration. (6 – 8 p.m.)

Saturday, January 16

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

(2) Review of Override Process**.** The Board was reminded that the override votes regarding Proposal Nos. 2009-46 and 2008-59 will occur on January 15, 2010, during the Division I Business Session at the NCAA Convention. At least a five-eighths majority vote of individual active members present and voting shall be required to override the legislative action taken by the Legislative Council. The vote shall be based on the principle of one institution-one vote, and the vote shall be taken by roll call.

11. Report of the August 6, 2009, Meeting of the Executive Committee. The Board received a report of the August 6, 2009, meeting of the Executive Committee. No action was taken. [Reference Supplement No. 14.]

12. Litigation Update. Elsa Cole, NCAA general counsel, provided this report to the Board.

13. NCAA Governmental Relations Report. The Board received the September 2009 Governmental Relations Report. No action was taken. [Reference Supplement No. 16.]

14. <u>Other Business</u>.

<u>BOARD ACTIONS</u>:

a. **Chair**. **The Board elected Harvey Perlman, University of Nebraska, to succeed James Barker as chair of the Board of Directors once President Barker's term expires following the Board's April 2010 meeting.** (Unanimous Voice Vote.)

b. **New Executive Committee Member.** The Board noted that William Harvey, Hampton University, will be appointed as an FCS representative on the Executive Committee.

Board of Directors chair: James Barker, Clemson University
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance

REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I OCTOBER 6, 2009, LEADERSHIP COUNCIL

- ***KEY ITEMS*.**

1. **Interim President.** Jim Isch, NCAA senior vice president and chief financial officer, has been appointed Interim President of the NCAA. He intends to continue the Association's focus on academic reform, fiscal stability, student-athlete well-being and diversity and inclusion. It is expected that the Executive Committee will establish a timeline and framework for a search for a new full-time president during the committee's October 29 meeting. In addition, a public tribute to Myles Brand will be conducted at 6 p.m. on October 28 in Conseco Fieldhouse in Indianapolis, Indiana.

2. **Division I Membership Standards.** The group reviewed a set of recommended membership standards for aspiring members of Division I. The individual recommendations and reactions during the meeting are set forth below. It is anticipated that a final report will be submitted to the Board of Directors in time to be available for spring 2010 conference meetings and for appropriate legislation to be considered in the 2010-11 cycle. This schedule would coincide with the expected end of the Division I moratorium period regarding new Division I members and conferences, which expires in August 2011. [Supplement No. 1] [Addendum]

3. **Enhancing Diversity in the Division I Council and Cabinet Structure.** The group reviewed a draft of a paper designed to respond to the Board of Directors' request for recommendations to enhance diversity and give focus to faculty concerns regarding perceived underrepresentation in the governance structure. A summary of the discussion is set forth below. This item will be discussed again at the council's January meeting. [Supplement No. 2]

- ***INFORMATION ITEMS*.**

1. **Review of Division I Membership Recommendations.**

a. **All potential new members of Division I should enter the division through a five-year "reclassification" process following membership in Division II as described in Bylaw 20.5.1, and only after presenting a bona fide offer of membership from a Division I multisport, voting conference. The sponsoring conference will be expected to provide appropriate guidance and counsel, assist with scheduling, monitor student-athlete well being and enhance accountability during the transition process.**

   Action: Based on counsel from Division II, the group agreed that active membership in Division II for five years should be required before beginning a "reclassification" transition to Division I. It was noted that this time period both provides the institution the opportunity to participate fully in Division II, and offers more insight into effects on the student-athlete experience than an immediate transition into, and out of, Division II.

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

   Action: Confirmed support.

c. **A substantial Division I application fee should be required before entering the "reclassification" process, which should be commensurate with the estimated value of services and benefits made available through Division I membership. For purposes of discussion, $800,000 is approximately half of the estimated average direct benefits (distribution funds and championships) and indirect benefits (Association-wide) received annually by a Division I member.**

   Action: The staff was requested to present alternate models for the calculation of an application fee that would be representative of either a business model, an education association model or a hybrid. It remains unclear whether such a fee should be tied to the Division I brand value, a business valuation of Division I membership, the value of direct net benefits received annually as an active member, the operational costs associated with administering the reclassification process or whether a "vesting" period is appropriate. It was noted that the fee

should eventually be deposited in NCAA reserves and not returned to the institution or its conference. It also was emphasized that each conference may have its own fees associated with conference membership. The matter will be addressed again at the council's January 2010 meeting.

d. Upon beginning the "reclassification" process, the institution must meet Division I sports sponsorship requirements (which should be increased from 50 percent to 75 percent of the grants-in-aid maximums in the conference sponsored sports in which the institution will participate). In addition, the alternative means of satisfying this requirement now set forth in Bylaw 20.9.1.2-(b), (c) and (d) should be modified to correlate to the new minimum.

Action: The staff was requested to gather additional data concerning the actual levels of funding in each sport by current Division I members for Leadership Council consideration in January. While it appears that the vast majority of institutions now fund grants-in-aid above the 50 percent level, it is not clear which schools use the alternate means provided by sections (b), (c) and (d) of this legislation to meet this requirement. It was noted that if the percentage requirement is increased, a phase-in period for current members to satisfy the requirement may be appropriate. It also was noted that an increase should be a catalyst for broader support of an institution's athletics program and should not be seen as a reason to reduce funding in certain sports in order to increase grants in others.

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

Action: Confirmed support.

f. A preliminary NCAA certification should be required in year 2 of the five-year "reclassification" period and a compliance review and full certification should be required before final approval as a Division I member.

Action: Confirmed support, although the nature and requirements for preliminary certification should be established.

g. **A multisport conference must establish voting privileges in the Division I governance structure through legislation that places the conference among those identified in applicable sections of Constitution 4 related to representation and voting ratios on Division I Board of Directors, Legislative and Leadership Councils and the six cabinets.**

Action: Confirmed support.

h. **The multi-divisional practice permitting a Division II or III institution to designate one men's and one women's sport in Division I, except in football or men's or women's basketball shall be discontinued upon the completion of the 2010-11 academic year. Division II and III institutions that sponsor sports teams in Division I in 2010-11 may continue to do so in the sports so designated but will forfeit this opportunity permanently if it fails to conduct the sport in Division I in any ensuing academic year. No change is recommended for participation in national collegiate championships.**

Action: Confirmed support.

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

Action: Confirmed support.

j. **The current definitions for "core" and "continuity" for Division I institutions should be eliminated in favor of a new definition of "multisport conference."**

Action: It was agreed that the attachment to Supplement No. 1 of the agenda, which was prepared by the 20 FCS and Division I subdivisions conferences,

would be reviewed by staff to ensure that the status quo is preserved if these definitions are eliminated and that special attention be paid to the number of schools required to both be considered a conference member and be eligible for automatic qualification into championship competition in men's basketball.

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

Action: This recommendation should be evaluated in conjunction with further discussion of the new member application fee structure.

l. No change in criteria is recommended for designation in the Football Championship Subdivision.

Action: Confirmed support.

m. The role of the Administration Cabinet and the steps of the five-year reclassification process should be modified to ensure coordination by the cabinet with sponsoring conferences.

Action: Referred to the Administration Cabinet and conferences for consideration.

n. Constitution 3.2.3.1 should be amended to provide that the vote to elect an institution to Division I active membership upon recommendation of the Administration cabinet shall be taken by the Board of Directors, rather than the Leadership Council.

Action: Confirmed support.

2. **Discussion of possible ways to enhance the level of diversity at the Division I cabinet and council levels.** The Leadership Council discussed the following approaches:

   a. Apply the current diversity requirements (35 percent of each gender and 20 percent ethnic minority) to each cabinet and council while noting the importance of positional distribution in the nomination process.

   b. Require that faculty athletics representatives comprise a certain percentage of the membership of each cabinet other than the Academics Cabinet; where faculty athletics representatives would comprise a higher percentage of the membership.

   c. Require conferences to nominate two individuals, regardless of position, for each cabinet or council opening; charge the Board of Directors to keep the diversity of the cabinets and councils in mind when selecting between the two nominees.

   d. Place a two-year term limit on all cabinet and council positions and limit conferences to two consecutive nominees of the same position.

   e. Establish a certification or education process to help conferences identify qualified potential nominees.

   f. Send a letter to conferences and institutions emphasizing the importance of gender, ethnic and positional diversity on all cabinets and councils and encourage interest in participation, even in areas where the individual may not have past experience.

   Prior to the Leadership Council's January meeting, NCAA staff will formulate concepts aimed at enhancing the level of diversity serving within the governance structure that reflect the approaches discussed by the Leadership Council. These recommendations should relate to both the nomination system and possible initiatives to help new participants develop interest in the governance structure. Additionally, the NCAA research staff will present data regarding individuals currently serving on cabinets and councils.

3. <u>Legislative items in the 2009-10 cycle of potential interest to the Leadership Council</u>.

The group reviewed the expected override process that will take place at the January 15, 2010, Division I business session and also reviewed selected legislative proposals from the 2009-10 legislative cycle, but took no action.

4. <u>Report from the Division I Student-Athlete Advisory Committee</u>.

Received a report from the chair of SAAC outlining agenda items under their consideration, including the final Commercial Activities Report, the final report of the Men's Basketball Academic Enhancement Group, the Leadership Council's review of Membership Criteria and expected consideration of cost-savings initiatives within the division. The SAAC Award of Excellence will be presented at an upcoming meeting. It was noted that communication among student-athletes has been enhanced through the use of social networking technology.

5. Future meeting dates.

- January 14, 2010; NCAA Convention, Atlanta, Georgia.

Council chair: *Damon Evans, University of Georgia, Southeastern Conference.*
Council liaisons: *David Berst, governance.*
Bernard Franklin, membership and governance.
Kevin Lennon, academic and membership affairs.
Mark Tschaggeny, governance intern.

REPORT OF
THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I COMMUNICATIONS AND COORDINATION COMMITTEE
CONFERENCE CALL

Participants: November 10, 2009

Grace Calhoun, Indiana University – (Awards, Benefits Expenses and Financial Aid Cabinet)
Carolyn Callahan, University of Virginia – (Academic Cabinet)
Joseph D'Antonio, Big East Conference – (Legislative Council)
Damon Evans, University of Georgia – (Leadership Council)
Rob Halvaks, Big West Conference – (Administration Cabinet)
Petrina Long, UCLA – (Recruiting/Athletics Personnel Cabinet)
Mike Rogers, Baylor University – (Amateurism Cabinet)
Jackie Campbell, NCAA – recording secretary

Jeff Schemmel, chair of the Championships/Sports Management Cabinet, and Matt Baysinger, chair of Division I Student Athlete Advisory Committee, were unable to participate on the call.

NCAA Staff: David Berst, Matt Burgemeister, Jeremiah Carter, Julie Cromer, Diane Dickman, Lynn Holzman, Michelle Hosick, Brad Hostetter, Steve Mallonee, Rachel Newman-Baker, Carol Reep, Dave Schnase, Geoff Silver and Mark Tschaggeny also participated on the call.

The conference call was called to order at 2:05 p.m. by David Berst, NCAA vice president of Division I.

1. Ongoing Matters. The committee received updates on the following from David Berst:

a. Executive Committee Search for NCAA President. The committee was notified that the search committee has been finalized. The search committee will work with NCAA Interim President Jim Isch and NCAA Vice President Wally Renfro to hire a search firm and conduct the search for a new NCAA president.

b. Collaboration Zone – Pilot Program. The committee briefly discussed its newly established online Collaboration Zone. Jackie Campbell, NCAA director of Division I, will work with committee members to ensure the Collaboration Zone is used effectively.

c. Cost-Savings Initiative. The committee was reminded that cost-savings initiatives need to be a high priority in all upcoming council and cabinet meetings. The Championships/Sports Management Cabinet was praised for the cost-savings effects of recent changes in NCAA championships travel policies.

d. Plans for the 2010 NCAA Convention. Berst reviewed the 2010 NCAA Convention schedule, noting that committee members were invited to attend the combined Board of Directors/Leadership Council/Legislative Council luncheons on Thursday, January 14 and Friday, January 15. The committee members were notified that each cabinet and council will be given time during the Division I Issues Forum to update those in attendance on its primary agenda items. The committee will be notified of the timing of the Division I Issues Forum once it is finalized in December. The committee will hold a meeting Friday, January 15 from 4-6 p.m. David Berst will provide the committee with information on booking travel to Convention.

2. Brief Updates.

a. Board of Directors. The Board of Directors approved a number of interpretations related to recruiting legislation, adopted emergency legislation to define a "recruited prospective student-athlete" in the sport of men's basketball, and submitted several proposals into the current legislative cycle. Additionally, the Board sponsored several pieces of legislation arising from the Men's Basketball Academic Enhancement Group's recommendations. However, legislative proposals regarding a summer bridge program for men's basketball student-athletes and allowing institutions to cover travel expenses for parents or legal guardians to accompany a prospective men's basketball student-athlete on official visits were not put into this legislative cycle and will be discussed further at the 2010 NCAA Convention.

b. Leadership Council. Damon Evans, Leadership Council chair, provided the committee with an update on the council's recent discussions pertaining to membership standards and diversity within the governance structure. Evans noted that the Council plans to present a formal report to the Board of Directors after the Convention, in time for conferences' spring meetings, with the hopes that legislative proposals will be included in the 2010-11 legislative cycle. Evans also noted the Council's discussion of diversity within the governance substructure and its plans to submit recommendations to the Board after its January meeting.

c. Legislative Council. Joseph D'Antonio, chair of the Legislative Council, reported that the Council was pleased with the amount of feedback it received from the cabinets regarding the proposals in the 2009-10 legislative cycle. The committee briefly discussed how the Legislative Council and the cabinets could work together more effectively.

3. Comments Regarding Cabinets' Key Items. The cabinet chairs briefly shared the following meeting highlights:

a. Academic Cabinet. The cabinet continued its review of initial-eligibility standards, employing the goals and principles drafted earlier this year. The cabinet invited committee members to give feedback regarding the correlation of cabinet actions with these goals and principles. The cabinet is not sponsoring legislation this legislative cycle, but is hopeful that it will have legislative proposals finalized in time for the 2010-11 legislative cycle.

b. Administration Cabinet. The cabinet discussed the importance of educating the membership regarding the Division I committee nomination and selection processes, with a focus on improving the level of comfort conference offices have with the appointment process.

c. Amateurism Cabinet.

(1) The cabinet reaffirmed its commitment to eliminate vicarious professionalism in college athletics while sponsoring a legislative exception to men's ice hockey student-athletes, NCAA Proposal No. 2009-22, based on recommendations from USA Hockey, the American Hockey Coaches Association and the Hockey Commissioner's Association.

(2) The cabinet continued its review and examination of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. NCAA staff is currently drafting legislative concepts based on the report's principles.

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

(1) The cabinet continued its review of the financial aid model, focusing on countable versus non-countable aid. The cabinet will seek membership feedback regarding either completely exempting or exempting with conditions the following aid from "counter" status: federal need-based financial aid, state need-based financial aid and outside scholarships. Additionally, the cabinet discussed reducing the minimum G.P.A. standard for institutional aid and allowing student-athletes to turn down athletically-based financial aid for a more favorable non-athletically based financial aid package.

(2) The cabinet continued its discussion of the merits of current NCAA legislation limiting the term of athletically related financial aid to a maximum of one year. The cabinet agreed to maintain the one-year term, concluding that the one-year award period is in the best interest of college athletics. The cabinet is currently updating its financial aid best practices document with additional information

related to the expectations of the institution and student-athlete as they relate to renewing and receiving athletics financial aid.

(3) The cabinet examined Bylaws 15 and 16 and developed legislative recommendations that could provide financial relief to the membership.

(4) The cabinet passed a motion requiring institutions to submit data to their conference offices regarding prospective student-athletes who sign a National Letter of Intent but do not matriculate at that institution, including the reasons the prospective student-athletes failed to matriculate.

e. Championships/Sports Management Cabinet. The committee did not receive an update from the cabinet, though the cabinet was commended for its cost savings efforts.

f. Recruiting Cabinet. The cabinet began a discussion of the current recruiting model. The cabinet identified key guiding principles to serve as a framework for the examination and discussion of the current recruiting model and hopes to present a preliminary discussion document during the Division I Issues Forum and speak with the Division I SAAC at the 2010 Convention.

4. Proposed Future Call Dates. Committee members were asked about their availability during the week of December 14. The dates may be expanded to ensure that the committee has the opportunity to speak about the upcoming Convention and touch base with cabinet and council liaisons.

5. Adjournment. The call was adjourned at 3:15 p.m. EDT.

REPORT OF
THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I COMMUNICATIONS AND COORDINATION COMMITTEE
CONFERENCE CALL

Participants: December 18, 2009

Grace Calhoun, Indiana University – (Awards, Benefits, Expenses and Financial Aid Cabinet)
Carolyn Callahan, University of Virginia – (Academic Cabinet)
Joseph D'Antonio, Big East Conference – (Legislative Council)
Rob Halvaks, Big West Conference – (Administration Cabinet)
Petrina Long, UCLA – (Recruiting and Athletics Personnel Issues Cabinet)
Mike Rogers, Baylor University – (Amateurism Cabinet)
Jackie Campbell, NCAA – recording secretary

Damon Evans, chair of the Leadership Council, was unable to participate on the call.

NCAA staff: Julie Cromer, Diane Dickman, Michelle Hosick, Brad Hostetter, Kevin Lennon, Steve Mallonee, Rachel Newman, Carol Reep, Geoff Silver and Jackie Thurnes also participated on the call.

The conference call was called to order at 11:07 a.m. by the staff liaison Jackie Campbell.

1. **Welcome and opening remarks**. Jackie Campbell noted that the primary purpose of the call was to clarify the roles of the cabinet chairs during the 2010 NCAA Convention.

2. **Plans for the 2010 NCAA Convention**. Jackie Campbell reviewed the roles of the chairs during the Division I Issues Forum, the Division I Business Session, the Communications and Coordination Committee meeting/reception and the joint luncheons taking place during the course of the Convention.

3. **Proposed future call dates**. Jackie Campbell noted that the next conference call of the committee following the 2010 NCAA Convention will take place early in March following the February cabinet meetings and prior to the March Leadership Council meeting.

4. **Adjournment**. The call was adjourned at 11:35 a.m. EST.

The National Collegiate Athletic Association
January 4, 2010 JGC:pem

Principles and Practice Related to NCAA Division I Initial-Eligibility Rules

NCAA Division I Leadership Council
January 2010

Proposed Principles for Future NCAA Division I Initial-Eligibility Standards

Principle Number 1

- Initial-eligibility standards should strive to maximize first-year college academic success, putting student-athletes on track to graduate in a reasonable timeframe and minimizing false negatives and adverse impact on minority and low income prospective student-athletes.
  - This principle is very similar to the charge given by the Board of Directors during the last review of IE standards.
  - The difficult balance of maximizing graduation rates while minimizing adverse impact led to the sliding scale, and suggests increased emphasis on GPA and less emphasis on test scores.
  - IE standards should work in concert with PTD standards to help move student-athletes toward graduation in a timely fashion.
  - The goal with IE standards is to focus on early college outcomes, although it is important in the analysis of such standards to understand the effect on long-term outcomes, as well.

Principle Number 2

- Initial-eligibility standards should represent minimally acceptable standards, with continued reliance on member institutions to make admissions decisions that are most appropriate for determining academic success locally.
  - Institutional factors (e.g. institutional graduation rates, academic support services, etc.) play a large role in the success of student-athletes. These need to be managed at the institutional level and taken into account in the recruiting process.
  - The Academic Performance Program (APP) is designed to provide incentives for institutions to consider the potential for academic success for all incoming student-athletes.
  - The IE standards have to be designed to be fair to and representative of over 300 very diverse colleges and universities. These standards are not designed to be de facto admissions standards for any Division I member institution.

Principle Number 3

- Review of the initial-eligibility standards should include consideration of the most recent NCAA academic data, changing secondary school standards (e.g. No Child Left Behind) and the national secondary school environment (e.g. increasing enrollment in nontraditional courses).
  - Previous rules have been based on the best available NCAA data. Future rules are most defensible if they continue to follow that principle.
  - The ability of student-athletes to meet NCAA IE standards is directly dependent on the educational system from which they come. The strengths and weaknesses of that system need to be taken into account when determining NCAA minimums. To that end, NCAA standards (e.g. test use, core course number and type) need to be compared with current standards and best practices in U.S. secondary schools.
  - Special attention needs to be paid to secondary schools at the margins – that is, those that may have the lowest resources and face the most difficult challenges. Student-athletes coming from those systems should not be systematically harmed by national rules that focus solely on the "average" system.
  - New methods of educating students need to be understood and recognized by NCAA rules. However, attention needs to be paid to the possibility of abusing those methods to the detriment of students.

NCAA Research

Principle Number 4

- Initial-eligibility standards should be simple and nationally applicable to ensure prospective student-athletes and high schools can readily understand any potential changes and that such changes can be applied for students throughout the United States (as well as international prospective student-athletes).
  - This principle suggests that the standards be based on a small set of identified and accepted educational variables. These include high school GPAs, standardized test scores, number and type of courses taken in high school, etc.
  - While other variables may add to our prediction of a student-athlete's academic success (e.g. athletic identity, parents' education and/or income, motivation to achieve, etc.), fairness and practicality concerns may not allow them to be used to determine a student-athlete's eligibility.

NCAA Research

Further Principles to be Considered

- Should potential increases in IE standards be tied to the receipt of financial aid, or only to competitive restrictions (i.e. freshman ineligibility for "at-risk" student-athletes)? The answer to this question might significantly alter options that you might consider for changes to the legislation.
- Should IE standards be tied in a more direct way to standards for incoming transfer student-athletes, especially those from two-year colleges? Is it important to "equate" these standards so that there is not a perceived academic or athletic advantage to one educational path versus another?
- Are IE, transfer, PTD, waiver and other standards working completely in concert toward the goal of moving student-athletes seamlessly and fairly toward college graduation?

Areas for Discussion Regarding Initial-Eligibility Legislation

- Change slope of sliding scale – Reviewing the slope of the scale to determine if more accurate predictions will result from increased weight on core GPA in the sliding scale equation.
- Impose a floor on HSCGPA – Determine if a floor on the core GPA will lead to higher graduation rates while minimizing the adverse impact on minority and low-income student-athletes.
- Create a tiered eligibility standard in which there would be one minimum for financial aid eligibility and another (higher) minimum for eligibility to compete.

Issues Related to Changing the Slope of the Sliding Scale

Choosing an Appropriate Form of Test-GPA Sliding Scale

- One method of modifying the current Test-GPA sliding scale is to adjust the weighting of GPA vs. test scores in the compensatory formula (i.e., the sliding scale slope can be changed).
- A move away from an equal weighting of GPA and test has been examined in the past and current NCAA data and previous research has shown that moderate reweighting (e.g., 2 to 1) is not likely to lead to much more accurate predictions of academic outcomes.

Issues Related to Imposing a Floor on High School Grades

Recent Research on Prediction of Academic Outcomes

- Recent data continue to indicate that a combination of test scores and high school grades is a better predictor of academic success than using either grades or tests in isolation.
- However, when examined independently, the High School Core GPA (HSCGPA) is 2 to 3 times more predictive of these academic outcomes than test scores. This was not true 20 years ago – the HSCGPA has become more predictive as the number of core courses has increased.
- More recent research has used APR 0-for-2 status as the dependent variable in these prediction models. In those models, high school GPA is significantly more predictive than test score.

Recent Research on Prediction of Academic Outcomes

- Given the emphasis these models place on HSCGPA, potential rules using the current sliding scale and adding a higher GPA minimum (e.g. HSCGPA > 2.5) were compared against those that simply increase the coordinates of the sliding scale.

- Using 0-for-2 status as the outcome, the comparison indicated that an increase in the GPA minimum is a more efficient method for decreasing the likelihood of 0-for-2 status at the end of the freshman year.

Summary of Adding Floor on Core GPA

- Reasons to add a GPA minimum:
  - Increases academic standards, which would increase projected graduation rates among student-athletes.
  - Increases reliance on high school grades which data show to be better predictors of success than other academic variables.
  - Encourages prospective student-athletes to place more emphasis on their high school core-curriculum courses.
- Reasons not to add a GPA minimum:
  - Some believe that this might lead to grade inflation or other manipulation at the high school level (although the same problem exists with regard to test score manipulation).
  - Moves away from the principle of equal weighting between core GPA and tests.

Issues Related to Creating a Multi-Tiered Eligibility Standard

Summary of Creating a Tiered Eligibility Standard

- Reasons to create tiered standard:
  - Allows institutions to identify at-risk student-athletes and bring them to campus with the assistance of aid, but allows those students to focus more directly on academics in their first year.
  - Significantly reduces possible concerns regarding access to higher education for subgroups of student-athletes.
- Reasons not to create tiered standard:
  - No evidence from current data (which are somewhat incomplete) that academic advantages accrue to those students who do not compete in freshman year.
  - Such a rule could become a de facto IE rule if conferences/institutions pass requirements against accepting these PSAs.

Student-Athlete Academic Support Services at Division I Institutions

Preliminary Results

Study Background

- The intent of the study was to learn more about the resources and practices institutions have in place to help promote academic success. N4A and NACADA played significant roles in the design and implementation of the study.
- Given increasing demands placed on student-athletes to progress toward a degree at a quicker pace and the increased public attention given to student-athlete academics as a result of the APR, the Academic Cabinet has identified this review as one of its top priorities for the next few years.
- This study is a follow-up study from a similar one done in 1998. As analyses continue, trend data will be examined.

Response Rates

- Many of the analyses presented here will compare results by subdivision and resource level.

Response rate by subdivision:

Football Bowl Subdivision (FBS)	Football Championship Subdivision (FCS)	No Football
94%	85%	84%

Response rate by resource quartiles (high to low):

Quartile 1	Quartile 2	Quartile 3	Quartile 4
87%	89%	86%	81%

- Quartiles used here are the same as those used in APR penalty determination.

Summary of Findings

- All but three institutions reported having an academic support program for student-athletes, and 88 percent reported having physical space dedicated to academic support.
- FBS schools average almost nine full-time staff members dedicated to academic support, as compared to fewer than three in the other subdivisions.
- The average number of tutors among FBS schools is 57 – more than three times the average of the other subdivisions. FBS schools show a median tutoring budget of $105,000– the medians in the other subdivisions are just over $10,000.
- The median total academic support budget at the FBS level is $655,000 per year (with a high of $2.6 million) as compared to approximately $150,000 in the other subdivisions.
- Only 8 percent of respondents indicated that their academic support budget had been cut in the last two years.
- Over 70 percent of these academic advisors say that the coaches have become more involved in academics as a direct result of increased academic standards. Almost 60 percent say that they have added staff as a direct result of the new rules.

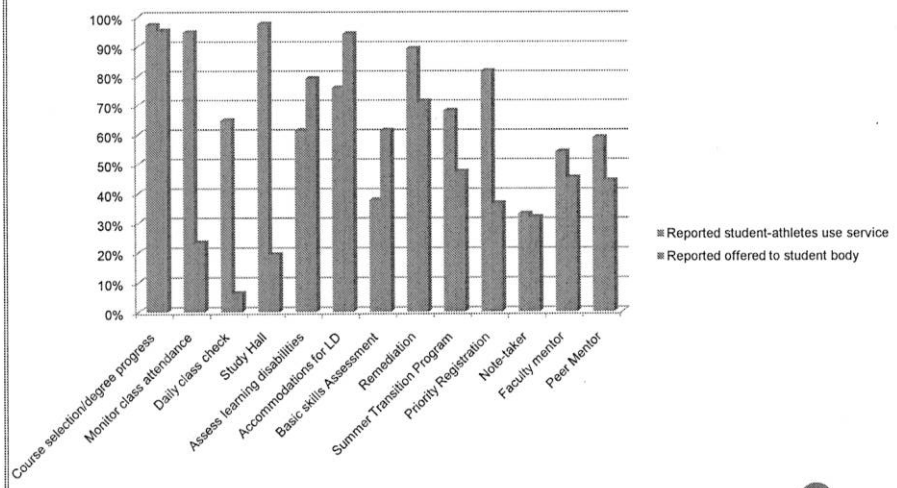
Availability of Academic Support Services

	Proportion of Student-Athlete who Use the Service			
	80-100%	40-80%	1% - 40%	None/Not offered
Course selection/ degree progress	74%	19%	5%	3%
Monitor class attendance	51%	28%	16%	5%
Daily class check	7%	13%	45%	35%
Study Hall	22%	54%	22%	3%
Assess learning disabilities	6%	7%	49%	39%
Accomm. for LD	9%	7%	59%	24%
Basic skills Assessment	16%	13%	38%	32%
Remediation	12%	26%	51%	11%
Course specific tutors	18%	51%	29%	3%
Summer Transition Program	7%	10%	51%	32%
Priority Registration	75%	4%	3%	18%
Computer Lab	58%	27%	7%	9%

Student-Athlete Facilities

- Overall, 78% of institutions reported having a computer facility that is dedicated for student-athlete use only. Breakdown by subdivision:
  - FBS: 89%
  - FCS: 66%
  - Non-Football: 78%
- The average number of computer terminals available varied. FBS institutions reported an average of 39 terminals, while both FCS and non-football institutions reported an average of 15.
- Overall, 88% of institutions reported having a physical space on campus that is dedicated to academic support for student-athletes.
  - Almost all FBS institutions (96%) reported having a center, while 81-85% of FCS and non-football institutions reported having a center.
- Another 70% reported updating this space in the last 5 years. While the majority (68%) spent under $250,000 on these updates, almost 10% indicated spending $1 million or more, the majority of which was reported by FBS institutions.

Academic Support Services Available to General Student Body (cont.)



Academic Support Staff for Student-Athletes

- We asked respondents about the number of employees within their athletics departments that are dedicated to academic support for student-athletes. Differences between FBS and the other two subdivisions were significant in all cases.

	DI FBS		DI FCS		DI – No Football	
	Range	Average	Range	Average	Range	Average
FT Professional Staff	2-18	7.67 (n=105)	0-8	2.44 (n=90)	0-10	2.33 (n=72)
FT Secretarial Staff	0-4	0.93 (n=98)	0-3	0.34 (n=62)	0-2	0.32 (n=47)
FT IT Staff	0-3	0.22 (n=73)	0-1	0.03 (n=58)	0-3	0.07 (n=41)
PT Employees	0-20	2.91 (n=68)	0-10	0.75 (n=65)	0-8	0.84 (n=51)
Paid Interns	0-19	1.77 (n=81)	0-4	0.41 (n=63)	0-4	0.58 (n=57)

Student Employees: Tutoring Positions

- On average, institutions employ almost 31 tutors, including undergraduate, graduate and non-student tutors (e.g., retired teachers). The majority of these positions, however, are filled by undergraduate students. Highlighted portions below indicate a significantly greater number of employees.

	Undergraduate	Graduate	Non-Student
Averages by Subdivision			
FBS	32 (n=96)	18 (n=94)	7 (n=89)
FCS	16 (n=80)	3 (n=66)	1 (n=67)
No Football	10 (n=70)	3 (n=66)	1 (n=63)
Averages by Resource Quartile			
Quartile 1	37 (n=63)	24 (n=63)	8 (n=62)
Quartile 2	21 (n=63)	5 (n=61)	2 (n=60)
Quartile 3	13 (n=63)	4 (n=54)	1 (n=52)
Quartile 4	11 (n=57)	2 (n=48)	1 (n=45)

Tutorial Support Budget

- Respondents were asked a series of questions related to their institutional budget directed to academic support for student-athletes. A few questions asked specifically about the tutorial support budget.

- The median spent by responding institutions was $30,000 during the 2008 fiscal year on tutorial support. FBS and institutions in Quartile 1 reported spending significantly more money on tutorial support.

Median spent in 2008:

FBS	FCS	No Football
$105,000 (n=83) [268 paid hrs.]	$11,500 (n=58) [46 paid hrs.]	$10,500 (n=48) [45 paid hrs.]

Quartile 1	Quartile 2	Quartile 3	Quartile 4
$140,000 (N=53) [340 paid hrs]	$17,000 (N=47) [70 paid hrs]	$20,000 (N=43) [74 paid hrs.]	$11,000 (N=46) [45 paid hrs.]

Athletic Department Academic Support Budget

- Respondents were asked to provide their *institution's* overall budget dedicated to academic support for student-athletes. Responses varied greatly by subdivision and resource category. On average, 65% of the total budget was paid for by the athletics department.

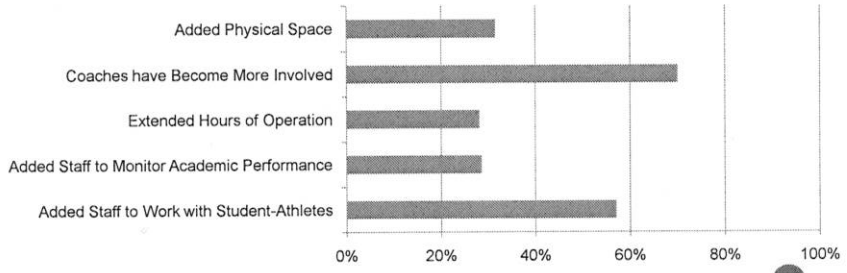
	Total Budget	
	Range	Median
Results by Subdivision		
FBS	$20,000 – 2.6 million	$655,098 (n=78)
FCS	$0 – 1.025 million	$140,000 (n=53)
No Football	$0 – 460,000	$154,980 (n=43)
Results by Quartile		
Quartile 1	$0 – 2.6 million	$1,000,000 (n=46)
Quartile 2	$800 – 1,100,436	$203,582 (n=46)
Quartile 3	$20,000 – 620,000	$174,500 (n=41)
Quartile 4	$0 – 1.025 million	$150,000 (n=41)

Athletic Department Academic Support Budget (cont.)

- Given the current economic climate, we asked how spending on student-athletes has changed recently.
- Changes in spending on student-athletes (Note, we asked specifically for changes excluding investments in physical space):
  - 8% of institutions indicated spending on such programs has decreased since 2007
  - 28% reported there has been no change
  - 52% reported a 1-20% increase in total spending on academic support programs
  - The remaining 12% indicated a 21-100% increase.
- Changes in spending on athletics programs:
  - The majority of institutions reported a reduction in spending on athletics programs. Only 17% reported an increase.
  - There were no significant differences by subdivision or resource.

Changes to Academic Support Program

- In addition to their opinions regarding student-athletes' academic trajectories, respondents also were asked about changes their institutions have made as a direct result of increased NCAA academic standards. The majority of institutions reported that they have added additional staff to work directly with student-athletes (e.g., advisors, tutors, etc.) and that coaches have become more involved in monitoring the student-athletes. There were no significant differences by subdivision or resource.



NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet Discussion Document

Background and Timeline

During its September 2008 meeting, the NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet engaged in a discussion of financial aid issues. Specifically, the cabinet noted the complexity of the current financial aid regulations and how the current rules related to counter status and team limits may, at times, negatively impact a student-athlete's ability to accept athletics aid comingled with other nonathletics sources of aid. During this meeting, the cabinet identified the examination of grant-in-aid limitations as its top priority and agreed to undertake a comprehensive review of NCAA Bylaw 15 (financial aid). In the interim, the cabinet requested the NCAA Division I Legislative Council table any legislative proposals involving changes to legislated team grant-in-aid limits to provide time for the cabinet to conduct a broader examination of the limits for all sports. Below is a summary of the cabinet's activity since its September 2008 meeting:

1. February 2009 Meeting. Cabinet reviewed research related to financial aid that was generated through a survey of the cabinet member's financial aid offices. The cabinet prioritized the following topics for further study.

    a. Countable aid versus noncountable aid (e.g., government grants, institutional merit aid, state grants, outside aid);

    b. Examination of issues related to determining counter status;

    c. Head-count designations versus equivalency designations; and

    d. Team financial aid limits.

    Currently, the cabinet is focusing on a review of the first two topics. Depending on the outcomes resulting from this review, the remaining topics, head-count designations versus equivalency designations and team financial aid limits, may be the focus of a future review.

2. June 2009 Meeting. Cabinet conducted videoconferences with financial aid officers from nine Division I institutions representing all three subdivisions to obtain additional feedback related to the financial aid items prioritized by the cabinet. Based on this feedback, the cabinet identified two themes to help guide the cabinet in its review and formulation of recommendations.

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

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

3. September 2009 Meeting. Models related to the current financial aid legislation were reviewed to determine the level of impact the suggested changes would have on student-athlete well-being, team financial aid limits, the athletics department and the availability of financial aid for the general student-body. The cabinet then prioritized the elements from the models. The cabinet directed the staff to develop a discussion document to obtain feedback from the broader membership. The elements that were prioritized for feedback appear in the Potential Concepts for Discussion and Feedback section of this document.

4. February 2010 Meeting. Cabinet will review the information received from this discussion document and begin to formulate legislative concepts.

5. June 2010 Meeting. Cabinet will finalize legislative concepts for submission into the 2010-11 legislative cycle.

History of Legislation

The history of NCAA financial aid legislation has shown that at least a portion of the membership is very concerned with issues related to distrust and competitive equity as it relates to the awarding of aid. Much of the previous and current legislation is based on the fear that, if given latitude, institutions will create sham scholarships or employment in order to provide additional athletically related aid to student-athletes without being required to count it as such. While the history of the employment legislation is an example of such fears, it also serves as an example of the membership overcoming those fears. For years, student-athletes were not permitted to earn more than the value of a full grant-in-aid when the value of their scholarships was combined with employment earnings. Later, a legislative change allowed a student-athlete to earn up to $2,000 over the value of a full grant-in-aid, subject to much regulation. Shortly thereafter, student-athlete employment was fully deregulated.

When legislation was proposed in 2002 to increase a student-athlete's individual limit to cost of attendance, concerns about competitive equity were raised. Institutions with smaller budgets believed that they could not compete with institutions with larger budgets. They believed that because larger budget institutions would be able to offer more financial aid, they would stockpile student-athletes and those student-athletes would not choose to attend smaller budget institutions.

These same fears are currently being borne out in the debate concerning whether academic and need-based aid should count toward an institution's maximum team financial aid limitations.

Consequently, any proposal to allow institutions to provide athletics aid up to the cost of attendance needs to include safeguards and be supported by data to help alleviate fears related to competitive equity.

Over the years, there have been numerous attempts to adopt a system of need-based aid for athletics. Four factors have emerged as the primary reasons for opposition: (1) a belief that merit and need should be considered in all scholarship programs; (2) concern that the latitude in judgment permitted at the institutional level in the packaging of need-based aid would result in differences in total financial aid awards that would create recruiting advantages; (3) eliminating differences in institutional packaging would require an enormously expensive national financial aid administration program, the benefits of which would not exceed its cost; and (4) concern that institutions with more resources would create packages with more grants that do not require repayment, thereby creating recruiting advantages.

In 2004, after more than a year of membership debate, the NCAA Division I Board of Directors adopted NCAA Division I Proposal No. 2002-83-A, which allowed student-athletes to receive athletics aid up to the full grant-in-aid level, plus nonathletics aid (e.g., academic scholarships) up to the cost of attendance. At the same time, the membership voted to defeat Proposal No. 2003-23-A, which would have permitted student-athletes in equivalency sports to receive certain kinds of institutional academic scholarships and need-based aid under specified conditions without the aid being included in an institution's equivalency computation. Such aid would continue to count toward the recipient's individual limit and toward Division I membership requirements. The sponsor's rationale was that because the aid was not related to athletics ability, it should not count in team limits.

The current scholarship system creates a dilemma when high school prospective student-athletes are considering offers from several institutions. Some institutions are considering offering a full scholarship, while other institutions, are considering offering a partial scholarship. Now, factor in the pressure which operates within athletics departments to increase or decrease the value of the original financial aid agreement for particular student-athletes based on their performance and the program's recruiting plans for next year's crop of seniors. As a result of these pressures and current NCAA rules related to what types of aid are countable, two prospective student-athletes who are offered identical athletics aid agreements from the same institution may end up with very different financial aid packages because a coach may decide to allow one of the students to accept other financial aid that counts against the team's financial aid limit, while precluding the other student from accepting the aid due to not having enough room in the team's financial aid limit.

Current Legislation

The current financial aid legislation relevant to the concepts prioritized by the cabinet for feedback are included as an attachment to this discussion document. [Attachment]

Potential Concepts for Discussion and Feedback

Ten suggested concepts for discussion and feedback are included below. Please note, the items below are only suggestions, and this is certainly not an exhaustive list of possible options as the cabinet hopes broad and diverse dialogue generates additional concepts for consideration. The concepts are grouped based on whether those concepts were strongly endorsed by the cabinet or were not endorsed by the cabinet. Concepts strongly endorsed by the cabinet are those that the cabinet believes address student-athlete well-being in a positive manner; reduce bureaucracy for NCAA compliance monitoring; reduce bureaucracy on financial aid offices, which already are heavily regulated; and, in many cases, have safeguards (e.g., federal regulations) currently in place to greatly minimize the potential for abuse. The cabinet welcomes your feedback related to whether your institution, conference or organization supports or does not support the concepts noted below as well as explanation of why.

The cabinet strongly endorsed the following concepts:

Concept No. 1: Exempt all federal need-based aid from counting towards a team's maximum financial aid limits (team limit) and an individual's cost of attendance limit (individual limit).

Current Legislation: Select government grants are exempted from the team and/or individual limit calculations (see Bylaws 15.02.4.1, 15.1.2 and 15.2.5.1 and Figure 15-1). However, some federal need-based aid must be included in the calculation for the team and/or individual limits. For example, the Supplemental Educational Opportunities Grant (SEOG) must currently be included in the calculation for a student-athlete's cost of attendance limit. In addition, if the student-athlete is a counter, then the SEOG must also be counted against the team's maximum financial aid limitation.

Impact of Concept: This concept would permit all government grants awarded based on a student's demonstrated financial need to be exempted from counting towards the team and/or individual limits. For the example provided above, the SEOG would no longer have to be counted against the team limit or individual limit.

Rationale: The cabinet agreed, even though some of these sources are administered by an institution's financial aid office, there are safeguards (e.g., defined

awarding criteria for all candidates, predetermined methodologies for calculating students with financial need) already in place when determining the recipients of federal need-based aid, minimizing the potential for abuse. Further, the cabinet noted this change would have a positive impact on student-athlete well-being by permitting additional sources of aid to be exempt, the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies) and would reduce bureaucracy for NCAA compliance monitoring and financial aid offices.

Concept No. 2: Exempt all state need-based financial aid from counting towards team limits.

Current Legislation: Currently, if a student-athlete who is a counter receives state need-based aid that is administered by an institution (i.e., the institution is responsible for selecting the recipient or determining the amount of the award), the aid must count against the team limit.

Impact of Concept: This concept would specify that all state aid/grants based on financial need (regardless of whether or not the aid is administered by an institution) would be exempt from counting towards team limits. This concept would not change the current application of Bylaw 15.5.1.2 for football and basketball student-athletes.

Rationale: The cabinet agreed there are safeguards (e.g., defined awarding criteria for all candidates) already in place when determining the recipients of state need-based aid, minimizing the potential for abuse. Further, the cabinet noted this change would have a positive impact on student-athlete well-being by permitted additional sources of aid to be exempt, the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies) and would reduce bureaucracy for NCAA compliance monitoring and financial aid offices.

Concept No. 3-a: Exempt all outside scholarships from counting towards team limits provided:

a. The choice of institutions is not restricted by the donor of the aid;

b. There is no direct connection to institution (e.g., donor of the aid shall not be representatives of the athletics interests or an athletics booster group of a member institution); and

c. One of the following additional thresholds:

(1) A maximum award value for the outside scholarship that may be exempted (e.g., outside awards valued at $1,000 or below); or

(2) Specify that the exemption is only available for student-athletes receiving a specified equivalency amount (e.g., only student-athletes receiving no more than 25 percent of a full grant-in-aid).

[NOTE: The cabinet is interested in feedback specific to the additional thresholds outlined in part c of this concept. In addition, the cabinet requests feedback related to other thresholds that the membership may want to have considered under this concept.]

Current Legislation: Bylaw 15.2.6 outlines the legislation related to various types of outside sources of financial aid. Specifically, Bylaw 15.2.6.4 specifies several conditions that must be satisfied in order for a student-athlete to receive an outside scholarship that is determined to include athletics as a major criterion (i.e., aid that is only awarded to individuals who participate in athletics). In addition, if the recipient was recruited, then the student-athlete is considered a counter and the amount is applied to the maximum awards limitations for the sport in question.

Impact of Concept: Provided the conditions specified above in a through c are satisfied, a student-athlete, regardless of the type of outside award and/or recruitment status, could accept an outside scholarship from an established and continuing program and not count the aid towards his or her team limits. Outside scholarships would only be included in determining a student-athlete's individual cost of attendance limit.

Rationale: The cabinet agreed the specified conditions noted above are sufficient safeguards to minimize the potential for abuse by protecting against concerns related to recruiting advantages and competitive equity. Further, the cabinet noted this change would have a positive impact on student-athlete well-being by permitting additional sources of aid to be exempt and the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies).

[NOTE: In connection with this concept, the cabinet is interested in feedback regarding whether review of financial aid should be more defined in the required athletics certification compliance review.]

Concept No. 3-b: Exempt all outside scholarships from counting towards team limits provided:

a. The choice of institutions is not restricted by the donor of the aid; and

b. There is no direct connection to institution.

Current Legislation: Bylaw 15.2.6 outlines the legislation related to various types of outside sources of financial aid. Specifically, Bylaw 15.2.6.4 specifies several conditions that must be satisfied in order for a student-athlete to receive an outside scholarship that is determined to be a major criterion award (i.e., aid that is only awarded to individuals who participate in athletics). In addition, if the recipient was recruited, then the student-athlete is considered a counter and the amount is applied to the maximum awards limitations for the sport in question.

Impact of Concept: Provided the conditions specified above in a and b are satisfied, a student-athlete, regardless of the type of outside award and/or recruitment status, could accept an outside scholarship from an established and continuing program and not count the aid towards his or her team limits. Outside scholarships would only be included in determining a student-athlete's individual cost of attendance limit.

Rationale: This concept is an alternative to Concept No. 3-a, and specifically, is more flexible than Concept No. 3-a. While the cabinet prefers Concept No. 3-a, the cabinet wants to solicit feedback from the membership on both concepts. In this model, the additional condition specified in Concept No. 3-a, item c, has been eliminated based on the concerns expressed about additional compliance monitoring requirements. Additionally, issues surrounding certification of outside sources of aid were a consistent frustration with the financial aid officers. This concept would greatly reduce bureaucracy for financial aid offices.

Concept No. 4: Allow student-athlete to replace his or her athletics financial aid agreement (on student-athlete's own initiative) with a more favorable institutional financial aid package before becoming a counter for the academic year.

Current Legislation: Bylaw 15.3.4.3.2 specifies that once a student-athlete signs an institution's athletically related financial aid agreement, the institution may not reduce or cancel the athletics aid until the conclusion of the period of the award unless a condition in Bylaw 15.3.4.2 is satisfied. In addition, an institution

may include nonathletically related conditions in the financial aid agreement which may serve as the basis to permissibly reduce or cancel a student-athlete's athletics aid (see Bylaw 15.3.4.2.2). There have been instances when a student-athlete signs his or her athletics financial aid agreement and is later notified that he or she is eligible for additional nonathletically related institutional aid. In some of those instances, the nonathletics institutional aid package exceeds the amount of athletics aid that the student-athlete has signed to receive for the upcoming academic year and because the student-athlete is receiving athletics aid, the institutional aid must count towards the team limit (unless it is exemptible aid such as an academic honor award).

If a team has already reached its maximum financial aid limits for the upcoming academic year, there may not be room remaining in the team's maximum financial aid limits for the student-athlete to accept the additional countable aid from the institution. Therefore, the only permissible way to allow the student-athlete to decline the athletics aid so that he or she may accept the nonathletics institutional aid is to include a condition specified in the financial aid agreement that addresses this situation (e.g., prior to becoming a counter, if the student-athlete is notified that he or she is eligible to receive nonathletics institutional aid that equals or exceeds the value of the athletics grant-in-aid, the student-athlete may request to decline his or her athletics financial aid agreement). If such a condition is written into the student-athlete's financial aid agreement, then the student-athlete can decline the athletics aid and accept the nonathletics institutional financial aid package. The institution must then certify that the nonathletics institutional aid the student-athlete is receiving does not result in the student-athlete becoming a counter.

Impact of Concept: This concept would establish legislation to permit a student-athlete who has signed an athletics financial aid agreement and is eligible to receive nonathletics institutional aid that is equal to or exceeds the athletics grant-in-aid, to decline/replace his or her athletics financial aid before becoming a counter.

Rationale: The cabinet noted this change would have a positive impact on student-athlete well-being and the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies).

Concept No. 5: Revise NCAA legislation related to academic merit awards/scholarships to specify a 3.000 grade-point average as opposed to a 3.300 grade-point average (see Bylaws 15.5.1.2.2 and 15.5.3.2.2.2).

Current Legislation: Currently, the legislation in Bylaws 15.5.1.2.2 and 15.5.3.2.2.2 specifies that such institutional academic aid may be exempt from counting against team limits provided the recipient has completed at least one academic year of full-time enrollment at the certifying institution and has achieved a cumulative grade-point average of at least 3.300 (on a 4.000 scale) at the certifying institution.

Impact of Concept: This concept would specify that such institutional academic aid may be exempt from counting against team limits provided the recipient has completed at least one academic year of full-time enrollment at the certifying institution and has achieved a cumulative grade-point average of at least 3.000 (on a 4.000 scale) at the certifying institution. Academic merit awards/scholarships would only be included in determining a student-athlete's individual cost of attendance limit.

Rationale: The cabinet noted this change is consistent with the current grade-point average requirements for renewals of academic honor awards (Bylaw 15.5.3.2.2.1.2). In addition, this change would have a positive impact on student-athlete well-being by allowing more student-athletes the opportunity to receive such awards and exempt the aid from counting against team limits. Finally, this change has the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies).

Concept No. 6: Exempt state merit-based aid that is administered by an institution provided the awarding criteria satisfy the academic honor award or institutional academic scholarship legislative requirements (see Bylaws 15.5.1.2.2, 15.5.3.2.2.1 and 15.5.3.2.2.2).

Current Legislation: Currently, if a student-athlete who is a counter also receives a merit-based state scholarship that is administered by the institution (i.e., the institution is responsible for selecting the recipient or determining the amount of the award), the state scholarship must count against the team limit, regardless of the specified awarding criteria.

Impact of Concept: This concept would permit merit-based state aid to be exempted from counting against team limits if the awarding criteria for the state scholarship satisfy the legislative requirements for an academic honor

award or institutional academic scholarship. State merit-based aid that is administered by an institution would only be included in determining a student-athlete's individual cost of attendance limit.

[NOTE: The cabinet also discussed exempting state merit-based aid that is administered by an institution regardless of the awarding criteria; however, this concept was not supported by the cabinet. The cabinet would, however, like feedback from the membership regarding whether there is support for such state merit-based awards being exempted from counting against team limits regardless of the awarding criteria.]

Rationale: The cabinet agreed this change would have a positive impact on student-athlete well-being by permitting additional sources of aid to be exempt and the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies). Finally, the cabinet noted that permitting an institution to exempt an award that is provided consistent with institutional policies would not create additional NCAA rules bureaucracy for financial aid offices but would ensure some safeguards are in place to minimize the potential for abuse.

The cabinet was divided over the following concept:

Concept No. 7: Allow institutional standards applicable to all students in general to govern institutional academic merit awards/scholarships.

Current Legislation: Currently, the legislation in Bylaws 15.5.1.2.2 and 15.5.3.2.2.2 specifies that such institutional academic aid may be exempt from counting against team limits provided the recipient has completed at least one academic year of full-time enrollment at the certifying institution and has achieved a cumulative grade-point average of at least 3.300 (on a 4.000 scale) at the certifying institution.

Impact of Concept: This concept would permit institutional academic merit awards/ scholarships to be exempted from counting against team limits provided the aid was awarded in accordance with institutional policy for determining the recipients of such aid. Institutional academic merit awards/scholarships would only be included in determining a student-athlete's individual cost of attendance limit.

Rationale: Some members of the cabinet were comfortable that institutional policy applicable to all students is a sufficient safeguard when determining the

recipients of institutional academic merit awards/scholarships, minimizing the potential for abuse. And, this change would reduce bureaucracy for NCAA compliance monitoring and financial aid offices. Further, the cabinet noted this change would have a positive impact on student-athlete well-being by reinforcing the philosophy that student-athletes should be treated similarly to students in general. Finally, this concept has the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies).

The cabinet did not endorse the following concepts:

Concept No. 8: For sports other than basketball and football, exempt all institutional need-based aid from counting towards team limits.

Current Legislation: Currently, if a student-athlete who is a counter receives institutional need-based aid, the aid must count against the team limit.

Impact of Concept: This concept would permit institutional need-based aid to be exempted from counting against team limits provided institutional policies related to determining students with a demonstrated financial need are adhered to and athletics does not intercede on the student-athlete's behalf. The institutional need-based aid would only be included in determining a student-athlete's individual cost of attendance limit. This concept would not change the current application of Bylaw 15.5.1.2 for football and basketball student-athletes.

Rationale: While the cabinet agreed this change would have a positive impact on student-athlete well-being and the potential to reduce the amount of financial aid that counts toward a team's maximum financial aid limit (e.g., reduce equivalencies), it expressed concerns related to the impact this change may have on public versus private institutions as well as those institutions that offer a significant amount of need-based aid to its students.

Concept No. 9: Permit athletics scholarships to be awarded up to the value of cost of attendance.

Current Legislation: Currently, Bylaw 15.1 specifies that athletics aid may be awarded up to the value of a full grant-in-aid (i.e., tuition, fees, room, board and books).

Impact of Concept: This concept would permit athletically related aid to be awarded up to the value of cost of attendance (i.e., tuition and fees, room and board, books and supplies, transportation and other expenses related to attendance at the institution).

Rationale: The cabinet expressed concerns about the significant increase this change would have on institutions' scholarship budgets. In addition, the cabinet noted that if other concepts related to exempting financial aid are supported, then student-athletes will have more opportunities to accept additional sources of aid without having to count that aid toward team limits. Thus, a change related to increasing the maximum value of athletically related aid may not be necessary.

Concept No. 10: Allow recruited basketball and football student-athletes to receive institutional financial aid granted without regard in any degree to athletics ability and compete without becoming a counter.

Current Legislation: Currently, Bylaw 15.5.1.2 specifies that in football or basketball, a student-athlete who was recruited by the awarding institution and who receives institutional financial aid (as set forth in Bylaw 15.02.4.1) granted without regard in any degree to athletics ability does not have to be counted until the student-athlete engages in varsity intercollegiate competition.

Impact of Concept: This concept would permit a recruited football or basketball student-athlete to receive institutional financial aid granted without regard in any degree to athletics ability and compete without becoming a counter.

Rationale: Although this change would reduce bureaucracy for NCAA compliance monitoring and financial aid offices, the cabinet expressed concerns regarding the potential for abuse that could result in recruiting inequities and the exploitation of the current NCAA definition of a recruited prospective student-athlete in the sports of basketball and football.

Other concept to be explored:

The cabinet is awaiting feedback from the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet on whether it has concerns about a potential change to the definition of recruitment for the purpose of evaluating financial aid. The current definition impacts how counter status is determined and the Awards, Benefits, Expenses and Financial Aid Cabinet is

considering suggesting a definition of "recruited" for financial aid purposes that may be different than the current definition in Bylaw 13. The Recruiting and Athletics Personnel Issues Cabinet will continue their discussion on this item at its February meeting.

Conclusion

In closing, the cabinet hopes this discussion document has aided in understanding the history and existing legislation along with identifying today's realities and concerns. Therefore, the cabinet believes the timing is appropriate for a thorough examination of this entire area in order to ascertain what, if any, changes should be made to address the needs of student-athletes and concerns the membership believes are significant and real in the present environment.

NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet
Discussion Document: Current Legislation

NCAA Division I Constitution 2.13 – Principle Governing Financial Aid. A student-athlete may receive athletically related financial aid administered by the institution without violating the principle of amateurism, provided the amount does not exceed the cost of education authorized by the Association; however, such aid as defined by the Association shall not exceed the cost of attendance as published by each institution. Any other financial assistance, except that received from one upon whom the student-athlete is naturally or legally dependent, shall be prohibited unless specifically authorized by the Association.

Bylaw 15.02.2 – Cost of Attendance. The "cost of attendance" is an amount calculated by an institutional financial aid office, using federal regulations, that includes the total cost of tuition and fees, room and board, books and supplies, transportation, and other expenses related to attendance at the institution. *(Adopted: 1/11/94)*

Bylaw 15.02.3 – Counter. A "counter" is an individual who is receiving institutional financial aid that is countable against the aid limitations in a sport.

Bylaw 15.02.4 – Financial Aid. "Financial aid" is funds provided to student-athletes from various sources to pay or assist in paying their cost of education at the institution. As used in NCAA legislation, "financial aid" includes all institutional financial aid and other permissible financial aid as set forth below. (See Bylaws 15.01.6.1, 15.01.6.2, 16.2, 16.3 and 16.4.) *(Revised: 5/26/09)*

Bylaw 15.02.5 – Full Grant-in-Aid. A full grant-in-aid is financial aid that consists of tuition and fees, room and board, and required course-related books.

Bylaw 15.02.4.1 – Institutional Financial Aid. The following sources of financial aid are considered to be institutional financial aid:

(a) All funds administered by the institution, which include but are not limited to the following: *(Revised: 1/11/94 effective 8/1/94, 1/14/97 effective 8/1/97)*

(1) Scholarships;
(2) Grants;
(3) Tuition waivers;
(4) Employee dependent tuition benefits, unless the parent or the legal guardian of a student-athlete has been employed as a full-time faculty/staff member for a minimum of five years; and *(Revised: 4/26/01 effective 8/1/01, 10/31/02 effective 8/1/03)*
(5) Loans. *(Revised: 10/31/02 effective 8/1/03)*

(b) Aid from government or private sources for which the institution is responsible for selecting the recipient or determining the amount of aid, or providing matching or supplementary funds for a previously determined recipient; and *(Revised: 10/31/02 effective 8/1/03)*

(c) For the student-athlete recruited by the institution, financial aid awarded through an established and continuing outside program (e.g., National Football Foundation) for the recognition of outstanding high school graduates in which athletics participation may be a

major criterion, as outlined in Bylaw 15.2.6.4. This aid counts against an institution's sport-by-sport financial aid limitations and also against the individual's full-grant-in-aid limit. *(Revised: 10/31/02 effective 8/1/03)*

Bylaw 15.02.4.2 – Other Permissible Financial Aid. The following sources of financial aid are also permitted:

(a) Financial aid received from anyone upon whom the student-athlete is naturally or legally dependent;

(b) Financial aid awarded solely on bases having no relationship to athletics ability;

(c) Financial aid awarded through an established and continuing outside program (e.g., National Merit Scholar) in which athletics participation is not the major criterion, as outlined in Bylaw 15.2.6.3, and which does not count against an institution's sport-by-sport financial aid limitations; *(Revised: 4/29/04 effective 8/1/04)*

(d) For the student-athlete not recruited by the institution, financial aid awarded through an established and continuing outside program (e.g., National Football Foundation) for the recognition of outstanding high school graduates, in which athletics participation may be a major criterion, as outlined in Bylaw 15.2.6.4. This aid does not count against an institution's sport-by-sport financial aid limitations but does count against the individual's full-grant-in-aid limit; and

(e) Educational expenses awarded by the U.S. Olympic Committee, which count against an institution's sport-by-sport financial aid limitations and against the individual's full-grant-in-aid limit. *(Adopted: 1/10/95 effective 8/1/95)*

Bylaw 15.02.4.3 – Exempted Institutional Financial Aid. The following institutional financial aid is exempt and is not counted in determining the institution's financial aid limitations: *(Revised: 4/29/04 effective 8/1/04)*

(a) An honorary award for outstanding academic achievement or an established institutional research grant that meets the criteria set forth in Bylaw 15.02.6 (and must be included in determining if the student-athlete's cost of attendance has been met); and *(Revised: 1/10/91, 1/10/92, 10/31/02 effective 8/1/03)*

(b) A postgraduate scholarship awarded by an institution in accordance with Bylaw 16.1.4.1.1. *(Adopted: 4/25/02)*

Bylaw 15.02.5 – Full Grant-in-Aid. A full grant-in-aid is financial aid that consists of tuition and fees, room and board, and required course-related books.

Bylaw 15.02.6 – Honorary Academic Award/Research Grant. An honorary academic award for outstanding academic achievement or a research grant is an award that meets the following criteria:

(a) The award or grant is a standing scholarship award or an established research grant; *(Revised: 10/28/04)*

(b) The basis for the award or grant shall be the candidate's academic record at the awarding institution;

(c) The award or grant shall be determined by competition among the students of a particular class or college of the institution. Competition for the award or grant may include additional objective criteria unrelated to athletics abilities (e.g., gender, race and ethnicity, financial need); and *(Revised: 1/14/08 effective 8/1/08)*

(d) The award or grant is included in determining if the student-athlete's cost-of-attendance limitation has been met. *(Revised: 1/10/91, 1/10/92)*

Bylaw 15.1 – Maximum Limit On Financial Aid – Individual. A student-athlete shall not be eligible to participate in intercollegiate athletics if he or she receives financial aid that exceeds the value of the cost of attendance as defined in Bylaw 15.02.2. A student-athlete may receive institutional financial aid based on athletics ability (per Bylaw 15.02.4.1), outside financial aid for which athletics participation is a major criterion (per Bylaw 15.2.6.4) and educational expenses awarded per Bylaw 15.2.6.5 up to the value of a full grant-in-aid, plus any other financial aid unrelated to athletics ability up to the cost of attendance. (See Bylaw 15.01.6.1, 15.01.6.2, 16.3, 16.4 and 16.12.) *(Revised: 4/29/04 effective 8/1/04, 5/26/09)*

Bylaw 15.1.1 – Exception for Pell Grant. A student-athlete who receives a Pell Grant may receive financial aid equivalent to the limitation set forth in Bylaw 15.1 or the value of a full grant-in-aid plus the Pell Grant, whichever is greater. *(Adopted: 4/29/04 effective 8/1/04)*

Bylaw 15.1.2 – Types of Aid Included in Limit. In determining whether a student-athlete's financial aid exceeds the cost of attendance, all institutional financial aid (per Bylaw 15.02.4.1) and all funds received from the following and similar sources shall be included (see Bylaws 15.02.4.3, 15.02.4.4 and 15.02.4.5 for types of financial aid that are exempt from a student-athlete's individual limit): *(Revised: 10/31/02 effective 8/1/03, 4/29/04 effective 8/1/04)*

(a) Government Grants. Government grants for educational purposes, except for those listed in Bylaw 15.2.5;

(b) Other Scholarships and Grants. Other institutional or outside scholarships or grants-in-aid; *(Revised: 1/10/95 effective 8/1/95, 4/29/04 effective 8/1/04)*

(c) Gifts. The value of gifts given to a student-athlete following completion of eligibility in appreciation for or recognition of the student-athlete's athletics accomplishments;

(d) Professional Sports Stipend. Any bonus or salary (no matter when received or contracted for) from a professional sports organization;

(e) Athletics Participation Compensation. Any other income (no matter when received or contracted for) from participation in an athletics event (except funds that are administered by the U.S. Olympic Committee pursuant to it Operation Gold Grant Program) unless eligibility has been exhausted in that sport; and *(Revised: 1/11/94 effective 8/1/94)*

(f) Loans. Loans, except legitimate loans that are based upon a regular repayment schedule, available to all students and administered on the same basis for all students.

Bylaw 15.2.5 – Government Grants. Government grants for educational purposes shall be included when determining the permissible amount of the cost of attendance for a student-athlete, except for those listed in Bylaw 15.2.5.1. *(Revised: 1/11/89, 4/29/04 effective 8/1/04, 4/21/05)*

Bylaw 15.2.5.1 – Exempted Government Grants. The following government grants for educational purposes shall not be included when determining the permissible amount of the cost of attendance of a student-athlete: *(Adopted: 1/11/89; Revised: 4/29/04 effective 8/1/04; 1/10/05)*

(a) AmeriCorps Program. Benefits received by student-athletes under the AmeriCorps Program; *(Adopted: 1/9/96 effective 8/1/96)*

(b) Disabled Veterans. State government awards to disabled veterans; *(Adopted: 4/28/05)*

(c) Military Reserve Training Programs. Payments to student-athletes for participation in military reserve training programs (e.g., payments by the U.S. government for a student's participation in advanced ROTC or National Guard training shall not be construed under this principle to be "employment" during semester or term time);

(d) Montgomery G.I. Bill. Benefits received by student-athletes under the Montgomery Bill -- Active Duty and the Montgomery G.I. Bill -- Selected Reserve;

(e) Special U.S. Government Entitlement Programs. Payments by the U.S. government under the terms of the Dependents Education Assistance Program (DEAP), Social Security Insurance Program [including the Reinstated Entitlement Program for Survivors (REPS)] or Non-Service-Connected Veteran's Death Pension Program;

(f) U.S. Military Annuitant Pay. United States Military Annuitant Pay or other family member service-related death benefits received by student-athletes from the United States Military. *(Adopted: 1/10/05)*

(g) U.S. Navy Nuclear Propulsion Officer Candidate Program. Benefits received by student-athletes under the U.S. Nuclear Propulsion Officer Candidate Program (NUPOC); *(Adopted: 4/26/01)*

(h) Veterans Educational Assistance Program (VEAP). Benefits received by student-athletes under the VEAP;

(i) Vocational Rehabilitation for Service-Disabled Veterans Program. Benefits received by student-athletes under the Vocational Rehabilitation for Service-Disabled Veterans Program; or

(j) Welfare Benefits. Welfare benefits received from a state or federal government. *(Adopted: 1/14/97 effective 8/1/97)*

Bylaw 15.2.6.4 – Athletics Participation as a Major Criterion. A student-athlete may receive financial aid through an established and continuing program for the recognition of outstanding high school graduates, provided the following conditions are met: *(Revised: 4/22/98 effective 8/1/98)*

(a) The award shall be made on the basis of the recipient's past performance and overall record, as measured by established criteria of which athletics participation may be a major criterion;

(b) Disbursement of the aid may be through the awarding agency for the recipient's educational expenses, provided the aid is awarded prior to the recipient's initial enrollment at a member institution and the awarding agency provides written notification of the award to the institution. After enrollment at a member institution, disbursement of the aid shall be through the institution for the recipient's educational expenses while attending the institution. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the violation shall not affect the student-athlete's eligibility, provided the student-athlete deposits the aid with the institution and the aid does not result in an overaward of financial aid to the student-athlete; *(Adopted: 1/10/95 effective 8/1/95, Revised: 4/20/99 effective 8/1/99)*

(c) The recipient's choice of institutions shall not be restricted by the donor of the aid;

(d) The awarding individual or organization and the donor of the aid shall not be representatives of the athletics interests or an athletics booster group of a member institution;

(e) The value of the award alone or in combination with other athletically related financial aid shall not exceed the value of a full grant-in-aid or the value of the award in combination with nonathletically related financial aid shall not exceed the value of the student-athlete's cost of attendance; *(Revised: 8/23/06)*

(f) The award may be provided to the recipient on only one occasion;

(g) If the recipient is recruited, the recipient is considered a counter per Bylaw 15.5.1, and the amount is applied to the maximum awards limitations of Bylaw 15.5 for the sport in question; and

(h) The award is not received from an outside sports team or organization that conducts a competitive sports program by a member of that team.

Bylaw 15.3.4.2 – Reduction or Cancellation Permitted. Institutional financial aid based in any degree on athletics ability may be reduced or canceled during the period of the award if the recipient: *(Revised: 1/11/94, 1/10/95)*

(a) Renders himself or herself ineligible for intercollegiate competition;

(b) Fraudulently misrepresents any information on an application, letter of intent or financial aid agreement (see Bylaw 15.3.4.2.3);

(c) Engages in serious misconduct warranting substantial disciplinary penalty (see Bylaw 15.3.4.2.4); or

(d) Voluntarily (on his or her own initiative) withdraws from a sport at any time for personal reasons; however, the recipient's financial aid may not be awarded to another student-athlete in the academic term in which the aid was reduced or canceled. A student-athlete's request for written permission to contact another four-year collegiate institution regarding a possible transfer does not constitute a voluntary withdrawal. *(Revised: 1/10/92, 1/11/94, 1/10/95, 1/9/96, 12/13/05, 9/11/07)*

Bylaw 15.3.4.2.2 – Nonathletically Related Conditions. An institutional financial aid agreement may include nonathletically related conditions (e.g., compliance with academics policies or standards, compliance with athletics department rules or policies) by which the aid may be reduced or canceled during the period of the award. *(Adopted: 4/23/08)*

Bylaw 15.3.4.3.2 – Decrease Not Permitted. An institution may not decrease a prospective student-athlete's or a student-athlete's financial aid from the time the prospective student-athlete or student-athlete signs the financial aid award letter until the conclusion of the period set forth in the financial aid agreement, except under the conditions set forth in Bylaw 15.3.4.2. (Adopted: 1/11/94, Revised: 4/2/03 effective 8/1/03)

Bylaw 15.5.1 – Counters. A student-athlete shall be a counter and included in the maximum awards limitations set forth in this bylaw under the following conditions: *(Revised: 6/10/04)*

(a) Athletics Aid. A student-athlete who receives financial aid based in any degree on athletics ability shall become a counter for the year during which the student-athlete receives the financial aid; or

(b) Athletics Participation as a Major Criterion. A recruited student-athlete who receives outside financial aid for which athletics participation is a major criterion (see Bylaw 15.2.6.4) shall become a counter for the year during which the student-athlete receives the aid; or

(c) Educational Expenses -- Olympic Committee/National Governing Body. A student-athlete who receives educational expenses awarded by the U.S. Olympic Committee or a U.S. national governing body (or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country) per Bylaw 15.2.6.5 shall become a counter for the year during which the student-athlete receives the aid.

Bylaw 15.5.1.1 – No Athletics Aid – Certification Required. A student-athlete (except for a recruited football or basketball student-athlete) who does not receive athletically related financial aid per Bylaw 15.5.1-(a) through Bylaw 15.5.1-(c) but receives institutional financial aid (as set forth in Bylaw 15.02.4.1) shall not be a counter if the faculty athletics representative and the director of financial aid that the student-athlete's financial aid have certified was granted without regard in any degree to athletics ability. The certification shall be kept on file in the office of the athletics director.

Bylaw 15.5.1.2 – Football or Basketball, Varsity Competition. In football or basketball, a student-athlete who was recruited by the awarding institution and who receives institutional financial aid (as set forth in Bylaw 15.02.4.1) granted without regard in any degree to athletics ability does not have to be counted until the student-athlete engages in varsity intercollegiate competition (as opposed to freshman, B-team, subvarsity, intramural or club competition) in those sports. For this provision to be applicable, there shall be on file in the office of the athletics director certification by the faculty athletics representative, the admissions officer and the chair of the financial aid committee that the student's admission and financial aid were granted without regard in any degree to athletics ability. *(Revised: 1/16/93 effective 8/1/93, 1/11/94, 6/20/04)*

Bylaw 15.5.1.2.2 – Exception -- Receipt of Institutional Academic Aid Only. In football or basketball, a student-athlete who was recruited by the awarding institution and whose only source of institutional financial aid is academic aid based solely on the recipient's academic record at the certifying institution, awarded independently of athletics interests and in amounts consistent with the pattern of all such awards made by the institution, may compete without counting in the institution's financial aid team limits, provided he or she has completed at least one academic year of full-time enrollment at the certifying institution and has achieved a cumulative grade-point average of at least 3.300 (on a 4.000 scale) at the certifying institution. *(Adopted: 10/27/05 effective 8/1/06)*

Bylaw 15.5.3.2.2.1 – Academic Honor Awards. Academic honor awards that are part of an institution's normal arrangements for academic scholarships, based solely on the recipient's high school record and awarded independently of athletics interests and in amounts consistent with the pattern of all such awards made by the institution, are exempt from an institution's equivalency computation, provided the recipient was ranked in the upper 10 percent of the high school graduating class or achieved a cumulative grade-point average of at least 3.500 (based on a maximum of 4.000) or a minimum ACT sum score of 105 or a minimum SAT score of 1200 (critical reading and math). *(Adopted: 1/12/99 effective 8/1/99, Revised: 1/14/08 effective 8/1/08)*

Bylaw 15.5.3.2.2.1.1 – Additional Requirements. The following additional requirements shall be met: *(Adopted: 1/12/99 effective 8/1/99)*

(a) The awards may include additional, nonacademic criteria (e.g., interviews, essays, need analysis), provided the additional criteria are not based on athletics ability, participation or interests, and the awards are consistent with the pattern of all such awards provided to all students;

(b) No quota of awards shall be designated for student-athletes;

(c) Athletics participation shall not be required before or after collegiate enrollment;

(d) No athletics department staff member shall be involved in designating the recipients of such awards;

(e) Any additional criteria shall not include athletics ability, participation or interests; and

(f) There must be on file in the office of the director of athletics certification by the financial aid director or the chair of the financial aid committee that such awards are part of the institution's normal arrangements for academic scholarships, awarded independently of athletics ability, participation and interests and in amounts consistent with the pattern of all such awards made by the institution.

Bylaw 15.5.3.2.2.1.2 – Renewals. The renewal of an academic honor award (per Bylaw 15.5.3.2.2.1) is exempt from an institution's equivalency computation, provided: *(Adopted: 1/12/99 effective 8/1/99)*

(a) The recipient achieves a cumulative grade-point average of at least 3.000 (based on a maximum of 4.000) at the certifying institution; and

(b) The recipient meets all NCAA, conference and institutional progress toward degree requirements.

Bylaw 15.5.3.2.2.2 – Institutional Academic Scholarships. Institutional academic scholarships that are part of an institution's normal arrangements for academic scholarships, based solely on the recipient's academic record at the certifying institution, awarded independently of athletics interests and in amounts consistent with the pattern of all such awards made by the institution, are exempt from an institution's equivalency computation, provided the recipient has completed at least one academic year of full-time enrollment at the certifying institution and has achieved a cumulative grade-point average of at least 3.300 (on a 4.000 scale) at the certifying institution. *(Adopted: 10/27/05 effective 8/1/06)*

FIGURE 15-1
Financial Aid Maximum Limits

	Citation	Individual Limitation[1]	Institutional Sport Limitation
Academic honor award	15.5.3.2.2.1	Yes	No
Aid based on athletics ability	15.02.4.1-(a)	Yes[2]	Yes
Americorps Program	15.2.5.1-(a)	No	No
Athletics grant	15.02.4.1-(a)	Yes[2]	Yes
Athletics participation compensation	15.1.2-(e)	Yes, if eligibility has not been exhausted[3]	No[3]
Dependents Education Assistance Program	15.2.5.1-(e)	No	No
Disabled Veterans award	15.2.5.1-(b)	No	No
Educational Expenses USOC or NGB	15.02.4.2-(e) 15.2.6.5	Yes[2] Yes[2]	Yes[7] Yes[7]
Employment	15.2.7	No	No
Gifts following completion of eligibility	15.1.2-(c)	Yes	No
Government grants, institutionally administered	15.02.4.1-(b) 15.1.2-(a) 15.2.5	Yes Yes Yes	Yes[4] Yes[4] Yes[4]
Government grants, not institutionally administered	15.1.2-(a) 15.2.5 15.2.5.1	Yes Yes No	No No No
Honorary academic award	15.02.4.3-(a) 15.02.6	Yes Yes	No No
Institutional Employee Dependent Tuition Benefit	15.02.4.1-(a)	Yes	No[5]
Institutional grant or scholarship	15.02.4.1-(a) 15.5.3.2.2.2	Yes Yes	Yes[4] No
Loan, legitimate, repayment schedule	15.02.4.1-(a) 15.1.2-(f)	No No	No No
Military reserve training program	15.2.5.1-(c)	No	No
Montgomery G.I. Bill-Active Duty and Selected Reserve	15.2.5.1-(d)	No	No
Operation Gold Grant	15.02.4.5	No	No
Outside aid for educational purposes, unrelated to athletics ability	15.2.6.2 15.2.6.2.1.1 15.02.4.2-(b)	Yes Yes Yes	No No No
Outside aid, athletics participation considered a major criterion	15.2.6.4	Yes[2]	Yes, if recruited[7]
Outside aid, athletics participation not considered a major criterion	15.02.4.2-(c) 15.2.6.3	Yes Yes	No No
Parent/guardian contribution	15.2.6.1 15.2.6.1.1	No	No
Pell Grant	15.1.1	Yes	No
Postgraduate Scholarship	15.02.4.3-(b)	Yes	No
Professional sports stipend	15.1.2-(d)	Yes[3]	No[3]
Research grant	15.02.4.3-(a) 15.02.6	Yes Yes	No No
Social Security Insurance Program (including the Reinstated Entitlement Program for Survivors)	15.2.5.1-(e)	No	No
Special Assistance Fund	15.01.6.1	No	No
Summer school financial aid	15.2.8	Yes[6]	No
Supplemental Educational Opportunities Grant	15.02.4.1-(b)	Yes	Yes[4]
Student-Athlete Opportunity Fund	15.01.6.2	No	No
Tuition waiver	15.02.4.1-(a)	Yes	Yes[4]
U.S. Nuclear Propulsion Officer Candidate Program	15.2.5.1-(g)	No	No
Veteran's Death Pension Program	15.2.5.1-(e)	No	No
Veterans Educational Assistance Program	15.2.5.1-(h)	No	No
Vocational Rehabilitation for Service-Disabled Veterans Program	15.2.5.1-(i)	No	No
Welfare Benefits	15.2.5.1-(j)	No	No

Key:
[1] The limitation is equal to the value of the cost of attendance as defined by Bylaw 15.02.2.
[2] This type of aid is limited to the value of a full grant-in-aid.
[3] However, receipt of such compensation renders a student-athlete ineligible for intercollegiate athletics competition under the Association's rules of amateurism (see Bylaw 12).
[4] If considered a counter per Bylaw 15.5.
[5] Exempt if the student-athlete's parent or guardian has been employed as a full-time employee or staff member by the institution for at least five years.
[6] Institution is limited to providing value of full grant-in-aid during summer.
[7] Aid is countable toward team's limit up to full grant-in-aid. Additional aid up to the cost of attendance cannot be athletically related.

NCAA® Convention

2010 Atlanta

Examination of Division I Recruiting Model

Areas of Examination

- Communication methods:
  - Phone calls; electronic communication; contacts; and recruiting materials.
- Frequency of communication:
  - Permissible start dates; weekly/monthly limitations; and communication that occurs during and outside the academic year.
- Evaluations:
  - Scholastic and nonscholastic athletics evaluations; permissible start dates and frequency; academic evaluations; camps and clinics; and tryouts.
- Campus visits:
  - Official and unofficial visits.
- Offers of aid:
  - Verbal and written offers of athletics aid.

Guiding Principles

- Maintain competitive equity and fairness across all institutions.
- Minimize interference with prospective student-athletes' scholastic and athletics activities (i.e., prospective student-athlete well-being).
- Ensure clarity of legislation.
- Simplify and deregulate recruiting communication legislation.
- Consideration of monitoring and enforcement issues.
- Support needs of institutional coaches.
- Resource effectiveness and efficiencies.
- Consideration of sport-specific legislation.

NCAA Division I Recruiting and Athletics Personnel Issues Cabinet Timeline

- February 3-4, 2010 - Cabinet meetings in Indianapolis.
- February through April, 2010 – Based on feedback from the Cabinet, the NCAA staff will develop comprehensive recruiting models based on the focus areas (communication; methods and frequency; evaluations; campus visits; and offers of aid).
- Late April 2010 – Cabinet executive committee will review and modify proposed recruiting models prior to distribution.
- Early May 2010 – Conferences will be provided a document containing proposed recruiting models with a request to review at conference meetings.
- June 8-9, 2010 – Cabinet will meet and review recruiting models, along with feedback from the membership, with a view towards sponsoring appropriate legislation.

NCAA®

A G E N D A

National Collegiate Athletic Association

Division I Student-Athlete Advisory Committee Meeting

Marriott Marquis, Atlanta
Atlanta, Georgia

January 11-16, 2010

1. Welcome, introductions and announcements. (Matt Baysinger and Nick Fulton)

    a. Introduction of new members. (Baysinger)

    b. Review meeting materials. (Fulton)

    c. NCAA Division I Student-Athlete Advisory Committee (SAAC) conference advisors and member rosters. [Supplement Nos. 1-a and 1-b] (Maricela Shukie)

    d. Division I SAAC members serving on other NCAA committees. [Supplement No. 2] (Shukie)

    e. Team building activity. (Shukie)

    f. Convention meeting grid. [Supplement No. 3] (Baysinger)

2. Review report of the November 2009 in-person meeting. [Supplement No. 4] (Baysinger)

3. NCAA Divisions I, II and III Joint SAAC meeting. [Supplement No. 5 to be distributed on site] (Scott Krapf)

    a. Summary of Association Wide Committee Reports, Committee on Competitive Safeguards and Medical Aspects of Sports. [Supplement No. 6 to be distributed on site] (Trisha Gibbons)

4. Division I Student-Athlete Reinstatement Report. [Supplement No. 7 to be distributed on site] (Fulton and Jennifer Henderson)

5. Legislative issues. (Abbie Renaker and Shukie)

    a. Legislative process overview. [Supplement No. 8] (Fulton and Renaker)

b. Review SAAC voting process. [Supplement No. 9] (Fulton and Renaker)

c. Summary of NCAA legislative proposals being considered by the NCAA Division I Legislative Council. [Supplement No. 10] (Fulton and Renaker)

d. Update and discussion of selected legislative proposals. [Supplement No. 11] (Renaker.)

e. Preparation for NCAA Division I Forum. [Supplement No. 12 to be distributed on site] (Baysinger)

[NOTE: If you were in attendance at November meeting, please bring your NCAA 2010 Division I Official Notice!]

6. Updates on previous, continuing and new issues.

   a. Continued Discussion of Commercial Activity in Intercollegiate Athletics. [Supplement No. 13 to be distributed on site] (Baysinger)

   b. Update regarding Division I Membership Review. (John Watson)

   c. Cost-Savings Initiatives update. (Baysinger)

   d. Knight Commission on Intercollegiate Athletics Executive Summary of the October Report. [Supplement No. 14] (TBD)

7. Preparation for NCAA Division I Leadership and Legislative Councils January 14 lunch and NCAA Board of Directors January 16 breakfast. (Baysinger and Fulton)

   a. Review topics for joint lunch session with Division I Leadership and Legislative Councils (Thursday, January 14, at 11:30 a.m.). [Supplement Nos. 15-a and 15-b] (Baysinger)

   b. Discuss topics for joint breakfast session with Division I Board of Directors (Saturday, January 16, at 8 a.m.). [Supplement No. 16] (Baysinger)

8. Division I SAAC Media update. (Chelsea Pelletier)

9. NCAA Green Team update. (Eryn Crane)

10. Ratification of chair and selections of vice-chair and Division I committee appointments. (Shukie)

a. Chair and vice chair. [Supplement No. 17] (Baysinger)

11. Educational sessions.

    a. Football Academic Working Group update. (Joe Castiglione/Dennis Pope)

    b. NCAA Division I Degree –Completion Program. [Supplement No. 18 to be distributed on site] (TBD)

    c. NCAA Division I Recruiting and Athletics Personnel Cabinet. (Petrina Long)

    d. Financial Aid Legislation Overview. [Supplement No. 19 to be distributed on site] (TBD)

12. Discuss SAAC Spring teleconference. (Baysinger)

    a. Spring 2010 (date and time TBD).

    b. Expectations.

13. Future educational sessions. (Danielle Neault)

    a. NCAA General Counsel Litigation update.

    b. Student-Athlete Health and Nutrition.

    c. Others.

14. Update Regarding Division I Community Service Program. (Fulton)

15. Other business.

    a. National Student-Athlete Day (April 6, 2010).

16. Dates and sites of future meetings.

    a. March/April 2010, Teleconference Meeting.

Draft

b. July 15-18, 2010, Indianapolis, Indiana.

c. Legislative Webinar, September 2010.

d. November 19-21, 2010, Indianapolis, Indiana.

e. January, 2011, in conjunction with the 2011 NCAA Convention, San Antonio, Texas.

17. Adjournment.

Excerpt from the Report of the
Division I Championships/Sports Management Cabinet

2. Nonlegislative Items.

- **Endangered and growth sports.**

(a) Recommendation. That the NCAA Division I Leadership Council appoint a working group to discuss and address issues related to endangered sports and sports that face challenges to their growth. Members of the group could include representatives from the Leadership Council, cabinet and the NCAA Olympic Sports Liaison Committee.

(b) Rationale. The cabinet recognizes the many challenges facing sports that are attempting to grow and in some cases simply remain viable. Such challenges include but are not limited to sports sponsorship, automatic qualification, geographic representation, and public interest. A working group of interested and capable coaches and administrators could be charged with promulgating the issues and developing possible solutions. While leaders from each sport will be encouraged to continue to strategically plan on a sport by sport basis, the cabinet believes that they would benefit from a broader review that hopefully will lead to a set of common best practices and policy or legislative

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

NCAA National Office
Indianapolis, Indiana

October 29, 2009

Participants:

Michael Adams, University of Georgia, chair
Charles Bantz, Indiana Univ.-Purdue Univ. at Indianapolis
James Barker, Clemson University
Damon Evans, University of Georgia
Judy Genshaft, University of South Florida
James Harris, Widener University
Stephen Jordan, Metropolitan State College of Denver
Robert Kustra, Boise State University
Lynn Oberbilling, Smith College
Ann Millner, Weber State University
Kevin Mullen, Siena College
Harvey Perlman, University of Nebraska, Lincoln
John Peters, Northern Illinois University
Beverley Pitts, University of Indianapolis
Shirley Raines, University of Memphis
Edward Ray, Oregon State University
Tim Selgo, Grand Valley State University
Paul Trible, Christopher Newport University
Bernard Franklin, NCAA
Jim Isch, NCAA
Delise O'Meally, NCAA, recording secretary

Drew Bogner, Molloy College, attended a portion of the meeting. William Harvey, Hampton University, was not able to participate.

Also in attendance were: Scott Bearby, managing director of legal affairs; Gary Brown, director of NCAA News; Elsa Cole, vice president of legal affairs/general counsel; Joni Comstock, senior vice president of championships/senior woman administrator; Dennis Cryder, senior vice president of branding and communications; Greg Shaheen, senior vice president of basketball and business strategies; Keith Martin, interim vice president of administration/chief financial officer; Kevin Lennon, vice president of academic and membership affairs; Todd Leyden, president of the Eligibility Center, LLC; Wallace Renfro, vice president and senior advisor to the president;

Greg Shaheen, senior vice president of basketball and business strategies; Robert Vowels, vice president of educational affairs; Charlotte Westerhaus, vice president of diversity and inclusion; Bob Williams, managing director of public and media relations; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Jacqueline Campbell, Leah Kareti, and Terri Steeb, NCAA governance directors.

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

The meeting was called to order at 1:15 by the chair, President Adams. All members were present as noted above.

1. Welcome and announcements. Adams welcomed all attendees and noted the appointment of new member William Harvey from Hampton University.

2. Executive session. Adams convened an executive session during which the Committee received an update from NCAA Interim President Jim Isch and other staff members.

3. Approval of August 6, 2009, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the August 6, 2009, meeting as distributed."

4. Interim President's report. Adams noted that the Interim President's report was received during executive session. The Committee took action on two items:

   a. The Committee approved with unanimous support, and one abstention, funding for a building addition to the NCAA national office. Construction will begin in spring 2010 and is projected to be completed early in 2012.

   b. The Committee endorsed with unanimous support, and one abstention, a contribution from the NCAA to the Myles Brand Chair in Cancer Research at the Indiana University School of Medicine.

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

6. NCAA Limited Liability Company (LLC) updates. The Committee received an update on NCAA Limited Liability Companies, including the NCAA Eligibility Center, ArbiterSports and the NIT. Todd Leyden, president of the NCAA Eligibility Center, LLC, provided an overview of the Eligibility Center's mission and scope of operations, as well as challenges and areas of focus for the foreseeable future. Leyden noted that last year the Eligibility Center conducted a survey of the membership to determine whether it was meeting its service goals. The results from that survey were generally favorable. A follow-up survey will be released in the coming year. Greg Shaheen, senior vice president of basketball and business strategies, provided updates on ArbiterSports and the NIT. Shaheen noted that the five-year period within which the NCAA committed to retaining the NIT in the New York area was coming to a close, and decisions would be made regarding the future location of that event.

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

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

      (1) Infractions Appeals Committee policies. Unanimous approval of the following recommendations for two changes to the Infractions Appeals Committee's policies:

         (a) Modification to NCAA Bylaw 32.10.1.2 to require individual appellants to disclose current or future employment at a member institution.

         (b) Modification of the committee's policies and procedures to require individual appellants to disclose current or future employment at a member institution.

      (2) Men's Basketball recruiting. Received a presentation from several members of the enforcement staff, four commissioners and the executive director of the National Association of Basketball Coaches regarding recurring issues of concern in the men's basketball recruiting world. The Board approved the group's proposed four-tier plan that will begin to address the recruiting issues in question.

(3) Eligibility for team selection to a bowl game. Agreed to sponsor legislation presented by the Big 12 Conference that would, in the Football Bowl Subdivision, permit an institution with a final winning percentage of .500 or better to be selected for participation in a bowl game.

(4) Men's Basketball Academic Enhancement Group. Reviewed proposals recommended by the Men's Basketball Academic Enhancement Group and expressed concern regarding the proposals related to the summer athletics development-retention model and providing travel expenses for parents accompanying prospects on official visits. The Board agreed not to enter these proposals into the 2009-10 legislative cycle but rather use them as a discussion topic at the Division I Forum during the January NCAA Convention in an effort to encourage all parties (coaches, faculty, commissioners and administrators) to seek consensus in initiatives that will enhance graduation rates. It voted unanimously to sponsor the remaining proposals in this year's legislative cycle.

(5) Elections. Identified Harvey Perlman, University of Nebraska, to serve as chair of the Board when President Barker's term end, which will be following the April 2010 meeting. Additionally, with the departure of Tom Powell, the Board selected William Harvey, to serve as the NCAA Football Championship Subdivision representative on the Executive Committee.

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

(1) Life in the Balance Initiative. Continued discussions related to the division's Life in the Balance initiative. The Life in the Balance Initiative is a four-proposal package that aligns Division II legislation with its strategic positioning platform. It was designed to streamline playing and practice seasons and reduce contests, where appropriate, to ensure a stronger balance between academics and athletics. As a supplementary effect, the package also introduces better business practices, alleviating some of the financial pressures plaguing higher education. Division II members will vote on the package of legislation at the NCAA Convention in January.

(2) 2010 Division II priorities. Endorsed the 2010 priorities, which correspond with the five strategic goals and funding initiatives of the 2009-12 Division II strategic plan, and emphasize three overarching strategies for Division II: a) continuing to work to engage chancellors and presidents with strategic issues; b) working to sustain the Division II "Life in the

Balance" strategic positioning platform in all student-athlete well-being, regulatory, financial and membership decisions; and c) promoting the institutional benefit and value of Division II membership.

(3) Division II Championships Festival. Selected Louisville, Kentucky, as the site for the 2010 Division II National Championships Festival, to be conducted November 30-December 4. The festival will be co-hosted by Bellarmine University and the Louisville Sports Committee. This will be the fifth Championships Festival that Division II has staged and the second time for fall sports. Championships will be crowned in the sports of men's and women's cross country, women's volleyball; field hockey and men's and women's soccer.

(4) Presidents Council chair. Elected Drew Bogner, president, Molloy College, to serve as chair of the Presidents Council in 2010. President Molloy also will be eligible to run for and serve a second term, if he so desires.

(5) Management Council chair. Kathleen Brasfield, director of athletics at Angelo State University, was elected to serve as chair of the Management Council in 2010.

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

(1) Division III Identity Initiative.

(a) Reviewed the final draft of the Strategic Positioning Platform, a document which describes the essence of Division III and highlights key communication points specific to different audience, both internal and external to the membership.

(b) The Convention will include a full membership release of the platform, including a creative video depicting the essence of Division III and other creative expressions of the platform.

(c) Pre-Convention outreach has or will include teleconferences with all members of the Presidents Advisory Group, all Division III presidents, senior administrators with athletics oversight and several other key constituents, including commissioners, chairs of governance committees, attendees at the Faculty Athletics Representative Association annual symposium, the board of the National

Association of Division III Athletics Administrators, representatives from the College Sports Information Directors Association, and the Student-Athlete Advisory Committee.

(d) The Pre-Convention outreach effort also includes four pilot conference meetings, where Division III athletics administrators have been presented with the details of the platform, and have engaged in a dialog about what methods or materials would prove most useful and effective for institutions and conferences to communicate the contents of the platform to internal and external constituents.

(e) Long term, the division will continue to develop materials to activate the platform, which will also guide strategic, financial and policy decisions for the division.

(2) Drug education and testing pilot. Reviewed the results of the recently concluded Drug Education and Testing Pilot, which was a study designed to test the deterrent effect of an education-based drug prevention program supplemented by academic year round drug testing. Student-athlete well-being and competitive equity were the guiding principles of the pilot study, which also assessed student-athlete and athletics administrator perceptions and experiences with drug education and testing. The results of the pilot, especially related to drug testing, proved largely inconclusive. Awareness, understanding and perceptions of the educational programs and processes in place to deter substance use are at less than desired levels.

The next steps in the division's exploration of academic year round drug testing includes further refinement of the meaning of the pilot results leading to a 2011 NCAA Convention presentation of pilot results. A full release of the results will not occur until after the January Convention. Any change to the division's current drug testing program would not be implemented without a full membership vote, which would likely not take place until the 2012 Convention.

(3) 2010 Convention legislation. Reviewed the nine proposals up for membership vote at the 2010 Convention, approved voting order and proposal groupings, and took positions on membership-sponsored proposals.

One significant proposal would clarify in the Division III philosophy statement expectations for presidential leadership at the campus, conference and national levels. This important concept is based on the NCAA

model of presidential leadership but has not previously been codified in the philosophy statement.

Other significant proposals would deregulate Division III tryout legislation, and practically address the issue of facility monitoring by athletics personnel in light of the strict Division III prohibition on out-of season skill instruction.

(4) Presidents Council leadership. Appointed James Harris and James Bultman to serve as chair and vice chair, respectively, of the Division III Presidents Council, effective January 2010 to January 2011.

The Presidents Council approved four nominations to the Presidents Council for four-year terms (January 2010 – January 2014):

(a) Brian Levin-Stankevich, University of Wisconsin, Eau Claire.

(b) Frederick Ohles, Nebraska Wesleyan University.

(c) Rosalind Reichard, Emory and Henry College.

(d) Jack Ohle, Gustavus Adolphus College.

8. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The Committee received a written report of the work of the Executive Committee Subcommittee on Gender and Diversity Issues. The subcommittee is discussing representational diversity on Association-wide committees and also is currently reviewing its overall structure and composition to determine whether it is strategically positioned to effectively fulfill its charge.

9. Election. The Committee approved the appointment of Ed Ray as chair of the Executive Committee, effective immediately. The former chair, Michael Adams, announced his resignation.

10. Presidential search. The Committee appointed a six-member presidential panel chaired by Ed Ray to oversee the search for a successor to the late NCAA President Myles Brand. Ray will be joined by Harvey Perlman, William Harvey, Drew Bogner, James Harris and

Ann Millner. Ray noted that the process will be characterized by two important principles, integrity and confidentiality. Further, Ray noted that the search effort must be open, inclusive, deliberative and fair. The search committee anticipates having a new president in place by the beginning of the next academic year.

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

12. Adjournment. Ray adjourned the meeting at 3 p.m.

# # # # #

REPORT OF THE NCAA COMMITTEE ON SPORTSMANSHIP AND ETHICAL CONDUCT NOVEMBER 3-4, 2009, MEETING

***ACTION ITEMS*.**

- None.

***INFORMATIONAL ITEMS*.**

Association-wide.

1. **RESPECT Sportsmanship Initiative.** Work has been completed on the new sportsmanship Web site, www.ncaa.org/sportsmanship, sportsmanship public service announcement videos and new RESPECT campaign brochure. Every NCAA championship this year will include RESPECT signage, public service announcements and RESPECT campaign information in event programs.

   Next steps for campaign activation include:

   a. Reaching out to campus leaders, presidents, sports information directors and conference offices to implement the RESPECT campaign.

   b. Discussing additional opportunities with AFCA including implementing the pre-game handshake for the Football Championship Series playoff games.

   c. Creating a RESPECT best practice document to provide guidance for conference and championship events, to include sample fan codes of conduct.

   d. Encouraging greater involvement of student-athletes participating in NCAA championships in the RESPECT campaign.

   e. Reaching out to Division I basketball conference championships regarding using the RESPECT banners at conference championships.

   f. Reaching out to media and broadcasters to help increase awareness of RESPECT campaign.

   g. Partnering with the NCAA championships bid host process to include sportsmanship-related practices in the bid application.

h. Distributing RESPECT giveaways to fans at championship events.

2. Sportsmanship Award Update.

a. Student-Athlete Award. The committee reviewed the following 2008-09 Sportsmanship and Ethical Conduct award winners:

National – Aleksandra Mackiewicz, Brown University (Ivy League).
Anthony DiCarlo, Anderson University (South Carolina), (Conference Carolinas).

Division I – Blake Griffin, University of Oklahoma (Big 12 Conference).
Aaron Ammons, University of Southern Mississippi (Conference USA).

Division II – Jamie Maloney, Clarion University of Pennsylvania (Pennsylvania State Athletic Conference)

Division III – Women's Lacrosse Team, Fitchburg State College (Massachusetts State College Athletic Conference).
Isaac Rothenbaum, Carthage College (Conference College of Illinois and Wisconsin).

b. New Sportsmanship Award. The committee approved a new award to honor an athletics administrator who displays a high regard for sportsmanship and ethical conduct that impacts NCAA intercollegiate athletics. The anticipated inaugural application process will be conducted in the 2009-10 academic year.

3. Cybersportsmanship.

The Division I, II and III National Student-Athlete Advisory Committees (SAACs) were charged with discussing the issue of "cybersportsmanship," which has been defined as "using social networking sites like Facebook, Myspace, Twitter and message boards to post or obtain information in order to taunt, distract, embarrass or offend an opponent". The national SAAC member representatives to the committee will summarize their discussions for the CSEC at the next meeting.

4. Sports Wagering Update.

The committee reviewed the preliminary 2008 sports wagering study results and the current trends by student-athletes wagering on sports. The committee also reviewed the new educational efforts including a new website for athletic departments to help educate their student-athletes and sports wagering brochures. The committee was presented with an overview of the sports wagering in-service conducted in August.

5. Playing Rules Update.

The committee received an overview of the playing rules department initiatives to enforce sportsmanship. The committee was informed of basketball's effort to have officials enforce rules against swinging elbows and football has added a statement of sportsmanship to its rules.

Committee Chair: *John Blanchard, University of North Carolina, Chapel Hill, Atlantic Coast Conference*

Staff Liaisons: *Becky Ahlgren-Bedics, educational affairs*
Rachel Newman-Baker, agents, gambling and amateurism activities
Ty Halpin, championships
Chance Miller, agents, gambling and amateurism activities
Teresa Smith, championships

NCAA Leadership Council Report Regarding Division I Membership Criteria

Background.

On August 9, 2007, the Division I Board of Directors adopted Legislative Proposal 2007-10, which established a four-year moratorium that prohibited consideration of any new institutional, conference or multi-divisional Division I members until August 2011.

The Board concluded that the time was right, following similar moratoriums in Divisions II and III, for the Division I membership to assess and study the impact of membership migration and to develop reasonable philosophical expectations and legislative requirements for membership in the division. The Board requested the Leadership Council to conduct this study and to make appropriate recommendations regarding possible NCAA legislation.

A preliminary report was provided to the Board of Directors in April 2009 and the Division I governance structure, member conferences and institutions were asked to provide reactions. The Leadership Council has continued discussions in order to report to the Board in time to sponsor appropriate legislative changes for consideration in the 2010-11 legislative cycle.

Excerpt from the Division I Manual--Division I Philosophy (Bylaw 20.9).

Athletics programs in Division I are guided by a philosophy statement that among other things:

- Emphasizes high standards of academic quality and breadth of academic opportunity;
- Strives for regional and national excellence and prominence and recognizes the dual objective of serving both the institutional community and the general public;
- Provides for extensive opportunities for participation in varsity intercollegiate athletics for both men and women (consistent with the requirements of Title IX) and sponsors at the highest feasible level of intercollegiate competition, men's and women's basketball and football, recognizing subdivisional designations in football;
- Advocates scheduling athletics contests primarily among Division I institutions;
- Emphasizes maintaining institutional control over all funds supporting athletics; and that
- Understands, respects, and supports the programs and philosophies of other divisions.

Additional Standards and Assumptions Relied Upon by the Leadership Council in its discussions included:

- Applicants for membership in Division I should be required to meet, over a period of time, prescribed criteria in order to assure compatibility and compliance with the principles and program objectives of Division I.

- Central to the mission of intercollegiate athletics in Division I is the academic and athletic success of student-athletes, as well as protection of their health and well-being.
- Division I members should be expected to demonstrate a meaningful program-wide financial commitment across its entire athletics program, including for financial aid, number of sports sponsored, recruiting, athletics facilities, rules compliance, coaching, team travel and academic support services.
- Membership standards should promote conference stability, provide access to Division I for qualifying institutions and treat institutions fairly in determining their status as members of Division I.
- The number and nature of multisport conferences in Division I are fundamental considerations in establishing the level, structure and scope of Division I championship competition, the allocation of financial benefits and access to service and governance of the division.
- There is a finite level and number of resources, benefits and good will available to current members of the division, which should be maintained or enhanced through any further expansion of membership.
- Potential new members of Division I should be expected to demonstrate a sustained commitment to Division I standards, assumptions and the Division I philosophy statement before election to membership in the division.
- Current voting ratios/percentages by conference and subdivision within Division I should be maintained through appropriate mathematical adjustments in the event the membership increases.
- The Division I brand has a value that can be approximated through a calculation of the value of direct and indirect services and benefits.

Recommendations.

The Council offers the following recommendations for further discussion and debate by Division I membership groups during the winter and spring 2010.

1. **Potential new members of Division I shall enter the division through a five-year "reclassification" process following no less than five-years of membership in Division II. Further, the process described in Bylaw 20.5 shall apply, and an application for membership in Division I will be accepted only after presenting a bona fide offer of membership from a Division I multisport, voting conference. The sponsoring conference will be expected to provide appropriate guidance and counsel to the transitioning new member, assist with scheduling, monitor student-athlete well being and enhance accountability during the transition process.**

   Comment: Requiring conference sponsorship and prior membership in Division II is intended to promote the long-term stability of the Association. There should be a check list

to assist conferences and transitioning institutions to ensure that institutions are meeting their appropriate benchmarks. The Administration Cabinet should provide additional thought to the timing of when various benchmarks should apply.

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

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

3. **An application fee shall be required before entering the "reclassification" process, which should either be commensurate with the estimated average value of direct services and benefits made available through Division I membership or based on actual educational and administrative costs to the NCAA. $1,400,000 is the current average value of Division I distributions and championships to a Division I member. $25,000 is the approximate educational an administrative cost of the reclassification process to the NCAA.**

   Comment: This requirement should be data-driven and may vary somewhat from year to year. Upon election to Division I membership, the application fee shall be deposited in the NCAA Student Athlete Opportunity Distribution Fund. In the event an institution withdraws from the reclassification process, the application fee would be returned to the institution, less any expenditure for educational and administrative costs related to the membership process. It should also be emphasized that conferences may require separate fees for joining the conference. Discussion occurred regarding alternatives where our application fee would be analogous to a business model tied to "brand" value or possibly tied to the educational and administrative costs of the process. It was concluded that as a higher-education association, data based on benefits received or costs to the Association would be most appropriate.

4. **Upon beginning the "reclassification" process, the institution must meet Division I sports sponsorship requirements (i.e., 50 percent of the grants-in-aid maximums in the conference sponsored sports in which the institution will participate). In addition, the alternative means of satisfying this requirement now set forth in Bylaw 20.9.1.2-(b) (c) and (d) would continue to apply. [Refer to the attached Chart 1 and Chart 2]**

Comment: This is the current requirement and no change is recommended. Data reviewed regarding a possible increase to these minimums did not appear to impact the division.

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

   Comment: The Leadership Council believes a demonstrated commitment to academics should be required. The Committee on Academic Performance recommends that a numerical standard (e.g., 925) be avoided in deference to a "category" of academic penalties.

6. **A preliminary NCAA certification shall be required in year 2 of the five-year "reclassification" period and a full compliance review shall be required before final election to Division I membership.**

   Comment: There should be an expectation that the sponsoring conference will assist the institution in this process and that special attention should be given to rules compliance, academic support services, recruiting, coaches, team travel and facilities. Meeting standards early in the process and then demonstrating the ability to sustain such standards is important. The review process must make it clear that this is an evolutionary process so that there is no confusion that receiving positive marks during the certification process does not guarantee eventual Division I membership.

7. **New "active" members of Division I will not qualify to receive revenue distributions related to sports sponsorship, grants-in-aid, academic enhancement or Special Assistance/Student-Athlete Opportunity Funds for three calendar years following election to membership. Each sponsoring conference would be free to share revenues from its Division I distributions, including basketball grant funds, among its members as it deems appropriate.**

   Comment: This change ensures that sustainability in the division is not based solely on NCAA revenues.

8. **The multi-divisional practice that permits a Division II or III institution to designate one men's and one women's sport in Division I shall be discontinued upon the completion of the 2010-11 academic year, except in a sport where no championship is conducted in Division II. Division II and III institutions that sponsor sports teams in Division I in 2010-11 may continue to do so in the sports so designated but will forfeit**

this opportunity permanently if it fails to conduct the sport in Division I in any ensuing academic year. No change is recommended for participation in national collegiate championships.

Comment: It appears there is agreement to discontinue multidivisional competition, but teams that currently conduct such division I programs should be "grandfathered."

9. A multisport conference must establish voting privileges in the Division I governance structure through legislation that places the conference among those identified in applicable sections of Constitution 4 related to representation and voting ratios on the Division I Board of Directors, Legislative and Leadership Councils and the five cabinets.

Comment: This is the current requirement in Division I. Refer to Constitution 3.3.3.2.

10. The current definitions for "core" and "continuity" for Division I institutions shall be eliminated in favor of the definition and description of "multisport conference" set forth in Attachment A.

Comment: "Core" and "continuity" requirements for institutions are not needed if there is a meaningful definition of a multisport conference.

11. No change in criteria is recommended for designation in the Football Championship Subdivision.

Comments: The FCS conferences do not appear to support additional membership requirements.

12. The role of the Administration Cabinet and the steps of the five-year reclassification process should be modified by the Administration Cabinet to ensure coordination by the cabinet with sponsoring conferences.

Comments: Through coordination with conferences in providing guidance and assistance to potential new member institutions, some procedural functions performed now by the Administrative Cabinet could be transferred to conference offices.

13. Constitution 3.2.3.1 shall be amended to provide that the vote to elect an institution to Division I active membership upon recommendation of the Administration cabinet shall be taken by the Board of Directors, rather than the Leadership Council.

Comments: This should be noncontroversial legislation and is recommend by the Leadership Council.

CONFERENCE INPUT TO DI MEMBERSHIP CRITERIA **10/19/09**

Response to Leadership Council Report, May 6 and 11, 2009

The multisport conference is the foundation of the NCAA DI governance structure, automatic bid structure, and compliance structure and is rightly positioned in the proposed DI membership process as a gatekeeper in the new membership model. As such, a more comprehensive definition of a multisport conference is appropriate.

NCAA Division I - Multisport Conference Standards

1. Institutional Members
   a) A multisport conference shall have a minimum of seven (7) active Division I members.
   b) A multisport conference shall have a minimum of seven (7) active members participate in both men's and women's basketball.

2. Conference Sports Sponsorship
   a) A multisport conference shall sponsor a minimum of 12 NCAA DI sports.
   b) A multisport conference shall sponsor a minimum of six men's sports. In each of these six sports, a minimum of six active members shall compete.
   c) A multisport conference shall sponsor a minimum of six women's sports. In each of these six sports, a minimum of six active members shall compete, or a minimum of five active members for an emerging sport.
   d) In addition to men's basketball, a multisport conference shall, at a minimum, sponsor either football, with a minimum of six active members competing in football, or sponsor two additional men's team sports, with a minimum of six active members participating in each of these two sports.
   e) In addition to women's basketball, a multisport conference shall sponsor at least two additional women's team sports, with a minimum of six active members participating in each of these two sports.

3. Regular Season Conference Competition
   a) Basketball: Basketball teams shall participate in a regular season conference schedule of a double round robin, or a minimum of 14 regular season conference contests.
   b) Minimum Required Team Sports, Other Than Basketball [2.d), 2.e) above]: In the team sports sponsored to meet the minimum team sports sponsorship requirement, teams shall compete in a minimum regular season conference schedule of five contests. A minimum of five regular season conference contests must be hosted by one of the two competing teams its home site venue.

4. Officiating. A multisport conference shall provide oversight of the officiating programs for selecting, training and assigning officials for its men's and women's basketball programs.

5. Compliance. A multisport conference shall have a comprehensive compliance program.

6. Continuity. A multisport conference must meet the institutional membership requirement (No. 1 above) before it may be considered for continuity. To establish continuity, a multisport conference must meet the sports sponsorship and regular season competition requirements (Nos. 2-3 above) for a period of eight consecutive years. If a conference establishes continuity, it may be considered for multisport membership in Division I through the defined legislative process.

7. Core. A multisport conference that is recognized in the NCAA Governance Structure shall be considered a core conference. A core conference shall:
   a) Have representation and voting standing in the NCAA DI Governance Structure
   b) Be eligible to submit nominees for and have its delegates serve on NCAA DI committees
   c) Be eligible to receive AQ into NCAA championships, provided the conference competes with a minimum of six active participants in the sport
   d) Receive conference grant funds
   e) Receive, on behalf of its members, SAF/SAOF funds

•

Method	Total	%
A	50	15%
B	68	20%
C	158	47%
D	20	6%
A & B	1	0%
B & C	12	4%
A, B & C	12	4%
Exceptions	12	4%
Total	**333**	**100%**

Including Non-NCAA Championship Sports:

# Sports Sponsored	# Schools
9	1
12	1
14	27
15	30
16	59
17	34
18	42
19	32
20	27
21	22
22	5
23	13
24	8
25	5
26	3
27	6
28	2
29	3
31	2
33	2
34	1
35	2
36	2
37	1

Including NCAA Champior

Sports Sponsored
9
12
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
32
33
34

nship Sports Only:

Schools
1
1
29
34
56
36
44
34
24
20
5
10
10
4
6
4
4
4
1
1
2
1

DIA Faculty Athletics Representatives
Josephine (Jo) R. Potuto, President
University of Nebraska College of Law
Direct Dial 402-472-1252
jpotuto1@unl.edu
www.oneafar.org

December 16, 2009

Robert Halvaks, Chair
Division 1 Administration Cabinet and
Senior Associate Commissioner
Big West Conference
2 Corporate Park
Suite 206
Irvine, CA 92606

Dear Rob,

Thanks so much for responding to the letter I sent to you and the members of the Administration Cabinet on behalf of the IA FAR as well as for our follow-up phone conversation. Thank you also for your receptivity to the IA FAR sharing our perspective and concerns. As I said when we spoke, I am sending this second letter to do just that in three general areas – committee representation and Guideline Principle No. 5 of the Administration Cabinet, the governance review you are conducting in response to the directive of the Division I Board, and the NCAA nomination form.

Administration Cabinet Guideline Principle No. 5 (Only One Name to be Submitted for a Committee Opening)

The foremost concern of the IA FAR is that NCAA governance is structured so that FARs and senior level athletics administrators with broad based experience serve on councils, cabinets, and committees in numbers sufficient to deal with issues facing intercollegiate athletics as an integrated whole. Joint full engagement[1] is foundational to the health of intercollegiate athletics and to a governance structure that builds on and is responsive to the knowledge and experience of those working in intercollegiate athletics, wherever placed in the university structure. Joint full engagement offers:

The best opportunity fully to consider policy, processes, and legislative proposals;

- The best opportunity fully to consider policy, processes, and legislative proposals;

[1]Otherwise known as "positional diversity," a term we avoid as it suggests number-crunching for its own sake, although we understand its use as a convenience for discussion.

- The best opportunity for those with "on the ground" knowledge and experience to reconcile and resolve divergent perspectives;

- The best opportunity to assure that decisions are optimally workable by those tasked with implementing them, and, as a result;

- Adoption of strong and effective policy, processes, and legislation.

Perhaps most important, joint full engagement produces decisions that will best serve the interests of the Association and member institutions and permit the Division I Board to focus on overarching policy directions and approaches while confident that the governance structure may be relied on to produce fully considered discussion and effective and broad-based solutions.

Although our prime concern is Division I councils and cabinets, the IA FAR also are concerned with membership distribution on committees. A breadth of backgrounds and experiences brings a breadth of discussion and solutions not likely produced when one or another perspective is missing from the table. For all the reasons stated, the IA FAR are opposed to Guideline Principle No. 5, except for committees so specialized that particular expertise is an indispensable criterion for each committee member. Because the IA FAR believe that there are precious few matters where such specialized backgrounds are the only committee need, however, I suspect we disagree with you as to the number of committees whose particular requirements should trump efforts to bring different expertise and perspectives to the table. That, however, is discussion for another day. In the interim, we believe that a positive first step would be for the Cabinet (1) to look closely at the primary and satellite roles of each committee, and (2) to look closely at the backgrounds and expertise that would enhance each committee's work, and, then (3) to identify those committees that require exclusively specialized expertise. For all other committees we urge the Administration Cabinet to solicit two names for open positions, one a FAR and one an athletics administrator (as well as designate whether the athletics administrator should be senior level with broad based experience and responsibilities). We believe this is preferable to imposing minimum positional requirements for all committees as it affords the Administration Cabinet the broadest opportunity to exercise its best judgment to assure a balance of experience and perspectives on committees.

For our part, the IA FAR will take up your suggestion to pursue a conversation with the Conference Commissioners Association. It is a productive suggestion, and I thank you for it.

<u>Administration Cabinet's Review of Governance Structure</u>

The IA FAR Board has reviewed the Commissioner Feedback Questionnaire administered last September and is aware that this is just a first step in the evaluation process planned by the Cabinet. It is our understanding that you will conduct interviews with the chairs of the councils and cabinets and exit interviews with departing council and cabinet members. We fully support these efforts.

We also understand that you plan to develop a survey/questionnaire to distribute to member institutions so as to assess their level of satisfaction with the current governance structure; this is an essential element in any assessment of NCAA governance and, therefore, one we also fully support. We believe that those serving in conference offices or currently serving on councils and cabinets are most likely to feel "plugged in" to governance and, in turn, most likely to be satisfied with it. In consequence, limitations in the governance structure are most likely to be identified by those on campus not presently serving in governance. We expect that you have heard what we hear – concerns from those on campus that they are uninvolved, unconnected from governance, and feel that their voices are muted if heard at all. To capture differences in assessment, moreover, we suggest that the survey/questionnaire include items by which the responder lists his/her current governance service (and also whether service is on a council, a cabinet, or on a committee).

In our view, an equally essential element to an overall assessment of the governance structure is that surveys be sent to each athletics director, FAR, and senior woman administrator.[2] Soliciting the views of each group is the best way to assure that all aspects relevant to an evaluation of the governance structure are considered and that the perspectives of each group are part of the mix. A comprehensive evaluation should assess whether the current government structure is perceived to be working equally well for all of us engaged in intercollegiate athletics and is the best way to assure it works optimally well as we move forward.

The IA FAR further urge that it is not adequately comprehensive to focus questions exclusively on whether the current structure communicates to the membership what NCAA councils, cabinets, and committees are doing. Adequacy of communication is important, and has been a concern voiced on campus since the move away from one institution/one vote. But satisfaction with communication does not necessarily constitute satisfaction with the locus of decision-making responsibility in the governance structure nor does communication alone guarantee a quality "product."

The IA FAR appreciate that the one institution/one vote structure was viewed by many as unwieldy. Similarly, we recognize that the current representative structure was designed to provide a more orderly and thoughtful process for considering issues affecting intercollegiate athletics and developing legislation to respond to them. But the NCAA is an association of universities and colleges, not conferences. Conference officials obviously are engaged in issues of intercollegiate athletics and can be forceful advocates for student-athlete well-being and academic interests. Nonetheless, the prime concern of Conference officials is to expand revenues and administer competition. Every move from universities and colleges as the locus of decision-making removes control from those who interact daily with student-athletes and implement NCAA bylaws and policies. The IA FAR believe, therefore, that an overriding question in an assessment of the new governance structure should be whether, and how, the representative model should be adjusted so as to reflect better the perspectives and predilections of member institutions.

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[2]It may also be worthwhile to solicit the views of compliance directors and directors of student-athlete academic services.

I have set forth below questions we think should be posed to campus athletics directors, FARs, and senior woman administrators. [Note again that we recommend including questions to identify the responder's current council, cabinet, or committee service, if any; and also recommend that the responder identify his/her campus role (AD, FAR, SWA, etc.).]

1. Do you feel that the current governance structure adequately provides for institutional positions to be heard and considered?

2. If you worked on campus under the one institution/one vote structure, do you feel that the current structure does a better/equally good/ poorer job of providing for institutional positions to be heard and considered?

3. Do you feel that the current governance structure offers adequate communication to those on campus as to what is happening in NCAA governance?

4. If you worked on campus when Division I governance was one institution/one vote, do you feel that the current structure does a better/equally good/ poorer job of communicating to those on campus as to what is happening in NCAA governance?

5. Do you believe that the quality of NCAA policy and proposals is enhanced over what was produced in prior iterations of the Division I governance structure?

6. Do you believe that the Division I Board acts independent of the campus voice or acts after soliciting and considering institutional positions?

7. If you worked on campus when Division I governance was one institution/one vote, do you feel that in the current structure there is more/less decision-making that is made independent of the campus voice or without first soliciting and considering institutional positions?

8. If you believe that the Division I Board acts independent of the campus voice, do you believe that this is a positive/necessary/understandable approach? Does your answer vary with the particular substantive area in which you believe that the Division I Board has acted independently?

9. Do you believe that in the current structure the Division I Board and senior NCAA administrators go outside the formal governance structure (councils, cabinets, committees) when seeking policy determinations regarding specific issues in intercollegiate athletics (i.e., specific task forces rather than formal committee structure)?

10. If you believe that the Division I Board and senior NCAA administrators go outside the formal governance structure (councils, cabinets, committees) when seeking policy determinations regarding specific issues in intercollegiate athletics, do you believe that this is a positive/necessary/understandable approach? Can you identify positives and negatives with such an approach?

11. Do you believe that members on councils, cabinets, and committees should vote their own viewpoints or represent the viewpoints of the majority of the institutions in their conferences?

12. Do you believe that conference officials adequately understand national issues?

13. Do you believe that conference officials adequately represent institutional positions on national issues?

14. Do you believe that conference officials adequately communicate to institutions NCAA policy discussions and undertakings?

15. Do you believe that majority positions of institutions within conferences typically represent the positions that would be taken by your institution if it were voting on its own?

I know that the Administration Cabinet is working with Todd Petr and NCAA research staff to design the content and format of survey questions. Faculty, of course, have expertise in writing, administering, and analyzing surveys. We also are familiar with survey design, qualitative and quantitative methods, and analysis. Todd already has an advisory group of FARs who work with him on campus survey projects. Should you or he think our assistance might be helpful, the IA FAR Board would be happy to assist in identifying questions to be asked and in classifying responses.

Nomination Form

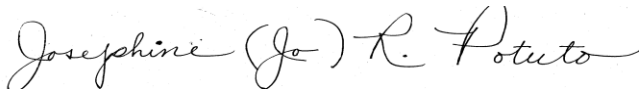
The final matter I would like to raise on behalf of the IA FAR relates to the forms conferences use to nominate individuals. Our concern here is that the form is not suited to surfacing information from faculty that would demonstrate experiences and backgrounds relevant to committee service. We understand that the Administration Cabinet is engaged in an on-going process to evaluate and improve the nomination form. We have looked at the current form and have some suggestions to make that we hope you will consider. The suggestions are contained in the revised nomination form that I have attached to this letter.

Conclusion

The IA FAR appreciate the work of the Administration Cabinet in fulfilling its charge from the Division I Board to evaluate the current governance structure. It is a critically important undertaking, and we know that it will take much time and attention to do it right. We also thank you for taking seriously our concerns with governance. Our suggestions are intended to enhance the governance process as well as the on-going effort to evaluate its effectiveness. We recognize that what we set forth here may increase the work of the Cabinet. Lest we be

considered noisy and officious benchwarmers with suggestions to offer when someone else does the work, please know that the IA FAR, and the IA FAR Board in particular, would be happy to assist you in this process in any way you think useful and appropriate.

Very truly yours,



Josephine (Jo) R. Potuto
Richard H. Larson Professor of Constitutional Law, University of Nebraska
and President, DIA Faculty Athletics Representatives Association

att: 1
cc: Harvey Perlman, Chair, Division I Board
Jim Isch, Interim President
Bernard Franklin, Senior Vice-President, Governance and Membership
Damon Evans, Chair, Division I Leadership Council
Joseph F. D'Antonio, Jr., Chair, Division I Legislative Council
David Berst, Vice-President, Division I Governance
Kevin Lennon, Vice President, Academic and Membership Affairs
Jackie Campbell, Director, Division I
Steve Mallonee, Managing Director, Academic and Membership Affairs
David Schnase, Managing Director, Membership Services
Todd Petr, Managing Director, Research
Sharon Tufano, Committee Coordinator
Karl Benson, President, Conference Commissioners Association
Members of Division I Administration Cabinet

Section 2. for Faculty Athletes Representatives only.

Number of years serving as FAR at current institution _____

Number of years serving on Athletics Boards, Councils or Senate Committees whose primary responsibilities includes the oversight of Intercollegiate Athletics. Please include those years as Faculty Athletics Rep. _____

Box 1 Past/current service on NCAA committees and cabinets; please indicate dates.

Box 1

Box 2 Past/current service on conference committees; please indicate dates.

Box 2

Box 3 Past/current service on University committees pertaining to intercollegiate athletics (e.g. Intercollegiate Athletics board, NCVAA Site Certification Campus Committee, Faculty Senate committees on athletes, academics and financial/budget); please describe the role played, if any, on campus in the most recent NCAA certification process. Please give dates.

Box 3

Box 4 Past/current service on University academic senate, special appointments by the chancellor/president, past/current service on committees pertaining to university financial, academic, and campus matters (academic planning committee; facilities approval committee, budget committee). Please give dates.

Box 4

Box 5 Courses taught, presentations/panel participations, etc., and scholarship pertaining to intercollegiate athletics.

Box 5

Sport Rules Committees only.

Do you have particular expertise in a sport (student-athlete, amateur or youth coach, rules expertise) or that is otherwise relevant to the operation of a sport (rules drafting, project administration, etc

Yes _____ No _____

Please explain.

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

October 30, 2009

Ms. Jo Potuto
Professor of Law
University of Nebraska, College of Law
1875 North 42nd Street
Lincoln, Nebraska 68583-0902

Dear Jo:

Thank you for your note on behalf of the I-A faculty representatives group to the members of the NCAA Division I Administration Cabinet. As I am sure you are aware, the cabinet does not have input or responsibility for the selection of representatives to the NCAA Division I Leadership Council and the NCAA Division I Legislative Council or the six cabinets within the Division I governance structure. The Administration Cabinet is, however, responsible for the appointments to approximately 64 Division I sports and general committees. The cabinet has established an appointment process based on specific principles that I wanted to share with you. As you can see in Item No. 2, the cabinet is committed to diversity in both the nomination and selection processes, including positional representation.

Sincerely,

Rob Halvaks (SAM)

Rob Halvaks
Chair, NCAA Division I Administration Cabinet

RH:lg

Attachment

cc: NCAA Division I Administration Cabinet
Selected NCAA Staff Members

DIA Faculty Athletics Representatives
Josephine (Jo) R. Potuto, President
University of Nebraska College of Law
Direct Dial 402-472-1252
jpotuto1@unl.edu
www.oneafar.org

To: The Division I Administration Cabinet
From: Jo Potuto
President, 1A Faculty Athletics Representatives (1A FAR)
Re: September 2010 Committee Vacancies
Date: October 27, 2009

As you know, in April of this year the Division I Board of Directors took the following action:

Reconfirmed its charge to the Leadership Council to examine the level of diversity serving in the governance structure, including positional diversity, noting the importance of ensuring the faculty voice is adequately heard throughout the structure and asked the Leadership Council to thoroughly examine the structure, provide an analysis as to where the faculty voice is most needed and where it might currently be missing. Additionally, asked the Leadership Council to provide recommendations designed to address the situation with supporting rationale. (Unanimous Voice Vote.) [Note: In issuing this charge, the Board noted academic voices need to be heard on different cabinets and councils, particularly because the faculty perspective is often most similar to the presidential perspective but indicated a preliminary reluctance to set a percentage minimum.]

The 1A FAR appreciates that responding in a thoughtful and fully considered way to the Board's directive is taking the Leadership Council considerable time and effort. We are concerned, however, that another round of appointments will be made before formal changes to the nomination and appointments process are in place. I therefore am writing on behalf of the 1A FAR to urge that, to the extent possible, the Administration Cabinet make appointments consistent with the Board's concerns as reflected in the minutes of its April meeting. We understand the complexity of the task faced by the Administration Cabinet. I write not for lack of confidence in the Cabinet's intent and purpose to get things "right," but simply to underscore the importance we attach to governance representation.

As you may know, the 1A FAR advocate for at least 25 percent FAR representation[1] on at least the Leadership and Legislative Councils and the six cabinets**,** and, to the extent practicable, on key committees we identify or that may be identified by the Leadership Council.[2]

We do not advocate for this on the basis of positional diversity for its own sake but because the composition of those bodies integral to NCAA governance should acknowledge and reflect the central fact that intercollegiate athletic activities reside in educational institutions. There are precious few matters that are exclusively athletic or academic.[3] Senior level athletic administrators with broad-based experience bring a critically needed perspective and background in the competitive, financial, and cultural aspects of intercollegiate athletics. Faculty engaged in teaching and research bring a critically needed perspective and understanding of the academic missions and traditions of the diverse NCAA membership. A balance of perspectives and backgrounds is a necessary precondition to assuring the health of intercollegiate athletics, providing an optimum athletic experience for student-athletes, and achieving the integration that is necessary and appropriate for what should be, fundamentally, an educational experience for them.

The 1A FAR are not concerned solely about increasing and distributing FAR (and DI FBS FAR)[4] representation in the governance structure. In fact, as we said in a letter we today

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[1]No matter the interest level of Conference FARs there will be a sufficient number willing and with the experience to serve. There are 339 DI FARs, with 119 in DI FBS from the 11 FBS Conferences. There are 193 slots on the two councils and six cabinets; 25 percent means that there would be 49 FARs serving. Currently 33 FARs serve on the councils and cabinets, although the distribution is markedly skewed. A 25 percent target can be met, moreover, without jeopardizing diversity goals. There are far more women FARs than ADs and commissioners in DI FBS (as of last April the numbers were 32 to 7 to 0) and in Division I (87 to 27 to 9). There also are more minority FARs than DI FBS commissioners (0). The distribution of women and minorities does not explain the dearth of FARs in NCAA governance,

[2]Among the key committees are: Committee on Infractions; Infractions Appeals Committee; CAP; SAR; LRIC; Football Issues Committee; Men's Basketball Issues Committee; Women's Basketball Issues Committee; Initial Eligibility Waiver Committee; Progress Toward Degree Waiver Committee.

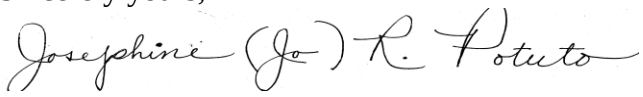
[3]Scheduling and siting of competition may trigger athletic interests that are focused on providing the best competitive experience for student-athletes and fans at sites best adapted to that competition and with teams best suited to compete against each other. Which teams compete and where has impact on revenues generated and university expenses (and, in turn, athletic budgets affect both the perception of how athletics fits into the academic mission as well as the allocation of university funds and general campus fiscal priorities). Siting, timing, and duration of competition trigger academic interests through their effect on class attendance and exams, student-athlete interaction with students on class projects, a student-athlete's overall championship experience, and his/her opportunity to participate fully in campus

[4]The purpose of the 1A FAR is to address issues that either are unique to our institutions or that

sent to the Leadership Council, there is insufficient representation by senior-level athletic administrators with broad-based experience on the Legislative Council and Academic Cabinet, and we urged the Leadership Council to review their committee distributional representation as well.

Thanking you for your consideration of this matter, I am

Sincerely yours,



Josephine (Jo) R. Potuto
Richard H. Larson Professor of Constitutional Law
University of Nebraska and
President, 1A FAR

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are experienced most acutely by them. Notwithstanding this, however, our overriding concern is the absence of a FAR voice in the Division I governance structure without regard to subdivision.

POSSIBLE WAYS TO ENHANCE THE LEVEL OF DIVERSITY SERVING ON DIVISION I CABINETS AND COUNCILS

1. Introduction.

When the Division I Board of Directors approved the new Division I governance structure in November 2007, one change was that the Board would assume responsibility for approving the slate of representatives serving at the Division I cabinet and council levels. The primary purpose for assigning this responsibility to the Board was to ensure the slate of nominees was reflective of the broad diversity of Division I was a whole.

Consistent with this authority, at its April 2008 meeting, the Board of Directors approved the slate of nominees as presented by the 31 multisport conferences, but in the process charged the new Leadership Council with looking to find ways to enhance the level of diversity serving at the cabinet and council levels.

With the terms of the 11 FBS conference representatives on all councils and cabinets set to expire in April 2010 (Note: All FBS members are eligible to be reselected for four more years of service.), it is now timely for the Leadership Council to develop more formal recommendations for review and approval by the Board of Directors.

2. Charge to the Leadership Council.

The Leadership Council has been asked to develop recommendations to enhance the level of diversity serving in the 198 Division I cabinet and council seats directly nominated by the 31 multisport conferences. It should be noted that in charging the Leadership Council, the Board purposefully did not seek to provide the council with further direction, only stating that it did not want the current level of diversity serving in the structure to be viewed as an end in and of itself. Since that time, the Board has emphasized its interest in ensuring that faculty are serving in meaningful numbers.

The current legislated requirements divide the councils and cabinets into two groups (Leadership Council, Legislative Council, and Championships/Sports Management Cabinet = 93 and Academics Cabinet, Administration Cabinet, Amateurism Cabinet, Recruiting and Athletics Personnel Issues Cabinet, and Awards, Benefits, Expenses and Financial Aid Cabinets =105) and further require that each group include a minimum of 35 percent of each gender and 20 percent ethnic minorities. Further, these minimums must be met for

each group by the FBS subdivision and also by the FCS and Division I subdivisions as a combined group.

3. <u>Staff Recommendations</u>.

a. Establish additional diversity requirements that apply to each council and cabinet independently.

(1) Apply the current gender (35%) and ethnic minority (20%) minimum requirements to **each council and cabinet independently and by subdivision**.

(2) Apply new minimum positional requirements for athletics directors (20%) and faculty athletics representatives (20%) to each council and cabinet independently and by subdivision.

(3) Or, consider applying a slightly higher minimum requirement for faculty athletics representatives on the Academic Cabinet (30%). [Note: All subdivisions currently have 30% or greater representation of faculty athletics representatives on the Academic Cabinet.]

See Attachments A & B for the current level of diversity in the Division I councils and cabinets by subdivision, as well as where the deficiencies would lie if the recommended required minimum levels above were in pace.

b. Nomination process.

(1) Continue to have every conference submit its choice for each council/cabinet vacancy. (Eight total for each of the 11 FBS conferences.)

(2) Encourage conferences to evaluate their current nomination processes to determine if qualified individuals who would enhance the level of diversity in the structure are not being considered due to current policies (e.g., positional requirements) and/or process (e.g., limited solicitation of membership in ascertaining individuals' interest in serving in the governance structure).

c. Terms of service.

(1) Continue to apply four-year terms to service on all councils and cabinets.

(2) Revise the current term expiration date for Football Championship and Division I representatives so that all terms expire April 30, 2012 in order to enable those subdivisions to work together in submitting nominees that will meet the new diversity requirements.

4. <u>Additional considerations to achieving greater diversity in the Division I governance structure</u>.

a. Develop educational information for the 31 multisport conferences to share with their members about the governance structure and the nomination process.

b. Encourage conferences to be strategic in their appointment process and seek to develop long term appointment plans, mindful that some committees provide good opportunities for young professionals to gain experience and grow.

c. Encourage conferences to increase the diversity within their own conference committee structures in order to prepare individuals for service at the national level.

d. Establish mentoring programs at the institutional, conference and national levels. Develop templates to assist in ensuring that the membership is learning from one another and not reinventing the wheel.

e. Include within mentoring efforts access to reading materials relative to the important issues facing intercollegiate athletics and higher education, a dedicated Web site for governance/issues education and access to governance meetings.

NCAA Government Relations Report
(December 2009)

1. Congressional Overview.

As Congress heads into the final month of the first session of the 111th Congress, a number of important legislative matters remain. Over the final weeks of the year, a significant amount of time will be spent seeking an overhaul of America's health care system. While the House of Representatives passed the Affordable Health Care for America Act in early November by a 220-215 vote, the Senate will begin its consideration of a separate measure during the first week of December. If the Senate passes a health care reform bill, it will be sent to a House-Senate conference committee where the differences in the bill will be reconciled before being taken up for a final vote by both congressional bodies.

Despite the attention being given to health care legislation, the House and Senate both have other business to complete before adjourning for the year. Congress must finish its work on the fiscal 2010 appropriations measures to prevent the need for an omnibus spending bill. To date only five of the 12 appropriations bills have been completed, which increases the likelihood that an omnibus bill will be considered before December 18 when the current funding measure expires. Climate change legislation, which was passed by the House in June, remains a legislative priority, which has yet to be considered by the Senate. This along with other time-sensitive work will make for a frantic finish to the year on Capitol Hill. According to a recently revised legislative calendar, it is expected that Congress will remain in session until at least December 18, 2009. It is expected that Congress will reconvene for business on January 12, 2010.

Even with its packed calendar, Congress has continued to display an interest in sports related matters. With a focus on the health and safety of amateur and professional athletes, Congress recently held hearings to examine football related head injuries and the enforcement of drug testing programs in professional sports. Despite a long list of priorities, it is expected that these and other sports related issues will draw additional attention next year.

2. Federal Issues.

a. Football Related Head Injuries.

On October 28, 2009, the House Judiciary Committee conducted a hearing to discuss whether football players are at an increased risk of suffering from long-term brain damage, and if so, what can be done to address this problem. Recent concern regarding this issue largely stemmed from increased research, including a September 2009, internal study conducted by the NFL. While the purpose of the study was not designed to focus on this issue, the results from several questions revealed a possible

link between former NFL players who suffered head injuries and an increased likelihood of suffering from dementia and cognitive decline. This hearing also served as an extension of the committee's previous work on the NFL disability-benefit process.

The day-long hearing titled "Legal Issues Relating to Football Head Injuries" included three panels and seventeen witnesses. The hearing began with a Member's Panel, which included the testimony of Representative Bill Pascrell (D-NJ), who is co-chair of the House Congressional Brain Injury Task Force. The second panel included, Roger Goodell, commissioner, National Football League (NFL); DeMaurice Smith, executive director, NFL Players Association (NFLPA); Dr. Gay Culverhouse, former president, Tampa Bay Buccaneers; Dr. Andrew Tucker, member, NFL Mild Traumatic Brain Injury Committee and Baltimore Ravens team physician; Dr. Robert Cantu, clinical professor of Neurosurgery, Boston University School of Medicine; Dr. David Weir, lead author, NFL's Player Care Foundation Study of Retired NFL Players; and George Martin, executive director, NFL Alumni Association.

The third panel of witnesses included, Tiki Barber, retired NFL player; Merril Hoge, retired NFL player; Dick Benson, High School Football Safety Advocate; Dr. Eleanor Perfetto, wife of Ralph Wenzel, former linebacker, Pittsburgh Steelers; Christopher Nowinski, co-director, Center for the Study of Traumatic Encephalopathy, Boston University; Dr. Ann McKee, associate professor of Neurology and Pathology, Boston University School of Medicine; Dr. Joseph Maroon, vice chair, Department of Neurosurgery, University of Pittsburgh, and Pittsburgh Steelers team physician ; Dr. Julian Bailes, chairman, Department of Neurosurgery, West Virginia University School of Medicine; and Dr. Joel Morgenlander, professor of Neurology, Duke University.

With nearly twenty witnesses, a significant amount of information was shared, which highlighted the diverse thoughts and perspectives on the issue. While the witnesses were unable to reach a consensus on whether football players are at an increased risk of suffering from long-term brain injuries, and how to properly diagnose, treat, and prevent such injuries, there was an overall concern with the health and safety of professional and amateur football players. Representative John Conyers (D-MI), chair of the Judiciary Committee, expressed a desire to review all relevant data before determining how Congress might assist in addressing this health concern and

requested the cooperation of medical experts and the amateur and professional sports organizations in this undertaking.

While the NCAA did not participate in the hearing, we did receive a written request for information from the committee. The letter sought NCAA data on football head injuries suffered by student-athletes, information on any initiatives or efforts undertaken by the NCAA to monitor and prevent Mild Traumatic Brain Injuries and which, if any, studies we have conducted or utilized in developing these initiatives. As requested, the NCAA delivered this information prior to the hearing.

b. Bowl Championship Series.

As a follow-up to the July 2009, U.S. Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights hearing on the current structure of the Bowl Championship Series (BCS), Senator Orrin Hatch (R-UT) sent a letter to President Obama expressing his concerns. The letter dated October 21, 2009, urged the Department of Justice's Antitrust Division to look into the legality and fairness of the current system. This request was based on Senator Hatch's belief that the current BCS structure violates the Sherman Antitrust Act.

Senator Orrin Hatch (R-UT) also joined with several other members of Congress to express their collective support of a newly created federal political action committee (PAC). The Playoff PAC was created to establish a competitive post-season championship for college football. As with most political action committees, the Playoff PAC plans to achieve this goal by helping to elect pro-reform political candidates, mobilize public support, and provide a centralized source of pro-reform news, thought, and scholarship.

To date, a house resolution and two pieces of legislation have been introduced, which seek a change to the current structure of the BCS. While these measures have yet to receive additional legislative attention, there has been some discussion about considering one or more of these proposals before Congress adjourn for the year.

c. Internet Gambling.

Under the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), the Secretary of the Treasury and the Board of Governors of the Federal Reserve System

were directed to prescribe regulations, to prevent illegal Internet gambling transactions. Among other things, the final regulation identifies acceptable policies and procedures that designated payment systems can utilize to effectively identify and block unlawful Internet gambling transactions. The final regulation went into effect on January 19, 2009, and set a compliance date of December 1, 2009. However, after considering recommendations from the House Financial Service Committee Chairman Barney Frank (D-MA) and others, the U.S. Treasury and Federal Reserve recently issued a six month compliance date extension.

The NCAA and the professional sports leagues remain concerned with the delay in full implementation of the final regulation of the Unlawful Internet Gambling Enforcement Act. In addition to this extension, there is a mounting effort by Representative Frank and others to rollback UIGEA, which would allow for legalized and regulated online wagering for Americans. On December 3, 2010, a hearing was held to discuss two legislative proposals authored by Representative Frank. The Financial Service Committee considered H.R. 2267, the Internet Gambling Regulation, Consumer Protection, and Enforcement Act and H.R. 2266, the Reasonable Prudence in Regulation Act. H.R. 2267 would create a federal regulatory and enforcement framework that would permit Internet gambling operators to obtain licenses, enabling them to accept bets from individuals located in the United States. H.R. 2266 would delay the implementation of regulations established under UIGEA until Congress has had a chance to decide national policy on this matter.

The Financial Services Committee did not vote on either measure during the hearing, however, Chairman Frank expressed his intention to consider and seek passage of legislation in the near future that would allow licensed and regulated online wagering.

d. Collegiate and Professional Sports Fans.

On October 30, 2009, a new advocacy group was launched to advocate for American sports fans in the Washington DC, public policy arena. The Sports Fans Coalition plans to advocate on issues such as game blackouts, high event ticket prices and the lack of a college football playoff. It has been suggested that the Sports Fans Coalition will also insert itself into an ongoing debate between cable and satellite providers on the exclusive rights to carry regional sports games. Their website also expresses the group's support of the Playoff PAC. The Board of Directors of the Sports Fans

Coalition consists of representatives with backgrounds in sports, politics, journalism, consumer advocacy, technology, business, and law.

3. State Issues.

a. Uniform Athlete Agent Act.

The Uniform Athlete Agent Act (UAAA) is a state model act, which establishes uniform athlete agent registration procedures and provides safeguards for student-athletes and membership institutions. In addition, the act imposes criminal, civil and/or administrative penalties against unscrupulous agents. To date, the UAAA has been passed in 38 states, the District of Columbia and the U.S. Virgin Islands.

While most state legislatures have adjourned for the year, the NCAA government relations staff in conjunction with the NCAA Agent, Gambling, and Amateurism staff have initiated an effort to examine the effectiveness and overall use of the act. Over the coming months, we will look at this information and determine how the NCAA might assist in ensuring that the law is being as effective as it was designed to be. Strategic planning meetings will be conducted with the National Conference of Commissioners on Uniform State Laws over the next month to discuss how we might successfully seek passage of the UAAA in remaining states.

b. Higher Education Associations.

NCAA government relations staff continues to build strong relationships with various higher education associations. The American Council on Education (ACE), the Association of American Universities (AAU), the 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.

Division I Meetings
2010 Annual Convention Meeting Schedule

	Wednesday January 13		Thursday, January 14				Friday, January 15		Saturday, January 16
7:30		Conference Meetings (7:30 a.m.–7 p.m.						CCA Meeting *(Cairo/Hong Kong)* (7-9 a.m.)	
8			Legislative Council (LGC) *(International Ballroom North)* (8 – 11:30 a.m.)	Assn-wide Programming at the Marriott					Joint SAAC/BOD Breakfast *(Cairo/Hong Kong)* (8 – 9:30 a.m)
8:30					Conference Meetings (8:30 a.m. – 3:30 p.m.)	Leadership Council *(International Ballroom South)* (8:30 – 3 p.m.)			
9									
9:30				Assn-wide Programming (9:30 – 11a.m.)			DI Issues Forum *(International Ballroom)* (9:30 – 11:30 a.m.)		Board of Directors Meeting *(International Ballroom North)* (9:30 a.m. – 5 p.m.)
10									
10:30									
11				Assn-wide Programming (11:15 – 12:15)					
11:30			LGC/LDC/ SAAC Luncheon *(Hanover CD)* (11:30 a.m. – 1 p.m.)				BOD/LDC/LGC Luncheon *(Regency V)* (11:30 a.m. – 1 p.m.)		
Noon									BOD Luncheon *(Cairo)* (12 - 1 p.m.)
12:30									
1	Legislative Council (LGC) *(International Ballroom North)* (1-8:30 p.m.)						DI /Issues Forum *(International Ballroom)* (1 – 3 p.m.)		Board of Directors Meeting Continues *(International Ballroom North)*
1:30				Assn-wide Programming (1:45 – 3:15 p.m.)					
2									
2:30									
3							Business Session *(International Ballroom)* (3-4 p.m.)		
3:30			Opening Business Session *(Centennial Ballroom)* (3:30 – 5:30 p.m.)						
4							Communication and Coordination Com. Meeting/Reception *(Vinings)* (4 – 6 p.m.)		
4:30									
5									
5:30			Delegates Reception *(Regency Ballroom)* (5:30 – 7 p.m.)						Executive Committee Meeting *(International Ballroom South)* (5:30 – 8 p.m.)
6							Honors Celebration *(Atrium Ballroom – Marriott)* (6-8 p.m.)		
6:30									
7									
7:30									
8									
8:30									
9									
10									

Meetings either DI LGC/LDC Councils should attend. Additional Association-wide events. Meetings DI Board would be interested in attending.

All meetings will be held in the Hyatt unless specified differently.
Division I Office - Greenbriar
12/10/09:vlm

REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I LEADERSHIP COUNCIL
JANUARY 14, 2010, MEETING

- ***ACTION ITEMS*.**

Enhancing the Level of Diversity in the Division I Governance Structure. The Leadership Council continued its discussions regarding methods to enhance gender and ethnic minority and positional representation among those serving in the Division I governance structure.

Recommendations: That the Board of Directors consider a slate of FBS nominations in April for all eight councils and cabinets that meet the following requirements (Terms on these bodies for FBS representatives expire in April and June 2010):

a. Apply the current gender (35%) and ethnic minority (20%) minimum requirements to **each** council and cabinet independently.

b. Apply a new minimum positional requirement for athletics directors (20%) and faculty athletics representatives (20%) to **each** council and cabinet independently.

c. Determine that the requirements of a and b above apply to the combined FCS and Division I, effective with FCS and Division I term expirations in April and June 2012. [Note: It is recommended that all the FCS and Division I terms on councils and cabinets expire during the same year in order to enable those conference to work together in submitting nominations that would meet the new diversity requirements.

d. That the Board adopt appropriate emergency legislation in April 2010 to implement these policies.

- ***INFORMATION ITEMS***

1. **Update on President's search**. Wally Renfro, NCAA vice president and senior advisor to the president, and Dan Parker, of Parker Executive Search, updated the group on the search process for the next NCAA president. The group was asked to comment regarding desired characteristics of a new president and individuals were invited to contact Dan Parker to provide input.

2. **Discussion with the chairs of the Academic, Awards, Benefits, Expenses and Financial Aid, and Recruiting and Athletic Personnel Issues Cabinets**. The Leadership Council received reports from the chairs of the Academic; Awards,

Benefits, Expenses and Financial Aid, and Recruiting and Athletic Personnel Issues Cabinets. The Council applauded the work of the cabinets, encouraged them to continue with their planned agenda items and noted that the Council looks forward to future updates regarding their work.

3. **Championships/Sports Management Cabinet recommendation regarding endangered sports**. The Leadership Council reviewed a recommendation from the Championships/Sports Management Cabinet to appoint a working group to discuss and review issues related to endangered sports and sports that face challenges to their growth. After some discussion, the Leadership Council agreed to refer this issue to the Olympic Sports Liaison Committee for further review.

4. **Consideration of Recommended Division I Membership Principles and Standards**. The Leadership Council completed its work on the development of new membership standards for aspiring members of Division I. The Council will present a formal report of its recommendations to the Board of Directors in April and make the report available for conferences to review during their 2010 spring meetings. Appropriate legislative proposals will be developed for Board sponsorship and consideration in the 2010-11 legislative cycle.

5. **Legislative items in the 2009-10 cycle of potential interest to the Leadership Council.** Joseph D'Antonio, chair of the Legislative Council, updated the group on various actions taken during the Council's January 13-14, 2010, meeting.

6. **Report from the Division I Student-Athlete Advisory Committee.** Division I Student-Athlete Advisory Committee chair Matthew Baysinger presented a report of the committee's recent meeting and priorities for the upcoming year. Given this was Baysinger's last meeting as chair, the Leadership Council thanked him for his service and commended him for his work in representing Division I student-athletes.

7. **Future Meetings**.

   a. March 23, 2010, Indianapolis, Indiana.
   b. July 2010, Conference call TBD.
   c. October 5, 2010, Indianapolis, Indiana.

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