

## **A G E N D A**

### National Collegiate Athletic Association Division I Legislative Council

Westin - Indianapolis  
Indianapolis, Indiana

October 20-21, 2008

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

1. Opening remarks.
2. Report of the August 6, 2008, NCAA Division I Leadership Council meeting. [Supplement No. 1]
3. Report of the August 7, 2008, NCAA Division I Board of Directors meeting. [Supplement No. 2]
4. Report of the August 8, 2008, NCAA Executive Committee meeting. [Supplement No. 3]
5. Litigation update. [Supplement No. 4]
6. Governmental relations report. [Supplement No. 5]
7. Report of the NCAA Division I Communications and Coordination Committee. [Supplement No. 6]
8. **NCAA Division I Legislative Council Policies and Procedures.** [Supplement No. 7]
9. NCAA Division I Committee/Subcommittee and Cabinet reports.

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

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

- b. Report of the NCAA Division I Administration Cabinet. [Supplement No. 9]
- c. **Report of the NCAA Division I Academic Cabinet.** [Supplement No. 10]
- d. Report of the NCAA Division I Student-Athlete Awards, Benefits, Expenses and Financial Aid Cabinet. [Supplement No. 11]
- e. Report of the NCAA Division I Amateurism Cabinet. [Supplement No. 12]
- f. Report of the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet. [Supplement No. 13]
- g. **Report of the NCAA Division I Legislative Review/Interpretations Committee.** [Supplement No. 14]
- h. Report of the NCAA Division I Subcommittee on Legislative Relief. [Supplement No. 15]
- i. Report of the NCAA Division I Committee on Athletics Certification. [Supplement No. 16]
- j. Report of the NCAA Division I Student-Athlete Advisory Committee (SAAC). [Supplement No. 17]
- k. Report of the NCAA Division I Student-Athlete Reinstatement Committee. [Supplement No. 18]
- l. Report of the NCAA Division I Committee on Academic Performance. [Supplement No. 19]
- m. Report of the NCAA Division I Football Championship Subdivision Governance Committee meeting. [Supplement No. 20]
- n. Report of the NCAA Division I Men's Basketball Academic Enhancement Working Group. [Supplement Nos. 21-a and 21-b]
- o. Report of the NCAA Division I Football Academic Enhancement Working Group. [Supplement No. 22]

10. NCAA Association-wide committee reports.

- a. Report on the NCAA Committee on Women's Athletics. [Supplement Nos. 23-a and 23-b]
- b. Report on the NCAA Minority Opportunities and Interests Committee. [Supplement No. 24]
- c. Report on the joint meetings of the Committee on Women's Athletics and Minority Opportunities and Interest Committee. [Supplement No. 25]
- d. Report on the NCAA Committee on Sportsmanship and Ethical Conduct. [Supplement No. 26]
- e. Report of the NCAA Life-Work Balance Task Force recommendations. [Supplement No. 27]

11. Legislative issues.

- a. Status of override requests following August Board of Directors meeting.
- b. **Legislation recommended as emergency or noncontroversial.** [Supplement No. 28-a]
- c. Discussion regarding legislation scheduled for initial consideration in January. [See Supplement No. 28-b for legislative proposals.]
  - (1) Points to consider related to 2008-09 proposals. [Supplement No. 28-c]
  - (2) Question and Answer Document related to 2008-09 proposals. [Supplement No. 28-d]
  - (3) Comments received from various constituent groups – if available. [Supplement No. 28-e]

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

12. What is expected at the 2009 NCAA Convention?
  - a. Schedule of events. [Supplement No. 29]
  - b. Discussion regarding luncheon meeting with Leadership Council and Board of Directors.
  - c. Discussion of override votes: [Supplement No. 30]
    - Proposal No. 2007-30-C – Recruiting – Contacts and Evaluations – Men's Basketball Evaluations – April Contact Period.
13. Future meeting dates.
  - a. January 14-15, 2009, in conjunction with the NCAA Convention, Washington D.C.
  - b. April 20-21, 2009, Indianapolis, Indiana.
  - c. October 12-13, 2009, Indianapolis, Indiana.
14. Key discussion points summary.
15. Other business.
16. Adjournment.



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

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

**1. Understanding the new Division I governance structure.**

**LDC ACTION:**

- a. Received an overview of the new Division I governance structure to ensure the members had a thorough understanding of the goals and objectives behind restructuring and the importance of the Leadership Council's role in helping the Board of Directors as it seeks to lead Division I; and
- b. Learned that the Leadership Council will:
  - Serve as the primary advisory group to the Board of strategic and policy issues;
  - Provide background information, advice and counsel to the Board on legislative and nonlegislative matters;
  - Receive authority from the Board through agendas that mirror the Board of Directors;
  - Suggest concepts for the legislative agenda;
  - Have a national focus rather than a local/conference one; and
  - Retain much of the former Management Council's jurisdiction, except legislation.

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

**LDC ACTION:**

- a. Entered into a conversation with the NCAA President regarding the vitally important role of the Leadership Council as it seeks to think strategically regarding the issues facing Division I and to take a national perspective on behalf of the NCAA; and
- b. Were reminded that the Leadership Council must strive to develop a strong relationship with the Board by providing thoroughly developed positions on matters of national concern.

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

**LDC ACTION:**

- a. Received a presentation from the NCAA president in which he reviewed the three controlling goals that should be at the forefront of the Division I governance representatives' thought processes as they seek to develop positions and recommendations. These controlling goals are:
  - Complete this cycle of academic reform;
  - Subserve all business, corporate and championships efforts and decisions, especially those concerning basketball, to positioning for and negotiating new media contracts; and
  - Focus on issues related to student-athletes and athletics personal well-being.
- b. Were encouraged to review the NCAA's Strategic Plan in conjunction with consideration of the three controlling goals.

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

**4. Update regarding Fantasy Sports Leagues.**

**LDC ACTION:**

- a. Were informed by the NCAA President that a recent ruling by the 8<sup>th</sup> Circuit Federal Court of Appeals in the case of CSC Distrib. And Mkting. Inc. v. Major League Baseball L.P., in which the court applied Missouri state law to professional fantasy leagues, has led fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling;
- b. Were advised that there is an apparent conflict with this ruling and a July 2008 NCAA rules interpretation, which states the use of a student-athlete's name in connection with a fantasy sports game even when there is not an entry fee or prize associated, is a violation of NCAA bylaws; and
- c. Learned that a cease and desist letter would be sent by the Association on behalf of its members and student-athletes to any distributor engaged in such activities and that the Board, with the help of the Commercial Activities Task Force and eventually the Leadership Council, would be encouraged to address whether fantasy sports games that adhere to certain parameters necessarily violate the principles of amateurism.

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

- a. Flow of Council's work.

**LDC ACTION:**

- (1) Learned that the meeting schedule for the new Division I governance structure is based on both the Division I Board of Directors' quarterly schedule and the annual Division I legislative cycle, which begins on July 15 with the legislation submission deadline and concludes with the Board's April meeting; and
- (2) Discussed how the Leadership Council should seek to develop its meeting schedule so it can be helpful in identifying issues for the governance substructure's examination, while at the same time, seeking to be responsive to the Division I Board of Directors.

- b. Structure and timing of meetings.

**LDC ACTION:**

- (1) Agreed that given the number of issues the Council has been asked to examine, that the Leadership Council should meet prior to the meeting already scheduled on January 15 at the NCAA Convention; and
- (2) Suggested trying to identify a time near the October Legislative Council and Board of Directors meetings, with the caveat, the meeting should be conducted in the early part of the week to avoid conflicts with travel associated with football games.

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

- c. Administrative Committee.

**LDC ACTION:**

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

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

d. Vice chair.

**LDC ACTION:**

- (1) Learned that pursuant to the new Division I governance structure, each council and cabinet has discretion to appoint a vice chair if it is determined that the assignment of such a position would be helpful; and
- (2) Determined that given that it was the council's first meeting and the current chair can serve up to two years, it would be prudent to wait before making a determination as to whether a vice chair is needed.

e. Other issues.

**LDC ACTION:**

- (1) Discussed the importance of communication within the new governance structure and having a level of familiarity with the work of the committees that report to it; and
- (2) Solicited the names of interested Leadership Council members to serve as liaisons to the following committees:
  - Division I Student-Athlete Advisory Committee (1 FBS member and 1 Division I member);
  - Minority Interests and Opportunities Committee; and
  - Sportsmanship and Ethical Conduct.

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

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

**LDC ACTION:**

- a. Learned that as a feature of the new Division I governance structure, a Communications and Coordination Committee has been established, which is charged with helping to enhance the level of communication between Division I governance bodies and the membership so that there is a more cohesive approach to managing the Division I agenda; and
- b. Were informed that the committee will convene via conference call before/after the grouping of councils and cabinets meetings to help coordinate the consideration of issues and that this committee's report will be shared with Leadership Council members.

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

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

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

**LDC ACTION:**

- (1) Received an overview of the governance subcommittee's efforts to enhance the level of ethnic, gender and positional diversity serving in the Division I governance structure and reviewed the legislative diversity requirements;
- (2) Learned that the Board of Directors now plays a keen oversight role in the governance appointment process and has charged the Leadership Council with examining ways to enhance the level of diversity serving within the structure; and
- (3) Entered into a preliminary discussion, in which individual members shared ideas to enhance diversity, including:
  - Efforts need to focus on broadening the pool from which representatives are selected. There needs to be a focus on developing talent to ready representatives for leadership roles.

- The governance cabinets and the committee structure provides a good opportunity for young professionals to gain experience.
- Conferences may be able to provide assistance by including more and different representatives in their meeting structure.
- The NCAA Convention can serve as a forum to provide development opportunities to young professionals.
- Identifying minority and female professionals for additional exposure to NCAA meetings.
- Increased efforts to discuss employment opportunities in intercollegiate athletics with minority and female student-athletes should be pursued.
- Efforts should be made to learn from successful programs in higher education and elsewhere, as lack of diversity is a societal problem.
- Mentoring efforts, including providing access to reading materials, a dedicated web site and meetings may be beneficial.
- An assessment of current NCAA professional development programs for females and minorities should be conducted to assess their level of success.

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

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

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

- Were informed that the Leadership Council has been charged with engaging in that study and offering recommendations concerning Division I membership standards.
- Were advised that the chair of the former Membership and Governance Subcommittees of the Management Council and the current chair of the Administrative Cabinet would be called upon to assist in this project.

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

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

**LDC ACTION:**

- (1) Were informed that the Task Force's charge is to develop guiding principles and instructive guidelines that clearly identify the balance point between unrealistic idealism and crass commercialism; and
  - (2) Learned that it is anticipated the Task Force will seek to complete its charge within the next few months, at which time the Leadership Council, in keeping with the three controlling goals, will be asked to provide additional strategic thinking by possibly addressing such questions as "should there be an attempt to regulate the environment?" and "if so, by whom, and with what level of consistency?"
- d. Discuss appropriate strategies to consider certain Division I amateurism issues.

**LDC ACTION:**

- (1) Received a brief presentation from the vice president for Membership Service regarding the history of Division I amateurism legislation and the standard of review for amateurism cases, which has evolved over time as more international student-athletes have enrolled in Division I institutions; and
- (2) Were informed that:
  - The new Division I Amateurism Cabinet plans to review amateurism issues, with specific attention given to the definition of a professional team (and how one may become ineligible based on benefits received by a teammate), as well as issues related to actual and necessary expenses.

- The NCAA student-athlete reinstatement staff and the NCAA Division I Committee on Student-Athlete Reinstatement will discuss with the Legislative Council a desire for additional flexibility from the NCAA Division I Management Council directive regarding competition with professionals.
- The Committee on Student-Athlete Reinstatement (ultimately the NCAA Division I Legislative Council) will review and consider implementing more flexible application of Management Council amateurism directives.

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

**LDC ACTION:**

- a. Were provided an opportunity to share ideas regarding other issues that Council members would like to see examined by the Leadership Council; and
- b. Members shared the following areas for review:
  - The issues of ethics in sports and how Division I and the Association as a whole can assist coaches associations and other constituent groups in having meaningful conversations regarding ethics and professionalism.
  - A broad examination of time demands on student-athletes based on recent research findings, including consideration of restructuring or eliminating the non-championship segment.
  - Hiring practices in intercollegiate athletics and whether there is adequate transparency in the process, consistent with typical hiring practices on campus.
  - The need for additional professional development for coaches and the possible need for a coaching certification program whereby coaches receive education on a wide array of issues that are designed to assist coaches in focusing on the overall well-being of student-athletes.
  - The problem of early recruitment and commitments.

**9. News from the National Office.**



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

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

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

**LDC ACTION:**

- (1) Received an update on the ongoing work of the Men's Basketball Academic Enhancement Group, which was charged by the Board to think creatively to identify ways to improve the academic performance and ultimately the graduation rates, of Division I men's basketball student-athletes;
  - (2) Heard from staff and members of the group that the basketball community appears committed to seeking to have meaningful, cultural change in the sport, mindful that the Academic Progress Rate is here to stay; and
  - (3) Learned that the Basketball Academic Enhancement Group will continue its work at its August 8, 2008, meeting, with the goal of providing the Board with a series of recommendations by October 2008, and that once the Board receives these recommendations, the Leadership Council will be asked to offer its guidance regarding the consideration of the recommendations.
- c. Update regarding the membership's override request with regard to Proposal No. 2007-30-C.

**LDC ACTION:**

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

- (2) Were informed that the staff plans to recommend to the Board that it sustain its earlier action in adopting the proposal as the proposal is designed to address concerns about the increase in nonscholastic influences in the sport in the spring and poor academic performance and preparation; and
- (3) Voted to recommend to the Division I Board of Directors that it sustain its earlier adoption of Proposal No. 2007-30-C, as the Leadership Council has concerns about the proliferation of nonscholastic events conducted during the April contact period and the resulting consequences to the well being of the prospective students who participate in these events. (Unanimous Voice Vote.)

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

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

- a. Committee on Women's Athletics.

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

- b. Minority Opportunities and Interests Committee.

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

- c. Sportsmanship and Ethical Conduct.

**LDC ACTION:** Received the report and took no action.

- d. Division I Student-Athlete Advisory Committee.

**LDC ACTION:**

- (1) Received the report and learned that the Division I SAAC will seek to provide feedback to the working group examining issues surrounding “at risk” student-athletes.
- (2) Were invited to send representatives to the Division I Student-Athlete Regional Leadership Conference scheduled for November 7 – 9, 2008, in La Jolla, California.

**11. Other business and issues for discussion.**

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

Thursday, January 15

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

Friday, January 16

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

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

**12. Adjournment.**

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

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Section One

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

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**1. Opening remarks.**

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

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

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

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

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

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

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

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

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

- (1) Heard from the NCAA president as he reviewed the three controlling goals that are directing National Office strategies. These controlling goals are:
  - (a) Complete this cycle of academic reform;
  - (b) Subserve all business, corporate and championship efforts and decisions, especially those concerning basketball, to positioning for negotiation new media contracts, and
  - (c) Focus on issues related to student-athletes and athletics personal well-being.
- (2) Requested time at the October 2008 meeting to learn more about the constantly evolving financial challenges and opportunities facing intercollegiate athletics to gain a better understanding of the total context of market driven realities.
- (3) Encouraged the Board to review the NCAA Strategic Plan and to keep the themes identified in the plan, along with the three-controlling goals, at the forefront of the Board's discussions.

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

**b. Sportsmanship and problem with negative fan behavior.**

- (1) Discussed the problem with negative fan behavior and its impact on intercollegiate athletics, and explored what role the NCAA should have (if any) in trying to address this issue.
- (2) Requested an opportunity to review research findings regarding fan behavior including a review of current conference regulations regarding this issue; and
- (3) Agreed that a subgroup of the Board should be named to help define the issues associated with negative fan behavior and identify the NCAA's role in advance of the Board's October meeting.

**c. Fantasy Sports Leagues.**

- (1) Received an update regarding a recent ruling by the 8<sup>th</sup> Circuit Federal Court of Appeals in which the court applied Missouri State Law to professional fantasy leagues, which has led fantasy sports games distributors to conclude that

offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling and discussed the fact that the court ruling is in conflict with NCAA bylaws.

- (2) Were informed that a July 2008 NCAA rules interpretation states the use of a student-athlete's name in connection with a fantasy sports game, even when there is not an entry fee or prize associated, is a violation of NCAA rules; and that the Association will send a "Cease and Desist" letter on behalf of its members and student-athletes to any distributor who engages in such activities.
- (3) Noted that this scenario presents a difficult factual situation, that will have to be monitored, and that ultimately the Board may want to address whether fantasy sports games that adhere to certain parameters necessarily violate the principles of amateurism.

**d. Youth Basketball.**

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

**e. Committee on Infractions and Infractions Appeals Committee**

- (1) Were informed that the staff had a productive meeting with the Infractions Appeals Committee, as that committee seeks to change its policies in keeping with recent legislative changes and that the chairs of both the Committee on Infractions and the Infractions Appeals Committee will appear before the Board at its October meeting to comment on its new policies and provide a status report;
- (2) Learned that consistent with the Board's discussion in April, both committees are beginning to discuss accountability measures; and
- (3) Made the following appointments: (Unanimous Voice Vote.)
  - (a) Committee on Infractions:
    - Britton Banowsky – Conference USA.
    - John Black – Public member.
    - Jacqueline Campbell – Atlantic 10 Conference.
    - Melissa Conboy – University of Notre Dame, Big East Conference.

(b) Infractions Appeals Committee:

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

**5. Litigation update.**

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

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

**BD ACTION:** Received a report and took no action.

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

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

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

**BD ACTIONS:**

- a. Heard that the Men's Basketball Academic Enhancement Group, which was charged by the Board to think creatively with a focus on academics, to identify ways to improve the academic performance, and ultimately the graduation rates, of Division I men's basketball student-athletes, is scheduled to meet on August 8, 2008, to review membership feedback and continue its work.
- b. Were informed that the group is at a difficult juncture in its work as the "ideal is meeting the practical" but discussed the importance of keeping the group's focus on improving academic performance as it is critical that academic performance of men's basketball student-athletes is improved.

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

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

**BD ACTIONS:**

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

Football Bowl Subdivision/Football Championship Subdivision

- Eligibility
- Retention
- Finances

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

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

**BD ACTIONS:**

**a. Committee on Academic Performance composition and appointments.**

- (1) Receive a report from the chair of the Committee on Academic Performance regarding that group's July 2008 meeting and learned that the committee anticipates an increase in the number of academic performance program penalties appeals as more severe sanctions are implemented.
- (2) **Used its emergency authority to adopt a number of recommended changes to the committee's composition in preparation for the 2008-09 APP waiver season:** (Unanimous Voice Vote – Effective Immediately.)



**Proposal No. 2008-8 Academic Performance Program -- Committee on Academic Performance -- Composition and Term of Office of Chair.**

Intent: To increase the composition of the NCAA Division I Committee on Academic Performance from 11 to 15 members and to specify that the committee shall include a minimum of two chancellors or presidents; further, to specify that after the chair has served two full terms, the NCAA Division I Board of Directors may extend his or her term at two year intervals.

Pursuant to this legislative change:

- (a) Extended the term of the current chair, President Walter Harrison, University of Hartford, for an additional two years, to expire in September 2011.
- (b) Appointed current member President Melvin Johnson, Tennessee State University, as vice chair of the committee.
- (c) Appointed the following ad hoc members to the committee as voting members with appropriate staggered terms:
  - Tom Burnett; Commissioner, Southland Conference;
  - John Morris; Senior Associate Director of Athletics, University of Washington; and
  - Greg Sankey; Associate Commissioner, Southeastern Conference.
- (d) Directed the NCAA Division I Administration Cabinet to appoint a faculty athletics representative or provost to the committee to fill the remaining vacancy.

**b. APP Policies and Procedures.**

- Approved, in principle, the APP policies and procedures, which include the procedures for Occasion-Three and Four Historical Penalty Waivers and Appeals, but asked the committee, the NCAA general counsel's office and selected Board members to further review, and possibly edit, the language setting forth the specific standard of review for such appeals, to ensure the language is crafted to accurately reflect the intention of the CAP and the Board.

**c. APP Penalties following coaches.**

- (1) Learned that while the committee discussed the concept of APP penalties following coaches and the possible development of an academic coaches' rate to be used to track the academic success of individual coaches, did not support the concept due to the administrative and procedural complexities involved.
- (2) Appreciated the CAP's perspective and work on this issue, but indicated a level of interest in further exploring this issue mindful that any discussion would need to include the benefit of a legal analysis; and
- (3) Suggested the Board establish a subgroup of Board members, working with members of CAP and general counsel to further examine the issue of whether an academic process rate can be assigned to coaches.
- (4) Supported the concept of permitting access to archived NCAA Division I Academic Progress Rates (including coaches' names) via the NCAA Web site.

**d. Academic Performance Programs Supplemental Support Fund.**

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

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

**BD ACTIONS:**

- a. Received a brief overview of the new Division I governance structure and were reminded that the objective behind, which are, in part:
  - Strengthen the foundation for the Board's policy setting role;
  - Ensure high quality input/advise from the governance substructure; and
  - Reduce/eliminate material and the legislative load on the Board.
- b. Enhance the level of communication about governance issues and coordination between governance bodies.
- c. Were reminded that the new Leadership Council should serve as a help-mate to the Board, as it is anticipated that the Council will:

- Serve as the primary advisory group to the Board on strategic and policy issues;
  - Provide background information, advice and counsel to the Board on legislative and nonlegislative matters;
  - Receive authority from the Board and have agendas that mirror the Board of Directors; and
  - Have a national focus rather than a local/conference one.
- d. Received a report from the chair of the Leadership Council regarding that group's inaugural meeting and heard that the Council is excited for the opportunity to assist the Board in leading Division I, and is eager to start working on the issues assigned to it by the Board, which include developing initiatives that will enhance the level of diversity in the Division I governance structure; offering recommendations concerning Division I membership standards; building on the work of the Task Force on Commercial Activity in Intercollegiate Athletics and considering appropriate strategies to consider certain Division I amateurism issues.
- e. Asked the Leadership Council, at some point, to possibly examine the implications associated with early recruitment and enrollment.

## **12. Legislative Issues.**

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

**Proposal No. 2007-30-C – Recruiting -- Contacts and Evaluations -- Men's Basketball Evaluations -- April Contact Period.** Intent: To specify that evaluations of live athletics activities during the April contact period shall be limited to regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur; further, to amend the April contact period to begin at noon on the first Thursday following the Men's Basketball Championship and continue through seven days following the initial date for the spring signing of the National Letter of Intent.

### **BD ACTIONS:**

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

- (2) Discussed the proposal and its earlier action, noting concerns about the proliferation of nonscholastic events conducted during the April contact period and the resulting consequences to the well being of the prospective student-athletes who participate in these events;
- (3) Were informed that both the Presidential Advisory Group and the Leadership Council recommended that the Board sustain its earlier action in adopting the proposal.
- (4) **Determined to sustain its earlier adoption of Proposal No. 2007-30-C, accordingly, the override request will be subject to a membership vote at the 2009 NCAA Convention.** (Unanimous Voice Vote.)

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

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

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

- (1) Learned that since the April 2008 Board meeting, the staff and central stakeholders to the legislative proposal have worked to identify a potential solution, which includes:
  - Revisions to the current championship policies regarding videography to clearly outline the intent and usage guidelines, which includes field level access (including Division I Men's Basketball Championships); penalties for commercial use by an institution of such video; and an attempt to

assure cost controls toward noncommercial video needs of the membership; and

- (2) Agreed to leave the proposal on the table until the October Board meeting to allow time to communicate the policy revisions to the Division I conferences and to better assess the impact of the revised policies once implemented.
- c. **Proposed modification to the composition of the Division I Football Issues Committee.** [Reference BD Supplement No. 12.]
- (1) **Used its emergency authority to adopt Proposal Number: 2008-5 – Committees – Division I Cabinets and Committees – Championships/Sports Management Cabinet – Committees – Football Issues Committee and Football Championship Committee.** Intent: To specify that: (a) the Football Championship Committee shall consist of one representative from each conference that is eligible for and applies for an automatic qualification for participation in the Division I Football Championship; (b) if an FCS conference that qualifies for a representative on the Football Issues Committee has a representative on the Football Championship Committee, the same representative shall serve on both committees; (c) the Football Issues Committee shall include one representative from the Football Rules Committee; and (d) the duties of the Football Issues Committee to include postseason bowl licensing responsibilities. (Unanimous Voice Vote.)
  - (2) **Used its emergency authority to adopt Proposal No. 2008-7 – Eligibility – Definitions and Applications – Education-Impacting Disability.** Intent: To establish a definition of "education-impacting disability" as a current impairment that has a substantial educational impact on a student's academic performance and requires accommodation; further, to replace all legislative references of "learning disabilities" to "education-impacting disabilities." (Unanimous Voice Vote.)
  - (3) **Used its emergency authority to adopt Proposal Number: PP-2008-9 -- Enforcement Policies and Procedures -- Summary Disposition and Expedited Hearing -- Summary Disposition Election -- Committee on Infractions Review -- Penalties not Approved.** Intent: To specify that if the Committee on Infractions accepts the agreed-on findings of the summary disposition process but imposes additional penalties, the institution and/or involved individuals may request an expedited hearing on penalties; further, to specify that the committee shall only consider information relevant to the imposition of penalties during an expedited hearing. (Unanimous Voice Vote.)

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

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

**BD ACTIONS:**

- a. Reviewed the charge of the task force which is to find the balance point between the two extreme positions of unrealistic idealism and crass commercialism and to develop principles that clearly establish this balanced position. These principles must be sufficiently broad-based so that they cover all sports and all commercial activity associated with athletics and not be so abstract that they do not relate to action. Additionally, these principles must reflect the values of higher education and respect that the participants are college students, not paid professional athletes.
- b. Learned that the task force, which has had two in-person meetings to-date, hopes to complete its work of developing principles and instructive guidelines over the course of the next few months in order to report to the Board this fall;
- c. Were informed that once the Board receives the work of the Task Force, it is anticipated the Leadership Council, will be asked to fill-in the necessary details and address such issues as whether regulations are needed, if so, with regard to what areas and with what degree of consistency; and
- d. Noted that given the importance of work, this values-based examination, will require a substantial period of time as the governance structure and membership seek to find a lasting approach.

**14. Report from the Oversight and Monitoring Group (OMG).**

**BD ACTIONS:**

- a. Received a status report from the Oversight and Monitoring Group, which was the body charged by the Board with developing suggested strategies for possible consideration of the recommendations identified by the Presidential Task Force on the Future of Division I Intercollegiate Athletics, monitoring consideration of those recommendations; and communicating to the Board regarding consideration of the recommendations.
- b. Learned that it appears that the governance structure has truly embraced its charge to examine the initiatives identified by the task force and that of the 62 initiatives identified by the task force, over 50 of them were either completed or are in the process of being addressed by the governance structure or the membership.
- c. **Determined that the Oversight and Monitoring Group (OMG) has fulfilled its charge and agreed to disband the Division I Oversight and Monitoring Group.** (Unanimous Voice Vote.)
- d. Noted the good work of both the Presidential Task Force and the Oversight and Monitoring Group in helping to shape the Division I reform agenda and requested that the Leadership Council along with staff assume responsibility for continuing to monitor the progress made on the various task force recommendations.
- e. **Agreed to sponsor in to the 2008-09 legislative cycle Proposal No. 2008-09 – NCAA Membership and Championships and Postseason Football – Conditions and Obligations of Membership – Operating and Capital Financial Data Report.** Intent: To specify that an institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis, as specified, as a condition and obligation of membership and in order to be eligible to enter a team or individual in NCAA championship competition. (Unanimous Voice Vote.)

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

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

16. Other business.

17. Future meeting dates.

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

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

19. Adjournment.



## Section Two

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

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

##### **LDC ACTION:**

- a. R  
received an overview of the new Division I governance structure to ensure the members had a thorough understanding of the goals and objectives behind restructuring and the importance of the Leadership Council's role in helping the Board of Directors as it seeks to lead Division I; and
- b. L  
learned that the Leadership Council will:
- S  
serve as the primary advisory group to the Board of strategic and policy issues;
  - P  
provide background information, advice and counsel to the Board on legislative and nonlegislative matters;
  - R  
receive authority from the Board and have agendas that mirror the Board of Directors;
  - S  
suggest concepts for the legislative agenda;
  - H  
have a national focus rather than a local/conference one; and
  - R  
retain much of the former Management Council's jurisdiction, except legislation.

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

##### **LDC ACTION:**

- a. Entered into a conversation with the NCAA President regarding the vitally important role of the Leadership Council as it seeks to think strategically regarding the issues facing Division I and to take a national perspective on behalf of the NCAA; and
  - b. Were reminded that the Leadership Council must strive to develop a strong relationship with the Board by providing thoroughly developed positions on matters of national concern.
3. **Review of three-to-five year national office strategies.** [Reference LDC Supplement No. 2.]

**LDC ACTION:**

- a. Received a presentation from the NCAA president in which he reviewed the three controlling goals that should be at the forefront of the Division I governance representatives' thought processes as they seek to develop positions and recommendations. These controlling goals are:
  - Complete this cycle of academic reform;
  - Subserve all business, corporate and championships efforts and decisions, especially those concerning basketball, to positioning for and negotiating new media contracts; and
  - Focus on issues related to student-athletes and athletics personal well-being.
- b. Were encouraged to review the NCAA's Strategic Plan in conjunction with consideration of the three controlling goals.

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

4. **Update regarding Fantasy Sports Leagues.**

**LDC ACTIONS:**

- a. Were informed by the NCAA President that a recent ruling by the 8<sup>th</sup> Circuit Federal Court of Appeals in the case of CSC Distrib. And Mkting. Inc. v. Major League Baseball L.P., in which the court applied Missouri state law to professional fantasy leagues, has led fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling;
- b. Were advised that there is an apparent conflict with this ruling and a July 2008 NCAA rules interpretation, which states the use of a student-athlete's name in

connection with a fantasy sports game even when there is not an entry fee or prize associated, is a violation of NCAA bylaws; and

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

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

- a. Flow of Council's work.

**LDC ACTIONS:**

- (1) Learned that the meeting schedule for the new Division I governance structure is based on both the Division I Board of Directors' quarterly schedule and the annual Division I legislative cycle, which begins on July 15 with the legislation submission deadline and concludes with the Board's April meeting; and
- (2) Discussed how the Leadership Council should seek to develop its meeting schedule so it can be helpful in identifying issues for the governance substructure's examination, while at the same time, seeking to be responsive to the Division I Board of Directors.

- b. Structure and timing of meetings.

**LDC ACTIONS:**

- (1) Agreed that given the number of issues the Council has been asked to examine, that the Leadership Council should meet prior to the meeting already scheduled on January 15 at the NCAA Convention; and
- (2) Suggested trying to identify a time near the October Legislative Council and Board of Directors meetings, with the caveat, the meeting should be conducted in the early part of the week to avoid conflicts with travel associated with football games.

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

c. Administrative Committee.

**LDC ACTIONS:**

- (1) Were informed that under the new governance structure, while the formation of subcommittees are precluded unless legislatively prescribed, each governance body is permitted to form an administrative committee to help address the interim actions of the group; and
- (2) Noted it might be too early to determine whether the Council would have interim work, although some members opined they felt an administrative committee would assist with the efficient administration of this Council.

d. Vice chair.

**LDC ACTIONS:**

- (1) Learned that pursuant to the new Division I governance structure, each council and cabinet has discretion to appoint a vice chair if it is determined that the assignment of such a position would be helpful; and
- (2) Determined that given that it was the council's first meeting and the current chair can serve up to two years, it would be prudent to wait before making a determination as to whether a vice chair is needed.

e. Other issues.

**LDC ACTIONS:**

- (1) Discussed the importance of communication within the new governance structure and having a level of familiarity with the work of the committees that report to it; and
- (2) Solicited the names of interested Leadership Council members to serve as liaisons to the following committees:
  - Division I Student-Athlete Advisory Committee (1 FBS member and 1 Division I member);
  - Minority Interests and Opportunities Committee; and

- Sportsmanship and Ethical Conduct.

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

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

**LDC ACTIONS:**

- a. Learned that as a feature of the new Division I governance structure, a Communications and Coordination Committee has been established, which is charged with helping to enhance the level of communication between Division I governance bodies and the membership so that there is a more cohesive approach to managing the Division I agenda; and
- b. Were informed that the committee will convene via conference call before/after the grouping of councils and cabinets meetings to help coordinate the consideration of issues and that this committee's report will be shared with Leadership Council members.

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

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

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

**LDC ACTION:**

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

- (2) Learned that the Board of Directors now plays a keen oversight role in the governance appointment process and has charged the Leadership Council with examining ways to enhance the level of diversity serving within the structure; and
- (3) Entered into a preliminary discussion, in which individual members shared ideas to enhance diversity, including:
  - Efforts need to focus on broadening the pool from which representatives are selected. There needs to be a focus on developing talent to ready representatives for leadership roles.
  - The governance cabinets and the committee structure provides a good opportunity for young professionals to gain experience.
  - Conferences may be able to provide assistance by including more and different representatives in their meeting structure.
  - The NCAA Convention can serve as a forum to provide development opportunities to young professionals.
  - Identifying minority and female professionals for additional exposure to NCAA meetings.
  - Increased efforts to discuss employment opportunities in intercollegiate athletics with minority and female student-athletes should be pursued.
  - Efforts should be made to learn from successful programs in higher education and elsewhere, as lack of diversity is a societal problem.
  - Mentoring efforts, including providing access to reading materials, a dedicated web site and meetings, may be beneficial.
  - An assessment of current NCAA professional development programs for females and minorities should be conducted.

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

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

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

- Were informed that the Leadership Council has been charged with engaging in that study and offering recommendations concerning Division I membership standards.
- Were advised that the chair of the former Membership and Governance Subcommittees of the Management Council and the current chair of the Administrative Cabinet would be called upon to assist in this project.

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

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

**LDC ACTIONS:**

- (1) Were informed that the Task Force's charge is to develop guiding principles and instructive guidelines that clearly identify the balance point between unrealistic idealism and crass commercialism; and
  - (2) Learned that it is anticipated the Task Force will seek to complete its charge within the next few months, at which time the Leadership Council, in keeping with the three controlling goals, will be asked to provide additional strategic thinking by possibly addressing such questions as "should there be an attempt to regulate the environment?" and "if so, by whom, and with what level of consistency?"
- d. Discuss appropriate strategies to consider certain Division I amateurism issues. [Reference LDC Supplement No. 6.]

**LDC ACTIONS:**

- (1) Received a brief presentation from the vice president for Membership Service regarding the history of Division I amateurism legislation and the standard of review for amateurism cases, which has evolved over time as more international student-athletes have enrolled in Division I institutions; and
- (2) Were informed that:
  - The new Division I Amateurism Cabinet plans to review amateurism issues, with specific attention given to the definition of a professional team (and how one may become ineligible based on benefits received by a teammate), as well as issues related to actual and necessary expenses.
  - The NCAA student-athlete reinstatement staff and the NCAA Division I Committee on Student-Athlete Reinstatement will discuss with the Legislative Council a desire for additional flexibility from the NCAA Division I Management Council directive regarding competition with professionals.
  - The Committee on Student-Athlete Reinstatement (ultimately the NCAA Division I Legislative Council) will review and consider implementing more flexible application of Management Council amateurism directives.

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

**LDC ACTIONS:**

- a. W  
ere provided an opportunity to share ideas regarding other issues that Council members would like to see examined by the Leadership Council; and
- b. M  
embers shared the following areas for review:
  - The issues of ethics in sports and how Division I and the Association as a whole can assist coaches associations and other constituent groups in having meaningful conversations regarding ethics and professionalism.
  - A broad examination of time demands on student-athletes based on recent research findings, including consideration of restructuring or eliminating the non-championship segment.



- Hiring practices in intercollegiate athletics and whether there is adequate transparency in the process, consistent with typical hiring practices on campus.
- The need for additional professional development for coaches and the possible need for a coaching certification program whereby coaches receive education on a wide array of issues that are designed to assist coaches in focusing on the overall well-being of student-athletes.
- The problem of early recruitment and commitments.

## **9. News from the National Office.**

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

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

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

### **LDC ACTIONS:**

- (1) Received an update on the ongoing work of the Men's Basketball Academic Enhancement Group, which was charged by the Board to think creatively to identify ways to improve the academic performance, and ultimately the graduation rates, of Division I men's basketball student-athletes;
- (2) Heard from staff and members of the group that the basketball community appears committed to seeking to have meaningful, cultural change in the sport, mindful that the Academic Progress Rate is here to stay; and
- (3) Learned that the Basketball Academic Enhancement Group will continue its work at its August 8, 2008, meeting, with the goal of providing the Board with a series of recommendations by October 2008, and that once the Board receives

these recommendations, the Leadership Council will be asked to offer its guidance regarding the consideration of the recommendations.

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

**LDC ACTIONS:**

- (1) Learned that 62 member institutions have submitted override requests regarding the adoption of Proposal No. 2007-30-C, which is intended to prohibit Division I men's basketball coaches from observing "non-scholastic events" during the April contact period;
- (2) Were informed that the staff plans to recommend to the Board that it sustain its earlier action in adopting the proposal as the proposal is designed to address concerns about the increase in nonscholastic influences in the sport in the spring and poor academic performance and preparation; and
- (3) Voted to recommend to the Division I Board of Directors that it sustain its earlier adoption of Proposal No. 2007-30-C, as the Leadership Council has concerns about the proliferation of nonscholastic events conducted during the April contact period and the resulting consequences to the well being of the prospective students who participate in these events. (Unanimous Voice Vote.)

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

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

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

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

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

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

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

**LDC ACTION:** Received the report and took no action.

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

**LDC ACTIONS:**

- (1) Received the report and learned that the Division I SAAC will seek to provide feedback to the working group examining issues surrounding “at risk” student-athletes.
- (2) Were invited to send representatives to the Division I Student-Athlete Regional Leadership Conference scheduled for November 7 – 9, 2008, in La Jolla, California.

**11. Other business and issues for discussion.**

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

Thursday, January 15

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

Friday, January 16

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

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

12. Adjournment.

**MINUTES OF THE**  
**NATIONAL COLLEGIATE ATHLETIC ASSOCIATION**  
**EXECUTIVE COMMITTEE**

NCAA National Office  
Indianapolis, Indiana

August 7, 2008

**Participants:**

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

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

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

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

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

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

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

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

It was VOTED

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

3. NCAA President's report.

- a. Staff video. President Brand shared a specially produced video that highlights the NCAA national office staff and communicates the staff's common purpose and commitment to the student-athlete. The video is part of the 2008 NCAA brand campaign and is intended for internal staff usage.
- b. Facility expansion. Brand called on Bill Browne of Ratio Architects Inc. to provide a brief overview of discussions related to the expansion of the NCAA national office facility. Brand noted that the current facility does not adequately house the national office and eligibility center staff nor provide enough meeting space for committees. The new facility will highlight the educational mission of the Association and offer opportunities for closer ties to the campus of Indiana University – Purdue University at Indianapolis.

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

It was VOTED

“To approve the conflict of interest policy.”

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

4. NCAA Executive Committee Finance Committee report.

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

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

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



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

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

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

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

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

- b. Officiating plans. The Committee received an update on the College Football Officiating, LLC (CFO), a collaborative effort between the Collegiate Commissioners Association (CCA) and NCAA to improve the level of college football officiating and to create a central authority to monitor and correct inconsistencies nationally. The CFO was created to ensure consistent application of NCAA football playing rules and officiating mechanics, establish a central leader for officiating, enhance the existing conference officiating programs and to ensure officials and conferences adhere to NCAA and CCA policies. Additionally, the CFO hopes to best position the officiating community for the future in an attempt to present student-athletes, coaches and fans with the best experience possible.
- 5. Report from Executive Committee working group on life and work balance issues. The Committee received the working group's final report. In January 2007, the NCAA Executive Committee charged a working group, chaired by President Carol Cartwright, to oversee the implementation of life and work balance recommendations from a previous task and to engage the divisional governance bodies on this important issue.

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

To this end, the working group developed a philosophy statement indicating the NCAA's commitment to supporting an inclusive culture that fosters opportunities for growth, development and well-being. The Association also supports the concept of institutional autonomy and recognizes the responsibility of each institution to address these issues at the campus level. The working group reported on the development of several initiatives that are designed to continue raising the level of exposure of this very important issue, including a comprehensive resource Web site, and train-the-trainer workshops.
- 6. Litigation update. The Committee received a report from the NCAA general counsel regarding litigation and settlement actions.
- 7. NCAA Division I Board of Directors and Divisions II and III Presidents Councils reports.
  - a. Division I Board of Directors. The Committee received an update on the actions of the Division I Board of Directors. These included:

- (1) Controlling goals. Reviewed the three controlling goals for the Association for the next three to five years, which are:
  - (a) Complete this cycle of academic reform;
  - (b) Subserve all business, corporate and championships efforts and decisions, especially those concerning basketball, to positioning for and negotiating new media contracts; and
  - (c) Focus on issues related to student-athletes and athletes personal well-being.
- (2) Sportsmanship and negative fan behavior. Discussed the issue of sportsmanship and negative fan behavior and agreed to establish a subgroup of the Board to help to further define the associated issues and identify the NCAA's role, if any, in helping to address these issues.
- (3) Division I Task Force on Commercial Activity. Received an update on the work of the Division I Task Force on Commercial Activity in Intercollegiate Athletics, which is charged with developing principles that indentify the balance point between crass commercialism and unrealistic idealism.
- (4) Fantasy leagues. Received an update regarding a recent ruling by the 8th Circuit Federal Court of Appeals in which the court applied Missouri state law to professional fantasy leagues. This has led fantasy sports games distributions to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling. The Board discussed the fact that this court ruling may conflict with current NCAA amateurism bylaws.
- (5) Division I Men's Basketball Academic Enhancement Group. Received an update on the ongoing work of the Division I Men's Basketball Academic Enhancement Group. This group has been charged with identifying ways to enhance the academic progress and graduation rates in men's basketball. The Board discussed the importance of this work to the broader academic reform agenda.
- (6) Division I Committee on Academic Performance (CAP). Received a report from the CAP and approved a number of changes to the committee's composition. The CAP anticipates an increase in the number of academic performance program penalty appeals as more severe sanctions are implemented.

- (a) Approved, in principle, the Academic Performance Program policies and procedures, which include the procedures for Occasion-Three and Four Historical Penalty Waivers and Appeals but asked the committee, the NCAA general counsel's office and selected Board members to seek to further develop the language regarding the specific standard for appeal and to report back to the Board with that language at its October meeting.
  - (b) Supported the concept of permitting access to archived NCAA Division I Academic Progress Rate reports (including coaches' names) via the NCAA Web site to provide easier access for institutions conducting research during a coaching search and suggested the committee work with a small group of Board members and staff from the general counsel's office to consider a process, whereby APR Rates are assigned to coaches.
  - (c) Approved legislation to establish a definition of "education-impacting disability" as a current impairment that has a substantial educational impact on a student's academic performance and requires accommodation. This language will replace all references to "learning disabilities."
- (7) Oversight and Monitoring Group. Received a report from the Oversight and Monitoring Group, which is the body charged with monitoring consideration by the governance structure of the recommendations of the Presidential Task Force on the future of Division I athletics. The Board received the good news that, of the 62 initiatives identified by the task force, nearly all have been considered or are in the process of being considered.
- b. Division II Presidents Council. The Committee received an update on the actions of the Division II Presidents Council. These included:
  - (1) Presidents Council election. Elected David F. Rankin, Southern Arkansas University, to serve as the new representative for Region 2. Dr. Rankin replaces John Cavanaugh, University of West Florida, who recently took the job as president of the Pennsylvania State System.
  - (2) Division II strategic plan. Met Wednesday evening to begin its review and provide input into the work that the Division II Strategic Planning Advisory Group has begun relative to the 2009-2012 strategic plan and its alignment with the Division II strategic positioning platform. The Presidents Council agreed with the five stated goals of academics and lifeskills;

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

- (3) Make-A-Wish. Received a report that this year, under the leadership of the Division II Student-Athlete Advisory Committee, Division II student-athletes raised over \$280,000 for the Make-A-Wish Foundation. It is the highest amount raised since the Division II relationship with Make-A-Wish began in 2003-04. Over the five-year relationship with Make-A-Wish, Division II student-athletes have collected more than \$733,000. The amount raised by Division II is one of the largest grass-roots contributions to Make-A-Wish.
- (4) Travel stipend. Approved a one-time allocation to institutions this year to help defray rising travel costs for athletics competition. The four-tiered allocation is based on the average distance between member institutions within a conference. While the dollar amounts of the allocations have yet to be determined, the highest distributions would go to schools in conferences with average travel distances for conference games of greater than 300 miles. The second greatest amount would go to institutions in conferences with average travel distances of greater than 200 miles. The other tiers are for average travel distances of greater than 100 miles and fewer than 100 miles. Given the tough economic climate that is compounded by rising fuel and other travel-related costs, the Council believes the one-time distribution is the best use of the membership fund balance from the 2007-08 budget.
- (5) Membership destination. In an effort to continue Division II's work in demonstrating the division as a membership destination, agreed to pilot this fall an opportunity to support, through direct funding, the Dixie Rotary Bowl game. The game features competition between members of the Rocky Mountain Athletic Conference and the Great Northwest Athletic Conference. The Presidents Council sees this game as an opportunity to showcase the Division II identity and invite schools, colleges and universities in the west to see and understand the value of the Division II experience.
- (6) Game environment. Received a report that Division II presidents and chancellors are signing a game-environment pledge to strive to provide a positive game atmosphere at all Division II athletics events. The pledge states that athletics events should reflect the values of higher education

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

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

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

- (1) Membership growth. Reviewed a series of white papers on membership growth and related issues. The Wednesday evening President's Advisory Group included a thorough review of papers on the Division III philosophy and related role of presidents in governing the division, financial aid standards, academic report and eligibility issues, and membership requirements. The Presidents Council will finalize the white papers based on the advisory group's feedback and distribute to the full membership in the next month in order to establish context for the 2009 Convention discussions on this topic.
- (2) Legislative proposals. Considered five proposals to sponsor for the 2009 Convention. It agreed to sponsor legislation to:
  - (a) Remove archery, badminton, synchronized swimming and team handball from the list of emerging sports for women.
  - (b) Add equestrian to the list of emerging sports for women.

- (c) Specify that the end date for the fall nontraditional segment shall be the first date of final exams for that term.
  - (d) Establish October 15 as the first date of practice in ice hockey.
  - (e) Require that all head coaches be certified in first aid, cardiopulmonary resuscitation and automatic external defibrillator use.
- (3) Drug education and testing pilot. Received an update on the drug education and testing pilot, noting that the first of two years has been completed. The Council examined preliminary year one testing results and considered recommended protocol changes for the pilot's second year. A comprehensive year one report will be presented to the Presidents Council during its October meeting.
- (4) Strategic plan. Reviewed the division's 2008-10 strategic plan, noting a commitment to release an inaugural Division III annual report at the 2009 Convention. The report will include updates on the Division III budget, strategic initiatives and championships program.
8. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The Committee received a report from the NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The subcommittee received a series of updates on diversity related programming and highlighted the Women's Coaches Academy and the Football Coaches Academies. The subcommittee noted that the Women's Coaches Academy has grown significantly with participation increasing each of the past five years, exceeding 400 coaches with this summer's events. The subcommittee noted an ongoing need for mentoring opportunity for female coaches, as well as the need for the development of best practices resources from experienced coaches.
- The subcommittee provided an update on the number of African-American head football coaches in all three divisions and also discussed the three academies designed to develop minority football coaches. The Future Football Coaches Academy is designed to assist individuals who have recently completed collegiate eligibility and have a desire to enter the college football coaching profession. A unique aspect of this program is the mentoring opportunities that the faculty provides to participants. The Football Coaches Academy is designed to assist ethnic minority football coaches with career advancement through skills enhancement, networking and exposure opportunities while raising awareness regarding the substantial pool of talented ethnic minority coaches. Interested applicants must have one to eight years of college coaching experience. Finally, the Expert Coaches Forum assists ethnic minority football coaches with career advancement.

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

9. Future meetings. The Committee reviewed its future meetings schedule.
10. Adjournment. Adams convened a brief executive session and adjourned the meeting at 4:15 p.m.

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CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED

MEMORANDUM

October 16, 2008

TO: NCAA Division I Legislative Council and Divisions II and III Management Councils.

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

SUBJECT: Summary of Legal Activity.

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

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

New Cases

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

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

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

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

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

### Resolutions

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

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

### Recent Developments

The unsuccessful applicants for Men's and Women's Final Four and Men's Frozen Four tickets in the *George* class action lawsuit against Ticketmaster and the NCAA who claim the distribution method is an illegal lottery filed a second amended complaint on September 9, 2008, which no longer alleges a RICO violation by the NCAA.

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

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

EKC:lev

cc: Selected NCAA Staff Members.

**NCAA GOVERNMENT RELATIONS REPORT**  
**(September 2008)**

**1. Congressional Overview.**

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

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

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

**2. Highlights from the 110<sup>th</sup> Congress.**

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

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

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

### **3. Federal Issues.**

#### **a. Americans with Disabilities Act.**

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

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

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

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

**b. Internet Gambling.**

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

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

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

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

**c. Athletics Equity for Students with Disabilities.**

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

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

**d. Lobbying Disclosure and Contribution Reporting.**

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

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

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

#### **4. State Issues:**

##### **a. Sports Wagering.**

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



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

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

**b. Higher Education Associations.**

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

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

Participants:

August 27, 2008

Grace Calhoun, Indiana University – (Awards, Benefits and Financial Aid Cabinet)  
Carolyn Callahan, University of Virginia – (Academics Cabinet)  
Jackie Campbell, Atlantic 10 Conference – (Legislative Council)  
Damon Evans, University of Georgia – (Leadership Council)  
Rob Halvaks, Big West Conference – (Administration Cabinet)  
Kerry Kenny, Patriot League – (SAAC)  
Petrina Long, UCLA – (Recruiting Cabinet)  
Mike Rogers, Baylor University – (Amateurism Cabinet)  
Jeff Schemmel, San Diego State University – (Championships/Sports Management Cabinet)  
Beth DeBauche, NCAA – recording secretary

NCAA staff David Berst, Myles Brand, Matt Burgemeister, Jeremiah Carter, Megan Coyne, Angie Cretors, Julie Cromer, Diane Dickman, Lynn Holzman, Michelle Hosick, Brad Hostetter, Amy Huchthausen, Charnele Kemper, Kevin Lennon, Steve Mallonee, Pat McConney, Rachel Newman, Delise O'Meally, Dave Schnase, and Leeland Zeller also participated on the call.

The conference call was called to order by the chair, Mr. Evans, at 12:05 p.m.

1. Welcome and opening remarks. Mr. Evans welcomed the chairs of the Division I Councils and cabinets to the first conference call of the Communications and Coordination Committee.
2. Review and discussion of committee's function. Mr. Evans reviewed the group's charge, which is to help coordinate consideration of issues and legislative concepts between the various Division I governance bodies. He reminded the group that the focus of this committee will be to enhance the level of communication between Division I governance bodies so that there is a more cohesive approach to managing the Division I agenda. Additionally, he noted that the work of this committee is intended to help the membership, especially conference offices, stay better informed regarding governance activities. The committee discussed the need for coordination between Councils and cabinets so there would not be duplication of efforts.
3. Report from the August 6, 2008, Leadership Council meeting, including review of points of emphasis. Mr. Evans, as chair of the Leadership Council, reported that the first meeting of

the group could be classified as a great success, with the meeting being hallmarked by lively discussion. He reported that the Division I Board of Directors has charged the Leadership Council with:

- a. Seeking to develop initiatives designed to enhance the level of diversity in the Division I governance structure. He noted the Council entered into a preliminary discussion on that issue and is expected to continue that discussion at the next meeting.
- b. Assessing the impact of membership migration to Division I, developing reasonable philosophical expectations regarding membership and offering recommendations concerning Division I membership standards.
- c. Reviewing the work of the Task Force on Commercial Activity in Intercollegiate Athletics' development of guiding principles. It is anticipated the Leadership Council will be asked to provide additional strategic thinking on this issue by possibly addressing such questions as "should there be an attempt to regulate the environment?" and "if so, by whom, and with what level of consistency?"
- d. Discuss strategies to examine the standard of review for amateurism cases, which has evolved over time as more international student-athletes have enrolled in Division I institutions.

Mr. Evans also noted that individual Council members identified possible issues for further examination by the governance structure, including:

- e. Ethics in sports and how Division I and the Association as a whole can assist coaches associations and other constituent groups in having meaningful conversations regarding ethics and professionalism.
- f. A broad examination of time demands on student-athletes based on recent research findings, including consideration of restructuring or eliminating the non-championship segment.
- g. Hiring practices in intercollegiate athletics and whether there is adequate transparency in the process, consistent with typical hiring practices on campus.
- h. The need for additional professional development for coaches and the possible need for a coaching certification program.
- i. The problem of early recruitment and commitments, which the Board also asked the Leadership Council to examine.

4. Identification of issues and themes from the September cabinet meetings and discussion regarding compatibility of themes.

- a. Academics Cabinet. Cabinet chair, Ms. Callahan, reported the cabinet's initial meeting will focus on providing the members with the necessary background information, including data, regarding the ongoing Division I academic reform efforts and a review of issues carried over from the former Academics/Eligibility/Compliance Cabinet. Ms. Callahan reported she anticipates the cabinet will also discuss how it will function as a body and work with the other Councils and cabinets. She stated that coming out of this meeting the cabinet should be in a position to develop broader ideas for the Division I agenda.
- b. Administration Cabinet. Mr. Halvaks, as chair of the Administration Cabinet, reported that this cabinet is going to focus primarily on laying the proper foundation for the cabinet's future work. Accordingly, the cabinet will participate in educational sessions on governance restructuring, the Division I membership process and the committee selection process. Mr. Halvaks also identified a few broader themes that may be of interest to other cabinets, which include:
  - (1) The Leadership Council will be examining broader membership themes to possibly develop new Division I standards during the moratorium. The Administration Cabinet will also start discussing ways to enhance the membership transition process. Other cabinets should think about how their work impacts membership standards.
  - (2) Given that the cabinet is responsible for all committee appointments, the cabinet and Councils should think about what issues are important to them in the committee selection process.
  - (3) The cabinet is responsible for evaluating the governance structure and will help with Convention planning. The cabinets and Councils should be encouraged to let the Administration Cabinet know what works and what does not under the new structure.
- c. Amateurism Cabinet. The cabinet chair, Mr. Rogers, explained that the Amateurism Cabinet will have an intensive education session on the history of amateurism and the Division I amateurism bylaws, in an effort to create a cabinet that has a high level of expertise regarding this important issue. Mr. Rogers also noted that the cabinet will be examining the definition of a professional team, which is a matter the Leadership Council was informed the cabinet would examine. Additionally, he reported that the cabinet would receive updates from the Eligibility Center regarding the amateurism

certification process and the Task Force on Commercial Activities in Intercollegiate Athletics.

- d. Awards, Benefits and Financial Aid Cabinet. The committee was informed by Ms. Calhoun, as chair, that this cabinet, similar to the others, will spend much of its time on background education to ensure cabinet members have the proper knowledge base regarding Bylaws 15 and 16 and an appreciation of the carry-over items from the former Subcommittee on Financial Aid. Ms. Calhoun told the committee the cabinet will also be seeking to develop priorities, reviewing nine legislative proposals and start discussing the issue of early commitments by prospective student-athletes, which is an issue identified by both the Board of Directors and Leadership Council as needing examination,
- e. Championships/Sports Management Cabinet. Mr. Schemmel, as chair of the Championships/Sports Management Cabinet, informed the group that, at this meeting, the cabinet will focus its attention on providing a thorough orientation regarding the cabinet's work to ensure the members are familiar with the cabinet's history and have a good understanding of its responsibilities. Additionally, the cabinet will spend a great deal of its time reviewing and developing positions on the 26 proposals that were referred to it, many of which relate to playing and practice season legislation. Mr. Schemmel also explained that the cabinet will examine the ongoing Championships Pilot Cities Program and discuss the financial challenges related to championships travel. Ms. Callahan asked that the cabinet be mindful of missed class time issues as it examines the structure of championships.
- f. Recruiting Cabinet. The chair of the cabinet, Ms. Long, informed the committee that the Recruiting Cabinet will first focus on providing its members with the necessary rules education with regard to Bylaws 11 and 13. The cabinet will review and seek to provide comment on the 17 recruiting proposals, which it has been asked to review. Ms. Long noted the cabinet will then examine its strategic plan, which will include a review the guiding principles established by the former Academics/Eligibility/Compliance Cabinet Subcommittee on Recruiting, consideration of the transition items from the former subcommittee and a discussion of other potential issues as follows:
  - (1) Early offers of athletics aid. (Note: The Board and Leadership Council have also expressed interest in this issue.)
  - (2) Recruiting materials and technology (methods of communication, methods of delivery).
  - (3) Legislative review of "dated" legislation.

- g. Division I Student-Athlete Advisory Group. Mr. Kenny, chair of the Division I Student-Athlete Advisory Committee (SAAC), gave a brief report on that group's July meeting, where it received a report from Dr. Sidney McPhee, chair of the Division I Working Group to Review At-Risk Student-Athlete Issues. Mr. Kenny reported that the SAAC is currently gathering feedback to assist the working group in its examination. The SAAC also hopes to provide feedback to the Basketball Academic Enhancement Group and the Football Academic Enhancement Working Group. Additionally, Mr. Kenny reported that in light of the changes to the governance structure, the SAAC is looking to adjust its process for reviewing legislative proposals to identify the best way to provide early feedback to the Councils and cabinets. Mr. Kenny reported that while the SAAC has had a preliminary discussion regarding the issue of early offers of aid, further discussion is anticipated.
- 5. Proposals of note in the 2008-09 Legislative Cycle and preview of the October Legislative Council meeting. Mr. Evans explained that while proposals have been referred to the various cabinets based on jurisdiction, the cabinet or councils are free to examine any proposal in the cycle that is related to their work. Staff member Lynn Holzman provided an overview of the themes identified in the 66 proposals to be considered in the 2008-09 cycle. Legislative Council chair, Ms. Campbell, then explained that the Council has scheduled orientation phone calls with the members to help set the proper tone for the Council's work. She noted that the Council members appear to have a high level of legislative expertise, and accordingly, she anticipates that the Council will be able and ready to discuss both the legislative proposals and the process for managing the flow of legislation at its October meeting.
- 6. Communication efforts.
  - a. Meeting reports. The committee members were reminded that the report from this call will be shared with all cabinets and Councils to help facilitate communication. Additionally, all cabinet and Council reports are to be posted on the NCAA Web site within three days of the conclusion of the meeting. As a courtesy, all chairs will be notified of the posting and receive the appropriate Web site link.
  - b. Key discussion points. Mr. Evans suggested that at the conclusion of each cabinet and Council meeting, the chairs try to summarize important discussion points so cabinet and Council members can easily share information at the conference level regarding governance meetings.

- c. Outside constituent groups. The chairs were encouraged to share information regarding the work of their cabinets or Councils with constituent groups such as FARA, NACWAA, NACDA and Division I-A Athletic Directors Association to enhance the level of communication regarding governance activities.
7. Future conference calls. The group agreed that during the first year of the new Division I governance structure, the committee will convene via conference call before the grouping of Councils and cabinets meetings to help coordinate the considerations of issues. The committee also agreed to convene directly before the Legislative Council meeting in October to share information regarding the cabinets' legislative review and in November after the Board of Directors and Leadership Council meetings to receive reports on the actions and discussions of the various groups.
8. Other issues and adjournment. The chair noted, again, the importance of this committee's role in the new Division I governance structure and thanked the committee for participation on the call. The call was adjourned at 1:10 p.m.

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

Participants:

October 15, 2008

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

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

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

1. **Welcome and opening remarks.** Damon Evans welcomed new Legislative Council Chair Joe D’Antonio to the call and thanks the group for their participation. He reminded the group that the purpose of the call is to identify the big issues on the Division I agenda that are of interest to other governance bodies to ensure a higher level of coordination in consideration of the issues.
2. **Reports from September Cabinet meetings.**
  - a. **Academic Cabinet.**
    - (1) **Nonlegislative matters.** Academic Cabinet Chair Carolyn Callahan reported that during its first meeting, the Academic Cabinet focused on identifying big issues on the Division I agenda and on taking a proactive approach. She reported that the cabinet has identified a number of priority topics to examine, including:



- (a) The academic success of transfer students, especially two year college transfer students. As part of this examination, the cabinet has asked the Division I Board of Directors and the Committee on Academic Performance to collect more data with regard to the academic performance of two-year college students.
  - (b) Nontraditional course work. [Note: Committee members noted the membership seems to have a number of questions regarding nontraditional course work generally and Proposal Nos. 2008-32 and 2008-35 more specifically. It was reported that the faculty especially seem to have questions regarding these proposals and the group suggested not only would education regarding these proposals be important, but faculty athletics representatives should be encouraged to take the lead on this issue.]
  - (c) The impact of academic reform on academic support personnel.
  - (d) Time demands on student-athletes.
- (2) Legislative matters. Carolyn Callahan mentioned that from a legislative standpoint the cabinet:
- (a) Recommends the Legislative Council adopt noncontroversial legislation to specify that institutions are required to submit a final high school transcript for student-athletes who were certified as early academic qualifiers; and that these transcripts must be submitted by November 15 following the individual's initial full-time collegiate enrollment.
  - (b) Supports Proposal No. 2008-48, which would reduce, in baseball, the maximum number of contests from 56 to 52. The cabinet believes this proposal would likely result in less missed class time.

**b. Administration Cabinet.**

- (1) Nonlegislative matters. Administration Cabinet Chair Rob Halvaks reported that during its first meeting, the cabinet developed some value-based guiding principles to direct its committee appointment process. The cabinet also identified issues for its agenda and plans to:
- (a) Work with the Leadership Council to seek to identify ways to develop a broader and more diverse pool of representatives to serve in the governance structure. [Note: Committee members discussed the fact

that diversity is more than ethnic and gender diversity and must include positional diversity as well. The group discussed the fact that while there are a number of FARs serving in the structure, their service is not distributed well throughout the structure. Identifying ways to achieve more positional balance in the structure must be part of the broader diversity conversation.]

- (b) Begin developing an assessment tool for the new Division I governance structure.
  - (c) Start examining, along with the Championships/Sports Management Cabinet, the current number and structure of sport committee regions.
  - (d) Assign individual cabinet members to review the progress of reclassifying institutions to determine whether it is appropriate to advance the institution to the next year of the reclassification process.
- (2) Legislative Matters. Rob Halvaks reported that from a legislative standpoint, the cabinet:
- (a) Supports Proposal No. 2008-59, which adds sand volleyball as an emerging sport for women and removes archery, badminton, synchronized swimming and team handball as emerging sports for women, but recommends that the proposal be divided to permit the Legislative Council to take one action to include sand volleyball as an emerging sport and one action to eliminate the other sports listed as emerging sports.
  - (b) Took no position on Proposal Nos. 2008-64, 2008-70 and 2008-71, which are intended to address membership-related issues; recommending that the Division I Legislative Council refer the proposals to the Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the moratorium.

**c. Amateurism Cabinet.**

- (1) Nonlegislative Matters. Mike Rogers, chair of the Amateurism Cabinet, reported that the cabinet received a great deal of background education during its first meeting to ensure the members had the requisite understanding of the issues pertaining to amateurism and identified the following matters for future examination:

- (a) The issue of agents and advisors interaction with prospective student-athletes and student-athletes and the potential impact on eligibility.
  - (b) The challenges facing institutions and the Eligibility Center with regard to amateurism certification.
  - (c) The definition of a professional team and whether the current broad definition unfairly penalizes prospective student-athletes who never intended to professionalize themselves.
- (2) Legislative Matters. Mike Rogers also explained that the cabinet supports Proposal No. 2008-13, which is intended in an individual sport to permit a student-athlete to accept prize money based on his/her place finish or performance in an open event during any official vacation period, provided the prize money does not exceed actual and necessary expenses. He explained as this proposal would allow student-athletes participating in individual sports the same opportunity as is currently provided to prospective student-athletes.

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

- (1) Nonlegislative matters. Chair Grace Calhoun reported that the cabinet in seeking to address its charge, made the determination to face the big issues impacting the division head on rather than take a reactive approach. Based on that determination, the cabinet identified the following issues for thorough consideration over the course of the next few years:
- (a) Examination of maximum grant-in-aid limitations, including individual and team limits along with equivalency versus head count designations. Grace noted the time appears right to focus on these important issues separate from competitive equity concerns. She also indicated that it may be helpful to gauge the Leadership Council's level of interest in this examination.
  - (b) Multiyear scholarships/presumption of renewal concept.
  - (c) Educational outreach to financial aid administrators.
- (2) Legislative Matters. From a legislative standpoint, Grace Calhoun noted the cabinet:
- (a) Offered an alternative to Proposal 2008-25A. This alternative, Proposal No. 2008-25B, specifies that an institution shall not provide a high school, preparatory school or transfer prospective student-athlete a written offer of

athletically related financial aid until he or she has completed the amateurism certification questionnaire administered by the NCAA Eligibility Center. Grace explained this modification eliminated the reference in Proposal No. 2008-25A to official visits out of concern that requiring the amateurism certification questionnaire to be completed prior to an official visit is cumbersome and could result in a delay of a visit.

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

**e. Championships/Sports Management Cabinet.**

- (1) Nonlegislative Matters. Cabinet Chair Jeff Schemmel reported that the cabinet:

- (a) Received information on both the increase in travel costs for NCAA championships travel costs and the decrease in flight availability, which impacts the ability to transport teams and individual student-athletes to their championship destinations in a timely and efficient manner. He explained that the cabinet reviewed three tiers of recommendations designed to help address these problems. The first tier of recommendations did not require cabinet approval and are being implemented by staff. The cabinet approved the single recommendation in the second tier which calls for an increase in the travel policy mileage limitation threshold and an increase in the policy regarding the ground commute from the nearest airport to the championships site. This tier-two recommendation was for fall sports only due to their immanency and the cabinet agreed to consider implementing the change for winter and spring championships after assessing the impact. The cabinet also received a summary of tier-three recommendations and agreed that additional discussion by the membership was needed. The cabinet agreed to solicit feedback from institutions, conferences and sports committees. Jeff noted that the cabinet members are mindful that as a result of the suggested tier three changes, cabinet members do not want to impede the progress that has been made in the areas of bracketing and seeding.
- (b) In Men's and Women's Track and Field, the cabinet agreed to replace the current regional qualifying system with a two-site, three day format, and effective with the 2010 championships.

- (2) Legislative Matters. From a legislative standpoint, Jeff Schemmel noted the cabinet:
  - (a) Recommends the Legislative Council sponsor noncontroversial/emergency legislation to amend NCAA Bylaw 13.02.11 and 13.11.1.1. to specify that in the sport of men's basketball, for purposes of applying recruiting legislation, an individual becomes a prospective student-athlete when the individual begins classes for grade seven.
  - (b) Supports Proposal No. 2008 – 48, which in baseball, reduces the maximum number of contests from 56 to 52, The cabinet believes this proposal will help reduce the challenges related to the compression of baseball schedules and would most likely result in less missed class time.

**f. Recruiting and Athletics Personnel Cabinet.**

- (1) Nonlegislative Matters. Chair Petrina Long reported that the cabinet, using its guiding principles, successfully reviewed a number of legislative proposals in the 2008-09 cycle. Additionally, she reported the cabinet plans to examine the following issues pertaining to recruiting:
  - (a) Coaching limits and the number of noncoaching staff members.
  - (b) Early offers of athletics aid. [Note: The committee discussed the fact the Leadership Council had also expressed concern regarding the issue of early offers. This is an issue that may involve a number of bodies in the Division I governance structure.]
  - (c) The need to stay abreast with technology due to its impact on recruiting and a willingness to review legislation to ensure it is current with advances in technology.
- (2) Legislative Matters. From a legislative standpoint, Petrina expressed concern that a legislative concept originating from the Men's Basketball Issues Committee, which specifies in the sport of men's basketball, for purposes of applying recruiting regulations, an individual becomes a prospective student-athlete when the individual begins classes for grade seven, was only reviewed by the Championships/Sports Management Cabinet and not also by the Recruiting/Athletics Personnel Cabinet.

3. **Lessons learned. What worked well under the new structure and where did you experience challenges?** The chairs all reported they had successful and productive first meetings, hallmarked by enthusiasm and a willingness to address the big issues facing Division I. Committee members indicated a desire to share successful practices in the future and noted that some cabinets had success using a round table discussion format. The chairs noted that together they, along with staff, must strive to identify issues and legislative proposals of interest to more than one governance body.
  
4. **Preview of the Legislative Council meeting.** Joe D'Antonio reminded the chairs that under the new governance structure, the Legislative Council has more limited jurisdiction than the former Management Council, as its charge is specifically limited to the examination of legislation. This change in jurisdiction was purposeful as it was designed to bring a higher level of legislative expertise to the division's review of legislation. Joe explained that at this meeting the council hopes to provide the membership with more legislative direction in advance of the formal consideration of legislation in January and that as part of this process, the cabinets' positions on legislation will be vetted out. He also mentioned that the council hopes to have a new, simplified reporting format.
  
5. **Preview of the Leadership Council and Board meeting.** Leadership Council Chair Damon Evan reported that the council at its meeting on November 5 is scheduled to focus its efforts on beginning its examination of Division I membership standards and continue its discussion regarding ways to enhance the level of diversity serving within the Division I governance structure.  
  
Board of Directors staff liaison Beth DeBauche reported that while there are a number of big issues on the Division I agenda, such as the work of the Men's Basketball Academic Enhancement Working Group and the Task Force on Commercial Activity in Intercollegiate Athletics none of the issues are ripe for immediate determination by the Board. She reported the Board is expected to enter into a value-based discussion, receive a report from the Committee on Infractions and Infractions Appeals Committee and receive an update on the work of the Committee on Academic Performance.
  
6. **Communication and membership outreach efforts.** The group discussed the importance of communication to the ultimate success of the new structure. The chairs discussed the fact there can be a legitimate expectation that those in the membership will read cabinet and Council reports, but that every effort should be made to make the volume and type of information shared with the membership more manageable. The chairs shared communication ideas, including more uniformity in report writing and listing the names of the cabinet and Council members with each report. Beth DeBauche requested that the staff

be given time to work together to seek to identify ways to streamline the report writing process, with the goal of having more uniform and succinct Division I governance reports. The results of the staff work will be shared with the chairs in advance of the February cabinet meetings. Additionally, the Division I governance staff agreed to work with the multisport conferences and affiliate groups to seek to identify communication strategies that best meet their needs.

7. **Updated cabinet and Council meeting schedule.** The cabinet chairs and staff liaisons were encouraged to work with Shorts Travel to identify meeting dates for 2009 and beyond.
8. **Future calls and meeting dates.** The committee members recommended that they have their next conference call in November/December after the Legislative and Leadership Council meetings, but before the NCAA Convention. Additionally, it was confirmed that the Communications and Coordination Committee would meet on January 16 at the NCAA Convention. Specifically, the chairs' schedule will be as follows:
  - a. Board of Directors, Legislative and Leadership Council luncheon. - 11:30 a.m. – 1 p.m.
  - b. Division I Forum. - 1 – 3 p.m.
  - c. Meeting and reception. - 4 – 6 p.m.
9. **Adjournment.** Communications and Coordination Committee Chair Damon Evans adjourned the call at 3:15 p.m.

# **NCAA Division I Legislative Council**

## **Policies and Operating Procedures**

July 2008



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## **Duties and Responsibilities**

### **Duties and Responsibilities (NCAA Division I Constitution 4.6.2).**

The NCAA Division I Legislative Council shall:

- (a) Serve as the primary legislative authority (see Constitution 5.3.2);
- (b) Develop educational materials regarding pending legislation;
- (c) Take final action on matters delegated to it by the NCAA Board of Directors;
- (d) Make interpretations of the bylaws; and
- (e) Review the recommendations of the substructure.

The Legislative Council is the primary legislative body in the Division I governance structure, subject to Board oversight. The Legislative Council is responsible for considering every proposal in the annual legislative cycle with the caveat that the Board can examine and act on any proposal it so chooses. The Legislative Council's actions on legislation will not be considered final until the conclusion of the following Board meeting to ensure the Board has an opportunity for final review and oversight.

In addition to considering and voting on legislation, the Legislative Council will:

- (a) Identify the strengths and weaknesses of legislative proposals;
- (b) Develop educational materials regarding pending legislation;
- (c) Develop a voting order chart for consideration of proposals;
- (d) Consider waivers of legislation through the NCAA Division I Legislative Council Subcommittee for Legislative Relief (SLR);
- (e) Identify possible interpretative issues for the NCAA Division I Legislative Review and Interpretations Committee (LRIC); and
- (f) Serve as an appellate body for LRIC.

## **1. Composition**

Pursuant to Constitution 4.6.1, giving due weight to gender and ethnic diversity per Constitution 4.02.5, the Legislative Council shall include 31 members and shall be comprised of athletics administrators (e.g., athletics directors, senior women administrators, assistant athletics directors,

conference administrators), faculty athletics representatives and institutional administrators to whom athletics departments report or who have other significant duties regarding athletics. The members of the Legislative Council shall include:

(a) One administrator or representative (who each shall have three votes) from each of the following seven conferences:

1. Atlantic Coast Conference;
2. Big East Conference;
3. Big Ten Conference;
4. Big 12 Conference;
5. Conference USA;
6. Pacific-10 Conference; and
7. Southeastern Conference.

(b) One administrator or representative (who shall have 1.5 votes) from each of the following four conferences:

1. Mid-American Conference;
2. Mountain West Conference;
3. Sun Belt Conference; and
4. Western Conference.

(c) One administrator or representative (who shall have 1.2 votes) from each of the following conferences:

1. America East;
2. Atlantic 10 Conference;
3. Atlantic Sun Conference;
4. Big Sky Conference;
5. Big South Conference;
6. Big West Conference;
7. Colonial Athletic Association;
8. Horizon League;
9. Ivy Group;
10. Metro Atlantic Athletic Conference;
11. Mid-Eastern Athletic Conference;
12. Missouri Valley Conference;
13. Northeast Conference;
14. Ohio Valley Conference;
15. Patriot League;
16. Southern Conference;
17. Southland Conference;
18. Southwestern Athletic Conference;
19. The Summit League; and
20. West Coast Conference.

## **2. Organization**

Administrative Committee. The Legislative Council shall have an administrative committee to act on behalf of the full Legislative Council between meetings to transact necessary and routine items of business clearly required to promote the normal and orderly administration of council business.

The Administrative Committee shall consist of four members, including the chair of the Legislative Council and, vice chair (who shall serve as chair of the Administrative Committee) and two other members appointed by the chair. The Administrative Committee shall include two representatives from FBS conferences, one representative from an FCS conference and one representative from a Division I subdivision conference. All Administrative Committee members, including the chair, may vote on items of business before the committee. The full Legislative Council will receive all Administrative Committee reports.

The Administrative Committee is authorized to:

- a) Act for the Legislative Council on necessary and routine items of business clearly necessary to promote the normal and orderly administration in the interim between Legislative Council meetings.
- b) Act for the Legislative Council on matters of an emergency nature.
- c) Organize and structure meeting agendas following submission of agenda items by Legislative Council members and conferences, as necessary.
- d) Submit nominations for the position of Legislative Council chair to the Board of Directors.
- e) Recommend that a member be replaced if he or she is not properly discharging his or her duties.
- f) Introduce legislative proposals recommended by Association-wide committees into the normal legislative cycle, if necessary due to the timing of the full Legislative Council meetings.

Vice Chair. The Legislative Council shall have a vice chair who shall act as chair in the chair's absence. The vice chair shall serve as the chair of the Administration Committee.

Subcommittees. The Legislative Council may establish the following subcommittee (all other subcommittees will need to be approved through the legislative process):

- Subcommittee for Legislative Relief

Reporting Lines. The following committees report to the Legislative Council:

- LRIC;
- NCAA Division I Committee on Athletics Certification;
- NCAA Division I Student-Athlete Reinstatement Committee ; and
- Division I Football Championship Subdivision (FCS) Governance Committee. [Note: The Football Bowl Subdivision (FBS) and the FCS will vote separately on football issues. FCS conferences with representation on the committee per Constitution 4.6.6 will be permitted to vote on such legislative issues at the FCS Governance Committee meeting.]

### **3. Meeting Schedule**

The Legislative Council will meet three times per year: (1) in conjunction with the regularly scheduled Division II and III Management Council meetings in October; (2) at the NCAA Convention in January and (3) in conjunction with the regularly scheduled Division II and III Management Council meetings in April. This meeting schedule is designed to follow the flow of the annual Division I legislative cycle.

Exceptions. Should the Legislative Council determine it necessary to meet at a time other than a time designated in the master Division I meeting schedule or should the Legislative Council want to schedule an additional meeting, such requests shall be forwarded to the Leadership Council for consideration and possible approval.

Weekends. To the extent possible the schedule will be arranged so there are no meetings on weekends. The NCAA Convention meetings may be an exception to this policy.

### **4. Terms**

Pursuant to Constitution 4.02.6.2.2, the term of office shall be as follows:

- (a) Members shall serve for a four-year term. Members are not eligible for immediate appointment;
- (b) A conference may remove its representative during a term;
- (c) The terms of office of FBS positions, FCS and Division I Subdivision positions shall expire on a staggered basis to provide for continuity. Members may be appointed for less than full terms; and

- (d) Members who serve more than one-half of a term shall be considered to have served a full term.

A representative who serves what is considered to be a full term on the council is not eligible to be reappointed immediately to the Legislative Council.

## **5. Absences**

The Legislative Council meets three times annually (October, January, April). If a Legislative Council member is unable to attend a council meeting for a compelling reason, a conference may appoint an alternate for that individual. Alternates may attend, participate fully in and vote in any Legislative Council meeting or activity in which the regular member is unable to participate (excluding Administrative Committee and Subcommittee on Legislative Relief meetings and activities).

## **6. Voting**

Weighted voting and voting percentages. Weighted voting shall be applied. Voting percentages in the new governance structure reflect the percentages established under the 1997 agreement. These percentages are listed in the "Composition" section above.

Voting method. Roll-call voting shall be used. Legislative Council members are required to use the voting device to record roll-call votes on all legislative proposals. All roll-call vote results shall be reported to the membership, except for actions taken by unanimous consent of the members present and voting.

## **7. Selection of Legislative Council Chair**

The Legislative Council shall elect one of its members to serve for a period of not more than two years as chair. The chair shall not be eligible for immediate re-election to that position. At least once in every three chair rotations, there shall be an FCS or Division I subdivision representative serving as chair.

A Legislative Council member is eligible for nomination for the position of chair if:

- a. His or her Legislative Council term expiration date will permit service as chair for the two-year term; and
- b. A particular subdivision must be represented due to the rotation requirement and he or she represents a conference in that division.

The process for identifying the two chair nominees is as follows:

In years in which a chair is to be selected, during or prior to the January meeting, Legislative Council members eligible to serve as chair shall nominate themselves or another Legislative Council member by communicating with the current chair. When nominating another Legislative Council member, the person nominating should confirm that the nominee would accept the chair position. The Legislative Council's Administration Committee shall consider all the nominees and forward two names to the Board of Directors for consideration.

## **8. Conflict of Interest**

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

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

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

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

## **9. Agenda Development**

Submitting Agenda Items. Any Legislative Council member or conference may submit an agenda item for a full Legislative Council meeting, provided it is within the duties and responsibilities of the Legislative Council. Agenda items should be sent to the Legislative

Council's primary staff liaisons at the NCAA national office. The staff will consult with the Legislative Council member or conference to determine how best to handle the item and what supplementary material should be provided, if any. In addition, the staff liaisons may consult with the chair or Administrative Committee to determine how best to handle the item. If appropriate, the item will be placed on the agenda, with the name of the member or conference that submitted the item.

Timing of Submission of Agenda Items. Items should be submitted eight weeks prior to the meeting, and the agenda and supplements will be mailed and placed on the NCAA Web site 17 days prior to the meeting.

Review of Agenda Items. The full Legislative Council will receive agendas and supplements in advance of the meetings to ensure that each council member has an opportunity to comment on issues being addressed by those groups. All actions, except where otherwise legislated (e.g., waivers) or determined by policy (e.g., referrals to other committees), are subject to review and final approval by the full Legislative Council.

## **10. Sponsoring Legislation**

The Legislative Council along with the Board of Directors, Leadership Council, cabinets and any of the 31 multisport conferences will be permitted to propose legislation under the Division I governance structure.

Timeframe for Sponsoring Legislation. The deadline for sponsoring legislation for the conferences, cabinets and councils is July 15, which marks the beginning of the annual legislative cycle. The Board of Directors has until the conclusion of the October Board meeting to sponsor legislation in the annual cycle.

Emergency or Noncontroversial Legislation. The Legislative Council will use the guidelines outlined in the Appendix for assistance in determining whether a legislative proposal should be considered emergency or noncontroversial.

## **11. Meeting Participation by NonCouncil Members**

Generally, appearances before the full Legislative Council are by invitation only. Exceptions may be made by the Legislative Council chair on a case-by-case basis. The chair can invite subject matter experts to participate in meetings based on topics included in the agenda.

## **12. Committee or Cabinet Recommendations**

The Legislative Council follows these policies in processing recommendations from committees that report to it or from cabinets requesting action:



- Committees and cabinets shall provide a written report from its meeting to the full council (or designated subcommittee) prior to the meeting. These reports shall include any recommendations for which the committee or cabinet requests full Legislative Council action.
- Any change to Division I legislation that is recommended by a committee or cabinet shall be presented to the full council for discussion and action. In cases of cross-committee or cross-cabinet collaboration, recommendations may be forwarded to other relevant committees or cabinets within the governance structure.
- The Legislative Council may elect to alter the recommendation, requiring a vote of the full council.
- If further deliberations are required, the Legislative Council may table the recommendation or refer it back to the committee or cabinet for additional discussion.

### **13. NCCA Division I Legislative Council Subcommittee for Legislative Relief**

Pursuant to Constitution 5.4.1.3, an institution may appeal a decision of the NCAA staff regarding the application of NCAA legislation to a particular situation to the NCAA Division I Legislative Council Subcommittee for Legislative Relief when no other entity has the authority to act. In reaching its decision, the subcommittee shall review the complete record in order to determine whether there is sufficient basis to grant relief from the application of the legislation. The Legislative Council shall establish the process for such a review, shall monitor the action taken under this authorization and shall report annually to the membership the actions taken, in summary, aggregate form.

### **14. Appeals of the Committee on Athletics Certification Decisions**

Pursuant to NCAA Bylaw 22.3.5, following a hearing before the Committee on Athletics Certification, an institution may appeal the decision of the committee to the Legislative Council subject to the following procedures:

An institution requesting an appeal of a Committee on Athletics Certification decision from the hearing shall do so in writing within 30 calendar days after receiving written notification of the Committee on Athletics Certification's decision from the hearing. This appeal must be submitted by the president or chancellor. The appeal information will be provided to the Legislative Council for consideration at its next meeting. An institution may request to participate via teleconference to present its appeal. In such cases, the institution shall be provided 15 minutes to make its presentation to the council with additional time determined at the discretion of the Legislative Council chair. The Legislative Council may ask the

institution questions before the institution exits the call at which time the Legislative Council will deliberate privately. Legislative Council members may deliberate and vote, subject to the conflict of interest policy. A decision by the Legislative Council is final and no additional appeal opportunity shall exist for the institution.

### **15. Legislative Review and Interpretations Committee Decisions**

Pursuant to Constitution 5.4.1.2.2, the Legislative Council shall review all interpretations issued by the Legislative Review and Interpretations Committee (LRIC) and may approve, reverse or modify such interpretations. An institution may appeal a decision of LRIC to the Legislative Council at the Legislative Council meeting immediately following the decision of the committee.

An LRIC decision may include formally issued official interpretations (i.e., confirmations or determinations) or a response to an institution's request for which a formal official interpretation was not issued.

An institution wishing to appeal an LRIC decision must adhere to the following procedures:

Appeal of LRIC Decision. An institution requesting an appeal of an LRIC decision shall do so in writing within 30 calendar days of the committee's deliberation or prior to the next Legislative Council meeting, whichever occurs earlier. The appeal must be submitted by the institution's chancellor or president, faculty athletics representative or director of athletics. The appeal information will be provided to the Legislative Council for consideration at its next meeting. An institution may request to participate via teleconference to present its appeal provided the activity at issue already has occurred and the interpretive decision has resulted in an individual or institutional violation. In such cases, the institution shall be provided five minutes to make its presentation to the Legislative Council with additional time determined at the discretion of the Legislative Council chair. The Legislative Council may ask the institution questions before the institution exits the call at which time the Legislative Council will deliberate privately. Legislative Council members may deliberate and vote, subject to the conflict of interest policy. A decision by the Legislative Council is final and no additional appeal opportunity shall exist for the institution.

Revision. Interpretations approved by the Legislative Council may not be revised by LRIC. The committee may only recommend revisions of such interpretations to the Legislative Council.

#### **16. Speaking Agent Policy**

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

An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Executive Committee of the Association as a speaking agent of the Association on that issue. Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Executive Committee or the president of the Association.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association.

**Guidelines for Consideration of Emergency/Noncontroversial Legislation**

**Emergency/Noncontroversial Legislation – Guidelines.** The following guidelines are to assist in determining whether a proposal should be considered outside the normal legislative process as either noncontroversial or emergency legislation:

- a. Noncontroversial legislation. Legislative proposals shall be considered noncontroversial only if:
  1. Broader consultation and debate are unlikely to improve the proposal in any substantial way.
  2. Significant disagreement or alternative points of view will not be generated.
  3. Such proposals do not have a significant impact (unanticipated consequences, undesirable precedent) on existing legislation or proposed legislation.
    - A noncontroversial proposal, at a minimum, should have the following factors present:
      - (a) The proposal should have minimal impact on competitive or recruiting equity.
      - (b) The proposal should have minimal financial impact.
      - (c) The proposal must enjoy broad support from its primary stake holders.
      - (d) The proposal should not negatively impact student-athlete welfare.
      - (e) The proposal should not significantly impact the Division I academic standards (initial and continuing eligibility).
- b. Emergency legislation. Legislative proposals shall be considered emergency legislation only if:
  1. Significant values or harm are at stake; and
  2. The use of the regular legislative cycle is likely to cause undue hardship to the Association or the Division I membership because of the delay in its effective date.
    - Examples of situations in which it may be appropriate to consider legislation emergency include, but are not limited to, the following:
      - Immediate health and safety concerns or issues.



REPORT OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
DIVISION I CHAMPIONSHIPS/COMPETITION CABINET

The Hyatt Lodge  
Oak Brook, Illinois  
June 24-25, 2008



**REPORT OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
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The Hyatt Lodge  
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June 24-25, 2008

**Participants:**

Brad Bates, Miami University (Ohio)  
Cathy Beene, Georgia Southern University  
Sarah Bobert, Marquette University  
Sherri Booker, Atlantic Sun Conference  
Greg Burke, Northwestern State University  
Leslie Claybrook, Rice University  
Dwight Datcher, Howard University  
Raynoid Dedeaux, Mid-Eastern Athletic Conference  
Susan Delaney-Scheetz, Pennsylvania State University  
Jim Fallis, Northern Arizona University  
Carolyn Schlie-Femovich, Patriot League, chair  
Kenneth Ferguson, University of Missouri, Kansas City  
Richard Giannini, University of Southern Mississippi  
Ed Grom, The Summit League  
Rob Halvaks, Big West Conference  
Terri Howes, West Virginia University  
Christine Hoyles, Pacific-10 Conference  
Bruce Jaffee, Indiana University, Bloomington  
Bob Keefer, Mount St. Mary's College  
Patrick Lyons, Iona College  
Ian McCaw, Baylor University  
Clyde McCoy, University of Miami (Florida)  
Erin McDermott, Princeton University  
Rick Mello, Sun Belt Conference  
Marilyn M Moniz-Kaho'ohanohano, University of  
Hawaii, Manoa  
Ellen Moore, West Coast Conference

Danielle Neault, Student-Athlete Representative,  
University of the Pacific  
Deborah Paul, Southern University, Baton Rouge  
Dan Radakovich, Georgia Institute of Technology  
Bruce Rasmussen, Creighton University  
Nance Reed, Towson University  
Sarah Reesman, University of Missouri, Columbia  
Dawn Rogers, Arizona State University  
Judy Rose, University of North Carolina, Charlotte  
Jeff Schemmel, San Diego State University  
Val Sheley, University of South Carolina, Columbia  
Paula Smith, University of California, Irvine  
Jeffrey Stapleton, Monmouth University  
Jon Steinbrecher, Ohio Valley Conference  
Ron Strollo, Youngstown State University  
Mike Thomas, University of Cincinnati  
David Berst, NCAA  
Wayne Burrow, NCAA  
Joni Comstock, NCAA  
Beth DeBauche, NCAA  
Brad Hostetter, NCAA  
Greg Johnson, NCAA  
Charnele Kemper, NCAA  
Carol Reep, NCAA  
Dave Schnase, NCAA  
Sharon Tufano, NCAA

Steve Pederson, University of Nebraska, Lincoln, is no longer on the cabinet but has not yet been replaced by the Big 12 Conference. James Fiore, Stony Brook University, was not able to attend and Joe Fischer, University of Vermont, attended in his place. Mitch Barnhart, University of Kentucky, was not able to attend and Greg Sankey, Southeastern Conference, attended in his place. Gary Barta, University of Iowa, was not able to attend and Carol Iwaoka, Big Ten Conference, attended in his place. Pete Boone, University of Mississippi, was not able to attend and Mark Womack, Southeastern Conference, attended in his place. Lisa Campos, University of Texas at El Paso, was not able to attend and Chris Woolard, Conference USA, attended in her place. Tom Hickman, Winthrop University; Jane Miller, University of Virginia; and Jim Sterk, Washington State University, were not able to attend the meeting and no alternates attended for them.



## REPORT OF THE NCAA DIVISION I CHAMPIONSHIPS/COMPETITION CABINET

The NCAA Division I Championships/Competition Cabinet submits this report from its June 24-25, 2008, in-person meeting in Oakbrook, Illinois. [Note: All votes were unanimous voice votes unless otherwise indicated. Subcommittee positions are noted unless part of the consent package.]

### **ACTION ITEMS.**

#### **1. Legislative Items.**

##### **a. Women's Soccer – Number of Regions.**

- (1) Recommendation. That the NCAA Division I Legislative Council adopt noncontroversial legislation at its October 2008 meeting to amend NCAA Bylaw 21.7.6.3.3.5.3.17 to increase from six to eight the number of regions in women's soccer.
- (2) Effective Date. Immediate.
- (3) Rationale. This change will mirror what currently exists for men's soccer and would reduce the number of teams for regional advisory committees to evaluate. Further, the change will help alleviate a public perception that teams are not being fairly evaluated and selected due to having fewer regions as compared to other championships such as women's volleyball (with a sport sponsorship of 316), men's soccer (198) and women's softball (272). The Championships/Competition Cabinet noted this change will not impact the selections process and will allow the committee to place all teams in a member conference in the same region.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

##### **b. Basketball Event Certification Criteria – Background Check on Event Operators.**

- (1) Recommendation. The Legislative Council adopt noncontroversial legislation at its October 2008 meeting to amend the men's basketball event and league certification criteria set forth in Bylaws 30.14 and 30.15 to specify that event and league operators must be approved in accordance within guidelines established by the NCAA basketball certification staff.

- (2) Effective Date. Immediate.
- (3) Rationale. Current legislation requires an individual involved in coaching activities at an NCAA certified event must have been approved in accordance with guidelines established by the basketball certification staff. No such requirement exists for operators of these events. There have been recent situations involving operators of events who have engaged in questionable activities, yet still were able to operate a certified event. In one case, both the participants and the event site involved with the operator were victims of fraud in conjunction with a certified event. These types of activities potentially could be avoided if the background check is extended not only to those involved in coaching activities but also to event operators.
- (4) Estimated Budget Impact. Additional costs for background checks should be minimal.
- (5) Student-Athlete Impact. None.

**c. National Statistics Program.**

- (1) Recommendation. The Legislative Council adopt noncontroversial legislation at its October 2008 meeting to remove the policies and procedures related to the national statistics program in Bylaw 31.9 from the Manual and specify that such policies and procedures shall be available to the membership on the NCAA Web site.
- (2) Effective Date. Immediate.
- (3) Rationale. Removing the policies and procedures of the national statistics program from the legislative process while having the Championships/Competition Cabinet continue to oversee and approve changes will eliminate the bureaucracy and confusion inherent in the current process. This action also will help ensure the program is applied consistently across all three divisions of the Association. The current national statistics program policies and procedures are already provided to the membership via the NCAA Web site. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of

view will not be generated and there does not appear to be a significant impact on existing legislation or proposed legislation.

(4) Estimated Budget Impact. None.

(5) Student-athlete Impact. None.

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

**1. Legislative Items.**

**a. Proposals Sponsored by the Championships/Competition Cabinet for Initial Consideration by the NCAA Division I Legislative Council in January 2009.**

- **Employment of Prospective Student-Athlete Coaches at Institution's Men's Basketball Camps.**

(1) Recommendation. Based on a recommendation from the NCAA Division I Men's Basketball Issues Committee, the Championships/Competition Cabinet agreed to sponsor legislation to amend Bylaw 13.12.2.2 to specify that it is not permissible to employ any speaker at a Division I institution's men's basketball camp who is involved in coaching prospective student-athletes or associated with prospective student-athletes as result of the prospective student-athletes participation in basketball.

(2) Effective Date. August 1, 2009.

(3) Rationale. Current NCAA rules do not preclude institutions from providing honorariums to prospective student-athletes' coaches to speak at an institution's camp or clinic. Such a fee is often independent of any compensation for employment as a camp counselor and is used as a recruiting inducement, either to pay for the costs of the coach's players to attend the camp or solicit the

enrollment of a prospective student-athlete associated with that coach. In some cases, the fee can be quite exorbitant unless institutional policy restricts the value. This proposal would address those recruiting concerns, without precluding institutions from employing prospective student-athletes' coaches as legitimate counselors. NCAA rules would govern such employment and require compensation paid to all counselors to be commensurate with the going rate based on teaching experience.

- (4) Estimated Budget Impact. Potential cost savings to institutions as speaking fees should become a little more reasonable.
- (5) Student-Athlete Impact. None.

**b. Informal Basketball Practice Scrimmages – Missed Class Time.**

- (1) Recommendation. Based on a recommendation from the Men's Basketball Issues Committee and the NCAA Division I Championships/Competition Cabinet Playing and Practice Seasons Subcommittee, the Championships/Competition Cabinet agreed to sponsor legislation to amend Bylaw 17.5.3.1-(a) to specify that student-athletes shall not miss class time in conjunction with any men's basketball informal practice scrimmage.
- (2) Effective Date. August 1, 2009.
- (3) Rationale. Current legislation permits an institution's men's basketball team to participate in an informal basketball scrimmage after the start date for on-court practice. Such a scrimmage also may be conducted against another Division I institution. The present rules have established conditions to ensure that the scrimmage is conducted in privacy and does not in essence become an additional contest. However, there is no requirement that student-athletes do not miss class time to participate in one of these scrimmages. In recent years, there have been some instances involving institutions that have traveled significant distances to participate in these scrimmages against other Division I institutions. These scrimmages originally were designed to permit institutions in close proximity to each other to engage in an informal type of practice session. As such, student-athletes should not be missing class time to participate in such scrimmages. This proposal will help further the original intent of the legislation.

- (4) Estimated Budget Impact. Potential cost savings if institutions have been traveling significant distances to participate in these scrimmages.
- (5) Student-Athlete Impact. The proposal should result in less missed class time.

**c. Playing and Practice Seasons -- Tennis -- Individual Singles or Doubles Tournament Limitations -- Institutional.**

- (1) Recommendation. Based on a recommendation from the Playing and Practice Seasons Subcommittee, the Championships/Competition Cabinet agreed to sponsor legislation to amend Bylaw 17.26.5.1.2 to increase from three to four the number of student-athletes who may participate in an individual singles or doubles tournament without counting the event as an institutional date of competition.
- (2) Effective Date. August 1, 2009.
- (3) Rationale. Increasing the number of student-athletes from three to four would permit institutions to send two doubles teams to such an event without using an institutional date of competition. Under the current limit of three student-athletes, one student-athlete is not able to participate in doubles competition at such a tournament. The Championships/Competition Cabinet noted the additional student-athlete will not result in additional missed class time or an increase to the number of dates of competition for individual student-athletes because participation in tournaments would still count against the individual student-athlete's maximum dates of competition.
- (4) Estimated Budget Impact. None. Even though an additional student-athlete may travel to a particular individual singles or doubles tournament under this proposal, that student-athlete is presumably travelling to the same number of total events throughout the playing season under the current rule.
- (5) Student-Athlete Impact. None.

**2. Other Legislative Informational Items.**

- a. Recruiting and Personnel – Number of Coaches Recruiting Off Campus at any One Time.** The Championships/Competition Cabinet declined to support a recommendation from the NCAA Division I Women's Basketball Issues Committee to sponsor legislation that would have permitted all coaches to be off campus for the purpose of recruiting, provided no more than the permissible number of coaches are engaged in recruiting activities at any one time. The recommendation would have eliminated the requirement that a coach who is replaced in the recruiting process not engage in additional recruiting activities until he or she returned to the institution's campus. The Championships/Competition Cabinet noted the concerns that were expressed related to the complications surrounding travel today but did not believe this recommendation provided the appropriate solution for those complications. Instead, the Championships/Competition Cabinet referred to the NCAA Division I Recruiting Cabinet the issue of finding a reasonable solution to these issues, noting that it generally was not supportive of a recruiting model that permitted all permissible coaches to be off-campus recruiting due to the realities of how such a model would be applied (e.g., two coaches would travel to the same city and one would attend the first half of an event and the second would "replace" the first and attend the second half of the same event).
- b. Benefits and Playing and Practice Seasons – Off-campus Team Building Activities.** Based on a recommendation from the Playing and Practice Seasons Subcommittee, the Championships/Competition Cabinet declined to support a recommendation from the Women's Basketball Issues Committee that would have permitted an institution to provide expenses to student-athletes to attend a required team-building activity outside the playing season during the academic year. The Championships/Competition Cabinet noted the travel to and from such an activity would increase the time demands on student-athletes and that appropriate team building activities may still occur on campus during this time period without cost implications to the institution.
- c. Men's Basketball Issues Committee Comments on NCAA Proposal No. 2007-30-C.** The Men's Basketball Issues Committee reported to the Championships/Competition Cabinet that Proposal No. 2007-30-C has received the requisite number of override votes to be referred to the NCAA Division I Board of Directors for further consideration. The Championships/Competition Cabinet took no formal action but noted that the committee reiterated its position of support for this proposal.

- d. **NCAA Committee on Competitive Safeguards and Medical Aspects of Sport Recommendation on Nutritional Supplements.** The Championships/Competition Cabinet declined to support a recommendation from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sport to amend the legislation related to the provision of nutritional supplements to student-athletes. The Championships/Competition Cabinet determined the recommendation was not noncontroversial and referred the issue to the new governance structure to determine the nature of the issues and, if appropriate, suggest alternative solutions.

3. **Nonlegislative Information Items.**

- a. **Approval of Report from February 5-6, 2008, Championships/Competition Cabinet Meeting.** The Championships/Competition Cabinet report from February 5-6, 2008, in-person meeting were approved as previously distributed.
- b. **Report of the NCAA Division I Championships/Competition Cabinet Administrative Committee.**
  - (1) Budget update. The final list of approved championships initiatives for the 2008-09 and 2009-10 fiscal years was presented to the Championships/Competition Cabinet.
  - (2) Overview of the transition to the new NCAA Division I Championships/Sports Management Cabinet. NCAA staff reviewed a transition document that outlined the Championships/Competition Cabinet structure, responsibilities, meeting schedule and staff responsibilities, and assignments. It was agreed the new Championships/Sports Management Cabinet would operate with both a chair and a vice chair. In addition, the new Championships/Sports Management Cabinet will not use subcommittees but will use an administrative committee to act on behalf of the Championships/Sports Management Cabinet between Championships/Sports Cabinet meetings and on noncontroversial matters. Further, the administrative committee will handle the responsibilities formerly handled by the NCAA Division I Championships/Competition Cabinet Misconduct Appeals Subcommittee. It was agreed that staff would send the document to the current Championships/Competition Cabinet and the future Championships/Sports Management Cabinet members.
  - (3) Administrative policies that impact student-athlete eligibility. The Administrative Committee discussed an increase in situations in which an

institution's failure to adhere to established sports committee procedures has resulted in a student-athlete being declared ineligible for NCAA championships. The Administrative Committee has tried to hold the student-athlete harmless in these situations but it recognizes the importance of following procedures and holding institutions accountable when the policies are not followed. As a result, sports committees have been directed to identify all policies and procedures that, if not followed, could jeopardize a student-athlete's eligibility for championships. The Championships/Sports Management Cabinet will review the information submitted by the sports committees and attempt to develop a consistent penalty structure that will not negatively impact blameless student-athletes but will hold institutions accountable for failing to adhere to established policies.

- c. **Board Review of Championships.** Joni Comstock, NCAA, reported that the Board of Directors approved a broad review of all NCAA championships for the three divisions with a focus on governance and fiscal management of the championships. This charge also will include a review of the championships governance structure to clarify roles and responsibilities and define expectations regarding leadership and decision making to derive clear, consistent and objective direction for excellence in NCAA championships. The review, in a fiscal context, will focus on long-term sustainability to include accountability, efficiency and efficacy while considering membership growth and development issues. It will also include a model for principled and proportioned evaluation of plans for future investment. Finally, overall management and presentation of the championships will be reviewed with a clear focus on shared accountabilities among the national office staff, the membership and our external partnerships to optimize the value and prestige of NCAA championships.

d. **Report of the Sports and Sports Issues Committees.**

- (1) Field Hockey. Based on a recommendation from the NCAA Division I Championships/Competition Cabinet Bracket/Format Subcommittee, the Championships/Competition Cabinet approved a change in the selection criteria for the field hockey championship. The new criteria will exclude the Performance Index (PI) and defines "late season performance" as the last seven games of the season including conference tournament contests. It was noted the information previously provided by the PI is now provided by the Rating Percentage Index (RPI).
- (2) Football Championship Subdivision. Based on a recommendation from the Bracket/Format Subcommittee, the Championships/Competition Cabinet



agreed to permit the Sports and Sports Issues Committee to consider significant crowd control issues when making hosting decisions during or subsequent to the championship.

- (3) Men's and Women's Rifle. Based on a recommendation from the Bracket/Format Subcommittee, the Championships/Competition Cabinet agreed to change the date formula for the National Collegiate Men's and Women's Rifle Championships, effective with the 2010 championship, from the second Friday to Saturday in March to the first Friday to Saturday in March.
- (4) Men's and Women's Skiing. Based on a recommendation from the Bracket/Format Subcommittee, the Championships/Competition Cabinet approved a modification to the skiing committee's allocation formula. Instead of basing future regional allocations on only the top 20 finishers in each race at the championship, the future regional allocations will be based on the results of the entire championship field.
- (5) Men's Soccer. Based on a recommendation from the Bracket/Format Subcommittee, the Championships/Competition Cabinet approved a modification to the RPI used for men's soccer. The bonus or penalty component of the RPI will count ties as .333 of a win and .67 of a loss. In addition, demarcations in the team groupings used in the bonus/penalty structure will be adjusted to 15-team groupings (i.e., 1-15, 16-30, 31-45, etc. rather than 1-40, 41-75).
- (6) Men's and Women's Track and Field. The Championships/Competition Cabinet received an informational report regarding the track community's work on a regional alignment proposal. It was noted the group's final re-alignment proposal will be forwarded for review at the Championships/Sport Management Cabinet September 2008 meeting. The Championships/Competition Cabinet commended the group for its work and recommended that the group consider, among its various models, a model that would provide automatic qualification into the championship for individuals at the top of the descending order list in each event.
- (7) Men's Water Polo. Based on a recommendation from the Bracket/Format Subcommittee, the Championships/Competition Cabinet agreed to permit the men's water polo to begin using primary and secondary criteria as follows:

(a) Primary criteria:

Head-to-head competition;

Results versus common opponents; and

Strength of schedule (determined by looking at a team's results against top teams in the sponsoring conferences).

(b) Secondary criteria:

Late season performance (last ten games, including conference tournaments); and

Results against teams already selected.

(8) Wrestling.

- (a) Allocation formula. In response to the Championships/Competition Cabinet charge to recommend a different championships allocation model, the NCAA Division I Wrestling Committee developed an allocation model that would eliminate the use of historical data and the practice of seeding "wild-card" participants. In approving the recommendation, the Championships/Competition Cabinet commended the Wrestling Committee for its work and noted the model is a significant improvement over the previous allocation formula. Based on a recommendation from the Bracket/Format Subcommittee, the Championships/Competition Cabinet did not take a position on the Wrestling Committee's recommendation to increase wrestling's championships field from 330 to 360. The Championships/Competition Cabinet noted its appreciation for the Wrestling Committee position on the increase in participants but determined it would be more appropriate to entertain that recommendation after further discussion related to the merits of the proposed increase occurs in light of the Championships/Competition Cabinet guiding principles for bracket expansion and discussions related to possible funding options. NCAA staff agreed to continue working with the Wrestling Committee on ways to promote and protect the sport. Further, it was agreed that promotion and protection of emerging and

endangered sports should take a prominent place on the new Championships/Sports Cabinet agenda.

- (b) 2009 Regional sites. The Administrative Committee acting on behalf of the Championships/Competition Cabinet approved Boiling Spring, North Carolina, as the site for the 2009 Division I Wrestling East Regional. Gardner Webb University will serve as the host for the competition to be conducted March 7, 2009, at the Lutz-Yelton Convocation Center. In addition, Greeley, Colorado, was approved as the site for the 2009 Division I Wrestling West Regional hosted by the University of Northern Colorado March 7, 2009, at the Butler-Hancock Athletic Center.
- e. **Bracket/Format Subcommittee.** The Bracket/Format Subcommittee re-affirmed that the issues identified during its February Championships/Competition Cabinet meeting should be examined in the new governance structure:
  - (1) Field-size ratios used in determining those sports that are considered for bracket/field expansion;
  - (2) The quality of officiating and the identification of new officials;
  - (3) Different funding models;
  - (4) Policies governing bracket/field sizes and seeding/pairing/site selection. Those policies are outlined in the Championships/Competition Cabinet current policies and operating procedures manual;
  - (5) Continued discussion related to items referred to the Championships/Competition Cabinet by the NCAA Oversight and Monitoring Group; and
  - (6) It was suggested the new Championships/Sport Management Cabinet review the bracket size in women's lacrosse and determine whether the bracket should be expanded to limit or eliminate play-in games.
- f. **NCAA Division I Championships/Competition Cabinet Awards/Travel Policies/Bylaw 16 Subcommittee.** The NCAA Division I Championships/Competition Cabinet Awards/Travel Policies/Bylaw 16 Subcommittee reported that it discussed the benefits provided to student-athletes when participating in postseason competition. The Awards/Travel Policies/Bylaw 16 Subcommittee specifically discussed the increased number of complimentary

admissions provided to student-athletes in NCAA championships and licensed bowl games and the exception to the 48-hour departure restrictions when an institution participates in an NCAA championship, national governing bodies championship for emerging sports and licensed bowl games and whether these exceptions should be permitted for all postseason championship opportunities. The Awards/Travel Policies/Bylaw 16 Subcommittee unanimously voted to maintain the limit of four on the number of complimentary admissions. Further, it declined to recommend expanding the current exception to the 48-hour departure rule to all postseason opportunities, noting that a waiver opportunity through the NCAA remains available.

In addition to the items identified at its February meeting, the Awards/Travel Policies/Bylaw 16 Subcommittee agreed that the following two items should be reviewed in the new governance structure:

- (1) Review the impact that NCAA championships opportunities may have on endangered sports in the NCAA. Further, to discuss the influence of the national team programs in these sports; and
- (2) Continued discussion related to items referred to the Championships/Competition Cabinet by the Oversight and Monitoring Group.

- g. NCAA Division I Championships/Competition Postseason Football Licensing Subcommittee.** The NCAA Division I Championships/Competition Postseason Football Licensing Subcommittee reported that it licensed all 32 bowls that applied for recertification and two of the three bowls that applied for certification for the first time. The two new bowls receiving certification were the St. Petersburg and Congressional Bowls. In addition, the Postseason Football Licensing Subcommittee discussed the number of bowls and the number of potential eligible teams and noted it would not recommend providing any relief to permit a team with a losing record to participate in a bowl. Finally, to better define the bowl selection process, the Postseason Football Licensing Subcommittee agreed to have representation from the Football Bowl Association, Conference Commissioners Association and the Postseason Football Licensing Subcommittee to develop recommendations for the order of the bowl selection process.
- h. Playing and Practice Seasons Subcommittee.** The Playing and Practice Seasons Subcommittee noted the following items as items that should be reviewed in the new governance structure:

- (1) Length of seasons and number of contests;
- (2) Nonchampionship segment competition;
- (3) 20-hour rule;
- (4) Activities outside the playing season;
- (5) Travel days;
- (6) Foreign tours;
- (7) Basketball regular-season qualifying multiple-team events;
- (8) Format and structure of multiple team qualifying team events in basketball;
- (9) Dead periods; and
- (10) Elimination of the bye-week in Football Championship Subdivision.

As it relates to length of season and numbers of contests specifically, the Playing and Practice Seasons Subcommittee noted that all discussions should include consideration of issues beyond just the number of days in a season and/or the number of contests. For example, the impact on scheduling for all subdivisions of the division should be discussed if there is a desire to review the number of contests in any or all sports.

**i. NCAA Division I Championships/Competition Cabinet Nominating Subcommittee. The Nominating Subcommittee suggested three areas of review for the new Administrative Championships/Competition Cabinet:**

- (1) Continue to review committee makeup specific to gender and diversity.
- (2) Review previous committee term extensions and determine an appropriate length of time for future requests (e.g., one year, two years).
- (3) Review the current cabinet committee appointment policies and requirements to determine applicability to the work of the new Championships/Sports Management Cabinet.

**j. Oversight Monitoring Group.**

The NCAA Division I Championships/Competition Nominating Subcommittee discussed the assigned NCAA Presidential Task Force recommendations related to the student-athlete championship experience. As part of its discussion the Nominating Subcommittee re-affirmed the importance of providing high quality championship experiences for student-athletes and this continues to be a theme during future Championships/Sports Cabinet discussions.

**k. Committee Appointments.** The Championships/Competition Cabinet took the following action related to committees and Championships/Competition Cabinet subcommittees:

- (1) Division I Men's Basketball Issues Committee. Appointed Greg Graham, head men's basketball coach, Boise State University, Western Athletic Conference.
- (2) Committee on Competitive Safeguards and Medical Aspects of Sports. Agreed to support Debra Runkle, university medical coordinator, head athletic trainer and assistant director at the University of Dubuque as chair, effective, September 1, 2008.
- (3) Men's and Women's Fencing Committee. Appointed Ronald Miller, head fencing coach, University of North Carolina, Chapel Hill, Atlantic Coast Conference.
- (4) Field Hockey. Appointed Nancy Lyons, associate director of athletics, Boston University, as chair, effective September 1, 2008.
- (5) Football Rules Committee. Appointed Mike Bellotti, head football coach, University of Oregon as chair, effective September 1, 2008.
- (6) Men's Gymnastics Committee. Appointed Frederick Turoff, head men's gymnastics coach, Temple University, Atlantic 10 Conference.
- (7) Women's Gymnastics Committee. Appointed Elizabeth Kampfe, director of championships, Western Athletic Conference.
- (8) Division I Men's Lacrosse Committee. Appointed Tony Seaman, head lacrosse coach, Towson University, Colonial Athletic Association.

- (9) Men's and Women's Rifle Committee. Appointed Matt Kelly, associate director of athletics, Murray State University, Ohio Valley Conference.
- (10) Division I Men's and Women's Skiing Committee. Re-appointed Andy LeRoy, alpine skiing coach, University of Denver, Sun Belt Conference.
- (11) Men's Soccer. Appointed Charlie Elwood, director of athletics administration, Fordham University as chair, effective September 1, 2008.
- (12) Women's Soccer. Appointed Barry Clements, associate director of athletics, University of South Florida, as chair, effective September 1, 2008.
- (13) Division I Softball Committee. Appointed Scott Farmer, senior associate director of athletics, University of Louisiana at Lafayette, Sun Belt Conference.
- (14) Division I Men's And Women's Swimming And Diving Committee. Appointed Mike Brown, men's and women's diving coach, University of Hawaii, Manoa, Western Athletic Conference; Pamela Arnold, aquatics coordinator/event operator, Bucknell University, Patriot League; and Clark Campbell, head women's swimming and diving coach, University of Kansas, Big 12 Conference.
- (15) Division I Men's and Women's Tennis Committee. Appointed Callie Hubbell, coordinator of student-athlete services, Conference USA – men's interests.
- (16) Division I Men's and Women's Track and Field Committee. Appointed Mark Ryan, associate director of athletics, University of Minnesota, Twin Cities, Big Ten Conference.
- (17) Men's Water Polo. Appointed Mike Sutton, director of physical education and athletics, Claremont McKenna-Harvey Mudd-Scripps Colleges as chair, effective September 1, 2008.
- (18) Men's Volleyball Committee. Appointed Robert Krimmel, director of athletics, Saint Francis University (Pennsylvania), Northeast Conference.

- (19) Women's Water Polo Committee. [NOTE: Committee selection withdrawn due to error in the number of members appointed to the committee.]
- (20) Division I Wrestling Committee. Appointed J. Andrew Noel, director of athletics, Cornell University, Ivy Group.
- (21) Men's and Women's Soccer Rules Committee. Appointed John Bluem, head men's soccer coach, Ohio State University, Big Ten Conference.

**I. Automatic Qualification.** The Championships/Competition Cabinet awarded automatic qualification as follows:

- (1) **Field Hockey.** That the following conferences be approved for automatic qualification for the 2008 championship: Atlantic Coast Conference, America East Conference, Big East Conference, Big Ten Conference, Colonial Athletic Association. The play-in games will be the Northeast Conference at the Patriot League, the Northern Pacific Field Hockey Conference at the Ivy Group and the Mid-American Conference at the Atlantic 10 Conference.
- (2) **Football Championship.** That the following conferences receive automatic qualification for the 2008 NCAA Division I Football Championship: Big Sky Conference, Colonial Athletic Association, Gateway Football Conference, Mid-Eastern Athletic Conference, Ohio Valley Conference, Patriot League, Southern Conference and Southland Conference.
- (3) **Men's Basketball.** That the following 31 conferences receive automatic qualification for the 2009 championship: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Ivy Group, Horizon League, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sun Belt Conference, West Coast Conference and Western Athletic Conference.



- (4) **Men's Golf.** That Sorrento, Florida, be designated as a site for the 2009 NCAA Division I Men's Golf Regionals with the University of Central Florida and the Central Florida Sports Commission serving as co-hosts for the competition to be conducted at RedTail Golf Club. That Bowling Green, Kentucky, be designated as a site for the 2009 NCAA Division I Men's Golf Regionals with Western Kentucky University serving as the host for the competition to be conducted at The Club at Olde Stone. That Stillwater, Oklahoma, be designated as a site for the 2009 NCAA Division I Men's Golf Regionals with Oklahoma State University serving as the host for the competition to be conducted at Karsten Creek Golf Club. These three sites have been recommended along with the three previously selected sites, Columbia University, the University of Texas and the University of San Francisco.
- (5) **Men's Gymnastics.** That Mr. Stephen Posner, head coach at Springfield College, replace Mr. Yoshi Hayasaki as chair of the men's gymnastics committee, effective September 1, 2008.
- (6) **Men's Soccer.** That the following conferences be approved for automatic qualification for the 2008 NCAA Division I Men's Soccer Championship: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big South Conference, Big Ten Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Missouri Valley Conference, Mountain Pacific Sports Federation, Northeast Conference, Pacific-10 Conference, Patriot League, Southern Conference, Summit League and the West Coast Conference.
- (7) **Men's Water Polo.** That the following three conferences be recommended for automatic qualification for the 2008 championship: Collegiate Water Polo Association, Mountain Pacific Sports Federation and Western Water Polo Association.
- (8) **Men's and Women's Skiing.** That the following institutions be approved to serve as hosts for regional sites: Michigan Technological University (Central Region); and University of Nevada, Reno (West Region).

- (9) **Women's Golf.** That the following conferences receive automatic qualification for the 2009 NCAA Division I Women's Golf Championships: Atlantic Coast Conference, Atlantic Sun Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Colonial Athletic Association, Conference USA, Ivy Group, Mid-American Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sun Belt Conference and Western Athletic Conference."
- (10) **Women's Ice Hockey.** That Mr. Jeff Schulman, senior associate director of athletics at the University of Vermont, replace Mr. Zafir Bludevich as chair of the women's ice hockey committee, effective September 1, 2008.
- (11) **Women's Soccer.** That the following 30 conferences be approved for automatic qualification for the 2008 championship: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big Ten Conference, Big 12 Conference, Big Sky Conference, Big South Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Continent Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southwestern Athletic Conference, Southern Conference, Southland Conference, Sun Belt Conference, West Coast Conference and Western Athletic Conference.
- (12) **Women's Volleyball.** That the following 31 conferences receive automatic-qualification privileges for the 2008 NCAA Division I Women's Volleyball Championship: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Conference, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference,

Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sun Belt Conference, West Coast Conference and the Western Athletic Conference.

*Committee Chair: Carolyn Schlie Femovich, Patriot League*  
*Staff Liaisons: R. Wayne Burrow, Championships*  
*Carol A. Reep, Championships*  
*David W. Schnase, Membership Services*

**REPORT OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
DIVISION I CHAMPIONSHIPS/SPORTS MANAGEMENT CABINET**

NCAA National Office  
Indianapolis, Indiana  
September 16-17, 2008

**REPORT OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
DIVISION I CHAMPIONSHIPS/SPORTS MANAGEMENT CABINET**

NCAA National Office  
Indianapolis, Indiana

September 16-17, 2008

**Participants:**

David Blank, Elon University  
Sherri Booker, Atlantic Sun Conference  
Greg Burke, Northwestern State University  
Joan Cronan, University of Tennessee, Knoxville  
Dwight Datcher, Howard University  
Susan Delaney-Scheetz, Pennsylvania State University  
Connie Dillon, University of Oklahoma  
Jim Fallis, Northern Arizona University  
Jim Fiore, Stony Brook University  
Tom Hickman, Winthrop University  
Christine Hoyles, Pacific-10 Conference  
Myndee Larsen, The Summit League  
Patrick Lyons, Iona College  
Erin McDermott, Princeton University  
Jane Miller, University of Virginia  
Marilyn Moniz-Kaho'ohanohano, University of  
Hawaii, Manoa  
Bruce Rasmussen, Creighton University  
Nance Reed, Towson University  
Mack Rhoades, University of Akron  
Judy Rose, University of North Carolina, Charlotte

Jeff Schemmel, San Diego State University  
Jim Schmidt, University of Illinois, Chicago  
Duer M. Sharp, Southwestern Athletic Conference  
Rosemary A. Shea, College of Holy Cross  
Paula Smith, University of California, Irvine  
Jeffrey Stapleton, Monmouth University  
Mike Thomas, University of Cincinnati  
Keith Tribble, University of Central Florida  
Bradley K. Walker, Ohio Valley Conference  
Larry Williams, University of Portland  
David Berst, NCAA  
Wayne Burrow, NCAA  
Joni Comstock, NCAA  
Megan Coyne, NCAA Intern  
Beth DeBauche, NCAA  
Brad Hostetter, NCAA  
Greg Johnson, NCAA  
Carol Reep, NCAA  
Dave Schnase, NCAA

Rick Villarreal, University of North Texas; and Danielle Neault, student-athlete representative from the University of the Pacific were not able to attend. No alternates attended in their places.

## **REPORT OF THE NCAA DIVISION I CHAMPIONSHIPS/SPORTS MANAGEMENT CABINET**

The NCAA Division I Championships/Sports Management Cabinet submits this report from its September 16-17, 2008, in-person meeting in Indianapolis, Indiana.

### **ACTION ITEMS.**

#### **1. Legislative Items.**

##### **a. Definition of Men's Basketball Prospective Student-Athlete.**

- (1) Recommendation. The Championships/Sports Management Cabinet recommends that the NCAA Division I Legislative Council sponsor noncontroversial or emergency legislation to amend NCAA Bylaws 13.02.11 and 13.11.1.1 to specify that in the sport of men's basketball, for purposes of applying recruiting regulations, an individual becomes a prospective student-athlete when the individual begins classes for grade seven. (NCAA Division I Men's Basketball Issues Committee)
- (2) Effective Date. Immediate.
- (3) Rationale. Current legislation prohibits Division I basketball coaches or a noncoaching staff member with responsibilities specific to basketball from being employed at other institutional camps or clinics or at noninstitutional privately owned camps or clinics. The prohibition though applies only to those camps or clinics in which prospective age participants (grade nine and above) will be involved. Further, current legislation governing institutional sports camps or clinics that requires such camps or clinics to be open to any or all entrants does not apply to camps or clinics conducted only for nonprospective age participants. Noninstitutional camp operators have now begun to conduct camps or clinics for elite grades seven and eight and are employing Division I basketball coaches in such camps or clinics. Coaches feel some pressure to accept employment opportunities as many of the operators also have ties to nonscholastic teams that include prospective age participants. This only increases the nonscholastic influence in youth basketball, creates potential recruiting advantages for those coaches who are employed at these camps or clinics and encourages the practice of early verbal offers and commitments that in the long run can be detrimental to the well-being of both the youth and the collegiate institutions. In addition, there is some

evidence Division I coaches also are conducting elite camps for grades seven and eight using this unfettered access to further their own recruiting interests, which runs counter to the altruistic motives of protecting these youth from those who want to further their own self interest. This proposal to modify the definition of a prospective student-athlete will help address such concerns and further the creation of a healthier environment for the recruitment of men's basketball prospective student-athletes.

- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

**2. Nonlegislative Items.**

- None.

**BUDGET INFORMATIONAL ITEMS.**

- **NCAA Championships Travel Strategic Review.**

The Championships/Sports Management Cabinet received a presentation from NCAA staff related to championships travel. It was noted that travel costs in Division I have increased 31 percent (approximately \$7 million) from the last academic year and in the past three years, expenses have increased almost 58 percent (approximately \$11.7 million). The NCAA is projecting for next year an increase of \$6 to \$7 million in Division I travel expenses. In addition to the increased costs, it is likely that airline capacity will decrease significantly which will impact the NCAA's ability to transport teams and individual student-athletes to their championship destinations in a timely and efficient manner.

In light of these challenges, the NCAA Executive Committee Finance Committee approved a review of travel-related issues and requested that the Championships/Sports Management Cabinet provide an initial report of any recommendations related to championships travel management for the October 30 NCAA Division I Board of Directors and the NCAA Executive Committee meetings.

During its meeting, the Championships/Sports Management Cabinet was presented with, reviewed and discussed three tiers of recommendations geared toward mitigating the travel challenges. The first tier of recommendations did not require Championships/Sports Management Cabinet approval and will be implemented immediately by the NCAA staff. Listed below are the initiatives included in the first tier.

- a. Championships manager and sport committees will consider revising selection times or contest dates to allow a minimum of 48 hours between selection release and the time a team has to depart for a competition site and between rounds of a championship.
- b. Championships manager and sport committees will consider the timing of scheduling teams for their initial practice sessions at the championships site to help make the most cost-effective travel arrangements.
- c. Championships manager and sport committees will attempt to avoid obvious capacity conflicts in air travel (e.g., common spring break destinations mid-March through mid-April and high cost cities with minimal capacity).
- d. NCAA travel policy will be amended to specify that the NCAA shall reimburse for incremental commercial airline baggage charges for a maximum of two bags per traveler, including bags containing sports equipment.
- e. The travel policy will be amended to specify that when reasonable bulk shipping options for sports equipment are available, the NCAA shall reimburse the lesser of the bulk ship amount or the incremental cost by an airline or charter transporting the travel party (prior to implementing this policy, the NCAA will explore options for bulk shipping). This plan contemplates truck transport by institutional personnel or agent.
- f. Sport committees will implement the use of travel management software (NCAA proprietary software currently developed) as a tool for committees to use in determining brackets and preliminary match-ups. The information gained by using the software will be one consideration and will not be the sole or the primary driver in the bracketing process.
- g. NCAA staff will continue to work with commercial airlines and charter companies to enhance or expand current discounts.

The Championships/Sports Management Cabinet approved the single recommendation in the second tier for fall sports. This recommendation for all fall championships increases the travel policy mileage limitation threshold from 350 to 400 miles and increases the policy regarding ground commute from the nearest airport to the championships site from 120 to 150 miles and gives the NCAA travel staff the discretion to increase the mileage (minimally) if necessary and reasonable. The Championships/Sports Management Cabinet agreed that a sound business case exists for increasing the mileage limitation thresholds (excluding Division I basketball which is covered by a separate recommendation below), approved implementation for fall championships



due to their immanency, and agreed to consider implementing the change for winter and spring championships in the context of the tier-three review.

The Championships/Sports Management Cabinet received a summary of tier-three recommendations (set forth below) and agreed that additional discussion by the membership would be appropriate.

- a. Increase the travel policy mileage-limitation threshold from 350 to 400 miles for all winter and spring sports (excluding Division I men's and women's basketball – see Item b below) and increase the policy regarding ground commute from the nearest airport to the championship site from 120 to 150 miles and provide the travel staff the discretion to increase the mileage (minimally) if necessary and reasonable.
- b. Increase the travel policy mileage-limitation threshold from 300 to 350 miles for Division I men's and women's basketball and increase the policy regarding ground commute from the nearest airport to the championship site from 120 to 150 miles and provide the travel staff the discretion to increase the mileage (minimally) if necessary and reasonable.
- c. Limit the number of seeded teams to 25 percent of the bracket and require all sports excluding Division I men's and women's basketball, regardless of a sport's ability to generate revenue, to adhere to the Championships/Sports Management Cabinet's seeding/pairing principles, which include a requirement that teams should be placed in brackets per Bylaw 31.1.3.2.5 (geographically).
- d. Specify that in sports other than Division I men's and women's basketball, when establishing a bracket, sport committees can avoid conference match-ups only in the first contest. As a result, it would be permissible for teams from the same conference to play against each other in the second game of a regional.
- e. Establish a policy that discourages or limits the frequency of (but does not prohibit) conducting championship sites in high-cost destinations, on conducting championships remote from areas of heavy concentration of likely participants and hosting championships in locales outside the continental United States.
- f. Establish a policy in all sports, other than football, that would exclude championship travel or competition Wednesday through Sunday of Thanksgiving week. If competition on this weekend is necessary, the contest should be scheduled to avoid air travel or require air travel Thursday, Saturday or Sunday. Wednesday air transportation would not be permitted.

- g. Impose a moratorium on any new bracket through the 2012-13 championship cycle.

It was agreed that Championships/Sports Management Cabinet members would solicit feedback from their institutions and conferences and provide the feedback to NCAA staff not later than November 3, 2008. In addition, NCAA staff was charged with soliciting impact statements related to each of the recommendations from sport committees and coaches associations. Finally, it was agreed that all feedback would be reviewed by the Championships/Sports Management Cabinet (or its NCAA Division I Championships/Sports Management Cabinet Administrative Committee) on a conference call in mid to late November 2008.

### **INFORMATIONAL ITEMS.**

#### **1. Legislative Informational Items.**

- a. **NCAA Proposal No. 2008-30 Recruiting – Sports Camps and Clinics – Employment at Camp or Clinic – High School, Preparatory-School Two-Year College Coaches or other Individuals Involved with Prospective Student-Athletes – Employment as Speaker – Men's Basketball.**

The Championships/Sports Management Cabinet agreed to modify the effective date of Proposal No. 2008-30 from August 1 to immediate, which would specify that it is not permissible to employ any speaker at a Division I institution men's basketball camp who is involved in coaching prospective student-athletes or associated with prospective student-athletes as result of the prospective student-athletes participation in basketball; further, the Championships/Sports Management Cabinet agreed that the proposal would be modified to include women's basketball. (Men's Issues Committee and the NCAA Division I Women's Basketball Issues Committee)

The Championships/Sports Management Cabinet noted institutional camps/clinics are conducted during the months of June, July or August and an immediate effective date will ensure that the legislation is applied consistently throughout the entire summer. In addition, the issues identified in this proposal exist in women's basketball as well as men's. Therefore, the Championships/Sports Management Cabinet recommends that women's basketball be included in this proposal. In supporting the proposal, the Championships/Sports Management Cabinet noted that at some point, consideration should be given to whether the proposal should be expanded to include all camp employees in an effort to further address the problem this proposal seeks to address. Further, it was noted that the Women's Basketball Issues Committee supports the inclusion of women's basketball.

**b. Institutional Camps and Clinics.**

The Championships/Sports Management Cabinet agreed to sponsor legislation to be considered in the 2009-10 legislative cycle to amend Bylaw 13.12.1.1.3 to specify that institutional camps and clinics shall be conducted either on the institution's campus or within a 100-mile radius of the institution's campus. (Men's Basketball Issues Committee)

The trend of hosting institutional camps or clinics in different regions of the country is an unwanted development in the men's basketball recruiting culture. Camps or clinics should not be hosted for recruiting purposes. Remote camps or clinics come at a great expense to institutional and personal resources. This proposal limits the location of institutional camps and clinics to campus or a reasonable distance from campus.

**c. Proposal No. 2008-49 Playing And Practice Seasons – Men's Basketball – First Contest – Exceptions – Informal Practice Scrimmages – No Missed Class Time.**

The Championships/Sports Management Cabinet agreed to modify Proposal No. 2008-49, which the former NCAA Division I Championships/Competition Cabinet sponsored, to also include women's basketball. (Women's Basketball Issues Committee)

Proposal No. 2008-49, as currently presented, specifies that in men's basketball, no class time shall be missed in conjunction with an informal practice scrimmage, including activities associated with such scrimmages (e.g., travel, pregame and postgame activities). While it appears the issue of missed class time associated with informal practice scrimmages is more prevalent in men's basketball than in women's basketball, there have been some reported instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions and as a result, missed class. The original legislation was adopted with the intent that scrimmages would occur in close proximity to the institution and, therefore, the Championships/Sports Management Cabinet believes women's basketball would benefit from being included in this legislation.

**d. Proposal No. 2008-69 Administrative Regulations – Summer Basketball Leagues and Certified Basketball Events – Additional Criteria – Approval of Event and League Operators – Men's Basketball.**

The Championships/Sports Management Cabinet agreed to modify Proposal No. 2008-69, which the former Championships/Competition Cabinet sponsored, to also include women's basketball for all certified events during the academic year and the summer. (Women's Basketball Issues Committee)

Proposal No. 2008-69, currently specifies that in men's basketball, that in order for a summer basketball league or a basketball event to be certified, the event or league operator or manager must be approved in accordance with guidelines established by the NCAA basketball certification staff. Recently, there have been situations involving event operators who have engaged in questionable activities, yet these operators were still able to operate a certified event. If background checks had been required of the event operators, these type of questionable activities potentially could have been avoided. The concerns this proposal seeks to address are the same regardless whether it is men's or women's basketball. Therefore, for the well-being of the game and the participants at the certified events, the Championships/Sports Management Cabinet recommends expanding this proposal to include women's basketball. Additionally, the Championships/Sports Management Cabinet supports the Legislative Council's consideration of this proposal as noncontroversial legislation, but as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and, therefore, does not appear to be a significant impact on existing legislation or proposed legislation.

- e. **Comments on Proposals Currently in the 2008-09 Legislative Cycle.** The Championships/Sports Management Cabinet reviewed proposals assigned to it for review that will be considered by the Division I membership as part of the 2008-09 legislative cycle and offered the comments below. Proposals previously sponsored by the Championships/Sports Management Cabinet were provided for informational purposes.

- (1) Proposal No. 2008-9 – NCAA Membership and Championships and Postseason Football – Conditions and Obligations of Membership – Operating and Capital Financial Data Report. To specify that an institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis, as specified, as a condition and obligation of membership and in order to be eligible to enter a team or individual in NCAA championship competition.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet supported the proposal as drafted.

- (2) Proposal No. 2008-39 – Eligibility – Outside Competition, Effects on Eligibility – Exception – Conference All-Star Competition against U.S. National Team – Women's Ice Hockey. In women's ice hockey, to specify that a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal as drafted noting that it would support the proposal if modified to specify that the student-athlete must be academically eligible for intercollegiate competition at the time of the competition. If the sponsors do not support the suggested modification, the Championships/Sports Management Cabinet would support an alternative proposal that would be sponsored by the NCAA Division I Academic Cabinet that would include the suggested modification.

- (3) Proposal No. 2008-44 – Awards, Benefits and Expenses – Expenses Provided by the Institution for Practice and Competition – Departure/Return Expense Restrictions – Exceptions – Travel Following Championships Events and Postseason Football Games. To specify that travel following contests in NCAA championship events, national governing body championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms are exempt from the requirement that a student-athlete remain no longer than 36 hours following the conclusion of the competition in order to receive actual and necessary expenses to return to campus.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet agreed to request that the sponsors clarify whether the impact of the proposal is that the institution can only provide expenses related to the student-athlete's transportation back to campus. The Championships/Sports Management Cabinet agreed that it would support the proposal if that limitation was in place.

- (4) Proposal No. 2008-45 – Playing and Practice Seasons – General Regulations – Skill Instruction – Sports other than Football – Concurrent Sessions. In sports other than football, to specify that prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any one facility.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal noting potential challenges related to the availability of facilities.

- (5) Proposal No. 2008-46 – Playing and Practice Seasons – Baseball – Preseason Practice and First Contest – Championship Segment. In baseball, to specify that in the championship segment, an institution shall not commence practice sessions prior to the Friday that is three weeks prior to the first permissible contest date for the championship segment and shall not play its first contest (game or scrimmage) with outside competition prior to the Friday in February that is 14 weeks before the Friday immediately preceding Memorial Day.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal as written in favor of Proposal No. 2008-48.

- (6) Proposal No. 2008-47 – Playing and Practice Seasons – Baseball – Maximum Number of Contests – 52 During the Championship Segment and Four During the Nonchampionship Segment. In baseball, to specify that an institution shall limit its total playing schedule with outside competition during the institution's playing season to 52 contests (games and scrimmages) during the championship segment and four contests (games and scrimmages) during the nonchampionship segment.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal as written in favor of Proposal No. 2008-48.

- (7) Proposal No. 2008-48 – Playing and Practice Seasons – Baseball – Maximum Number of Contests – 52 during the Championship Segment. In baseball, to reduce the maximum number of contests from 56 to 52.

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

- (8) Proposal No. 2008-49 – Playing and Practice Seasons – Men's Basketball – First Contest – Exceptions – Informal Practice Scrimmages – No Missed Class Time. In men's basketball, to specify that no class time shall be missed in conjunction with an informal practice scrimmage, including activities associated with such scrimmages (e.g., travel, pregame and postgame activities).

**Championships/Sports Management Cabinet Comment:** Sponsored by the Championships/Sports Management Cabinet.

- (9) Proposal No. 2008-50 – Playing and Practice Seasons – Women's Basketball – First Contest Exceptions and Annual Exemptions – Foreign Team In U.S. and USA Basketball Club. In women's basketball, to eliminate the exception to the first contest date and the annual exemptions for exhibition contests against club members of USA Basketball and foreign teams in the United States.

**Championships/Sports Management Cabinet Comment:** The cabinet supported the proposal as drafted.

- (10) Proposal No. 2008-51 – Playing and Practice Seasons – Preseason Practice – Cross Country, Field Hockey, Women's Rugby, Soccer, Women's Volleyball and Men's Water Polo. In cross country, field hockey, women's rugby, soccer and men's water polo, to specify that an institution shall not commence practice sessions before 16 days prior to

the date on which the first permissible contest or date of competition may occur; further, in women's volleyball, to specify that an institution shall not commence practice sessions before 20 days prior to the date on which the first permissible contest may occur.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal as drafted noting that the proposal may lead to increased costs for the relevant sports.

- (11) Proposal No. 2008-52 – Playing and Practice Seasons – Football – Preseason Practice – Limit on Number of Participants – Replacement of Student-Athlete due to Injury or Illness. In Football, to specify that a student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal as drafted.

- (12) Proposal No. 2008-53 – Playing and Practice Seasons – Golf – Maximum Contest Limitations – Determination of Date of Competition. In golf, to eliminate the provision by which an institution is considered to have used a date of competition if one or more student-athletes participate on behalf of the institution on a particular date.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal as drafted. The Championships/Sports Management Cabinet discussed supporting the proposal if the minimum number of student-athletes would be reduced from five to three.

- (13) Proposal No. 2008-54 – Playing and Practice Seasons – Golf – Annual Exemptions – Hawaii or Alaska. In golf, to specify that any dates of competition in Hawaii or Alaska either against or under the sponsorship of an active Division I member located in Hawaii or Alaska, by a member located outside the area in question are exempt from the maximum number of dates of competition.



**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet supported the proposal as drafted.

- (14) Proposal No. 2008-55 – Playing and Practice Seasons – Women's Soccer – First Contest or Date of Competition – 12-Week Season. In women's soccer, to specify that an institution shall not play its first contest or engage in its first date of competition (game) with outside competition prior to the 12th weekend prior to the start of the women's soccer championship.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet supported the proposal as drafted.

- (15) Proposal No. 2008-56 – Playing and Practice Seasons – Tennis – Maximum Number of Dates of Competition – Individual Singles or Doubles Tournament Limitations – Number of Participants. To increase from three to four the number of student-athletes who may participate in an individual singles or doubles tournament without counting the event as one of the institution's dates of competition.

**Championships/Sports Management Cabinet Comment:** Sponsored by the Championships/Sports Management Cabinet.

- (16) Proposal No. 2008-57 – Playing and Practice Seasons – Track and Field – Safety Exception – Hurdles and Steeplechase. To specify that a coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in jumping hurdles or the jumping element of the steeplechase.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet took no position on the proposal.

- (17) Proposal No. 2008-58 – Championships and Postseason Football – Criteria for Establishment or Continuation of Championships – Minimum Sponsorship for Championships – Women's Sports. To specify that a National Collegiate Championship or a division championship may be established in a women's sport if at least 40 institutions sponsor the sport.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet took no position on the proposal.

- (18) Proposal No. 2008-59 – Division Membership – Definitions and Applications – Emerging Sports for Women – Archery, Badminton, Synchronized Swimming, Team Handball and Sand Volleyball. To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet opposed the proposal expressing concern about the uncertainty surrounding proposed regulations for playing and practice seasons and financial aid. The Championships/Sports Management Cabinet would be interested in further discussion when additional detail regarding sand volleyball is developed.

- (19) Proposal No. 2008-61 – Committees – Division I Cabinets and Committees – NCAA Division I Women's Soccer Committee – Composition – Regions. To specify that the composition of the NCAA Division I Women's Soccer Committee shall include one member from each of the eight Division I women's soccer regions and two members selected at large.

**Championships/Sports Management Cabinet Comment:** Sponsored by the Championships/Sports Management Cabinet.

- (20) Proposal No. 2008-64 – Division Membership – Membership Requirements – Football Bowl Subdivision Requirements – Waivers. To specify that the members of the NCAA Division I Administration Cabinet representing NCAA Division I Football Bowl Subdivision (FBS) conferences, by a two-thirds majority of those members present and voting, may grant waivers of the FBS membership requirements.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet took no position on the proposal.

- (21) Proposal No. 2008-65 – Administrative Regulations – Foreign Tours and Competition – Timing of Tour – Prohibition During Academic Year Labor Day Vacation Period. To specify that an institution shall not participate in a foreign tour that occurs in conjunction with a Labor Day academic year vacation period.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet supported the proposal as drafted.

- (22) Proposal No. 2008-70 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Automatic Qualification – Additional Requirements, Sports other than Men's Basketball – Multisport Conference – Definition of Core Institution. In sports other than men's basketball, to specify that for the purposes of multisport conference eligibility for automatic qualification in a particular sport, a core institution is an institution that has been an active member of Division I during the eight preceding years or an institution that has sponsored the sport at the Division I level the eight preceding years.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet took no position on the proposal.

- (23) Proposal No. 2008-71 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Automatic Qualification – Additional Requirements, Sports other than Men's Basketball – Multisport Conference – Exception – Member that has Sponsored the Sport at the Division I Level the Eight Preceding Years. In sports other than men's basketball, to specify that a multisport conference that falls below six core members may be considered for automatic qualification in that sport, provided the conference adds an institution to its membership (for a total of at least six members) that has sponsored the sport for the preceding eight years at the Division I level and at least six institutions (including the added institution) have conducted conference competition together at the Division I level in the sport the preceding two years.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet supported the proposal as drafted.

- (24) Proposal No. 2008-72 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Automatic Qualification – Additional Requirements, Sports other than Men's Basketball – Multisport Conference – Exception – Sports Sponsorship. In sports other than men's basketball, to specify that a multisport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided at least six institutions have conducted conference competition together at the Division I level for the preceding two years and the sport is sponsored by less than 65 percent of the Division I membership.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet took no position on the proposal.

- (25) Proposal No. 2008-73 – Executive Regulations – National Statistics Program. To specify that the Championships/Sports Management Cabinet shall oversee the national statistics program and approve its policies and procedures; further, to specify that the policies and procedures shall be published on the NCAA Web site.

**Championships/Sports Management Cabinet Comment:** Sponsored by the Championships/Sports Management Cabinet.

- (26) Proposal No. 2008-74 – Playing and Practice Seasons – Baseball – First Contest – Championship Segment – Alumni Contest. In baseball, to permit a single alumni contest to be conducted the weekend prior to the first permissible contest date of the championship segment.

**Championships/Sports Management Cabinet Comment:** The Championships/Sports Management Cabinet took no position on the proposal.

## 2. Nonlegislative Informational Items.

- a. **Championships/Sports Management Cabinet Member Orientation.** Championships/Sports Management Cabinet members participated in an orientation program during which the Championships/Sports Management Cabinet received a summary of the new governance structure, reviewed its responsibilities in the new structure, reviewed the legislative process, heard presentations from the previous chairs of the former Championships/Competition

Cabinet subcommittees and received presentations from the NCAA statistics staff and staff liaisons to the following committees: NCAA Competitive Safeguards and Medical Aspects of Sports, NCAA Olympic Sports Liaison and the NCAA Playing Rules Oversight Panel.

- b. Approval of Report from June 24-25, 2008, Championships/Competition Cabinet Meeting.** The report from the former Championships/Competition Cabinet's June 24-25, 2008, in-person meeting was approved as previously distributed.
- c. Reports from most recent Board, NCAA Division I Leadership Council and Legislative Council meetings.** The Championships/Sports Management Cabinet received informational reports from the NCAA staff regarding a variety of topics and learned that the Board has identified four primary issues as being appropriate for Leadership Council examination over the course of the next year, and that the Leadership Council, with the help of the Championships/Sports Management Cabinets, will be asked to develop suggested recommendations. The four assignments given to the Leadership Council are:

  - (1) To recommend initiatives that will enhance the level of diversity in the Division I governance structure.
  - (2) To assess the impact of this membership migration and develop reasonable philosophical expectations and legislative requirements that should be adhered to by all institutions desiring to transition to or remain in Division I.
  - (3) Following review by the Board, to offer recommendations concerning the report of the Task Force on Commercial Activity in Intercollegiate Athletics.
  - (4) To discuss appropriate strategies to consider certain Division I amateurism issues and manage consideration of these issues.
- d. Report of the Administrative Committee.** The Administrative Committee considered an institution's appeal of a misconduct penalty as imposed by the NCAA Division I Men's Baseball Committee. After hearing testimony from the institution and the baseball committee, the Administrative Committee upheld the penalty of a public reprimand.

- e. **NCAA President's Report.** President Brand discussed a number of topics important to the membership in general and the Championships/Sports Management Cabinet in particular including the NCAA's strategic plan, three to five year controlling goals, financial pressures and trends in college athletics, challenges related to championships travel and the status of the NCAA's media rights agreements.
- f. **Championships/Sports Management Cabinet Policies and Procedures.** The Championships/Sports Management Cabinet discussed the value of using a set of policies and procedures and reviewed a draft document containing many of the policies and procedures used by the former Championships/Competition Cabinet. The Championships/Sports Management Cabinet agreed to use the draft document as its policies and procedures and continue to review and modify the policies and procedures as appropriate.
- g. **Reports of Sports and Sport Issues Committees.**
  - (1) Men's Baseball. The Championships/Sports Management Cabinet received an informational report from the Baseball Committee noting that the television ratings for the 2008 Men's College World Series (MCWS) were the highest ever and overall attendance reached an all-time high; although, the per game average was slightly down. In addition, it was reported that work continues on the design of a new stadium for the MCWS scheduled to open in Omaha, Nebraska in 2011.
  - (2) NCAA Women's Bowling Committee.
    - (a) **Selection Procedure.** The Championships/Sports Management Cabinet approved a recommendation that the Women's Bowling Committee be permitted to consider lane maintenance violations per Rule 1.1.3.3 of the NCAA Women's Bowling Rules when evaluating regular-season match results in the selections process.
    - (b) **Selection Criteria.** The Championships/Sports Management Cabinet approved a recommendation that the Quality of Wins Index (QWI) used in the selections process be adjusted as follows:
      - Win versus a team at or above .750 – 16 points
      - Win versus a team at or above .500, but below .750 – 12 points
      - Win versus a team at or above .333, but below .500 – 8 points
      - Win versus a team below .333 – **6 points (change from 4 points)**

Loss versus a team at or above .750 – **8 points (change from 10 points)**

Loss versus a team at or above .500, but below .750 – 6 points

Loss versus a team at or above .333, but below .500 – 2 points

Loss versus a team below .333 – 0 points

(3) NCAA Men's and Women's Fencing Committee.

(a) Awards. The Championships/Sports Management Cabinet approved a recommendation that the third place bout be eliminated from championship competition and the third and fourth place awards be eliminated and replaced with two semifinalist awards. A total of four awards will continue to be awarded (i.e., one for first, one for second and a semifinalist award for third and fourth).

(b) Selection Formula. The Championships/Sports Management Cabinet approved a recommendation that the Individual Strength Factor be adjusted to take into account the best 50 percent of all victories up to 32. If the number of victories exceeds 32, only the 16 best victories will be taken into account.

(4) NCAA Division I Men's Golf.

(a) Regional Selections. The Championships/Sports Management Cabinet did not approve a recommendation from the Men's Golf Committee that a host institution must be ranked in the top 30 or outside the top 100 in order to stay at home and play in the regional they are hosting. It was noted that the coaches did not support the recommendation and the recommendation may have the unintended consequence of discouraging hosts to bid.

(b) Date Formula. The Championships/Sports Management Cabinet approved a recommendation that the date formula for the Men's Golf Championship be adjusted to start the championship on the Monday of Memorial Day and finish on the following Sunday, effective with the 2010 championships.

(5) NCAA Division I Women's Golf Committee. The Championships/Sports Management Cabinet approved a recommendation that the Big West Conference be granted an exception to the six "core member" requirement to receive automatic qualification for its 2009 conference champion.

- (6) NCAA Men's Gymnastics Committee. The Championships/Sports Management Cabinet approved a recommendation that the seeding to determine team starting positions for the championship (Friday session), be based on the scores from the National Qualifier session (Thursday) as opposed to using teams' national qualifying average from the regular season.
- (7) NCAA Women's Gymnastics Committee. The Championships/Sports Management Cabinet approved a recommendation that the six predetermined regional sites be selected irrespective of region, effective with the 2011 women's gymnastics regionals.
- (8) Division I Men's Ice Hockey. The Championships/Sports Management Cabinet approved a recommendation that to be considered during the at-large selection process, a team must have an overall won-lost record of .500 or above.
- (9) NCAA Division I Men's Lacrosse Committee.
  - (a) Minimum Guarantee. The Championships/Sports Management Cabinet approved a recommendation that to host the Division I Men's Lacrosse first round and quarterfinals competition host institutions must provide a minimum guarantee of \$2,500 and \$15,000 respectively. The first round would be conducted on the campuses of participating institutions and would not be predetermined. The quarterfinals are predetermined sites.
  - (b) Selection criteria. The Championships/Sports Management Cabinet approved a recommendation that the at-large selection criteria be revised, effective 2009. [Attachment A]
- (10) NCAA Division I Women's Lacrosse Committee.
  - (a) Automatic Qualification and Play-In Games. See the information in the section below related to automatic qualification on Page No. 30.
  - (b) Selection Criteria - Primary. The Championships/Sports Management Cabinet approved a recommendation that the current primary criterion "wins against common opponents" be changed to "winning percentage versus common opponents."



- (c) Selection Criteria - Secondary. The Championships/Sports Management Cabinet approved a recommendation that the late-season performance criterion be defined as the last six games on an institution's schedule. Evaluation will include strength of schedule and winning percentage.
  - (d) Selection Date Formula. The Championships/Sports Management Cabinet approved a recommendation that the selection date be changed from Monday to Sunday prior to first-round competition.
  - (e) Video Exchange Policy. The Championships/Sports Management Cabinet approved a recommendation that a video exchange policy be implemented that requires institutions to provide video of their most recent game to opponents for all rounds of the championship.
- (11) NCAA Division I Women's Rowing Committee. The Championships/Sports Management Cabinet reviewed the request of the Women's Rowing Committee to provide feedback regarding the addition of the automatic qualification process for the sport of rowing. It was noted that starting in 2009, women's rowing will move from an individual/team championship to classification as a team championship. The history of team championships indicates that the automatic qualification process is a natural progression for team sports. Although the Championships/Sports Management Cabinet understands the Women's Rowing Committee's desire to explore implementation of the automatic qualification process for rowing, the Championships/Sports Management Cabinet recommended that it would be best for the Championships/Sports Management Cabinet to delay these discussions until there were more conferences eligible for automatic qualification. In light of this recommendation, the Championships/Sports Management Cabinet did not discuss the various models of granting access to eligible conferences.
- (12) NCAA Men's and Women's Skiing Committee.
- (a) Selection Criteria – East Region. The Championships/Sports Management Cabinet approved a recommendation that the following replace current qualifying criteria for East Region Nordic student-athletes:  
  
"NCAA Nordic selections will be made by scoring the total of the best two results from classical races and the best two results from

freestyle races using the NCAA Qualification Ranking lists. If there is a tie in points after combining the possible four results then the best race will be used to break the tie; this will continue until the tie is broken. Ties between non-Eastern Intercollegiate Ski Association (EISA) and EISA skiers in the events lists will go to the non-EISA skier. An automatic slot will be awarded to any skier named to the World Junior Team that achieves a top-30 finish in a nonsprint race."

- (b) Selection Criteria – West Region. The Championships/Sports Management Cabinet approved a recommendation that the following be included for West Region Alpine qualifying criteria:

"The official point's base is 50 for all races regardless of the actual number entered or finished. The race winner receives 50 points and each racer that follows receives one less point down to 50th place; and in case of ties for place, both skiers earn the points for that place."

- (c) Championship Scoring – Weighted Results. The Championships/Sports Management Cabinet approved a recommendation that a weighted scoring system be adopted for use at the championships. The system will have a 50-point base regardless of the number of starters.

- (13) NCAA Division I Men's and Women's Swimming and Diving Committee. It was reported that the moratorium concerning the use of new swimsuit technology was lifted, effective immediately.

- (14) NCAA Division I Men's and Women's Tennis Committee.

- (a) America East Conference Waiver. The Championships/Sports Management Cabinet approved a recommendation that the America East Conference be granted a waiver per Bylaw 31.3.4.6-(c) for an exception to the six "core member" automatic qualification requirement for the 2009 Division I Men's Tennis Championships.
- (b) Big West Conference Waiver. The Championships/Sports Management Cabinet approved a recommendation that the Big West Conference be granted a waiver per Bylaw 31.3.4.6-(c) for an

exception to the six "core member" automatic qualification requirement for the 2009 Division I Men's Tennis Championships.

- (c) Selection Criteria. The Championships/Sports Management Cabinet approved a recommendation that the primary criteria for including "wins versus teams (or individuals) already selected at time of consideration" be modified as follows effective with the 2009 championships: (1) Wins versus the top 50 teams in the Intercollegiate Tennis Association (ITA) rankings; (2) Wins versus the top 60 singles players in the ITA rankings for eligible/entered singles players; and (3) Wins versus the top 30 doubles teams in the ITA rankings for entered/ eligible doubles teams.
  - (d) Selection Procedure. The Championships/Sports Management Cabinet approved a recommendation that a student-athlete who is ranked in the ITA Top 60 for entered/eligible doubles teams with two different partners would have the ability to be selected in the doubles draw with the other partner as an alternate, effective with the 2009 championships.
- (15) NCAA Division I Men's and Women's Track and Field Committee. The Championships/Sports Management Cabinet discussed a recommendation from the Men's and Women's Track and Field Committee that the current regional qualifying system be replaced with either a two- or three-site regional qualifying format first round of the national championships, effective with the 2010 championships. After thoroughly reviewing the elements and rationale of each proposal along with feedback from the Men's and Women's Track and Field Committee and the US Track and Field and Cross Country Coaches Association (USTFCCCA), the Championships/Sports Management Cabinet approved the two-site, three- day format. The Championships/Sports Management Cabinet commended the Men's and Women's Track and Field Committee, the former NCAA Division I Championships/Competition Cabinet's Bracket/Format Subcommittee, the study group comprised of members of the NCAA Division I Men's and the Division I Women's Track and Field Subcommittee and the USTFCCCA for working diligently to address concerns regarding the current regional format expressed by the Championships/Sports Management Cabinet and those in the track and field community. The primary concerns regarding the lack of competitive equity in the current regional system has been exacerbated by the inequity in the number of participants in each of the four regions and the Championships/Sports Management Cabinet believes the models

proposed by the Men's and Women's Track and Field Committee addressed those concerns. The Championships/Sports Management Cabinet recognized the challenge related to the size of the meet and potentially greater travel in the two-site model but placed a higher premium on competitive equity in approving the two-site model.

[Note: A motion to charge the Men's and Women's Track and Field Committee with analyzing the competitive and cost issues of the two-site model compared to a model without regionals was defeated.]

The qualifiers for the two-site format will include the top 48 declared student-athletes in each individual event at each site (East and West) as determined by a national descending order list of season-best performances. The event exception is the combined events (heptathlon and decathlon) which will be contested at the final site only. [Attachment B]

In addition, the top 24 declared relays in each relay event as determined by a national descending order list of season-best performances qualify per site for the first round of the championships.

Qualifiers to the national championships final site include 12 student-athletes in each individual event and eight teams in each relay event from each first round site. Twenty-four student-athletes in the combined events qualify to the final site of the national championships based on a national descending order list of season-best performances. Additional relays and combined events competitors may be added based on the NCAA cap on total competitors. The combined events will not be contested in the first round due to the physical demands of the competition, this is the practice in the current regional qualifying system.

- (16) NCAA Men's Volleyball Committee. The Championships/Sports Management Cabinet did not approve a recommendation to allow the Volleyball Committee to require that teams play a minimum of two out of region matches (not being the same opponent) to be considered for an at-large selection to the men's volleyball championship. The Championships/Sports Management Cabinet did support the Volleyball Committee using "scheduling" as a consideration in the selection process.
- (17) NCAA Women's Water Polo Committee. The Championships/Sports Management Cabinet approved a recommendation that effective with the

2009 championship, the selection criteria be modified to include both primary and secondary criteria. Automatic qualification will be provided to five eligible conferences and the remaining at-large teams will be selected to the championship by the following criteria (not necessarily in preferential order):

- (a) Primary criteria: (1) Won-lost record; (2) Strength-of-schedule; (3) Head-to-head competition; and (4) Results versus teams under consideration.
- (b) Secondary criteria: (1) Results versus common opponents; (2) Late season performance – defined as the last 10 games including conference tournaments (strength and results); (3) Rating Percentage Index (Factor One – 25 percent, Team's own winning percentage; Factor Two – 50 percent, Opponents' average winning percentage; and Factor Three – 25 percent, Opponents' opponents' average winning percentage); and (4) Eligibility and availability of student-athletes.

- (18) Division I Wrestling. The Championships/Sports Management Cabinet approved a recommendation that the Big 12 Conference be approved per Bylaw 31.3.4.6-(c) to be granted an exception to the six-team requirement to receive automatic qualification for their conference champions in each weight class to automatically qualify for the 2009 NCAA Division I Wrestling Championships.

- h. **Administrative Policies that have the Potential of Negatively Impacting a Student-athlete's Championship Eligibility.** The Championships/Sports Management Cabinet reviewed a summary of sports committee policies that have the potential of negatively impacting a student-athlete's championships eligibility. The former NCAA Division I Championships/Competition Cabinet's Administrative Committee dealt with several cases in which a sports committee ruled a student-athlete ineligible for a championship because of the negligence of a student-athlete's institution (e.g., failure to submit an appropriate entry form in a timely manner). The former Administrative Committee allowed the student-athlete to participate but expressed concern about how to best hold institutions accountable for their negligence and suggested that the new Championships/Sport Management Cabinet consider the issue. It was agreed that the NCAA staff will develop models that would treat individual sports consistently, hold student-athletes as harmless as possible and hold institutions accountable for their actions. The cabinet's Administrative Committee will review the models during its February 2009 championship.

- i. **Automatic qualification waivers.** The Championships/Sports Management Cabinet expressed concern over the apparent proliferation of waiver requests related to conference automatic qualification. The Championships/Sports Management Cabinet agreed to request that the Administration Cabinet provide the Championships/Sports Management Cabinet with feedback on its position related to waivers of Bylaws 31.3.4.4 and 31.3.4.6. In addition, the Championships/Sports Management Cabinet requested that sport committees review their positions on waivers of the aforementioned bylaws that historically have been approved on an annual basis or that are likely to be submitted in the future and provide the Championships/Sports Management Cabinet with feedback at its February 2009 meeting.
  
- j. **Committee Chair Appointments.** The Championships/Sports Management Cabinet took the following action related to committees:
  - (1) Men's Baseball Committee. The Men's Baseball Committee voted to appoint Tim Weiser, Deputy Commissioner from the Big 12 Conference, as the Men's Baseball Committee chair effective immediately.
  - (2) Men's and Women's Fencing Committee. The Men's and Women's Fencing Committee voted to appoint Zoltan Dudas, head fencing coach at Princeton University, as the Men's and Women's Fencing Committee chair effective September 1, 2008.
  - (3) Men's Golf Committee. The Men's Golf Committee voted Darin Spease, senior associate athletics director at the University of North Carolina, Charlotte, as the Men's Golf Committee chair effective September 1, 2008.
  - (4) Women's Gymnastics Committee. The Women's Gymnastics Committee voted Paul Plinske, director of athletics at the University of Wisconsin, Whitewater, as Women's Gymnastics Committee chair effective September 2008.
  - (5) Women's Lacrosse Committee. The Women's Lacrosse Committee voted Ryan Bamford, associate director of athletics at Yale University, as Women's Lacrosse Committee chair for the 2008-09 academic year.
  - (6) Men's and Women's Swimming and Diving Committee. The Men's and Women's Swimming and Diving Committee voted Tracy Huth, athletics director at Oakland University, as Men's and Women's Swimming and Diving Committee chair effective September 1, 2008.

- (7) Men's and Women's Tennis Committee. The Men's and Women's Tennis Committee voted Sybil Blalock, associate director of athletics at Mercer University, as Men's and Women's Tennis Committee chair effective September 1, 2008.
- (8) Men's Volleyball Committee. The Men's Volleyball Committee voted Brian Summers, assistant director of athletics at Lewis University, to replace Ron Shayka as the Men's Volleyball Committee chair effective September 1, 2008.
- (9) Women's Water Polo Committee. The Women's Water Polo Committees voted Brian Streeter, director of athletics at Pennsylvania State University Erie, the Behrend College, as the Women's Water Polo Committee chair effective September 1, 2008.

**k. Automatic Qualification.** The Championships/Sports Management Cabinet awarded automatic qualification as follows:

- (1) Baseball Committee. That the following 30 conferences receive automatic bids for their conference champion into the 2009 NCAA Division I Baseball Championship. The balance of the 64-team field will be selected at-large by the Baseball Committee: America East Conference, Atlantic 10 Conference, Atlantic Coast Conference, Atlantic Sun Conference, Big 12 Conference, Big East Conference, Big South Conference, Big Ten Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, Summit League, Sun Belt Conference, The Patriot League, West Coast Conference and the Western Athletic Conference.
- (2) Division I Men's Basketball. That the following 31 conferences receive automatic qualification for the 2009 championship: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Ivy Group,

Horizon League, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sun Belt Conference, West Coast Conference and Western Athletic Conference.

- (3) Men's Golf Committee. That the Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sun Belt Conference, West Coast Conference and Western Athletic Conference be granted automatic qualification for the 2009 championships.
- (4) Division I Women's Golf. That the following conferences receive automatic qualification for the 2009 NCAA Division I Women's Golf Championships: Atlantic Coast Conference, Atlantic Sun Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Ivy Group, Mid-American Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sun Belt Conference and Western Athletic Conference. [Note: The list above minus the Big West Conference was previously approved by the Championships/Sports Management Cabinet's Administrative Committee but is reproduced for informational purposes in light of the Championships/Sports Management Cabinet's action to grant the Big West Conference an exception.]
- (5) NCAA Division I Women's Basketball Committee. That the following 31 conferences are eligible for automatic qualification for the 2009 NCAA



Division I Women's Basketball Championship: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sunbelt Conference, West Coast Conference and Western Athletic Conference.

- (6) NCAA Division I Men's Ice Hockey Committee. That the following receive automatic qualification for the 2009 NCAA Division I Men's Ice Hockey Championship: Atlantic Hockey Association, Central Collegiate Hockey Association, College Hockey America, ECAC Hockey League, Hockey East Association and the Western Collegiate Hockey Association.
- (7) Men's Lacrosse Committee. That the following conferences receive automatic-qualification privileges for the 2009 Division I Men's Lacrosse Championship: America East Conference; Colonial Athletic Conference; Eastern College Athletic Conference; Western College Athletic Conference; Great Western Lacrosse League; Ivy Group; Metro Atlantic Athletic Conference and Patriot League.
- (8) Women's Lacrosse Committee. That the following conferences receive automatic qualification to the 2009 NCAA Division I Women's Lacrosse Championship: America East Conference, Atlantic Coast Conference, Atlantic 10 Conference, Big East Conference, Colonial Athletic Conference, Ivy Group, and Patriot League. [Note: The Championships/Sports Management Cabinet did not approve a recommendation from the Women's Lacrosse Committee that the American Lacrosse Conference be granted a waiver of the six-team requirement. In addition, the Metro Atlantic Conference will host the Northeast Conference in the 2009 play-in game based on the final conference rating Percentage Index for the 2008 season.]
- (9) NCAA Division I Softball Committee. That the following conferences receive automatic qualification privileges for the 2009 NCAA Division I Softball Championship: America East Conference, Atlantic Coast

Conference, Atlantic 10 Conference, Atlantic Sun Conference, Big East Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific Coast Softball Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, The Summit League, Sun Belt Conference and Western Athletic Conference.

- (10) Men's and Women's Tennis Committee. That the following 31 conferences sponsoring men's and women's tennis be awarded automatic qualification into the 2009 championships:

[Note: This action reflects action taken by the Championships/Sports Management Cabinet to grant the America East and Big West Conferences waivers of the six-team requirement in men's tennis.]

- (a) Men's Conferences: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, Summit League, Sun Belt Conference, West Coast Conference and Western Athletic Conference.
- (b) Women's Conferences: America East Conference, Atlantic Coast Conference, Atlantic Sun Conference, Atlantic 10 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big 12 Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley

Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, Summit League, Sun Belt Conference, West Coast Conference and Western Athletic Conference.

- (11) Men's and Women's Track and Field Committee. That the following conferences receive automatic qualification for their individual event champions into their respective outdoor track and field regional championship meets:

- (a) Men's Track and Field (30 conferences: America East Conference, Atlantic 10 Conference, Atlantic Coast Conference, Atlantic Sun Conference, Big 12 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, Summit League, Sun Belt Conference, Western Athletic Conference.
- (b) Women's Track and Field (30 conferences): America East Conference, Atlantic 10 Conference, Atlantic Coast Conference, Atlantic Sun Conference, Big 12 Conference, Big East Conference, Big Sky Conference, Big South Conference, Big Ten Conference, Big West Conference, Colonial Athletic Association, Conference USA, Horizon League, Ivy Group, Metro Atlantic Athletic Conference, Mid-American Conference, Mid-Eastern Athletic Conference, Missouri Valley Conference, Mountain West Conference, Northeast Conference, Ohio Valley Conference, Pacific-10 Conference, Patriot League, Southeastern Conference, Southern Conference, Southland Conference, Southwestern Athletic Conference, Summit League, Sun Belt Conference, Western Athletic Conference.

- (12) Men's Volleyball Committee. That the Eastern Intercollegiate Volleyball Association, Midwestern Intercollegiate Volleyball Association and the Mountain Pacific Sports Federation are granted automatic qualification to the 2009 championships.
- (13) NCAA Women's Water Polo Committee. That the following conferences receive automatic qualification for the 2009 National Collegiate Women's Water Polo Championship: Collegiate Water Polo Association, Metro Atlantic Athletic Conference, Mountain Pacific Sports Federation, Southern California Intercollegiate Athletic Conference and the Western Water Polo Association.

*Committee Chair: Jeff Schemmel, San Diego State University*

*Staff Liaisons: R. Wayne Burrow, Championships*

*Joni Comstock, Championships*

*Carol A. Reep, Championships*

*David W. Schnase, Membership Services*

**NCAA DIVISION I MEN'S LACROSSE  
SELECTION CRITERIA**

**Selection Requirements.** To be considered during the at-large selection process, a team must have an overall won-lost record of .500 or better against Division I opponents. Division I teams must play at least 10 games against Division I opponents.

*Bylaw 31.3.3.1 - Countable Competition.* For NCAA team-championship selection purposes, competition is countable only when the teams played are varsity intercollegiate teams of four-year, degree-granting institutions that conduct a majority of their competition in that team sport against varsity intercollegiate teams (see Constitution 3.2.4.5) of United States four-year, degree-granting institutions. Competition against service teams, professional teams, semiprofessional teams, amateur teams, two-year colleges and club teams shall be excluded.

**Selection Criteria.** The men's lacrosse committee will select and seed teams based on the criteria listed in Bylaw 31.3.3

- won-lost record
- strength of schedule
- eligibility and availability of student-athletes.

When evaluating teams' won-lost records and strength of schedule, the committee will have received approval from the NCAA Division I Championships/Competition Cabinet to use the Rating Percentage Index (RPI) as compiled by the NCAA (25% the institution's winning percentage; 50% opponents' success; 25% opponents' strength of schedule). The lacrosse committee will review the following primary factors in selecting at-large teams for the field (not in priority order):

**Primary Criteria**

- Strength of schedule [based on a team's 10 highest-rated contests; (2 games against the same opponent will count as 2 contests)]
- Results of the RPI
  - record against ranked teams 1-5; 6-10, 11-20; 21+;
  - average RPI win (average RPI of all wins)
  - average RPI loss. (average RPI of all losses)
- Head-to-head competition.
- Results versus common opponents.
- Significant wins and losses. (wins against teams ranked higher in the RPI and losses against teams ranked lower in the RPI)
- Locations of contests.

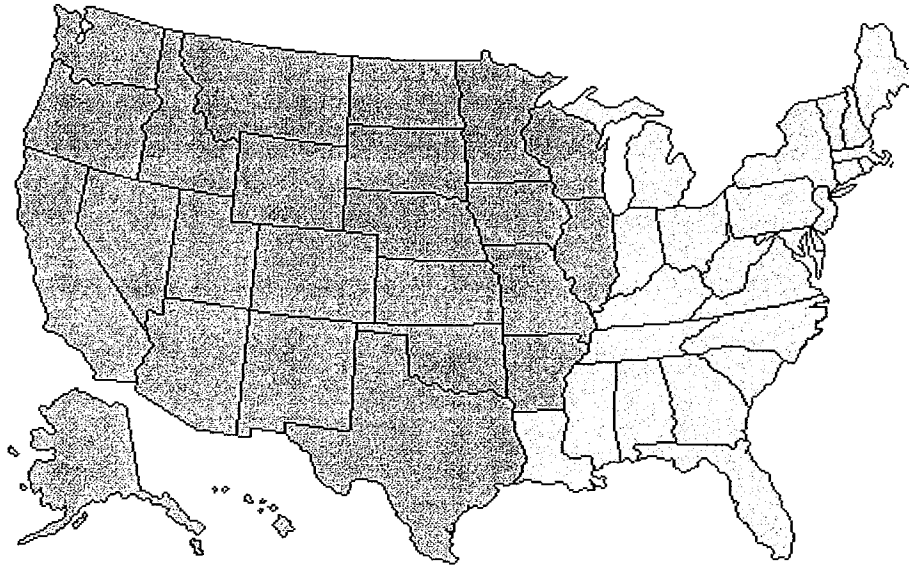
Additionally, input is provided by regional advisory committees for consideration by the Division I Men's Lacrosse committee. Coaches' polls and/or any other outside polls or rankings are not used as a selection criterion by the committee for selection purposes.

The top eight teams will be seeded and separated in the bracket remaining eight teams will be placed geographically. In making bracket assignments, the closest geographical consideration will be used as well as the ability to separate conference opponents during first round competition.

**2008 NCAA Division I Men's and Women's Outdoor Track and Field  
Regional Alignment- Two Site Plan**

**WEST**

**EAST**



<b>West (107)</b>	<b>East (195)</b>
Alcorn State University	Alabama A&M University
Arizona State University	Alabama State University
Arkansas State University	American University
Baylor University	Appalachian State University
Boise State University	Auburn University
Bradley University	Austin Peay State University
Brigham Young University	Ball State University
California Polytechnic State University	Belmont University
California State University, Fresno	Bethune-Cookman University
California State University, Fullerton	Boston College
California State University, Northridge	Boston University
California State University, Sacramento	Bowling Green State University
Chicago State University	Brown University
Colorado State University	Bucknell University
DePaul University	Butler University
Drake University	Campbell University
Eastern Illinois University	Central Connecticut State University
Eastern Washington University	Central Michigan University
Gonzaga University	Charleston Southern University

Idaho State University	Clemson University
Illinois State University	Coastal Carolina University
Iowa State University	Colgate University
Lamar University	College of Charleston (South Carolina)
Long Beach State University	College of the Holy Cross
Loyola Marymount University	College of William and Mary
Loyola University (Illinois)	Columbia University-Barnard College
Marquette University	Coppin State University
Missouri State University	Cornell University
Montana State University-Bozeman	Dartmouth College
New Mexico State University	Davidson College
Northern Arizona University	Delaware State University
Northern Illinois University	Duke University
Oklahoma State University	Duquesne University
Oral Roberts University	East Carolina University
Oregon State University	East Tennessee State University
Pepperdine University	Eastern Kentucky University
Portland State University	Eastern Michigan University
Rice University	Elon University
Saint Louis University	Fairleigh Dickinson University, Metropolitan
Sam Houston State University	Florida A&M University
San Diego State University	Florida Atlantic University
Santa Clara University	Florida International University
Southeast Missouri State University	Florida State University
Southern Illinois University at Carbondale	Fordham University
Southern Methodist University	Furman University
Southern Utah University	Gardner-Webb University
Stanford University	George Mason University
Stephen F. Austin State University	Georgetown University
Texas A&M University, College Station	Georgia Institute of Technology
Texas A&M University-Corpus Christi	Georgia Southern University
Texas Christian University	Georgia State University
Texas Southern University	Grambling State University
Texas State University-San Marcos	Hampton University
Texas Tech University	Harvard University
U.S. Air Force Academy	High Point University

University of Arizona	Howard University
University of Arkansas, Fayetteville	Indiana State University
University of Arkansas, Little Rock	Indiana University, Bloomington
University of Arkansas, Pine Bluff	Indiana University-Purdue University, Fort Wayne
University of California, Berkeley	Iona College
University of California, Davis	Jackson State University
University of California, Irvine	Jacksonville State University
University of California, Los Angeles	Jacksonville University
University of California, Riverside	James Madison University
University of California, Santa Barbara	Kent State University
University of Colorado, Boulder	La Salle University
University of Hawaii, Manoa	Lafayette College
University of Houston	Lehigh University
University of Idaho	Liberty University
University of Illinois at Chicago	Lipscomb University
University of Illinois, Champaign	Long Island University-Brooklyn Campus
University of Iowa	Louisiana State University
University of Kansas	Louisiana Tech University
University of Minnesota, Twin Cities	Loyola College (Maryland)
University of Missouri, Columbia	Manhattan College
University of Missouri, Kansas City	Marist College
University of Montana	Marshall University
University of Nebraska, Lincoln	McNeese State University
University of Nevada	Miami University (Ohio)
University of Nevada, Las Vegas	Michigan State University
University of New Mexico	Middle Tennessee State University
University of North Texas	Mississippi State University
University of Northern Colorado	Mississippi Valley State University
University of Northern Iowa	Monmouth University
University of Oklahoma	Morehead State University
University of Oregon	Morgan State University
University of Portland	Mount St. Mary's University
University of San Diego	Murray State University
University of San Francisco	Nicholls State University
University of Southern California	Norfolk State University
University of Texas at Arlington	North Carolina A&T State University



University of Texas at Austin	North Carolina State University
University of Texas at El Paso	Northeastern University
University of Texas at San Antonio	Northwestern State University
University of Texas, Pan American	Oakland University
University of Tulsa	Ohio University
University of Utah	Pennsylvania State University
University of Washington	Princeton University
University of Wisconsin, Madison	Providence College
University of Wisconsin, Milwaukee	Purdue University
University of Wyoming	Quinnipiac University
Utah State University	Radford University
Utah Valley University	Rider University
Washington State University	Robert Morris University
Weber State University	Rutgers, State Univ of New Jersey, New Brunswick
Western Illinois University	Sacred Heart University
Wichita State University	Saint Francis University (Pennsylvania)
	Saint Joseph's University
	Samford University
	Savannah State University
	Seton Hall University
	South Carolina State University
	Southeastern Louisiana University
	Southern University, Baton Rouge
	St. Francis College (New York)
	St. John's University (New York)
	St. Peter's College
	State University of New York at Binghamton
	Stony Brook University
	Syracuse University
	Temple University
	Tennessee State University
	Tennessee Technological University
	The Citadel
	The Ohio State University
	Towson University
	Troy University

	Tulane University
	U.S. Military Academy
	U.S. Naval Academy
	University at Albany
	University at Buffalo, the State University of New
	University of Akron
	University of Alabama at Birmingham
	University of Alabama, Tuscaloosa
	University of Central Florida
	University of Cincinnati
	University of Connecticut
	University of Dayton
	University of Delaware
	University of Detroit Mercy
	University of Florida
	University of Georgia
	University of Hartford
	University of Kentucky
	University of Louisiana at Lafayette
	University of Louisiana at Monroe
	University of Louisville
	University of Maine, Orono
	University of Maryland, Baltimore County
	University of Maryland, College Park
	University of Maryland, Eastern Shore
	University of Massachusetts, Amherst
	University of Memphis
	University of Miami (Florida)
	University of Michigan
	University of Mississippi
	University of New Hampshire
	University of North Carolina at Greensboro
	University of North Carolina, Asheville
	University of North Carolina, Chapel Hill
	University of North Carolina, Charlotte
	University of North Carolina, Wilmington

	University of Notre Dame
	University of Pennsylvania
	University of Pittsburgh
	University of Rhode Island
	University of Richmond
	University of South Alabama
	University of South Carolina, Columbia
	University of South Florida
	University of Southern Mississippi
	University of Tennessee at Chattanooga
	University of Tennessee, Knoxville
	University of Toledo
	University of Vermont
	University of Virginia
	Valparaiso University
	Vanderbilt University
	Villanova University
	Virginia Commonwealth University
	Virginia Military Institute
	Virginia Polytechnic Institute & State University
	Wagner College
	Wake Forest University
	West Virginia University
	Western Carolina University
	Western Kentucky University
	Western Michigan University
	Winthrop University
	Wofford College
	Wright State University
	Xavier University
	Yale University
	Youngstown State University

## REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

### DIVISION I ADMINISTRATION CABINET

The NCAA Division I Administration Cabinet submits this report from its September 10 – 11, 2008, in-person meeting in Indianapolis, Indiana.

#### LEGISLATIVE INFORMATIONAL ITEMS.

- **Proposals in the 2008-09 legislative cycle referred to the Administration Cabinet.** The cabinet reviewed Division I legislative proposals assigned to it for review that will be considered by the Division I membership as part of the 2008-09 legislative cycle and offered the following comments: [Reference Admin. Cabinet Supplement No. 8]

- (1) **2008-59 Division Membership – Definitions And Applications – Emerging Sports For Women – Archery, Badminton, Synchronized Swimming, Team Handball And Sand Volleyball Intent:** To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).

**Cabinet Comment:** The cabinet supports the proposal, but recommends that the proposal be divided to permit the NCAA Division I Legislative Council to take one action to include sand volleyball as an emerging sport and one action to eliminate archery, badminton, synchronized swimming and team handball from the list of emerging sports.

- (2) **2008-63 Division Membership – Membership Requirements – Minimum Participants Requirements For Sports Sponsorship – Track And Field – Multi-Day Meets Intent:** In track and field, to specify that if the number of student-athletes participating in a multi-day meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants required for sports sponsorship and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements.

**Cabinet Comment:** The cabinet took no position on the proposal citing uncertainty about the true impact of the proposal and potential unintended consequences related to maximum dates of competition as set forth in NCAA Bylaw 17.27.5.

- (3) **2008-64 Division Membership – Membership Requirements – Football Bowl Subdivision Requirements – Waivers Intent:** To specify that the members of the NCAA Division I Administration Cabinet representing NCAA Division I Football Bowl Subdivision (FBS) conferences, by a two-thirds majority of those members present and voting, may grant waivers of the FBS membership requirements.

**Cabinet Comment:** The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the NCAA Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the moratorium.

- (4) **2008-70 Executive Regulations – Selection of Teams and Individuals for Championships Participation – Automatic Qualification – Additional Requirements, Sports Other Than Men's Basketball – Multisport Conference – Definition of Core Institution. Intent:** In sports other than men's basketball, to specify that for the purposes of multisport conference eligibility for automatic qualification in a particular sport, a core institution is an institution that has been an active member of Division I during the eight preceding years or an institution that has sponsored the sport at the Division I level the eight preceding years.

**Cabinet Comment:** The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the moratorium.

- (5) **2008-71 Executive Regulations – Selection Of Teams And Individuals For Championships Participation – Automatic Qualification – Additional Requirements, Sports Other Than Men's Basketball – Multisport Conference – Exception – Member That Has Sponsored The Sport At The Division I Level The Eight Preceding Years. Intent:** In sports other than men's basketball, to specify that a multisport conference that falls below six core members may be considered for automatic qualification in that sport, provided the conference adds an institution to its membership (for a total of at least six members) that has sponsored the sport for the preceding eight years at the Division I level and at least six institutions (including the added institution) have conducted conference competition together at the Division I level in the sport the preceding two years.

**Cabinet Comment:** The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the Division I Leadership

Council to be considered as part of its broader discussion of Division I membership issues during the moratorium.

- (6) **2008-72 Executive Regulations – Selection Of Teams And Individuals For Championships Participation – Automatic Qualification – Additional Requirements, Sports Other Than Men's Basketball – Multisport Conference – Exception – Sports Sponsorship. Intent:** In sports other than men's basketball, to specify that a multisport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided at least six institutions have conducted conference competition together at the Division I level for the preceding two years and the sport is sponsored by less than 65 percent of the Division I membership.

**Cabinet Comment:** The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the moratorium.

#### **NON-LEGISLATIVE INFORMATIONAL ITEMS.**

- a. **Understanding NCAA governance and review of the new Division I governance structure.** [Reference Admin. Cabinet Supplement No. 1] The staff presented the cabinet members a broad overview of the new Division I governance structure, which highlighted the goals and objectives behind restructuring along with a review of the functions of the various cabinets and Councils. The cabinet was reminded of its responsibility for overseeing and evaluating the new governance structure. The members discussed the structure at length paying particular attention to how the various governance bodies will communicate with one another to ensure a more coordinated Division I agenda. The members also discussed the importance of communicating with all 31 multisport conferences.
- b. **Update from the Communications and Coordination Committee and the Leadership Council.** [Reference Admin. Cabinet Supplement No. 2] The chair informed the cabinet that enhanced communication is intended to be one of the hallmarks of the new Division I governance structure. To assist with the flow of communication between governance groups, the Communications and Coordination Committee, composed of the chairs of the cabinets and the Councils, has been established. This committee is charged with coordinating consideration of issues and legislative concepts between the various Division I governance bodies to facilitate a more cohesive approach to managing the Division I agenda.

- c. **Report from the August 6, 2008, Leadership Council meeting.** The cabinet learned that the Division I Board of Directors has identified four primary issues as being appropriate for Leadership Council examination over the course of the next year, and that the Leadership Council, with the help of the cabinets, will be asked to develop suggested recommendations. The four assignments given to the Leadership Council are:

- (1) To recommend initiatives that will enhance the level of diversity in the Division I governance structure.
- (2) To assess the impact of this membership migration and develop reasonable philosophical expectations and legislative requirements that should be adhered to by all institutions desiring to transition to or remain in Division I.
- (3) Following review by the Board of Directors, to offer recommendations concerning the report of the Task Force on Commercial Activity in Intercollegiate Athletics.
- (4) To discuss appropriate strategies to consider certain Division I amateurism issues and manage consideration of these issues.

The cabinet was informed that, at the appropriate time, it will be asked to assist the Leadership Council with both developing initiatives to enhance the level of diversity serving in the governance structure and examining the Division I membership process. During the course of this discussion, the cabinet members began to discuss ways to enhance the level of diversity and suggested it would like to begin working on a committee-based mentoring recommendation whereby up and coming administrators would be invited to participate as observers, or in some other capacity, in the governance structure.

- d. **Review of the duties and jurisdiction of the Administration Cabinet.** The cabinet learned that it assumed much of the jurisdiction of the former Division I Management Council's subcommittees and the cabinet reviewed its duties, which include overseeing the administrative functions related to the management of the governance structure, appointing the members of the substructure (e.g., cabinets and committees), and administering the legislation and policies and procedures related to Division I membership. The cabinet also noted that, in conjunction with the Research Committee, it will evaluate, supervise and coordinate research activities, make recommendations regarding research expenditures. [Note: It is anticipated the cabinet will spend more time discussing its role relative to research at its February 2009 meeting.]

**e. Background information regarding the Administration Cabinet's responsibilities:**

- (1) Governance. [Reference Admin. Cabinet Supplement No. 4] The cabinet reviewed the Guide to the Division I Governance Structure, which sets forth the recommended and required operating procedures under the new structure. During this review, the members discussed the Governance Subcommittee's goal of transparency and the requirement that all cabinets and Councils work as bodies of the whole. They also discussed the subcommittee's desire to enhance the level of diversity serving within the Division I structure and the important role the 31 multisport conferences will play in improving both the level of diversity and communication within the structure. The cabinet members were informed that in their governance oversight role, they would also be asked to oversee Division I NCAA Convention programming and activities.
- (2) Membership. [Reference Admin. Cabinet Supplements No. 5a and 5b] The cabinet received an educational presentation from staff related to membership regulations and procedures set forth in NCAA Constitution 3 and Bylaw 20. Specific areas of emphasis included:
  - (a) Membership categories (e.g., active, provisional).
  - (b) Division I minimum membership requirements in the areas of financial aid, sports sponsorship and scheduling.
  - (c) Football Bowl Subdivision (FBS) and Football Championship Subdivision (FCS) requirements.
  - (d) Reclassification requirements for prospective new Division I members (provisional membership), prospective Division I members reclassifying from Division II and prospective Division II or III members reclassifying one men's and or one women's sport other than football and basketball in Division I (multidivisional membership).
  - (e) Legislative penalties (e.g., restricted membership, notice of noncompliance) for failure to satisfy a Division I membership requirement.



The cabinet also was provided an overview of the membership areas for which it would have direct responsibilities (e.g., membership waivers, oversight of the reclassification process). The group engaged in a thorough discussion regarding the process for reviewing the annual reports and updated strategic plans of institutions transitioning to Division I active status. The cabinet agreed to continue the previous practice established by the former Division I Management Council Membership Subcommittee to closely scrutinize each institution's progress in meeting the Division I philosophy statement and certification operating principles and determine on an annual basis, whether it is appropriate to advance the institution to the next year of the reclassification process. The group noted that its review (with the assistance of a consultant) would occur at its summer meeting and began initial discussions to be continued at its February meeting to effectively and efficiently handle the process.

- (3) Committee selections. [Reference Admin. Cabinet Supplement No. 6] Staff provided an overview of the committee appointment process. A process flow chart was provided that detailed the solicitation process (communication with conference offices), distribution of materials to the appropriate appointing bodies (Board of Directors and Administration Cabinet), and the notification of selected individuals. Staff also distributed a list of committees to which the Administration Cabinet will appoint members. The list also contained a brief description of the composition of the committees. Finally, staff reviewed the timeline for committee vacancies and reported that the majority of committees have September term rotation dates but noted that the Board, Councils, cabinets and several committees have term rotations of April, July, and January. Staff provided a timeline that included solicitation, deadline and selection information for the specific term rotation periods.
  - (4) Association-wide matters. The cabinet was informed that while the various Association-wide committees have been assigned specific reporting lines within the Division I governance structure, from time to time there are Association-wide initiatives originating from the NCAA Executive Committee or from a Division I Ad Hoc group that may be assigned to this cabinet for further review and examination.
- f. **NCAA Controlling Goals.** The staff reviewed the three controlling goals that are shaping the National Office's efforts and suggested that these goals should be at the forefront of the cabinet's focus as it seeks to develop positions and recommendations. These controlling goals are:
- (1) Complete this cycle of academic reform;

- (2) Subserve all business, corporate and championships efforts and decisions, especially those concerning basketball, to positioning for and negotiating new media contracts; and
- (3) Focus on issues related to student-athletes and athletics personal well-being.

**g. Administration of cabinet.**

- (1) Flow of cabinet's work and the timing of meetings. The cabinet was informed that the meeting schedule for the new Division I governance structure is based on both the Division I Board of Directors' quarterly schedule and the annual Division I legislative cycle. The members learned that the cabinets have the option of having three in-person meetings per year in September, February and June, with the understanding they are encouraged to use technology when possible to reduce the need for in-person meetings.
- (2) Establishment of an Administrative Committee. The cabinet determined, based on its assigned jurisdiction, that an administrative committee would be necessary to address the cabinet's interim actions. The cabinet selected the following members to serve on its Administrative Committee:
  - (a) Dru Hancock, Big 12 Conference.
  - (b) Jay Jacobs, Auburn University, Southeastern Conference.
  - (c) Tanya Rush, Morgan State University, Mid-Eastern Athletic Conference.
  - (d) Rob Halvaks, Big West Conference.
- (3) Vice chair. The cabinet was informed that pursuant to the new Division I governance structure, each Council and cabinet has discretion to appoint a vice chair if it is determined that the assignment of such a position would be helpful to the cabinet or council's work. The cabinet made no decision at this time on a vice chair given that this was the first meeting of this group and the current chair may serve up to two years.

**h. Development of possible policies regarding the committee nomination process.** [Reference Admin. Cabinet Supplement No. 9] The cabinet discussed the value the Division I membership places on serving on committees and noted the importance of ensuring the membership understands the committee appointment process. The cabinet reviewed the policies and practice used for committee appointments under the former governance structure, paying particular attention to the Division I

Championships/Competition Cabinet's committee appointment policies. The members noted there are certain values that should apply to all committee appointments whether they are sport committees or committees with broader jurisdiction, and relying on the foundation developed by the prior structure, agreed to develop some value-based guiding principles to direct the cabinet's appointment process. These principles are set forth below.

The Division I Administration Cabinet shall:

- (1) Seek to identify and appoint the most qualified individual nominated for a committee based on the committee's legislated requirements.
- (2) Be committed to enhancing the level of diversity serving on Division I and Association-wide committees not only from a gender and ethnicity standpoint but also in terms of positional representation.
- (3) Be sensitive to the history of conference representation and seek to ensure a balanced approach to the appointment process so that each multisport conference is provided adequate opportunities to serve on the variety of committees that compose the Division I and Association-wide governance structures.
- (4) Strive to identify and cultivate new professionals from the membership to serve within the governance structure.
- (5) Encourage conferences to nominate only one individual for a committee vacancy, except for those instances when a committee is seeking nominees with distinct backgrounds. (For example, when a committee is seeking one coach and one administrator.)

The Administration Cabinet members agreed that these principles will guide their committee appointment work in February and that they will continue to review and monitor the appointment process to assess whether more and different guidelines are needed.

- i. **Understanding the Committee Selection Process. How to get ready for the February meeting.** The cabinet discussed the fact that, at its February meeting, its committee work will be substantial as it is anticipated the cabinet will be asked to make more than 60 committee appointments. The group discussed the importance of each member being prepared and familiar with the nominees prior to that meeting and suggested conducting a conference call prior to the meeting to address some of the less complex appointment requests so that adequate time is available at the meeting to

thoroughly review the remaining appointments. The members discussed the importance of leaving conference and institutional affiliation “at the door” so that the cabinet members can maintain a broader perspective as they seek to adhere to their principle-based guidelines. The cabinet members indicated a desire to receive committee service histories, a staff developed executive summary and a listing of committee projects and areas of focus to assist in the appointment process.

**j. Committee Selections.** The cabinet made the following committee appointments:

(1) Division I Amateurism Fact-Finding Committee.

- (a) Harold Bardo, director/med prep, Southern Illinois University at Carbondale, Missouri Valley Conference, interim vacancy replacing George Browne.
- (b) Fred Smith, faculty athletics representative, Davidson College, Southern Conference, interim vacancy replacing Julie Lessiter.

(2) Division I Men’s Basketball Issues Committee.

- Rick Costello, director of athletics, Delaware State University, Mid-Eastern Athletic Conference.

(3) Women’s Basketball Rules Committee.

- Curt Miller, head women’s basketball coach, Bowling Green State University, Mid-American Conference, interim vacancy replacing Kathy Olivier.

(4) Men’s and Women’s Ice Hockey Rules Committee.

- John Hill, assistant ice hockey coach, University of Minnesota, Twin Cities, interim vacancy replacing Richard Comley.

(5) Division I Initial-Eligibility Waivers Committee.

(a) Foreign-Student Records Subcommittee.

- Sandra Michael, faculty athletics representative, State University of New York at Binghamton, America East Conference. Term begins January 1, 2009.

(b) Core-Course Review Subcommittee:

- (1) Melissa Perry Pluchos, director of student-athlete services, Winthrop University, Big South Conference, interim vacancy replacing Thomas Jimenez.
- (2) Colleen Evans, director of student-athlete academic support service, San Diego State University, Mountain West Conference. Term begins January 1, 2009.
- (3) Jack Thomas, faculty athletics representative, New Mexico State University, Western Athletic Conference. Term begins January 1, 2009.

(c) Transcript Change Subcommittee:

- (1) Maura Bolger, assistance director of athletics, Fairfield University, Metro Atlantic Athletic Conference, interim vacancy replacing Molly Myers.
- (2) Christopher Peacock, assistant director of athletics, University of Illinois, Champaign, Big Ten Conference. Term begins January 1, 2009.

6. Division I Progress-Toward-Degree Waiver Committee.

- J. Andrew Noel, director of athletics, Cornell University, Ivy Group.

7. Division I Women's Softball Committee.

[Note: Due to an error in the subdivisional listing on the composition chart, the vacancy will be re-advertised for an East region coach or administrator from the Football Championships Subdivision or the Division I Subdivision.]

8. Division I Awards, Benefits, Expenses And Financial Aid Cabinet.

- (a) Mike Scott, financial aid director, Texas Christian University, Mountain West Conference.
- (b) Jevita Ruchira de Freitas, director, office of student financial aid, George Mason University, Colonial Athletic Association.

- k. **Communication of key items.** The chair reminded the cabinet member of the importance of reporting back to their assigned conference and to the broader membership. Discussion items, which cabinet members were encouraged to share with other constituents, include the guideline principles for committee appointments and the cabinet's position on specific legislative proposals.
- l. **Future agenda items.** In addition to considering a number of committee appointments at its February meeting, the cabinet asked to receive a presentation on NCAA research priorities and current projects. The cabinet will continue its discussion about ways to identify a broader and more diverse pool to serve in the governance structure. Further, the group noted that at either its February or June meetings, it should begin developing a governance assessment tool, start examining, along with the Championships/Sports Management Cabinet the current number and structure of sport committees regions. It is also anticipated the cabinet will continue to assess the committee appointment process in light of its guideline principles and that individual members will be assigned to review the progress of reclassifying institutions' to determine whether it is appropriate to advance the institution to the next year of the reclassification process.
- m. **Future meeting dates and sites.**
  - a. February 12-13, 2009, Savannah, GA (Hyatt).
  - b. June 30, 2009, Indianapolis, Indiana.
  - c. September, 2009 TBD.

*Cabinet chair:* Rob Halvaks, Big West Conference  
*Cabinet liaisons:* Beth DeBauche, governance  
Steve Mallonee, membership services  
Delise O'Meally, membership and governance  
Dave Schnase, membership services  
Sharon Tufano, governance

**REPORT OF THE  
NCAA DIVISION I ACADEMIC CABINET  
SEPTEMBER 8-9, 2008, MEETING**

**ACTION ITEMS.**

**1. Legislative Item - Request for Action by the NCAA Division I Legislative Council.**

• **Eligibility – Early Academic Certification – Submission of Transcripts.**

- (1) Recommendation. The NCAA Division I Academic Cabinet recommends the NCAA Division I Legislative Council adopt noncontroversial legislation to specify that institutions are required to submit a final high school transcript(s) (official or unofficial) for student-athletes who were certified as early academic qualifiers; further, to specify that the transcripts must be submitted by November 15 following the individual's initial full-time collegiate enrollment. Finally, to specify that failure to satisfy this requirement will be an institutional violation per NCAA Constitution 2.8.1, but will not affect the eligibility of the student-athlete.
- (2) Effective Date. August 1, 2009.
- (3) Rationale. Current legislation permits an individual to be certified as a qualifier based on core courses, grades and test score through six semesters of high school. In these circumstances, the individual is not required to submit a final high school transcript to the NCAA Eligibility Center. For the 2008-09 academic year, the Eligibility Center did not receive final transcripts from approximately 40 percent of the individuals who were certified as early academic qualifiers. These missing transcripts represent a significant gap in academic data available to the NCAA research staff, which is vital for future policy decisions in Divisions I and II. Without such data, the ongoing review of initial-eligibility and progress-toward-degree rules (e.g., the impact of the increase from 14 to 16 core courses) is threatened. The cabinet views this proposal as noncontroversial because discussions during the NCAA Divisions I and II Management Councils, NCAA Division I Board of Directors and NCAA Division II Presidents Council prior to the adoption of the early academic qualifier guidelines included the expectation that a process would be developed to ensure the collection of final transcripts. The proposed requirement fulfills that expectation. Whereas the submission of transcripts is not necessary for certification of initial eligibility, transcripts could be official or unofficial and will be accepted in any form (e.g., copy, fax), and failure to submit the transcripts will not affect the eligibility of student-athletes. Finally, the cabinet directed the staff to ensure that the

Eligibility Center Web site is updated to provide clear information to institutions regarding which final transcripts are required to be submitted.

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

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

1. **Legislative – Comments on Proposals to be Initially Considered by the Legislative Council in January 2009.**
  - a. **NCAA Proposal No. 2008-21 – Recruiting – Admissions and Graduation Data, Banned Drug List and Initial-Eligibility Standards – Reports and Notification – Eligibility Center.** The cabinet opposes Proposal No. 2008-21, which would specify that the Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data, NCAA Division I Academic Progress Rate (APR) data, Graduation Success Rate (GSR) data, initial-eligibility standards, the NCAA banned drug list and information about nutritional supplements to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center or after the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's Institutional Request List (IRL), whichever occurs first. The cabinet recommends the sponsor modify the proposal to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center, and that the Eligibility Center shall provide information related to admissions, Federal Graduation Rate data, APR and GSR data to a prospective student-athlete after he or she has registered with the Eligibility Center and has been placed on an institution's IRL. The cabinet would support the proposal if modified. Further, in the event the sponsor does not accept the cabinet's recommended modification, the cabinet will sponsor an alternative proposal. The cabinet supports the concept of reducing the administrative burden on institutions and providing consistent information to prospective student-athletes by switching responsibility for the distribution of such information to the Eligibility Center.



However, the cabinet noted several difficulties associated with providing information to prospective student-athletes who have not yet registered with the Eligibility Center (i.e., who are only placed on an IRL), as well as with providing institution-specific information when a prospective student-athlete has not been placed on any IRL.

- b. **Proposal No. 2008-36 – Eligibility – Progress-Toward-Degree Requirements – Eligibility for Competition – International Competition Waiver – Use of Credits Earned.** The cabinet supports Proposal No. 2008-36, which would specify that credits earned by a student-athlete during the term or terms to which an international competition waiver applies may be used to satisfy the 24/36-hour, percentage-of-degree and grade-point average progress-toward-degree requirements. The cabinet agrees with the sponsor's rationale for the proposal.
- c. **Proposal No. 2008-37 – Eligibility – Transfer Regulations – Exceptions for Transfers from Four-Year Colleges – Church Mission.** The cabinet supports Proposal No. 2008-37, which would eliminate the church mission exception to the transfer residence requirement for transfers from four-year colleges. The cabinet noted that participation in a church mission is within the student-athlete's control and such student-athletes should not be provided an exception to the transfer legislation if they decide to transfer to a different four-year institution on return from the church mission.
- d. **Proposal No. 2008-39 – Eligibility – Outside Competition – Effects on Eligibility – Exception – Conference All-Star Competition Against U.S. National Team – Women's Ice Hockey.** The cabinet opposes Proposal No. 2008-39, which would specify, in women's ice hockey, that a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games. The cabinet recommends that the sponsor modify the proposal to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the competition. The cabinet would support the proposal if modified. In the event the sponsor does not support the suggested modification, the cabinet will sponsor an alternative proposal. The cabinet noted the limited viable competition available for the U.S. national team, that women's ice hockey teams generally have good APRs and the limited timeframe during which the competition could occur. However, the cabinet supports the consideration of potential academic impact for all such outside competition requests.

- e. **Proposal No. 2008-47 – Playing and Practice Seasons – Baseball – Maximum Number of Contests – 52 During the Championship Segment and Four During the Nonchampionship Segment.** The cabinet opposes Proposal No. 2008-47, which would specify, in baseball, that an institution shall limit its total playing schedule with outside competition during the institution's playing season to 52 contests (games and scrimmages) during the championship segment and four contests (games and scrimmages) during the nonchampionship segment. The cabinet noted the continued need for academic improvement in this sport and, as a result, is opposed to making baseball a "two-semester sport." Further, the cabinet noted the challenges created when the baseball season recently was compressed and sees Proposal No. 2008-48 as the best solution to those challenges.
  - f. **Proposal No. 2008-48 – Playing and Practice Seasons – Baseball – Maximum Number of Contests – 52 During the Championship Segment.** The cabinet supports Proposal No. 2008-48, which would reduce, in baseball, the maximum number of contests from 56 to 52. The cabinet noted the proposal would likely result in less missed class time and time away from campus for baseball student-athletes, which should contribute to improved academic performance overall.
  - g. **Proposal No. 2008-60 – Division Membership – Provisional Membership Process and Requesting Reclassification – Institutions Subject to Academic Performance Program Penalties.** The cabinet supports Proposal No. 2008-60, which would specify that the NCAA Division I Administration Cabinet may deny an institution's advancement to active Division I membership for any Division II institution seeking reclassification to Division I or any provisional member seeking active Division I status, if any of the institution's sport programs are subject to penalties pursuant to the NCAA Division I Academic Performance Program (APP). The cabinet believes that academic considerations should be part of the membership process and that potential Division I members should be prepared to meet the same academic standards as existing Division I members.
2. **Legislative – Modification of Cabinet-Sponsored Proposals in the 2008-09 Legislative Cycle.**
- a. **Proposal No. 2008-32 – Eligibility – General Eligibility Requirements – Full-Time Enrollment – Requirement for Competition – Nontraditional Courses.** The cabinet modified Proposal No. 2008-32, which would specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) offered by the certifying institution may be

used to satisfy the full-time enrollment requirement for competition, provided the specified conditions are met. The cabinet modified the proposal to also specify that the certifying institution must consider enrollment in such nontraditional courses as regular course enrollment for all students, and that the courses must be available to any qualified students at the certifying institution. The cabinet noted these revisions provide greater specificity and clarity regarding the criteria for nontraditional coursework.

- b. **Proposal No. 2008-35 – Eligibility – Progress-Toward-Degree Requirements – Regulations for Administration of Progress Toward Degree – Nontraditional Courses.** The cabinet modified Proposal No. 2008-35, which would specify that nontraditional courses (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) completed at a four-year institution other than the certifying institution may be used to meet credit hour and percentage-of-degree requirements, provided the specified conditions are met. The cabinet modified the proposal to also specify that the institution considers enrollment in such nontraditional courses as regular course enrollment for all students, and that the courses must be available to any qualified students at the certifying institution. The cabinet noted these revisions provide greater specificity and clarity regarding the criteria for nontraditional coursework.

3. **Nonlegislative.**

- a. **Use of a Core Course Completed After Receiving Athletically Related Financial Aid to Attend an Institution's Summer Term for Purposes of Meeting Initial-Eligibility Requirements.** Responding to a request from the NCAA Division I Legislative Review and Interpretations Committee (LRIC) regarding the application of Bylaw 14.3.1.3.1.1 (exception - one core course after high school graduation), the cabinet recommended LRIC issue an interpretation to clarify that a prospective student-athlete who received athletically related financial aid to attend an institution's summer term is not permitted to use an additional core course earned after the institution's summer term to meet initial-eligibility requirements. Cabinet members noted this interpretation would be consistent with the original intent of this legislation, as sponsored by the NCAA Division I Academics/Eligibility/Compliance Cabinet. Although such individuals have not yet enrolled full time in a collegiate institution, the cabinet noted that they are considered student-athletes for purposes of some NCAA legislation and should satisfy initial-eligibility requirements before receiving aid and attending the institution's summer term. Further, the cabinet noted that scenarios in which

prospective student-athletes learn that they have not satisfied the initial-eligibility requirements to become “qualifiers” until after enrollment in summer terms should be reviewed through the initial-eligibility waiver process.

- b. Revision of Initial-Eligibility Waiver Policies and Procedures.** The cabinet approved revisions to the initial-eligibility waiver policies and procedures, effective for student-athletes entering a collegiate institution on or after August 1, 2009, as follows:

- (1) An institution filing a disability initial-eligibility waiver will be required to provide a statement from its disability services office or the campus equivalent that indicates whether the college or university, per its general student policies, considers the student-athlete disabled and outlines the accommodations the institution will provide to this student-athlete. If not, the institution shall indicate why the student-athlete does not qualify for accommodations.
- (2) An institution filing a disability initial-eligibility waiver must provide any test results and clinical summary the institution used to determine if the student-athlete qualifies for accommodations. In instances in which the student-athlete has not yet been tested by the institution in order to determine appropriate accommodations, the waiver process shall grant, if appropriate, athletics aid only. After the student-athlete has been evaluated and appropriate accommodations have been determined, that information shall be provided to the NCAA and the student-athlete’s waiver reconsidered to determine if full qualifier status is appropriate. In such instances, this second review shall not result in athletics aid being removed if previously granted.

Critically important to the underlying philosophical basis for accommodating students with education-impacting disabilities is the accountability of member institutions to meet the needs of such students beyond assistance with athletics eligibility. Currently, some institutions file waivers for student-athletes with disabilities as a means to achieve qualifier status and make no effort to provide the student-athletes with accommodations once admitted and enrolled at the institution. In some instances, the student-athlete does not meet the institution’s requirements to receive disability accommodations. Requiring the abovementioned additional information for situations in which a disability initial-eligibility waiver is requested increases institutional accountability for student-athletes with education-impacting disabilities, and helps ensure that student-athletes with education-impacting disabilities are provided the appropriate accommodations to help them succeed academically.

- c. **Approval of High School Review Policies and Procedures.** The cabinet approved revisions to the High School Review Committee Policies and Procedures as recommended by the High School Review Committee to help ensure efficiency and consistency in the processing of high school review cases. The cabinet noted these policies also must be approved by the NCAA Division II Academic Requirements Committee and will be distributed once that action has been taken.
- d. **Cabinet Policies and Procedures.** The cabinet approved formal policies and procedures to provide direction and clarity regarding cabinet authority, individual member responsibilities, operational procedures, governance reporting structures and related guidelines.
- e. **Final Report of the Division I Academics/Eligibility/Compliance Cabinet Transfer Issues Ad Hoc Group.** The cabinet reviewed the final report of the Transfer Issues Ad Hoc Group and noted the concepts forwarded by the ad hoc group for discussion and possible action. The cabinet determined that additional research on two-year college transfer student-athletes is needed and recommended that the NCAA Division I Committee on Academic Performance begin collecting data related to the academic performance of two-year college transfers through the APP data collection process. The data should include performance while at the two-year institution and subsequent to transferring to the four-year institution.
- f. **Update on the NCAA Division I Working Group to Review At-Risk Student-Athlete Issues.** The cabinet received a progress report from the At-Risk Student-Athlete Working Group. The group was established to examine and respond to recommendations of the Presidential Task Force on the Future of Division I Intercollegiate Athletics. The cabinet noted that the working group has identified a number of factors that contribute to a student-athlete's risk of not graduating from a four-year institution and it is developing tools that can be implemented at the institutional level to identify and support student-athletes of various risk levels and to determine whether institutional resources are adequately supporting student-athlete graduation success.
- g. **Report from the Eligibility Center.** The cabinet received an update from the Eligibility Center, including an overview of certification activity for the 2008-09 academic year and a discussion of trends in initial-eligibility certification. The Eligibility Center is completing its first season of academic certifications, and will continue with waivers and prospective student-athlete reviews through the fall. The cabinet also received feedback related to Proposal No. 2008-21 from the Eligibility Center representative.

**h. NCAA President's Report.** The cabinet received a report from the NCAA President regarding the new Division I governance structure, including a challenge to the cabinet to provide expertise and leadership on academic issues. The NCAA President discussed the controlling goals that will direct national office strategies for the next three to five years. The first controlling goal is to "complete this cycle of academic reform" and it was noted the cabinet will play a crucial role in attaining this goal.

**i. Updates from Committees Reporting to the Cabinet.** The cabinet received reports from the following committees that report to the cabinet:

- (1) Foreign Student Records Committee;
- (2) High School Review Committee;
- (3) Initial-Eligibility Waiver Committee; and
- (4) Student Records Review Committee.

The cabinet also named David Dosser, East Carolina University, as its representative to the High School Review Committee; Annette O'Connor, LaSalle University, as its representative to the Student Records Review Committee; and Loretta Lamar, U.S. Naval Academy, as a representative to the Core-Course Appeals Ad Hoc Group.

**j. Identification of Future Agenda Items and Determination of Priorities.** The cabinet identified the following priority topics to address in the next few years and noted that data collection will be necessary to fully examine each of these issues:

- (1) Two-year college transfer student-athletes;
- (2) Nontraditional courses;
- (3) Impact of academic reform on academic support personnel;
- (4) Time demands on student-athletes; and
- (5) Impact of progress-toward-degree requirements on degree program selection.

- k. **Cabinet Communication Strategies.** The cabinet identified several constituent groups for targeted communication efforts, including academic organizations (e.g., N4A, FARA), coaches groups and conferences not currently holding a seat on the cabinet. Members were assigned constituent groups for purposes of designing communication strategies best suited for their respective assignments and will report back in February for the purpose of developing a comprehensive communications plan. The plan will include components for delivering information from the cabinet (“outgoing” communication), collecting feedback and input from constituents (“incoming” communication), ensuring consistency in messaging and tailoring delivery methods for each group.

*Cabinet Chair: Carolyn Callahan, University of Virginia, Atlantic Coast Conference*  
*Cabinet Liaisons: Matt Burgemeister, Membership Services*  
*Julie Cromer, Membership Services*  
*Diane Dickman, Membership Services*

**REPORT OF THE  
NCAA DIVISION I AWARDS, BENEFITS, EXPENSES AND FINANCIAL AID  
CABINET**

The NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet submits this report from its September 18-19, 2008, in-person meeting in Indianapolis, Indiana. [Note: All votes were unanimous voice votes unless otherwise indicated.]

**ACTION ITEMS.**

**1. Legislative Items.**

- None.

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

**1. Legislative Informational Items.**

- a. Comments on Proposals in the 2008-09 Legislative Cycle Referred to the Awards, Benefits, Expenses and Financial Aid Cabinet.** [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 5] The cabinet reviewed Division I legislative proposals assigned to it for review that will be considered by the Division I membership as part of the 2008-09 legislative cycle and offered the following comments:

- (1) NCAA Proposal No. 2008-14 -- Recruiting -- Definitions and Applications -- Prospective Student-Athlete -- Enrollment and Attendance in Summer Classes Prior to Initial Full-Time Enrollment. The cabinet agreed to support Proposal No. 2008-14 as written, which would specify that an individual shall no longer be considered a prospective student-athlete for purposes of the contact limitations in NCAA Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 at the point in which he or she officially registers and enrolls and attends classes in an institution's summer term prior to initial full-time enrollment. The cabinet agrees with the sponsor's rationale for the proposal. (18-1-0)
- (2) Proposal No. 2008-15 -- Recruiting -- Definitions and Applications -- Prospective Student-Athlete -- Institutional Orientation Session. The



cabinet agreed to oppose Proposal No. 2008-15, which would specify that a prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport or for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to a required institutional orientation session within 14 calendar days prior to the opening day of classes of a regular academic year term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the required orientation. The cabinet recommends the sponsor modify the proposal to specify that a recruited prospective student-athlete who has reported to a required institutional orientation session within 14 calendar days prior to the opening day of classes of a regular academic year term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the required orientation. The cabinet agreed that all recruited prospective student-athletes should benefit from the same services and benefits during this period. It was also noted that the NCAA definition of a recruited prospective student-athlete should be used. The cabinet would support the proposal if modified. Further, in the event the sponsor does not accept the cabinet's recommended modification, the cabinet will sponsor an alternative proposal.

- (3) Proposal No. 2008-25 -- Recruiting -- Official Visit and Letter of Intent Programs -- Requirements for Official Visit and Offers of Athletically Related Financial aid -- Completion of Amateurism Certification Questionnaire. The cabinet agreed to oppose Proposal No. 2008-25, which would specify that a high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center before an institution may provide the prospective student-athlete an official visit; further, to specify that an institution shall not provide a high school, preparatory school or transfer prospective student-athlete a written offer of athletically related financial aid until he or she has completed the amateurism certification questionnaire with the Eligibility Center. The cabinet recommends the sponsor modify the proposal to specify that a high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center before an institution may provide a written offer of athletically related financial aid. The cabinet is concerned that requiring the amateurism certification questionnaire be

completed prior to an official visit is cumbersome and could result in a delay of the visit. It was noted that despite adequate planning, many official visits are arranged or changed at the last minute due to schedule changes or other complications. The cabinet agreed the appropriate timing for the completion of the amateurism certification questionnaire is prior to issuing a written offer of athletically related financial aid. The cabinet agreed that this timing may address the concerns related to late registrations by prospective student-athletes currently experienced by the Eligibility Center, while still supplying institutions with important amateurism information before financial aid commitments are made. The cabinet would support the proposal if modified. Further, in the event the sponsor does not accept the cabinet's recommended modification, the cabinet will sponsor an alternative proposal. Finally, the cabinet recommends further clarification be provided regarding what is meant by "complete" the amateurism certification questionnaire. (16-3-0)

- (4) Proposal No. 2008-28 -- Recruiting -- Financial Aid Agreements -- Offers of Aid Before July 1 Following Junior Year -- Women's Lacrosse. The cabinet took no position on Proposal No. 2008-28, which would, in women's lacrosse, specify that an institution shall not offer (or indicate that it will or may offer), orally or in writing, athletically related financial aid, other institutional financial aid or admissions assistance before July 1 following the prospective student-athlete's junior year in high school; further, to specify that an institution shall not accept any commitment from a prospective student-athlete before July 1 following the prospective student-athlete's junior year in high school. The cabinet applauded the leadership displayed by the National Women's Lacrosse Coaches Association on this issue and supports the concept. However, the cabinet encourages the NCAA Division I Legislative Council to table the proposal until the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet can review the issue of early offers of financial aid. Finally, the cabinet was supportive of a broader discussion on this issue for potential solutions applicable to all sports. (18-0-1)
- (5) Proposal No. 2008-40 -- Financial Aid -- Maximum Institutional Grant-in-Aid Limitations by Sport -- Women's Volleyball. The cabinet took no position on Proposal No. 2008-40, which would, in women's volleyball, increase the maximum institutional grant-in-aid limitation from 12 to 13. The cabinet requests the Legislative Council table this legislation to provide time for the cabinet to conduct a broader examination of maximum grant-in-aid limitations for all sports. [See Informational Item No. 2-h below.]

- (6) Proposal No. 2008-41 -- Financial Aid -- Maximum Institutional Grant-in-Aid Limitations by Sport -- Baseball. The cabinet took no position on Proposal No. 2008-41, which would, in baseball, increase the annual limit on the value of financial aid awards (equivalencies) to counters from 11.7 to 14. The cabinet requests the Legislative Council table this legislation to provide time for the cabinet to conduct a broader examination of maximum grant-in-aid limitations for all sports. [See Informational Item No. 2-h below.]
- (7) Proposal No. 2008-42 -- Awards, Benefits and Expenses -- Complimentary Admissions and Ticket Benefits -- Postseason Events. The cabinet agreed to support Proposal No. 2008-42 as written, which would specify that an institution may provide each student-athlete who participates in or is a member of a team participating in a postseason event (e.g., conference championship, NCAA championship, National Invitation Tournament, bowl game) with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates. The cabinet agrees with the sponsor's rationale for the proposal. (14-5-0)
- (8) Proposal No. 2008-43 -- Awards, Benefits and Expenses -- Housing and Meals -- Nutritional Supplements -- Fruit, Nuts and Bagels. The cabinet took no position on Proposal No. 2008-43, which would specify that fruit, nuts and bagels are classes of nonmuscle-building nutritional supplements that may be provided to student-athletes for the purpose of providing additional calories and electrolytes. The cabinet is supportive of a broader review of nutritional supplements and whole foods by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS). The cabinet recommends the Legislative Council table this proposal until CSMAS can complete this review. (17-0-2)
- (9) Proposal No. 2008-44 -- Awards, Benefits and Expenses -- Expenses Provided by the Institution for Practice and Competition -- Departure/Return Expense Restrictions -- Exceptions -- Travel Following Championships Events and Postseason Football Games. The cabinet agreed to support Proposal No. 2008-44 as written, which would specify that travel following contests in NCAA championship events, national governing body championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms are exempt from the requirement that a student-athlete remain no longer than

36 hours following the conclusion of the competition in order to receive actual and necessary expenses to return to campus. The cabinet recommends that the sponsor clarify which expenses (e.g., transportation, meals, lodging) may be provided by the institution beyond the 36-hour period and whether the student-athlete must remain in the locale of the championship event or postseason football game in order to receive these expenses. (17-1-1)

- (9) Proposal No. 2008-52 -- Playing and Practice Seasons -- Football -- Preseason Practice -- Limit on Number of Participants -- Replacement of Student-Athlete Due to Injury or Illness. The cabinet agreed to support Proposal No. 2008-52 as written, which would, in football, specify that a student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice. (18-0-1)

**b. Other Legislative Comments.**

- None.

**2. Nonlegislative Informational Items.**

- a. Overview of Bylaws 15 (Financial Aid) and 16 (Awards and Benefits).** [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 1] The cabinet received rules education from the staff regarding the financial aid and awards and benefits legislation.
- b. Orientation to New Division I Governance Structure.** [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 2] The NCAA governance staff presented the cabinet members with a broad overview of the new Division I governance structure, which highlighted the goals and objectives behind restructuring along with a review of the functions of the various cabinets and Councils. The cabinet was reminded of its responsibility for overseeing and evaluating the new governance structure. The members discussed the structure at length paying particular attention to how the various governance bodies will communicate with one another to ensure a more coordinated Division I agenda. The members also discussed the importance of communicating with all 31 multisport conferences.

- c. **Approval of the NCAA Division I Awards, Benefits, Expenses and Financial Aid Policies and Operating Procedures.** [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 3] The policies and operating procedures were approved as amended. The cabinet directed the staff to include Figure 15-1 from the NCAA Division I Manual as an appendix to the document. The cabinet also agreed to establish a five member Administrative Committee and nominees will be submitted to the staff immediately following the September meeting. The duties of the Administrative Committee are outlined in the cabinet's policies and operating procedures manual.
- d. **Update from the NCAA Division I Communications and Coordination Committee.** The cabinet was informed by the chair that enhanced communication is intended to be one of the hallmarks of the new Division I governance structure. To assist with the flow of communication between governance groups, the Communications and Coordination Committee, composed of the chairs of the cabinets and the Councils, has been established. This committee is charged with coordinating consideration of issues and legislative concepts between the various Division I governance bodies to facilitate a more cohesive approach to managing the Division I agenda.
- e. **Report from the August 2008 NCAA Division I Leadership Council Meeting.** The cabinet learned that the NCAA Division I Board of Directors has identified four primary issues as being appropriate for Leadership Council examination over the course of the next year, and that the Leadership Council, with the help of the cabinets, will be asked to develop suggested recommendations. The four assignments given to the Leadership Council are:
  - (1) To recommend initiatives that will enhance the level of diversity in the Division I governance structure.
  - (2) To assess the impact of membership migration and develop reasonable philosophical expectations and legislative requirements that should be adhered to by all institutions desiring to transition to or remain in Division I. The staff noted that this review may include the review of the financial aid commitment necessary to be a Division I member.
  - (3) Following review by the Board of Directors, to offer recommendations concerning the report of the Task Force on Commercial Activity in Intercollegiate Athletics.
  - (4) To discuss appropriate strategies to consider certain Division I amateurism issues and manage consideration of these issues.

- e. **NCAA Controlling Goals.** The staff reviewed the three controlling goals that are shaping the work of the NCAA national office over the next three to five years.
- f. **Update on the White Case Settlement.** [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 4] The cabinet received a summary from the NCAA general counsel office on the White Case settlement. The cabinet was offered the opportunity to discuss and ask questions regarding the provisions of the settlement. The cabinet was informed that as part of the settlement, the group has been asked to review the concept of multiyear athletics aid.
- g. **Review of Recent Initiatives Undertaken in Previous Governance Structure.**
  - (1) Bylaw 15 (Financial Aid). [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement Nos. 6 and 7] The cabinet received an overview of the following financial aid initiatives undertaken in the previous governance structure:
    - (a) Ad hoc study of women's head count and equivalency sports and maximum grant-in-aid limitations;
    - (b) February 2007 Financial Aid Workshop; and
    - (c) The Guide to Financial Aid (created by the Big East Conference). The cabinet encouraged the Big East Conference to explore ways to use technology to disseminate the good information in its Guide to Financial Aid.
  - (2) Bylaw 16 (Awards and Benefits). [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 8] The cabinet received an overview of past discussions related to rules regarding departure/return expense restrictions and agreed to place this item on the June 2009 agenda for further discussion.
- h. **Identification of Future Agenda Items and Determination of Priorities.**
  - (1) **Cabinet's List of Priority Items.** The cabinet identified the following priority topics to address and noted that data collection will be necessary to fully examine each of these issues:

- (a) Examination of maximum grant-in-aid limitations. [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement Nos. 6, 9 and 11]
  - (i) Individual (including examination of countable aid);
  - (ii) Team (including examination of countable aid); and
  - (iii) Equivalency versus head count designations.
- (b) Athletics aid hearing opportunities. [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 10]
- (c) Multiyear scholarships/presumption of renewal concept. [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 9]
- (d) Educational outreach to financial aid administrators. [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 7]

Because the cabinet identified the examination of grant-in-aid limitations as its top priority, it requests the 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. The staff will present to the cabinet research information that is currently available at the February meeting. The cabinet will have a more definitive sense of its timeline for its review; however, it is anticipated that the review may be completed by June 2010, at the earliest.

- (2) **Items for Staff to Explore for Future Meetings.** During this discussion, the cabinet directed the staff to explore the following two items and report on its progress at future meetings:
  - (a) Improvements to the NCAA Compliance Assistant for the *Internet (CAi)* Software Program. The cabinet recommended that the CAi team undertake a review of the program's financial aid module to determine if it can be used to help the membership better understand and apply financial aid legislation.

- (b) Incorporation of Financial Aid Information in the NCAA Guide for the College Bound Student-Athlete. The cabinet directed the staff to include information related to NCAA financial aid regulations, including period of award information and information related to individual and team financial aid limits, in the 2009-10 NCAA Guide for the College-Bound Student-Athlete.
- (3) **Items Discussed but Not Prioritized.** The cabinet discussed but declined to prioritize discussion on the following topics:
  - (a) Athletics aid to nonqualifiers. [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 12] The cabinet expressed concern that permitting athletics aid during the initial year in residence may take away an incentive for prospective student-athletes to become qualifiers. For this reason, the cabinet did not prioritize the issue but is willing to discuss it at a later date if the Academic Cabinet determines it to be a priority; and
  - (b) Participation awards limitations. [Reference Awards, Benefits, Expenses and Financial Aid Cabinet Supplement No. 13]
- k. **Communication of Key Items.** The chair reminded the cabinet members of the importance of reporting back to their conference and to the broader membership. Discussion items, which cabinet members were encouraged to share with other constituents, include the cabinet's position on specific legislative proposals and the four identified priority items.

*Cabinet Chair: M. Grace Calhoun, Indiana University, Bloomington, Big Ten Conference*  
*Staff Liaisons: Vanessa Fuchs, Membership Services*  
*Brad Hostetter, Membership Services*  
*Kris Richardson, Membership Services*





**REPORT OF THE  
NCAA DIVISION I AMATEURISM CABINET  
SEPTEMBER 23-24, 2008, MEETING**

**INFORMATIONAL ITEMS.**

1. **Legislative – Comments on Proposals to be initially considered by the Legislative Council in October 2008.**
  - a. **Proposal No. 2008-13 – Amateurism – Exception For Prize Money For Student-Athletes – Outside The Playing Season During An Official Vacation Period – Individual Sports.** The cabinet supports Proposal No. 2008-13, which would permit, in individual sports, a student-athlete to accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during any official vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event.
2. **Nonlegislative.**
  - a. **NCAA Division I governance structure.** The staff conducted a review of the changes to the NCAA Division I governance structure for the cabinet. During this discussion, the staff reviewed the three-to-five year national office strategy and issues on the Division I agenda.
  - b. **Discussion of Vice Chair.** The cabinet was informed that pursuant to the new Division I governance structure, each cabinet has discretion to appoint a vice chair if it is determined that the assignment of such a position would be helpful to the cabinet's work. The cabinet made no decision at this time on a vice chair given that this was the first meeting of this group.
  - c. **NCAA Division I Communications and Coordination Committee report.** The cabinet reviewed the August 27, 2008, report from the Division I Communications and Coordination Committee. The cabinet was informed by the chair that enhanced communication is intended to be one of the hallmarks of the new Division I governance structure. Also the committee will help coordinate consideration of issues and legislative concepts among the various Division I governance bodies.
  - d. **Review of NCAA Division I Bylaws 12 legislation.** The staff led an educational review of Bylaw 12 legislation and interpretations for the cabinet. The education session was primarily focused on the legislation pertaining to the definition of a professional team, competition with professionals and other activities that would cause an individual to lose amateur status and eligibility for Division I intercollegiate competition. In addition, the staff reviewed legislation and issues surrounding agents and advisors.

- e. **Informational Session with Eligibility Center and Student-Athlete Reinstatement Staff.** The NCAA Eligibility Center staff provided an overview of the amateurism certification process (ACP) and reinstatement process for prospective student-athletes subject to penalty. The staff discussed the challenges that they encounter when certifying thousands of prospective student-athletes; specifically the difficulty of certifying international student-athletes. The ACP shared information relating to the most penalized sports, the bylaws most frequently violated and the most common Division I penalties resulting from such violations.
- f. **Update on the Task Force on Commercial Activity in Intercollegiate Athletics.** Kevin Lennon, vice president for membership services, and Wally Renfro, vice president and senior advisor to President Myles Brand, provided the cabinet an update on the work of the Task Force. The cabinet reviewed a historic narrative entitled "Bringing Balance to Commercial Activity in Intercollegiate Athletics," which was originally prepared to assist the Task Force in its review of commercial activities associated with intercollegiate athletics with the rest of higher education. The narrative was reviewed with the cabinet as an educational tool to provide historical context to facilitate the cabinet's future discussions on issues relating to commercial activities. The cabinet asked the staff to prepare an educational review of current promotional activities legislation for its next in-person meeting.
- g. **Fantasy League.** The cabinet received a report about the recent ruling by the 8th Circuit Federal Court of Appeals in the case of CSC Distrib. And Mkting. Inc. v. Major League Baseball Advanced Media L.P., in which the court applied Missouri state law to professional fantasy leagues, has lead fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling. The cabinet was informed of a July 2008 NCAA rule interpretation which states the use of a student-athlete's name in connection with a fantasy sports game even when there is not an entry fee or prize associated is a violation of NCAA bylaws. Additional information and guidance will be provided by the Task Force in the future.

#### **Identification of Future Agenda Items.**

- a. **Definition of Professional Team and Competition with Professionals.** The cabinet discussed the definition of a professional team and how one may become ineligible based on benefits received by a teammate as well as issues related to competition with professionals. The cabinet was in agreement that changes to this legislation were warranted. Specifically, the cabinet believes that the current definition of a professional team is too broad and unfairly penalizes prospective student-athletes who never intended to professionalize themselves (e.g. never received more than actual and necessary expenses)

and for whom sports has been an avocation. The cabinet agreed to consider alternatives to this legislation.

- b. The cabinet identified the issue of agents and advisors interaction with prospective student-athletes and student-athletes and the potential problems that can jeopardize one's eligibility. The staff disseminated new postenrollment agent and disability insurance educational materials that are available to the membership. The cabinet agreed to examine this issue at future meetings.
- c. The cabinet participated in a discussion of amateurism certification challenges facing institutions and the Eligibility Center. The challenges impact institutional recruiting and certification efforts and the Eligibility Center's ability to process certifications in an efficient and timely manner. The cabinet discussed numerous concepts that might mitigate the challenges and agreed to discuss the concepts in greater detail during its February 2009 meeting.

*Cabinet Chair: Mike Rogers, Baylor University, Big 12 Conference*  
*Staff Liaison(s): Rachel Newman Baker, Agent, Gambling and Amateurism Activities*  
*Angie Cretors, Agent, Gambling and Amateurism Activities*  
*Geoff Silver, Membership Services*

**REPORT OF THE  
NCAA DIVISION I RECRUITING AND ATHLETICS  
PERSONNEL ISSUES CABINET  
SEPTEMBER 18-19, 2008, MEETING**

**ACTION ITEMS.**

**1. Legislative Items.**

- None.

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

**1. Legislative - Comments on Proposals to be Initially Considered by the NCAA Division I Legislative Council in January 2009.**

- a. **NCAA Proposal No. 2008-10 – Personnel – Definitions and Applications – Minority Graduate Assistant Coach – Championship Subdivision Football.** The NCAA Division I Recruiting and Athletics Personnel Issues Cabinet opposes Proposal No. 2008-10, which would establish a program by which a minority graduate assistant coach position is awarded annually to each NCAA Division I Football Championship Subdivision conference and the parameters of the program and position, as specified. While the cabinet is supportive of efforts to increase diversity in head coaching positions, the cabinet believes the establishment of such a program and details of the program's policies and procedures would more appropriately be addressed through nonlegislative action and in a way that minimizes any competitive advantage.
- b. **Proposal No. 2008-11 – Personnel – Limitations on the Duties of Coaches – Noncoaching Activities – Exception – Student Manager – Baseball.** The cabinet opposes Proposal No. 2008-11, which would permit a student manager in baseball to be involved in on-field activities without counting in the institution's coaching limitations, provided the student manager participates in the activities within five years of his or her initial full-time collegiate enrollment and does not provide instruction to student-athletes or engage in other coaching activities. The cabinet expressed concern that the proposal does not limit the number of managers an institution could carry and participate in these activities. Further, the cabinet noted there are no restrictions regarding the eligibility of these individuals in subsequent years; therefore, the cabinet is concerned about potential tryouts for

these individuals who could be eligible for competition in subsequent years. The cabinet suggested the sponsor consider establishing a limit on the number of permissible managers, clarifying the future eligibility options (if any) of these individuals and whether it would be appropriate to extend this proposal to include other sports.

- c. **Proposal No. 2008-12 – Personnel – Limitations on Number of Off-Campus Recruiters at Any One Time – Exception – Women's Basketball – July Evaluation Periods.** The cabinet supports Proposal No. 2008-12, which specifies, in women's basketball, that during the July evaluation periods, a coach replaced for the purpose of off-campus recruiting activities is not required to return to the institution's campus before engaging in additional recruiting activities, provided no more than three coaches engage in off-campus recruiting activities each day. The cabinet agreed with the sponsor's rationale statement. Although the cabinet discussed whether this proposal should be expanded to other time periods and other sports, the cabinet agreed the membership should first consider the current proposal.
- d. **Proposal No. 2008-15 – Recruiting – Definitions and Applications – Prospective Student-Athlete – Institutional Orientation Session.** The cabinet opposes Proposal No. 2008-15 which specifies that a prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport or for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to a required institutional orientation session within 14 calendar days prior to the opening day of classes of a regular academic year team would not be subject to the contact restrictions in NCAA Bylaw 13 and would be considered a student-athlete for the purposes of Bylaw 16 as of the opening day of the required orientation. The cabinet expressed concern that only a limited number of institutions have required orientation sessions within 14 days of the opening day of classes and believes the waiver process is the most appropriate avenue to address these situations.
- e. **Proposal No. 2008-16 – Recruiting – Contacts and Evaluations – Countable Individuals – Student-Athlete Withdrawn from Four-Year College – Exception – Official Church Mission.** The cabinet supports Proposal No. 2008-16 which would prohibit an institution from contacting a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed an NLI and attended the institution (with which he or she signed the NLI) as a full-time student; further, the proposal specifies that if such a student-athlete has completed his or her official church

mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution. The cabinet agrees with the sponsor's rationale statement and believes this would add appropriate mechanisms to protect the student-athlete and institution with which they originally signed a NLI.

- f. **Proposal No. 2008-17 – Recruiting – Contacts and Evaluations – Permissible Recruiters – Bowl Subdivision Football – Head Coach Restrictions – Spring Evaluation Period – Other Off-Campus Activities.** The cabinet supports Proposal No. 2008-17 which would, in bowl subdivision football, prohibit the head coach from participating in an off-campus coaching clinic, visiting a prospective student-athlete's educational institution for any reason or meeting with a prospective student-athlete's coach at an off-campus location during the April 15 through May 31 evaluation period. The cabinet agrees with the sponsor's rationale statement and believes that this proposal is consistent with the intent of Proposal No. 2007-32, adopted last year to prohibit head coaches from engaging in off-campus recruiting activities during the spring evaluation period, by addressing additional activities that were not contemplated under the original proposal. The cabinet is also interested in feedback from the NCAA Division I Football Issues Committee which has not yet reviewed this proposal.
- g. **Proposal No. 2008-18 – Recruiting – Telephone Calls Initiated by a Prospective Student-Athlete at Her Own Expense – Women's Lacrosse.** The cabinet opposes Proposal No. 2008-18 which would, in women's lacrosse, permit an institutional coaching staff member to receive telephone calls placed by a prospective student-athlete at her own expense before July 1 following her junior year in high school, provided the coaching staff member does not request that the prospective student-athlete call at a specific time or otherwise prearrange the telephone call; further, the proposal specifies that telephone calls placed after July 1 following the prospective student-athlete's junior year in high school may be prearranged. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruitment concerns in their sport. However, the cabinet expressed concern regarding the difficulty associated with monitoring whether telephone calls are prearranged under this proposal. Further, the cabinet noted the issue of early offers has been identified by the NCAA Division I Board of Directors and NCAA Division I Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.

- h. **Proposal No. 2008-19 – Recruiting – Contacts and Evaluations – Football – One Contact with Juniors or Seniors – Spring Evaluation Period.** The cabinet supports Proposal No. 2008-19, which specifies that in football, during the spring evaluation period, an institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athletes in their junior year) at the prospective student-athlete's education institution; further, this proposal specifies that an institution may use an additional evaluation in conjunction with the contact. The cabinet agreed with the sponsor's rationale statement and noted this legislation would not increase the number of coaches permitted to recruit off campus at one time or permit the head coach to have contact with prospective student-athletes during the spring evaluation period.
- i. **Proposal No. 2008-20 – Recruiting – Football Evaluations – Scholastic and Nonscholastic Activities – Events Organized and Conducted by Scholastic Athletics Governance Bodies – Other Evaluation Events.** The cabinet supports Proposal No. 2008-20, which specifies that in football, live athletics evaluations are permissible at events organized and conducted solely by a scholastic athletics governing body (e.g., state high school athletics association, junior college athletics association); further, this proposal specifies that institutional staff members shall not attend a recruiting event in which information (e.g., athletics or academic credentials, highlight video) related to prospective student-athletes is presented or otherwise made available. The cabinet agreed with the sponsor's rationale statement and noted this proposal further emphasizes the scholastic environment in recruiting activities.
- j. **Proposal No. 2008-21 – Recruiting – Admission and Graduation Data, Banned Drug List and Initial-Eligibility Standards – Reports and Notifications – Eligibility Center.** The cabinet took no position on Proposal No. 2008-21 which would specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admission, graduation-rate data, academic progress rate data, graduation success rate, as well as notification of initial-eligibility standards, the NCAA banned drug list and information about nutritional supplements to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center or after the Eligibility Center has received an institution's request list, whichever occurs first. The cabinet noted the NCAA Division I Academics Cabinet opposed this proposal, but recommended a modification to address its concerns.
- k. **Proposal No. 2008-22 – Recruiting – Printed Recruiting Materials – Institutional Postcards.** The cabinet supports Proposal No. 2008-22, which specifies that an institutional postcard may be provided to a prospective student-



athlete, his or her parents or legal guardians, his or her coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved, provided its dimensions do not exceed 4¼ by 6 inches, it contains only the institution's name and logo or an athletics logo on one side when produced and it includes only handwritten information, (e.g., words, illustrations) on the opposite side when provided to the prospective student-athlete. The cabinet agreed with the sponsor's rationale statement that this will alleviate confusion and questions regarding postcards.

- l. **Proposal No. 2008-23 – Recruiting – Recruiting Materials – Electronic Transmissions – After National Letter of Intent Signing or Other Written Commitment.** The cabinet supports Proposal No. 2008-23, which specifies that after the calendar day on which a prospective student-athlete signs an NLI, signs an institution's written offer of admission and/or financial aid, or submits a room or tuition deposit in response to the institution's written offer of admission, there shall be no limit on the forms of electronically transmitted correspondence sent by the institution with which the prospective student-athlete has committed. The cabinet agreed with the sponsor's rationale statement in its support.
- m. **Proposal No. 2008-24 – Recruiting – Recruiting Materials – Other Recruiting Materials Posted to Institution's Web Site.** The cabinet opposes Proposal No. 2008-24, which would permit an institution to print and provide other recruiting information that is posted on its Web site to prospective student-athletes via regular mail as attachments to general correspondence or during any permissible on- or off-campus contact. The cabinet expressed concern regarding the possible circumvention of current restrictions on attachments to general correspondence by permitting items with a recruiting purpose to be posted on an institution's Web site and sent to prospective student-athletes. The cabinet believes current legislation is appropriate, which permits institutions to print information from its Web site and send it to prospective student-athletes as attachments to general correspondence, provided the information does not have a recruiting purpose.
- n. **Proposal No. 2008-26 – Recruiting – Official Visit – Meals on Official Visit – Meals at Airport or Bus or Train Station.** The cabinet supports Proposal No. 2008-26, which specifies that meals may be provided to a prospective student-athlete on an official visit at the airport or bus or train station at the time of his or her arrival or departure. The cabinet generally agrees with the sponsor's rationale statement, although the cabinet suggests the sponsor consider a modification to more precisely address the sponsor's specific concerns related to official visits.
- o. **Proposal No. 2008-27 – Recruiting – Unofficial Visit – Housing – Lodging in Dormitories – Additional Restriction – Women's Lacrosse.** The cabinet

opposes Proposal No. 2008-27, which would, in women's lacrosse, prohibit an institution's athletics department staff member from arranging lodging for a prospective student-athlete on an unofficial visit in an enrolled student-athlete's residence (e.g., dormitory room, apartment) until August 1 following the prospective student-athlete's junior year in high school. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruitment concerns in their sport. However, the cabinet is unclear how this proposal would meaningfully address issues related to early recruitment since it would still be permissible for high school juniors to participate in an unofficial visit and stay with students who are not student-athletes or stay in off-campus locations (e.g., hotels) where no supervision is provided which raises prospective student-athlete well-being concerns. Further, the cabinet noted the issue of early offers has been identified by the Board of Directors and Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.

- p. **Proposal No. 2008-28 – Recruiting – Financial Aid Agreements – Offers of Aid Before July 1 Following Junior Year – Women's Lacrosse.** The cabinet opposes Proposal No. 2008-28, which would, in women's lacrosse, prohibit an institution from offering (or indicate that it will or may offer), orally or in writing, athletically related financial aid, other institutional financial aid or admissions assistance before July 1 following the prospective student-athlete's junior year in high school; further, the proposal specifies that an institution may not accept any commitment from a prospective student-athlete before July 1 following the prospective student-athlete's junior year in high school. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruiting concerns in their sport. Further, the cabinet noted the issue of early offers has been identified by the Board of Directors and Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.
- q. **Proposal No. 2008-29 – Recruiting – Tryouts – Exceptions – Voluntary Summer Conditioning – Sports Other than Football and Basketball.** The cabinet opposes Proposal No. 2008-29 which would, in sports other than football and basketball, permit a prospective student-athlete to engage in voluntary summer workouts conducted by the institution's strength and conditioning coach with department-wide duties and receive workout apparel (on an issuance and retrieval basis), provided he or she is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution. Although the cabinet is supportive of addressing sport-equity issues regarding the

current legislation, it expressed concern with increased costs and demands on athletics staff members (e.g., strength and conditioning coaches and athletic trainers) associated with having a greater number of prospective student-athletes on campus during the summer. Additionally, the cabinet noted the requirements for participation in voluntary summer activities would be different for football and basketball compared to all other sports under this proposal.

- r. **Proposal No. 2008-30 – Recruiting – Sports Camps and Clinics – Employment at Camp or Clinic – High School, Preparatory-School, Two-Year College Coaches or Other Individuals Involved with Prospective Student-Athletes – Employment as Speaker – Men's Basketball.** The cabinet supports Proposal No. 2008-30, which would, in men's basketball, specify that an institution shall not employ a speaker in its camp or clinic who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball. The cabinet received clarification that this proposal would prohibit these individuals from serving as speakers at institutional camps or clinics even if the individual is employed as a camp counselor at the same institutional camp or clinic. Further, the proposal would prohibit these individuals from serving as speakers at any type of institutional camp or clinic, including coaching clinics. Finally, the cabinet would support an immediate effective date in order for the legislation to apply to institutional camps or clinics in summer 2009.
- s. **Proposal No. 2008-31 – Recruiting – Use of Recruiting Funds – Recruiting Services – Video Services.** The cabinet opposes Proposal No. 2008-31 which would eliminate the requirement that off-campus observation of a prospective student-athlete on a video that is made available by a scouting service be considered an evaluation activity subject to applicable evaluation regulations. The cabinet expressed concern that this legislation could lead to the proliferation of video recruiting events (e.g., hotel nights) and increase the demands on coaching staffs to attend such events. The cabinet noted current regulations permit coaches to view this video at home without it counting as an evaluation. The cabinet noted the NCAA Division I Women's Basketball Issues Committee is opposed to this proposal.
- t. **Proposal No. 2008-66 – Administrative Regulations – Recruiting Calendars – Football – Dead Period.** The cabinet opposes Proposal No. 2008-66 which would, in football, specify that an institution shall designate two weeks (not required to be consecutive) during the months of June and July as a dead period. The cabinet noted institutions should be provided with the flexibility and discretion to monitor its own staff and office schedules without being required to adhere to a legislated dead period.

- u. **Proposal No. 2008-67 – Administrative Regulations – Recruiting Calendars – Softball – Contact Period August 1 Through the Day Prior to Thanksgiving Day.** The cabinet opposes Proposal No. 2008-67 which would, in softball, establish a contact period from August 1 through the day prior to Thanksgiving Day. The cabinet expressed concern that the current legislation has only been effective for approximately one year and the cabinet believes more time is necessary to assess its impact before considering changes. Further, the cabinet noted the National Fastpitch Coaches Association is opposed the proposal for this same reason.
- v. **Proposal No. 2008-68 – Administrative Regulations – Recruiting Calendars – Women's Lacrosse – Fall Evaluations.** The cabinet opposes Proposal No. 2008-68 which would, in women's lacrosse, specify that during the fall contact period, evaluations of prospective student-athletes participating in lacrosse activities who have not started their senior year in high school are limited to the three weekends prior to Thanksgiving. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruitment concerns in their sport. However, the cabinet is unclear how common "senior only" tournaments are in the sport and whether scholastic lacrosse seasons in all states are in the spring. Additionally, the cabinet noted the potential increase in the number of inadvertent secondary violations if participants' grade levels are not known. Finally, the cabinet noted this issue has been identified by the Board of Directors and Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.

## 2. **Nonlegislative.**

- a. **New NCAA Division I governance structure.** The cabinet reviewed the changes to the Division I governance structure, including its role and responsibilities. Cabinet members were reminded of the importance of communication in the new structure, both within the structure and to conferences. Specifically, cabinet members have been instructed to work with their respective conferences to determine a method by which cabinet business will be communicated and members are expected to report back during the February meeting. Additionally, the three-to-five year national office strategy and issues on the Division I agenda were identified to help the cabinet understand the key issues facing the national office and Division I membership.

- b. Report from NCAA Division I Leadership Council Communications and Coordination Committee.** The cabinet reviewed the August 27, 2008, report from the Division I Leadership Council Communications and Coordination Committee which included the key issues raised by the Leadership Council during its first meeting, including the issue of early offers.
- c. Review of Bylaws 11 and 13 legislation.** The cabinet received an educational review of Bylaws 11 and 13 legislation and interpretations, including past issues discussed and addressed by the former NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Recruiting and future areas of concern.
- d. Cabinet policies and procedures.** The cabinet approved its policies and procedures which establishes an Administrative Committee and outlines relevant policies and procedures to guide the cabinet's future work.
- e. Discussion of cabinet's guiding principles and future priorities.** The cabinet engaged in a discussion regarding its guiding principles and priorities. This discussion centered on the cabinet's charge and duties, the guiding principles established by the Subcommittee on Recruiting, transitional items from the subcommittee and the identification of priority issues. The cabinet agreed that the issue of coaching limits and the number of noncoaching staff members should be added to the list of cabinet priority issues to be addressed at future meetings which includes: early offers of athletics aid, recruiting and video services, recruiting materials and technology, scouting of opponents – film exchange and a review of “dated” legislation.

- f. Articles of interest.** The cabinet directed staff to continually collect media and news articles related to recruiting issues and forward to the full cabinet to help identify and provide context for key recruiting issues.

*Cabinet Chair: Petrina Long, University of California, Los Angeles, Pacific-10 Conference*  
*Staff Liaison(s): Jeremiah Carter, Membership Services*  
*Amy Huchthausen, Membership Services*  
*Charnele Kemper, Membership Services*  
*Jackie Thurnes, Enforcement Services*

MINUTES OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
DIVISION I LEGISLATIVE REVIEW AND INTERPRETATIONS COMMITTEE

Conference Call No. 14

August 27, 2008

Participants:

Brad Bertani, University of Tennessee, Knoxville  
Ellen Ferris, University of Southern California  
Frank Harrell, Tennessee Technological University  
Shane Lyons, Atlantic Coast Conference, chair  
Janet Lucas, University of California, Riverside  
Don Oberhelman, San Diego State University  
Amy Huchthausen, NCAA  
Kris Richardson, NCAA  
Geoff Silver, NCAA  
Leeland Zeller, NCAA

Jacqueline Campbell, Atlantic 10 Conference, James Klein, University of Toledo and Ray Shackelford, Bethune-Cookman College were unable to participate.

[Note: These minutes contain only actions taken (formal votes or stated “sense of the telephone conference”) 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 conference call, all final actions without a given topic are combined in these minutes for convenience of reference.]

The NCAA Division I Legislative Review and Interpretations Committee telephone conference was called to order at 3 p.m. All members were present as noted above.

1. Official interpretation. The committee issued the following official interpretations.

**Awards, Benefits and Expenses for Enrolled Student-Athletes – Housing and Meals –  
Meals in Conjunction with Away-from-Home Competition**

- a. Meals in Conjunction with Away from Home Competition. (I) The committee determined that if an institution chooses the discretionary meals option for meals in conjunction with away-from-home competition, the institution may provide a

meal or cash, not to exceed \$15 (but not both), to student-athletes at the time of their release from team-related activities by the appropriate institutional authority.

[References: NCAA Division I Bylaw 16.5.2 (meals incidental to participation) and a staff interpretation (7/15/08, item b, which has been archived)]

### **Eligibility – Freshman Academic Requirements – One Core Course after High School Graduation**

- b. Completion of One Additional Core Course After High School Graduation. (I) The committee determined that it is not permissible for a prospective student-athlete to use a core-course, including an online course, completed after high school graduation to satisfy initial-eligibility requirements if the prospective student-athlete is enrolled in the course while concurrently receiving athletically related financial aid to attend an institution's summer term.

[References: Division I Bylaws 14.3.1.2.1 (core curriculum time limitation); 14.3.1.2.1.1 (exception – one core course after high school graduation), 15.2.8.1.4 (prior to initial, full-time enrollment at the certifying institution – athletics aid) and a staff interpretation (8/6/08, item a, which has been archived)]

2. Approved staff interpretation. The committee approved the following staff interpretation.

### **Recruiting – Tryouts – Recreational Activities**

- Recreational Activities During an Official or Unofficial Visit. (I) The membership services staff determined that during an official or unofficial visit a prospective student-athlete may participate in recreational activities in a facility that is not open to the general public (e.g., facility reserved for student-athletes to participate in voluntary activities), provided such activities are not organized or observed by members of the athletics department coaching staff (including strength and conditioning coaches) and are not designed to test the athletics abilities of the prospective student-athlete.

[Reference: Division I Bylaw 13.11.2.2 (recreational activities)]



**Revised NCAA Division I Legislative Council Subcommittee for Legislative Relief  
Misinformation Policies and Procedures Language**

**Previous Language.**

For cases involving misinformation, if the applicant institution benefits (request is granted) as a result of misinformation from an administrator at the applicant institution, then the chancellor or president of the applicant institution will be notified by letter from the NCAA Division I Legislative Council Subcommittee for Legislative Relief staff detailing the chronology of the individual's actions who provided the misinformation.

**Revised Language.**

For cases involving misinformation, a lack of information or institutional error in which a student-athlete(s) is detrimentally impacted by the actions of institutional personnel, if the applicant institution benefits (request is granted) as a result of the circumstances, then the chancellor or president of the applicant institution will be notified by letter from the staff detailing the chronology of the institution's/individual's actions. A member of the staff or subcommittee may call an institution's chancellor or president to provide notice regarding the institution's plans to prevent future instances of misinformation/error when an institution has submitted multiple waiver requests involving misinformation, a lack of information or institutional error that has detrimentally impacted a student-athlete.



REPORT OF THE  
NCAA DIVISION I COMMITTEE ON ATHLETICS CERTIFICATION  
APRIL 17, 2008 MEETING

**ACTION ITEMS.**

- Legislative Action Items.
  - None.

**INFORMATIONAL ITEMS.**

1. **Discussion of Institutions' Responses to Third Cycle Self-Study Items.** The NCAA Division I Committee on Athletics Certification received an update from each subcommittee regarding expectations for institutions' responses to third cycle self-study items. The committee directed the staff share the committee's suggestions and examples with third cycle, class one institutions during orientation videoconferences in fall 2008.
2. **Third-Cycle Measurable Standards and Self-Study Items.** The committee approved revised measurable standards related to fiscal responsibility. These measurable standards will be incorporated into Operating Principle 1.1 in NCAA Bylaw 22.2.1.1 (institutional control, presidential authority and shared responsibilities) for the third cycle.
3. **Review of Recommended Changes to the 2008-09 NCAA Athletics Certification Handbook.** The committee reviewed proposed revisions to the athletics certification handbook for third-cycle, class one institutions. The recommended changes to the handbook were approved.
4. **Review Recommendations to the Committee's Athletics Certification Policies and Procedures Manual.** The committee reviewed proposed revisions to the athletics certification policies and procedures manual. The recommended changes to the policies and procedures document were approved and will be posted online later this summer.
5. **Review of Athletics Certification Program Evaluation Tools.** The committee reviewed questionnaires provided to participating institutions and peer-review team members which are used to evaluate the athletics certification process. The committee agreed to add questions regarding the expenses incurred by institutions for a peer-review team's campus visit.

*Committee chair: Nathan Hatch, Wake Forrest University, Atlantic Coast Conference*

*Staff Liaisons: D. Kelly Brooks, Membership Services*

*Mira J. Colman, Membership Services*

*Amy B. Huchthausen, Membership Services*

*Charnele Kemper, Membership Services*

*Danielle Teetzel, Membership Services*

**REPORT OF THE  
NCAA DIVISION I COMMITTEE ON ATHLETICS CERTIFICATION  
July 16-18, 2008, MEETING**

**ACTION ITEMS.**

- **Legislative Action Items.**
  - **None.**

**INFORMATIONAL ITEMS.**

1. **Discussion on NCAA Division I Academic Performance Program (APP).** The NCAA Division I Committee on Athletics Certification (hereinafter referred to as “committee”) received an update regarding the APP, including data collection, the NCAA Division I Academic Progress Rate Improvement Plans, penalties and waivers, along with additional resources available for assistance with questions. The committee noted institutions are required to analyze their APP data in the third cycle and it will be important to monitor any revisions to the APP on a regular basis. In addition, the committee discussed how APP penalties imposed on an institution could impact certification decisions and agreed to monitor this in the future as the historical penalties are applied.
2. **Discussion on Dashboard Indicators.** The committee received an update regarding the financial dashboard indicators that were made available to institutions earlier in the summer. The committee noted the new measurable standard for the third cycle related to the dashboards and agreed to monitor this program as it continues to develop.
3. **Working-Group Issues.**

The committee discussed the following items as they relate to athletics certification:

- a. Communication of policies to student-athletes and staff. The committee clarified that policies regarding scheduling of practices and competition, grievance and/or appeal procedures, emergency medical plans and travel policies must be directly communicated to student-athletes and staff through methods that are deemed most appropriate for the specific group. For example, communication of policies to student-athletes could be made via the student-athlete handbook and communication of policies to staff could be made via the athletics department policies and procedures manual. Further, the committee directed the staff to emphasize this during Class-One orientation videoconferences in order to provide additional clarification to institutions. Finally, the committee noted the third-cycle measurable standards for Class Two will be updated to include this clarification.

- b. Athletics department staff serving on academic support services evaluation committees. The committee determined that athletics department staff may participate as members of an academic support services evaluation committee provided the individual serves only as a resource as opposed to participating in the data collection, materials review, interviews, evaluation, formulation of recommendations or in any other capacity. The committee noted that athletics department staff can be a resource to the individuals performing the evaluation by providing general information and context for the academic support services evaluation. The committee directed staff to request additional information from institutions regarding the involvement and responsibilities of athletics department staff who are involved in any capacity, including those in an ex-officio position, in the academic support services evaluation. In addition, the committee will continue to monitor the frequency of this participation to determine if further action is warranted.
    - c. Student-athletes voicing grievances to coaches. The committee agreed that institutions have the autonomy to create and enforce policies and procedures regarding student-athlete grievance and appeal procedures, including when a student-athlete grievance involves a coach. However, the committee expressed concern regarding situations in which serious grievance issues (e.g., harassment by coach against a student-athlete) arise and institutional policy directs student-athletes to voice all grievances to a coaching staff member instead of an athletics or institutional administrator. The committee agreed that institutions will be required to provide additional information and clarification when grievance policies direct student-athletes to voice all grievances to coaching staff members without specifying what should be done in instances when the grievance is against a coach.
4. **Governing boards and athletics governance policies.** The committee agreed that a governing board (e.g., board of trustees) member should be interviewed by the peer-review team chair during all evaluation visits beginning with Class 10 of the second cycle and continuing thereafter. The committee noted staff is working with the Association of Governing Boards (AGB) to develop a model athletics governance policy regarding the administration and oversight of athletics in order to assist institutions that will develop or revise athletics governance policies in conjunction with the athletics certification process.
5. **Third-cycle expectations regarding Operating Principle 3.1 Gender Issues.** In light of the increased accountability and revised program areas and measurable standards for the third cycle in the gender-issues area, the committee discussed its expectations for satisfying the third-cycle measurable standards. Specifically, the committee noted it will expect institutions to provide greater analysis and explanation of the data available in each program area. Institutions will be expected to include data available through the

Equity in Athletics Disclosure Act reports along with the financial data submitted to the NCAA on an annual basis. While the committee does not evaluate a program's compliance with federal Title IX regulations, it does evaluate whether an institution is making progress toward an athletics department that is equitable for both genders, pursuant to the legislated operating principle. Accordingly, the committee will expect institutions to provide a detailed narrative explanation to demonstrate its status in each of the 17 program areas. Furthermore, if an institution concludes that it is equitable in any particular program area, it will be required to use data to support its conclusion and fully explain this data and how it results in an equitable situation. The committee noted institutions should pay particular attention to the program area descriptions in the self-study instrument to ensure responses are complete and fully address the important aspects of each program area.

Additionally, the committee will continue to closely evaluate the implementation of gender-issues plans from the previous cycle. If an institution has not fully implemented its second-cycle gender-issues plan, the committee may identify this partial or noncompletion as a condition prior to full certification. Therefore, each institution should routinely monitor and, if necessary, modify its second-cycle gender-issues plans to ensure that progress is being made as originally set forth or that modifications are appropriately identified and addressed.

6. **Third-cycle expectations regarding Operating Principle 3.2 Diversity Issues.** Similar to the discussion regarding the gender-issues operating principle and measurable standards, the committee engaged in a discussion regarding its expectations for the diversity-issues area. Specifically, the committee noted several of the program areas have been revised for the third cycle. As noted elsewhere in this report, increased accountability is part of the committee's philosophy in the third cycle. Accordingly, institutions will be required to provide complete and detailed explanations in response to the nine program areas. The committee noted institutions should pay particular attention to the program area descriptions in the self-study instrument to ensure responses are complete and fully address the important aspects of each program area. Institutions should note the committee supports and encourages institutions to connect with any relevant institution-wide efforts to assist in its response to this operating principle. Additionally, the committee noted institutions should be reminded to address issues for coaches, staff and student-athletes. Finally, the committee noted it will continue to inform the membership of its expectations and provide clarification when necessary to help institutions as they go through the athletics certification process.

As it relates to specific program areas, the committee noted the following:

- a. Assessment. The committee noted the use of student-athlete exit interviews alone will not be a sufficient response to demonstrate that an assessment has occurred. A student-athlete exit interview could be one part of a broader assessment conducted but the intent is to ensure that an assessment of the entire athletics department has been conducted with respect to diversity issues.
- b. Recruitment. The committee noted it will expect institutions to demonstrate how it actively recruits administrators, coaches and student-athletes with respect to diversity. This “active” recruitment extends beyond simply posting vacant job openings in publications that are devoted to any particular diverse group (e.g., Black Coaches and Administrators, National Association of Collegiate Women Athletic Administrators). The committee remarked that this is analogous to posting a sign for open tryouts around campus. These individuals who tryout are considered walk-ons as opposed to recruited student-athletes. While this is an important step, it does not demonstrate an active recruitment. Therefore, institutions will have to demonstrate through additional actions or strategies how it actively recruits staff, coaches and student-athletes from underrepresented groups or diverse backgrounds within athletics.
- c. Hiring practices. The committee discussed how the use of search firms or the use of truncated search processes should be evaluated with respect to the operating principle. The committee noted its evaluation of this area is not intended to discourage the use of search firms or truncated search processes as there are many circumstances in which either of these practices are appropriate and necessary. However, the committee expects institutions to demonstrate that a commitment to diversity is made in all hiring efforts, including those involving search firms and truncated processes. For example, does the search firm know the institution’s mission or goals (e.g., mission statement, diversity goals) with respect to diversity? Were policies or statements shared with the search firm or with prospective candidates? Did the search firm or institution’s involved staff (e.g., president or chancellor, athletics director) track the diversity of the candidates interviewed? The committee noted these are only some examples by which an institution might be able to demonstrate that a commitment to diversity was part of these searches without compromising the confidentiality of the process.

*Committee Chair: Nathan Hatch, Wake Forest University, Atlantic Coast Conference*

*Staff Liaisons: Mira J. Colman, Membership Services  
Amy B. Huchthausen, Membership Services  
Charnele Kemper, Membership Services  
Andy Louthain, Membership Services  
Abbie Renaker, Membership Services  
Danielle Teetzel, Membership Services*





**REPORT OF THE  
NCAA DIVISION I STUDENT-ATHLETE ADVISORY COMMITTEE**

The NCAA Division I Student-Athlete Advisory Committee (SAAC) submits the following report from its July 18-20, 2008, meeting.

**ACTION ITEMS.**

1. **Selection of Student-Athletes to NCAA Division I and Association-Wide Committees.** SAAC recommends that the NCAA Division I Leadership Council approve the following appointments of SAAC members to the specified Association-wide and divisional committees:
  - (1) NCAA Committee on Women's Athletics: Alex Morley, University of Hartford, America East Conference.
  - (2) NCAA Minority Opportunity and Interests Committee: Sherraine Pencil, San Diego State University, Mountain West Conference;
  - (3) NCAA Olympic Sports Liaison Committee: Nick Fulton, University of Wisconsin-Madison, Big Ten Conference;
  - (4) NCAA Division I Academic Cabinet—Brittany Loisel, Rutgers, State University of New Jersey, New Brunswick, Big East Conference;
  - (5) NCAA Division I Amateurism Cabinet: Benten Kieffner, Winthrop University, Big South Conference;
  - (6) NCAA Division I Administration Cabinet—Camille Richard, University of Pennsylvania, Ivy Group;
  - (7) NCAA Division I Recruiting Cabinet—Audrey Piotrowski, Cleveland State University, Horizon League;
  - (8) NCAA Division I Student-Athlete Financial Aid, Awards, Expenses and Benefits Cabinet: Julie Rubenstein, Pepperdine University, Big West Conference.
  
2. **Selection of NCAA Division I SAAC members.** The Division I SAAC recommends that the Division I Leadership Council ratify the following Division I SAAC member selections.
  - (1) Monique Carroll, women's volleyball, outdoor track, University of Arkansas, Pine Bluff, Southwestern Athletic Conference.
  - (2) Aminah Zannah Charles, women's volleyball, Hampton University, Mid-Eastern Athletic Conference;

- (3) Eryn Crane, women's swimming, Loyola College (Maryland), Metro Atlantic Athletic Conference;
- (4) Melanie Cruz, softball, Tennessee State University, Ohio Valley Conference;
- (5) Matthew Deane Goff, football, James Madison University, Colonial Athletic Association;
- (6) Danielle Gray, women's basketball, Jacksonville University, Atlantic Sun Conference;
- (7) Scott Krapf, men's cross country, indoor and outdoor track, Illinois State University, Missouri Valley Conference;
- (8) Catharine Rose Marosszeky, women's soccer, Kent State University, Mid-American Conference.
- (9) William Taylor McInnis, baseball, Lamar University, Southland Conference.
- (10) Anne Morrison, women's rowing, California State University, Sacramento, Big Sky Conference;
- (11) Ryan Anthony Meyers, football, Colgate University, Patriot League;
- (12) Jarrett Newby, men's cross country, indoor and outdoor track, East Carolina University, Conference USA.

[Note: Based on the timing of its conference appointment, action will be taken to appoint the Summit League position via conference call in September.]

**3. Reappointment of NCAA Division I SAAC members.** The Division I SAAC recommends that the Division I Leadership Council ratify the following Division I SAAC member re-appointments.

- (1) Allison Houseal, women's water polo, University of Maryland, College Park, Atlantic Coast Conference
- (2) Danielle Neault, field hockey, University of the Pacific, West Coast Conference.

**INFORMATIONAL ITEMS.**

**1. New Members.** The following student-athletes were introduced as new members of SAAC:

- a. Kendra Eaton, basketball, Western Carolina University, Southern Conference;
  - b. Justin Pollard, swimming, University of California-Berkeley, Pacific-10 Conference.
- 2. Divisional Committee Reports.** SAAC members were provided updates relating to Division I committees on which SAAC members serve. The following items were noted:
- a. NCAA Division I Board of Directors and Management Council Meetings. Kerry Kenny and Matt Baysinger provided an update on the April meeting of the Division I Board of Directors and Management Council. Mr. Kenny noted the additional discussion and feedback that was had involving Proposal 2007-73.
  - b. Championships/Competition Cabinet. Danielle Neault provided an update regarding the cabinet's discussions during its June meeting. Ms. Neault discussed some of the areas of legislation that the cabinet would like to insure are not lost during the upcoming government restructuring. The cabinet discussed proposals that had been submitted for initial consideration, including informal basketball practice scrimmages and playing and practice seasons.
  - c. NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Recruiting. Ryan Brown informed SAAC of the subcommittee's meeting in June. The subcommittee discussed sponsored proposals for the 2008-09 legislative cycle, and their potential impact. Mr. Brown noted that this would be the final meeting of this particular subcommittee due to the restructuring of the NCAA governance system.
  - d. NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Continuing Eligibility. Stephanie Swiger updated SAAC members regarding the subcommittee's June meeting. Ms. Swiger noted that the subcommittee thoroughly discussed women's volleyball-specific legislation with respect to seasons of competition. Ms. Swiger also noted various other pieces of legislation that the subcommittee reviewed in preparation for the 2008-09 legislative cycle.
  - e. NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Financial Aid. Jarrell Johnson provided SAAC with updates regarding the discussions of the subcommittee on current pending legislation. Mr. Johnson provided information regarding the subcommittee's discussion of a best

practices document for hearing opportunities and notification for student-athletes who have their financial aid reduced.

- f. NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Agents and Amateurism. Noel Larson noted that the subcommittee had met in June. Ms. Larson stated that the subcommittee met with the continuing eligibility subcommittee regarding sport-specific legislation in women's volleyball, and discussed various other issues that may arise in the 2008-09 legislative cycle.
- g. NCAA Division I Student-Athlete Reinstatement Committee. Mr. Kenny provided an update on the May meeting of the committee. Mr. Kenny noted that the committee brought in a number of speakers from the NCAA national office, and discussed a diverse array of issues, including issues with respect to baseball student-athletes, and prospective student-athletes, and the use of advisors.
- h. NCAA Division I Men's Basketball Issues Committee. Mr. Kenny provided an update on the June meeting of the committee. Mr. Kenny noted that the committee discussed the work of the basketball academic enhancement working group, and that another basketball student-athlete Robbie Hummel from Purdue University, was also present during the meetings. Mr. Kenny noted that the committee also discussed the increased prevalence of institutions receiving commitments from prospective student-athletes of younger ages, such as 8<sup>th</sup> and 9<sup>th</sup> graders.
- i. NCAA Division I Women's Basketball Issues Committee. As SAAC did not have a representative present at the meeting, Curtis Hollomon, associate director of education services at the NCAA, provided an update regarding the most recent committee meeting, as had been relayed by Sue Donohoe, Vice-President for Women's Basketball at the NCAA. Mr. Hollomon noted that the committee discussed the status of the proposed reduction of grants-in-aid and the alteration of summer evaluation periods.
- j. NCAA Division I Football Issues Committee. William Brown updated SAAC regarding the Football Issues Committee's recent meetings. Mr. Brown noted that the committee had discussed the creation of a best practices document or multi-media presentation for how student-athletes can deal with the issue of agents. Mr. Brown also noted that the committee discussed issues involving sportsmanship, early signing periods, and the amount of individuals granted sideline access to games.

3. At Risk Student-Athletes. Dr. Sidney McPhee, President, Middle Tennessee State University, provided the group with an update on the deliberations of the At-Risk Student-Athlete Working Group. Dr. McPhee solicited feedback from the committee regarding the work of the At-Risk Student-Athlete Working Group, and what more the group could be doing to address the issues affecting at-risk student-athletes. Carrie Leger, associate director of membership services at the NCAA, provided an update on the work of the Committee on Academic Performance, and also supplied information regarding the academic reform process, and where it currently stands.
4. White case settlement. Elsa Cole, NCAA general counsel, provided the committee with information regarding the settlement of a case involving student-athletes who had contested the NCAA definition of a full grant-in-aid. Ms. Cole described the parameters of the settlement funds.
5. Gender Equity and Issues Forum. Aidah Rasheed provided a report regarding the participation of Shanay Freeman and herself at the Forum. Ms. Rasheed noted that attending the forum was a very worthwhile event, and suggested that SAAC members take advantage of such opportunities in the future.
6. Basketball Academic Enhancement Working Group. Kerry Kenny provided an update regarding the most recent meeting of the basketball academic enhancement working group. Mr. Kenny provided information to the committee regarding the issues that the working group has discussed, and the possible legislation that may arise from this group.
7. Football Academic Enhancement Working Group. Alan Houser, faculty athletic representative, Appalachian State University, provided a brief overview of the issues that the football academic enhancement working group is working through, and requested feedback from student-athletes regarding their particular experiences.
8. Division I Governance Restructuring. Megan Coyne, NCAA governance intern, provided the group with an overview of the new NCAA governance structure, and the role of SAAC within that structure.
9. Joint Student-Athlete Advisory Committee Meeting. During the joint SAAC meeting, Aidah Rasheed provided a presentation regarding the history of historically black colleges and universities. Duer Sharp, commissioner of the Southwestern Athletic Conference, supplemented Ms. Rasheed's presentation by providing a discussion of the historical importance and current state of historically black colleges and universities within the NCAA structure. Nicole Bracken, NCAA assistant director of research, administered a survey to the student-athletes regarding substance abuse, the results of which will be used to tailor a final survey to be distributed association-

wide. Student-athlete representatives provided updates regarding association-wide committees as well as updates on the initiatives of each individual SAAC.

10. NCAA National Student-Athlete Development Conference. Mr. Kenny provided an update regarding SAAC's participation in the May National Student-Athlete Development Conference in Orlando.
11. 2007 Legislation Updates. Abbie Renaker, NCAA assistant director of membership services, provided updates regarding the status of legislation that the committee had deliberated on during its November 2007 and January 2008 meetings, including 2007-30, 2007-73, 2007-79 and 2007-83.
12. Conference Updates. SAAC members highlighted unique conference activities and issues facing members during the current year.
13. Newsletter and Website. The committee broke into groups to discuss possible topics for submission to the SAAC newsletter, NCAA Champion magazine, the online NCAA News, and the NCAA Blog, the Double-A Zone. Also discussed were possible ideas for improving the Division I SAAC website, and the possibility of creating an unofficial Division I SAAC website.
14. NCAA Internship Program. Mr. Hollomon, Bradley Horton, education services intern at the NCAA, and Ms. Coyne provided information to the group regarding the year-long NCAA internship program, including dates for application and the expectations of their respective departments.
15. 2008 Fall Internet Meetings. Ms. Renaker noted that the dates of these meetings will be September 21<sup>st</sup> and September 28<sup>th</sup>. Ms. Renaker noted that each committee member must participate in one session, and that conference advisors will also be invited to participate on the call.
16. Term Discussion. Mr. Hollomon discussed the idea of changing the current structure of what time of the year new members join the committee. Committee members discussed the benefits of new members beginning their term prior to the July meeting rather than the November meeting. Mr. Hollomon will follow up with other members of the NCAA staff to determine whether the current term structure should be altered, and how this would be accomplished administratively.

17. Legislative Issues. Ms. Renaker provided an update regarding legislation that had been submitted to the national office by the July 15<sup>th</sup> deadline. Ms. Renaker noted possible legislation in the areas of amateurism, recruiting, playing and practice seasons, and financial aid. Please note additional discussions regarding selected proposals will occur during the 2008 Fall Internet meetings as well during the National SAAC meetings in November.
18. Attendance. As requested by the NCAA Division I Management Council, the attendance list for the July meeting is as follows:

Conference	School	Name	Sport	Present
America East Conference	University of Hartford	Alexandra Morley	Softball	Yes
Atlantic 10 Conference	University of Richmond	Brian Alas	Baseball	Yes
Atlantic Coast Conference	University of Maryland	Allison Houseal	Women's Water Polo	Yes
Atlantic Sun Conference	Jacksonville University	Matthew Dobbins	Baseball	Yes
Big Twelve Conference	University of Kansas	Matthew Baysinger	Men's Track and Field	Yes
Big East Conference	Rutgers University, The State University of New Jersey	Brittany Loisel	Softball	Yes
Big South Conference	Winthrop University	Benten Kieffner	Men's Soccer	Yes
Big Sky Conference	Northern Arizona University	Noel Larson	Women's Golf	Yes
Big Ten Conference	University of Wisconsin, Madison	Nick Fulton	Men's Swimming	Yes
Big West Conference	University of the Pacific	Danielle Neault	Field Hockey	Yes
Colonial Athletic Conference	University of Delaware	Tyler Kupper	Men's Golf	Yes
Conference USA	University of Tulsa	Brandon Diles	Football	Yes
Horizon League	Cleveland State University	Audrey Piotrowski	Women's Cross Country	Yes

Ivy Group	University of Pennsylvania	Camille Richard	Women's Track and Field	Yes
Metro Atlantic Athletic Conference	Siena College	Patrick Henry II	Men's Soccer	Yes
Mid-American Conference	Bowling Green University	Stephanie Swiger	Women's Volleyball	Yes
Mid-Continent Conference	Western Illinois University	Jarrell Johnson	Football and Men's Track and Field	Yes
Mid-Eastern Athletic Conference	Morgan State University	Aidah Aliya Rasheed	Women's Tennis	Yes
Missouri Valley Conference	Illinois State University	Ryan Brown	Men's Golf	Yes
Mountain West Conference	San Diego State University	Sherraine Pencil	Women's Track and Field	Yes
Northeast Conference	Fairleigh Dickinson University, Metropolitan	Shanay Freeman	Women's Basketball	No
Ohio Valley Conference	Southeast Missouri State University	Matt Carter	Baseball	Yes
Pacific 10 Conference	University of California-Berkeley	Justin Pollard	Men's Swimming	Yes
Patriot League	Lafayette College	Kerry Kenny	Men's Basketball	Yes
Southeastern Conference	University of South Carolina	William Brown	Football	Yes
Southern Conference	Western Carolina University	Kendra Eaton	Women's Basketball	Yes
Southland Conference	Southeastern Louisiana University	Jerren Pierce	Football	Yes
Southwestern Athletic Conference	Southern University, Baton Rouge	Brittany Jefferson	Softball	Yes



Sun Belt Conference	Western Kentucky University	Patrick Jenkins	Cross Country/Track	Yes
West Coast Conference	Pepperdine University	Julie Rubenstein	Women's Volleyball	Yes
Western Athletic Conference	University of Nevada	Trisha Gibbons	Women's Soccer	Yes
<b>Others:</b>				
Management Council	Texas State University – San Marcos	Tracy Shoemake, Associate Athletic Director	Southland Conference	Yes

\*Note: Also in attendance throughout the weekend were Alan Houser, Faculty Athletics Representative, Appalachian State University and Roger Caves, Faculty Athletics Representative, San Diego State University.

19. Future Meeting Schedule.

- a. November 14-16, 2008, Indianapolis, Indiana.
- b. January, 2009, NCAA 2009 Convention, Washington, D.C.
- c. July 2009, location to be determined.
- d. November 2009, Indianapolis, Indiana.

*Committee Chair: Kerry Kenny, Lafayette College, Patriot League*

*Committee Vice-Chair: Matthew Baysinger, University of Kansas, Big 12 Conference*

*Staff Liaisons: Curtis Hollomon, NCAA Education Services:*

*Kelly Groddy, NCAA Membership Services,*

*Abbie Renaker, NCAA Membership Services,*

*John Shukie, NCAA Agent, Gambling and Amateurism Activities.*

**REPORT OF THE  
NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE  
JULY 10, 2008, MEETING**

**ACTION ITEMS.**

**1. Legislative Items.**

• **Composition of the NCAA Division I Committee on Academic Performance.**

- (1) Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors sponsor emergency legislation as follows:
  - (a) To increase the size of the committee from 11 members to 15 members;
  - (b) To require the committee to include a minimum of two chancellors or presidents serving at all times; and
  - (c) To establish an exception to the committee's term limits to permit the chair of the committee to serve at the discretion of the Board of Directors, with reconsideration of the chair's term extension to occur at least every two years. [Attachment A]
- (2) Effective Date. Immediate.
- (3) Rationale. The committee anticipates an increase in the number of NCAA Division I Academic Performance Program (APP) penalty waiver appeals as more severe penalties are implemented in 2008-09. An increase in the size of the committee is necessary to effectively and expeditiously review waivers and appeals submitted by the membership. In addition, an increase in size will improve the committee's ability to maintain a sufficient number of members as people recuse themselves as needed during waiver and appeals deliberations and hearings. Further, the recommendation to require at least two chancellors or presidents to serve on the committee at all times will increase the likelihood that a chancellor or president will be available for all committee meetings, including hearings of Occasion-Three and -Four Historical Penalty waivers. Finally, the exception to the committee's term limit will enable the chair to provide continuity of knowledge and service as the committee moves through this critical phase of the academic reform cycle. As such, it is in the best interest of the Association to permit the chair to serve beyond the current legislative term limit as the Board of Directors deems appropriate.

The committee recommends this proposal be considered as emergency and noncontroversial legislation so that the recommended change can take effect immediately, in preparation for the 2008-09 APP waiver season.

- (4) Estimated Budget Impact. Minimal, expenses for four additional committee members.
- (5) Student-Athlete Impact. None.

## **2. Nonlegislative Items.**

### **a. Committee Appointments.**

- (1) Recommendation. The committee recommends the Board of Directors take the following actions regarding to committee members and terms:
  - (a) Extend the term of the current chair, President Walter Harrison of the University of Hartford, for an additional two years, to expire in September 2011.
  - (b) Appoint President Melvin Johnson, Tennessee State University, as vice chair of the committee. President Johnson is a current committee member.
  - (c) Due to the time-sensitive nature of the committee expansion, immediately appoint the following current ad hoc members to the committee as regular members with appropriate staggered terms:
    - i. Tom Burnett; Commissioner, Southland Conference;
    - ii. John Morris; Senior Associate Director of Athletics, University of Washington; and
    - iii. Greg Sankey, Associate Commissioner, Southeastern Conference.
  - (d) Direct the NCAA Division I Administration Cabinet to appoint a faculty athletics representative or provost to the committee to fill the remaining vacancy.
- (2) Effective Date. Immediate.

- (3) Rationale. The extension of the current chair's term and the appointment of a president as vice chair will emphasize presidential leadership of academic reform and will provide practical benefits to the committee's operational activities (e.g., vice chair will serve in the chair's absence during any meetings, teleconferences, and/or penalty waiver proceedings). The appointment of the ad hoc members noted above will formalize the role of individuals who already are familiar with the committee's work and policies and procedures, and will be prepared to fully participate in waiver and appeals work. The experience of these ad hoc members is critical as the committee hears appeals of serious penalties this year. Finally, the committee's current composition, including the ad hoc members, includes a diverse blend of individuals with various backgrounds, perspectives, expertise and job responsibilities; however, the group believes at this time additional faculty representation would be helpful.
- (4) Estimated Budget Impact. None.
- (5) Impact on Student-Athlete Well-Being. None.

**b. Committee Policies.**

- (1) Recommendation. The committee recommends the Board of Directors approve the APP policies and procedures (Attachment B) which include updates to the Occasion-Three and -Four Historical Penalty waivers and appeals. The rationale highlights some of the more significant updates which include designation of specific roles and authority of the staff, committee and the subcommittee of the Board of Directors, and the definition of the review standard for institutional appeals by the subcommittee of the Board of Directors and flexibility in the Occasion-Four waiver process.
- (2) Effective Date. Immediate.
- (3) Rationale. These policies and procedures have been updated with routine changes the committee has made throughout the year. Additionally, in anticipation of the number of teams that could be subject to Occasion-Three and -Four Historical Penalties, the policies provide for greater staff authority to render approvals and conditional approvals to help ensure efficient use of committee time and institutional resources. Further, the committee noted that teams or institutions desiring to appear before the committee will be afforded that opportunity. These appeal policies require

the appointment of a subcommittee of the Board of Directors to hear appeals of committee waiver decisions when such cases meet a rigorous standard for review. If the subcommittee or the subcommittee chair determines the standard for Board of Directors review has not been met, the committee's decision will be upheld. If the subcommittee or its chair determines the standard for Board of Directors review has been met, the appeal will be heard by the appointed subcommittee via teleconference and an alternative decision (e.g., approve, conditionally approve, partially approve or deny) may be rendered.

The updated policies and procedures also provide for the review of Occasion-Four Historical Penalties that permit the committee to provide relief to teams with acceptable academic performance, while still holding a poor-performing team in restricted membership. In developing the Occasion-Four restricted-membership penalty, the Incentives/Disincentives Working Group noted the importance of severe penalties serving as deterrents within the historical-penalty structure. As such, the penalty was designed so that restricted membership status shall apply to the institution's entire athletics program (i.e., all sports teams), rather than only to the low-performing team, for a period of one year. While the committee noted a penalized institution would not have to discontinue its varsity sports programs and, thus, could continue to award athletics scholarships and sponsor sports teams, it is certain to face challenges in scheduling competitions and in public relations. Further, it is possible conference sanctions could apply if the institution loses full membership status. Given the severe nature of the penalty and the potential consequences for the penalized institution, including teams that may be performing well academically, the committee supports the addition of this flexible option within the waiver process.

Lastly, the policies and procedures specify that an institution or team that did not satisfy the condition(s) of a previous waiver be required to impose the penalties in the year subsequent to its failure to meet the specified conditions. Further, this penalty shall be taken in addition to any other historical penalties the team incurs. Conditional relief of penalties is provided based on the premise the team will meet the specified conditions during the subsequent academic year. Teams not meeting the specified conditions and continuing to progress in the historical penalty structure should be accountable for all accumulated penalties (i.e., waived penalty from the previous year and penalty of subsequent year). Further, the staff/committee may consider the specified timing to impose the full penalties during the waiver process of the subsequent penalty.

- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

### **INFORMATIONAL ITEMS.**

1. **Criteria for Transfer Adjustments.** The committee codified within the NCAA Division I Academic Progress Rate (APR) Adjustment Directive the Board of Directors' approval of a modification to the APR calculation that permits a "1/1" adjustment for transfer students who meet specified criteria. Further, the committee continued its discussions regarding the criteria for review of adjustment requests for student-athletes who transfer with a grade-point average below 2.600 and agreed that the student-athlete must present a cumulative grade-point average of at least 2.000 and meet all other transfer adjustment criteria for the adjustment to be considered. In addition, the staff will review academic factors (e.g., number of transferable credit hours accepted by the next institution and applicable to the student-athlete's designated degree program, positive trends in the student-athlete's academic performance, student-athlete's academic success compared to other students with similar admissions profiles) to determine whether an adjustment is warranted. The committee directed the staff to apply a very high standard of review for these requests and noted this will be a rigorous standard to meet for approval. The committee also requested additional data related to transferable degree credit that may be informative to staff in its review of these adjustments requests and agreed to monitor transfer adjustments throughout the year. Finally, the NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting considered a request from a member institution to amend the criteria for the automatic adjustment for the retention point when a student-athlete transfers. The member institution proposed that the retention point be automatically adjusted (i.e., "1/1") for a student-athlete who transfers, provided he or she leaves the institution after meeting all applicable requirements to be eligible in the following academic term. In addition, if such a student-athlete transfers to another Division I institution and later becomes academically ineligible, that institution would be "double penalized" for accepting the transfer student-athlete and APR points would be added to the denominator. For example, a student-athlete who withdraws over the summer would be "1/1" for the spring term at the initial institution, provided he or she earned the "E" point before departing. If the student-athlete transfers to another institution and subsequently fails to meet eligibility requirements and withdraws, he or she would earn "0/4" points, rather than "0/2" points for his or her final term. The member institution noted this proposal would require institutions to carefully consider accepting transfer student-athletes at their respective institutions and would not penalize the first institution that ensured the student-athlete maintained eligibility. The Subcommittee on Data Collection and Reporting requested the staff gather data regarding the potential impact of this concept for additional discussion at its next meeting. [Attachment C]

**2. Coaches' Rate and APP Penalties Following Coaches.** The committee discussed APP penalties following coaches and the development of an academic coaches rate to be used to track the academic success of a particular head coach. The committee explored the following options:

- a. Creation of an academic rate of measure specifically attributed to each head coach throughout his/her career.
- b. Creation of an identified prescribed penalty applicable to all head coaches leaving a team with an APR lower than a specified benchmark, regardless if the institution incurred a penalty in that academic year.
- c. Requiring institutions hiring a coach employed by a penalized institution to apply all penalties to which the coaches' previous team is subject.
- d. Creation of a database that tracks the APR "record" of all head coaches for all applicable academic years.
- e. Publishing the names of coaches of those teams subject to APP penalties in connection with the current publication of high- and low-performing teams.
- f. Publishing the name of the "head coach of record" for each team for the academic year on each institution's public APR report.
- g. Requiring institutions hiring a coach employed by a penalized institution to present rationale to the committee defending the hiring.

Due to administrative and procedural complexities involved, the committee did not support any of the proposed concepts. Additionally, the committee noted that while coaches play a critical role in academic success, many other campus personnel impact a team's APR (e.g., director of athletics, faculty athletics representative, academic support personnel, president). However, the committee did refer to the Subcommittee on Data Collection and Reporting the concept of permitting access to archived APR reports via the NCAA Web site to provide easier access for institutions conducting research during a coaching search.

**3. Progression within the Historical-Penalty Structure.** The committee amended its policies and procedures to provide the committee and staff discretion to waive the progression to Occasion-Four Historical Penalties when making decisions regarding Occasion-Three penalty waivers. In such cases, an institution could repeat Occasion-Three Historical Penalties if it fails to meet the stated conditions in the following year, rather than advancing to Occasion-Four Historical Penalties. The Occasion-Four Penalty

includes restricted membership status for the institution and is the most severe APP penalty. In some cases, the committee or staff may determine a team has significantly underperformed academically and Occasion-Three penalties should not be waived. However, the team's performance and mitigating circumstances may offer some rationale for not advancing the team in the next year to Occasion-Four penalties, but instead repeating Occasion-Three penalties. Once a team is subject to Occasion-Three penalties, the authority to waive progression to Occasion-Four Historical Penalties provides the staff and committee more flexibility to apply the appropriate penalty relief for a team. Additionally, the committee discussed the role of APR Improvement Plans in the APP penalty waiver process and whether institutions should be required to submit multiyear APR goals that outline how the team plans to reach the APR penalty benchmarks (i.e., achieve a multiyear APR above 900). The committee requested the NCAA Division I Committee on Academic Performance Subcommittee on Appeals review this concept further in October.

4. **Occasion-Two Historical Penalties.** The committee reviewed the application of Occasion-Two penalties (e.g., financial aid restrictions, playing and practice seasons restrictions) and the reporting requirement for institutions imposing the penalties. The committee approved an educational column that provides information regarding the practice penalties and a list of acceptable academic support activities in which penalized teams may engage to replace reduced practice time. [Attachment D]
5. **Amendments to the APP Penalty Waiver Directive.** The committee approved specified amendments to the penalty waiver directive. The recommended amendments to the directive are based on increased experience reviewing APP waivers and the guidance provided by the Subcommittee on Appeals to the staff while reviewing APP waivers over the past three years. The more significant changes include elimination of the tiered review criteria for contemporaneous penalties; addition of review factors based on single-year APR trends and student-athlete "0/2" information; and updates to the APR Improvement Plan section. [Attachment E]
6. **Partial Approval of APP Penalties.** The committee amended its policy regarding partial approval for all APP penalty waivers to reflect that the staff/subcommittee may require a team to satisfy specified conditions in order to receive relief from the portion of the penalty that is waived. All teams subject to penalties have APRs below the established benchmarks and should be held accountable for implementing the team's APR Improvement Plan and potentially meeting other conditions. However, on rare occasions, circumstances warrant relief from a portion of the penalty without needing to hold the team to meeting a condition. The amendment to the policy will allow the committee/staff the flexibility to provide partial relief from a penalty and to determine whether the team shall meet condition(s) in order to receive that relief. Generally, the committee supports requiring a team to satisfy specified conditions as part of the waiver process.



**7. APP Data Collection and Reporting Policy for Institutions that Reinstate Dropped Sports in Subsequent Years.** The committee approved an amendment to its policies and procedures to require an institution that reinstates a dropped sport(s) to submit APP data according to the following guidelines:

- a. If a sport has been inactive at the Division I level for three or more years, the institution would be required to submit APP data for the academic year in which the sport team was reinstated and competition was resumed at the Division I level. The team would be considered to have submitted APP data for the first time, APP data submitted from previous years would no longer be used to calculate the team's (APR) and the team would have the benefit of the squad-size adjustment until four years of APR data is collected, provided the team has a multiyear cohort of 30 or more student-athletes. Additionally, if an institution was subject to an APP penalty at the time the team was discontinued or transitioned to another division, the institution would not be required to impose the penalty.
- b. If a sport has been inactive at the Division I level for a period of less than three academic years, the institution would be required to submit APP data for the academic year in which the sport team was reinstated and competition was resumed at the Division I level. Any years of APR data that are within the four-year APR cohort will be used to calculate the new multiyear APR and any penalties the team incurred at the time the team was discontinued will need to be taken at the earliest opportunity. The staff/subcommittee also will determine any additional requirements on a case-by-case basis.

The committee noted that once an institution has reinstated a sport and competed at the Division I level, it is reasonable that the institution should submit APR data for that team for the academic year and any subsequent years the team competes as a Division I sport. In addition, the committee believes if a sport is reinstated within three years, the composition of the team's APR cohort should be determined based on that team's individual circumstances. This will permit the staff/Subcommittee on Data Collection and Reporting to consider the number of student-athletes that remained at the institution, the reasons for the sport being discontinued and other relevant information. However, if a sport is reinstated after a period of three years, the APR cohort will no longer consist of many of the same student-athletes that were part of the team when the institution had to submit APP data for the team. In addition, the committee agreed this revision to the APP data collection and reporting policy will facilitate the transition process as institutions decided to reinstate a sport at the Division I level.

8. **Definition of the APR Cohort for Student-Athletes Receiving Athletics Aid Contingent on Academic Performance.** The committee considered a member institution's request that it determine whether the APP cohort should include a student-athlete who was offered and accepted athletically related financial aid contingent on the student-athlete satisfying various academic criteria before receiving any athletics aid. The committee issued an interpretation to clarify the APR cohort should include any student-athlete who signs an athletically related financial aid agreement for a term and is enrolled full time as of the census date or the fifth week of classes, whichever is earlier, even if the student-athlete does not receive any athletics aid because he or she does not satisfy some contingency within the financial aid agreement. [Attachment F]
9. **Early Graduation Bonus Concept.** The Subcommittee on Data Collection and Reporting initially discussed the possible development of an early graduation bonus point (e.g., "3/2") for student-athletes who graduate with eligibility remaining. However, given time constraints, full committee discussion was delayed until the October 2008 meeting.
10. **Impact of Conference and Institutional Academic Requirements on the APR.** The Subcommittee on Data Collection and Reporting reviewed a summary of the reasons institutions indicated student-athletes did not earn the eligibility point in 2006-07 to determine the potential APR impact when student-athletes satisfy NCAA requirements, but are ineligible for competition under conference requirements. At this time, the subcommittee did not support a change to the definition of academic eligibility to exclude conference requirements, noting its continued support of the committee's previous position that the NCAA has set minimal requirements and that conferences and institutions are permitted to develop their own academic benchmarks.
11. **Revised 2008-09 APR and Penalty Reporting Forms.** The Subcommittee on Data Collection and Reporting approved the final version of the institutional APR and Penalty Reports for the 2008-09 academic year. The reports are intended to provide institutions with their teams' APR, a summary of the teams subject to contemporaneous and/or historical penalties, and detailed worksheets explaining how the penalties were calculated.
12. **APP Focus Groups Conducted at the 2008 Regional Rules Seminars.** The Subcommittee on Data Collection and Reporting received an update from the staff related to focus groups conducted at each regional rules seminar with a select group of athletics personnel from member institutions and conferences. The group was asked to provide feedback and suggestions to improve the APP data collection, the Committee on Academic Performance Web site, the LSDBi waiver portal and other APP-related areas. The staff has compiled the focus groups' recommendations and will attempt to implement several of the group's recommendations over the course of the next academic year.

13. **Access to Athletics Activities (e.g., Summer Workouts) Incentive Concept for Women's Basketball.** The Committee on Academic Performance reviewed a report from the May 2008 meeting of the NCAA Division I Women's Basketball Issues Committee, which noted the Women's Basketball Issues Committee is no longer pursuing the incentive-based model of increased athletics access to women's basketball student-athletes during the summer for those teams achieving an identified level of academic success. Instead, the Women's Basketball Issues Committee agreed to consider a broader academic-access model, which would place focus on improving the academic performance of women's basketball student-athletes and on increasing athletics access during the summer. It is anticipated that the Women's Basketball Issues Committee will continue its consideration of this concept at its next meeting and will further define the potential terms of the summer access concept, in addition to the possible academic enrollment requirements (if any) for continuing students.
14. **NCAA Division I Men's Basketball Academic Enhancement Group.** The committee reviewed the April 29, 2008, progress report of the NCAA Division I Men's Basketball Academic Enhancement Group and particularly focused on possible recommendations that, if formally endorsed, may be referred to the committee for further development and implementation. In addition, the committee discussed the potential recommendation to require men's basketball student-athletes to successfully complete a minimum of six hours of acceptable degree credits during the summer term in order to be eligible for competition in the fall and preliminarily agreed to include this requirement when determining spring term "E" points for men's basketball student-athletes, should this recommendation be adopted by the membership. The committee indicated this approach would be consistent with the current application of the awarding of the eligibility point within the APR calculation.

*Committee Chair: Walter Harrison, University of Hartford, America East Conference*

*Committee Liaisons: Julie Cromer, Membership Services*

*Diane Dickman, Membership Services*

*Kevin Lennon, Membership Services*

*Todd Petr, Research*

*Bill Regan, Membership Services*

**Proposal Number:** 2008-?

**Title:** ACADEMIC PERFORMANCE PROGRAM -- COMMITTEE ON ACADEMIC PERFORMANCE -- COMPOSITION AND TERM OF OFFICE, CHAIR

**Intent:** To increase the composition of the NCAA Division I Committee on Academic Performance from 11 to 15 members and require a minimum of two chancellors or presidents serving at all times; further, to establish an exception to the committee's term limits to permit the chair to serve at the discretion of the NCAA Division I Board of Directors, with reconsideration of the chair's term extension to occur at least every two years.

**Bylaws:** Amend NCAA Bylaw 23.1, as follows:

23.1 COMMITTEE ON ACADEMIC PERFORMANCE.

The Committee on Academic Performance shall administer the academic performance program.

23.1.1 Composition. The committee shall consist of *11* **15** members including a minimum of *one* **two** presidents or chancellors, one faculty athletics representative, one director of athletics, one senior woman administrator and one conference administrator. The committee shall include at least two members from each of the three Division I membership subdivisions. All committee members should be on the staff of a Division I active institution or conference. A president or chancellor member shall serve as chair, **at the discretion of the Board of Directors, with reconsideration of the chair's term extension to occur at least every two years after serving two full terms.**

[Remainder of 23.1 unchanged.]

**Source:** NCAA Division I Committee on Academic Performance.

**Effective Date:** Immediate.

**Proposal Category:** Amendment.

**Topical Area:** Academic Performance Program.

**Rationale:** The committee anticipates an increase in the number of APP penalty waiver appeals as more severe penalties are implemented and an increase in the size of the committee is necessary to effectively and expeditiously review waivers and appeals submitted by the membership. In addition, an increase in size will improve the committee's ability to maintain a sufficient number of members as people recuse themselves as needed during waiver and appeals deliberations and hearings. Further, the recommendation to require at least two chancellors or presidents to serve on the committee at all times will increase the likelihood that a chancellor or president will be available for all committee meetings, including hearings of Occasion-Three and -Four Historical Penalty waivers. Finally, the exception to the committee's term limit will enable the chair to provide continuity of knowledge and service as the committee moves through

this critical phase of the academic reform cycle. As such, it is in the best interest of the Association to permit the chair to serve beyond the legislative term limit as determined by the Board of Directors to be appropriate. The committee recommends this proposal be considered as emergency legislation so that the recommended change can take effect immediately, in preparation for the 2008-09 APP waiver season. In addition, further debate and discussion regarding this proposal is not likely to change the outcome.

**Budget Impact:** Minimal, expenses for four additional committee members.

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



**NCAA Division I  
Academic Performance Program  
and  
NCAA Division I Committee on  
Academic Performance  
Policies and Procedures**

Updated: July 2008

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# **NCAA Division I Academic Performance Program and NCAA Division I Committee on Academic Performance Policies and Procedures**

## ***PURPOSE***

### Purpose of the NCAA Division I Academic Performance Program (NCAA Bylaw 23.01.1)

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

The Division I membership is committed to providing higher education for a diverse body of student-athletes within the context of an institution's academic and admissions standards for all student-athletes through a system that reward those institutions and teams that demonstrate commitment toward the academic progress, retention and graduation of student-athletes and penalizes those who do not.

## ***COMMITTEE ON ACADEMIC PERFORMANCE -- GENERAL INFORMATION***

### NCAA Division I Committee on Academic Performance Responsibilities

The NCAA Division I Committee on Academic Performance serves as the oversight body for the APP.

### Legislated Duties of the Committee (Bylaw 23.1.2)

The Committee on Academic Performance shall administer all aspects of the APP, including the following duties:

1. Oversee the process governing data collection, analysis and calculation used to determine the NCAA Division I Academic Progress Rate (APR), the Graduation Success Rate (GSR) and the process governing data collection of the Academic Performance Census (APC).
2. Annually publish an explanation of the calculation to the membership.
3. Formulate and revise, as needed, a statement of the established operating policies and procedures of the APP.
4. Determine the minimum acceptable APR and GSR.

5. Determine the appropriate standards on which penalties or rewards apply and notify members of such standards.
6. Identify rewards to acknowledge those institutions and teams that demonstrate a strong commitment toward the academic progress, retention and graduation of student-athletes.
7. Identify and notify institutions or teams that fail to satisfy the appropriate standards under which historical and contemporaneous penalties apply.
8. Identify and notify institutions or teams that demonstrate academic excellence under the APP.
9. Oversee the administration of a public recognition program for institutions or teams that demonstrate academic excellence under the APP.
10. Hear appeals of institutions or teams subject to penalty (or penalties) (both contemporaneous and historical) and any other matters of appeal pursuant to the legislation, and policies and procedures of the APP.
11. Recommend changes to the APP based on research, data analysis and practical experience.
12. Interpret APP legislation and policies.
13. Perform any other duties directly related to the administration of the APP. (*Revised: 4/2007, effective 4/2007*)

#### Reporting Lines

The Committee on Academic Performance reports to the NCAA Division I Board of Directors.

#### Composition (Bylaw 23.1.1)

The committee shall consist of 11 members, including a minimum of one chancellor or president, one faculty athletic representative (FAR), one director of athletics (AD), one senior woman administrator (SWA) and one conference administrator. The committee shall include at least two members from each of the three Division I membership subdivisions. All committee members shall be on the staff of a Division I active institution or conference. A chancellor or president shall serve as chair.

As indicated in Bylaw 21.7.2.1, the Committee on Academic Performance is not subject to the requirement that limits subdivisional representation to no more than 50 percent on any committee.

### Terms of Office

Committee members generally shall be appointed for a four-year term. A member's term of service shall commence on the first day of September following the member's appointment. A committee member may be reappointed to an additional four-year term on the committee. An individual who has served two terms on the committee may not serve further on the committee.

### Committee Appointments

The Board of Directors shall appoint a Committee on Academic Performance that shall be responsible for the administration of the APP.

The chair of the Committee on Academic Performance will make appointments as needed each year to fill subcommittee vacancies. Where appropriate, the chair will refer to the NCAA Division I Committee on Academic Performance Administrative Committee or subcommittee recommendations formally presented to the full Committee on Academic Performance through respective subcommittee/committee reports.

## ***ORGANIZATION AND RESPONSIBILITIES***

### Organization

In order to administer the APP, the Committee on Academic Performance will organize and assign responsibilities to the subcommittees of the Committee on Academic Performance.

Each committee member may be appointed to at least one subcommittee on which the member will normally serve for the duration of his or her term on the Committee on Academic Performance. The committee members may be asked to serve on more than one subcommittee.

### Subcommittees

The following standing subcommittees shall report directly to and help facilitate the work of the Committee on Academic Performance:

<i><b>Subcommittee/Committee</b></i>	<i><b>Composition</b></i>	<i><b>Overview of Duties</b></i>
Subcommittee on Data Collection and Reporting	Three to five members of the Committee on Academic Performance.	Oversee filing deadline extensions, definition of cohort, notice/appeals of failure to file APR, APC and/or GSR information and associated penalties, APR adjustments, notification to membership regarding data penalties and Occasion-One and -Two Historical Penalties, Contemporaneous Penalties and APP data review.
Subcommittee on Appeals	Three to five members of the Committee on Academic Performance.	Appeals of contemporaneous penalties and Occasion-One and -Two Historical Penalties; and any other matters of appeal not otherwise specified.*
Administrative Committee	Chair of Committee on Academic Performance and Committee on Academic Performance subcommittee chairs.	Act on emergency and noncontroversial matters relative to business of the committee.

[\*Note: The full Committee on Academic Performance is responsible for hearing appeals of Occasion-Three and -Four Historical Penalties.]

#### Full Committee Responsibilities Related to Historical Penalties

1. Determine which institutions are subject to Occasion-Three and -Four Penalties.
2. Provide notice to institutions that are subject to Occasion-Three and -Four Penalties.
3. Administer and oversee all aspects of appeals of Occasion-Three and -Four Penalties.

### ***DUTIES***

#### Administrative Committee

The Administrative Committee is empowered to act on behalf of the full committee to transact necessary, routine and emergency items of business required to promote the normal and orderly administration of the Committee on Academic Performance business.



The Administrative Committee consists of each subcommittee chair, the Committee on Academic Performance chair (who also serves as chair of the Administrative Committee) and the chair-elect (when applicable). All Administrative Committee members, including the chair, may vote on items of business before the committee.

The Administrative Committee is authorized to:

1. Act for the Committee on Academic Performance on routine and noncontroversial matters between in-person meetings;
2. Act for the Committee on Academic Performance on matters of an emergency nature;
3. Interpret APP legislation and policies;
4. Revise, as needed, the established operating policies and procedures of the APP; and
5. Approve participation of ad hoc members (as needed).

The full Committee on Academic Performance will receive all Administrative Committee minutes.

#### NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting

The Subcommittee on Data Collection and Reporting shall consist of three to five Committee on Academic Performance members and will:

1. Oversee the collection of APR, GSR, APC and any other data/information necessary to administer the APP;
2. Oversee the annual publication of APR and other data collection information to the NCAA Division I membership;
3. Review all requests for extensions of the APR, APC and GSR data collection filing deadlines;
4. Review all requests seeking use of an alternative definition of “recruited” and/or identification of student-athletes to be used for the purpose of calculating a team’s APR;
5. Determine and notify those institutions subject to penalties for failing to file APR, APC and GSR data by the required deadline;

6. Determine penalties for those institutions subject to penalties for failing to file APR, APC and GSR data by the required deadline;
7. Administer and oversee all aspects of appeals for those institutions/teams failing to file APR, APC and GSR data by the required deadline;
8. Administer and oversee all aspects APR adjustments requests and appeals;
9. Oversee the Committee on Academic Performance reporting function, including responsibility for written notification to institutions of penalties resulting from failure to meet minimum established APR and/or GSR criteria for the contemporaneous- and historical-penalty structures;
10. Administer and oversee the review of APP data for selected institutions including issuance of a final report that summarizes the findings of the review; and
11. Review all requests for relief from contemporaneous and/or historical penalties based on changes to prior year(s) APP data.

#### NCAA Division I Committee on Academic Performance Subcommittee on Appeals

The Subcommittee on Appeals shall consist of three to five Committee on Academic Performance members and will:

1. Administer and oversee all aspects of appeals of contemporaneous penalties and Occasion-One and -Two Historical Penalties;
2. Develop and publish waiver policies and procedures for contemporaneous and historical appeals;
3. Provide relief for those institutions/teams subject to contemporaneous penalties and Occasion-One and -Two Historical Penalties when the subcommittee finds the legislated penalties too severe, given the mitigating circumstances; and
4. Administer and oversee any other matters of appeal not otherwise specified.

#### Selection of Committee Chair

The Committee on Academic Performance chair generally serves as chair for the remainder of his or her term. The Committee on Academic Performance shall nominate one or two of its members to the Board of Directors for possible selection as the Committee on Academic Performance chair. A Committee on Academic Performance member is eligible for nomination

for the position of chair only if he or she is the chancellor or president of an active Division I institution.

Generally, the incoming chair shall be identified by the Board of Directors during its October meeting preceding the September 1 term expiration of the current chair's term. The Committee on Academic Performance shall forward its nominee(s) to the Board of Directors prior to the Board of Directors October meeting.

The following process identifies the chair nominee(s).

In the years in which a chair is to be selected, the staff shall work directly with the outgoing Committee on Academic Performance chair to identify Committee on Academic Performance members eligible to serve as chair and to confirm the nomination of one or two chair nominees for confirmation by the Board of Directors. The Committee on Academic Performance chair or the staff, at the request of the Committee on Academic Performance chair, will confirm interest of all nominees.

#### Responsibilities of Committee Chair

The Committee on Academic Performance chair shall:

1. Lead Administrative Committee and full committee meetings and/or teleconferences;
2. Provide reports regarding the work of the Committee on Academic Performance to Division I governance and membership entities as needed (e.g., NCAA Division I Management Council, Board of Directors, member conferences);
3. Serve as speaking agent for media or public inquiries as needed (per Association's policy);
4. Reply on behalf of the Committee on Academic Performance to written or verbal requests from NCAA-affiliated constituents (e.g., member conferences, member institutions, coaches associations);
5. Oversee development of Committee on Academic Performance agendas;
6. Appoint members to Committee on Academic Performance subcommittees when necessary to facilitate a subcommittee's work;
7. Appoint ad hoc members to subcommittees when necessary to facilitate a subcommittee's work;

8. Appoint Committee on Academic Performance subcommittee chairs;
9. Recommend to the Management Council/Board of Directors that a member of the committee be replaced if the member is not fulfilling his or her duties;
10. Submit nominations for the position of Committee on Academic Performance chair to the Management Council; and
11. All other leadership duties typically associated with chairing a Division I committee.

#### Selection of Subcommittee Chairs

Each of the Committee on Academic Performance's two subcommittees shall have a chair. Subcommittee chairs are expected to lead subcommittee meetings and conference calls, present subcommittee reports during Committee on Academic Performance meetings and participate as members of the Committee on Academic Performance Administrative Committee.

Subcommittee chairs normally shall serve as chair for the remainder of their respective Committee on Academic Performance terms. Subcommittee chairs shall be selected as follows:

1. The subcommittee discusses the pending open chair position and subcommittee members are provided the opportunity to nominate themselves or another member for the position.
2. The current subcommittee chair or the staff shall confirm the interest and willingness of each nominee to serve as chair.
3. Names of nominees and a recommendation of the outgoing chair are provided to the Committee on Academic Performance chair.
4. The Committee on Academic Performance chair shall select the subcommittee chair.

#### Responsibilities of Subcommittee Chairs

1. Lead teleconferences and meetings of the subcommittee.
2. Welcome and assist in transition and training of new subcommittee members.
3. When requested, review appeal cases forwarded from staff to determine if the appeal should be considered by the subcommittee.

4. Contact subcommittee members who are not fulfilling their responsibilities and recommend to the Committee on Academic Performance chair that a member of his or her subcommittee be replaced if such member is not fulfilling his or her duties.
5. Recommend selection of new subcommittee chair.

#### Selection of Ad Hoc Members

In order to facilitate its work or bring needed expertise on particular issues, a Committee on Academic Performance subcommittee may recommend to the Committee on Academic Performance chair that an ad hoc member(s) be appointed to the subcommittee. The Committee on Academic Performance chair has the authority to appoint and dismiss subcommittee ad hoc members. All ad hoc members serve as nonvoting members of the subcommittee/committee.

#### Agenda Development

1. The Committee on Academic Performance chair shall have final authority to determine the Committee on Academic Performance agenda. The chair shall work in consultation with the staff to finalize the agenda for each meeting.
2. Conferences, institutions or external organizations (e.g., faculty or coaches organizations) with potential agenda items for Committee on Academic Performance consideration shall forward such items to the Committee on Academic Performance's primary staff liaison at the national office. The staff will consult with the institution or conference to determine how best to handle the item and what supplementary material should be provided, if any. The staff shall work directly with the chair where appropriate to facilitate review of conference and institutional matters.
3. Whenever possible, the Committee on Academic Performance will receive all subcommittee agendas and supplements in advance of the subcommittee meetings to ensure that each Committee on Academic Performance member has an opportunity to comment on issues being addressed by those groups. All subcommittee actions, except where otherwise indicated by policy (e.g., appeals), are subject to review and final approval by the full Committee on Academic Performance.

#### Meeting Participation by Non-Committee on Academic Performance Members

Appearances of non-Committee on Academic Performance members (other than staff) before the Committee on Academic Performance are by invitation only. Exceptions may be made by the Administrative Committee or Committee on Academic Performance chair on a case-by-case basis.

### Processing Subcommittee Recommendations

The Committee on Academic Performance follows these policies in processing recommendations from subcommittees that report to it.

1. Each subcommittee shall provide a written report from its meeting to the full Committee on Academic Performance. These reports shall include any requests for full Committee on Academic Performance action recommended by the subcommittee.
2. Any legislative change recommended by a subcommittee shall be presented to the full Committee on Academic Performance for discussion and action.
3. The Committee on Academic Performance may elect to alter any subcommittee recommendation requiring a vote of the full Committee on Academic Performance.
4. If further deliberations are required, the Committee on Academic Performance may table the recommendation or refer it back to the subcommittee for additional discussion.

### Voting Procedures

The method of voting on issues considered by the Committee on Academic Performance shall be by show of hands of the Committee on Academic Performance members present and voting, except for actions taken by the unanimous or obvious consent. Committee on Academic Performance members must be present to vote and a simple majority of members present and voting will prevail.

### Speaking Agent Policy

The NCAA speaking agent policy is as follows:

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

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

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

purposes of this policy, committees include all NCAA committees, cabinet, boards, councils, subcommittees and special or ad hoc groups.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association.”

Committee on Academic Performance members are expected to adhere to this policy.

### Absences

The Committee on Academic Performance generally conducts in-person meetings four times annually. Alternates may not be appointed to attend a meeting in the absence of a Committee on Academic Performance member. Committee on Academic Performance members who are not in attendance at two consecutive meetings will be contacted by the chair of the subcommittee(s) on which they serve to discuss the member’s continued service to the subcommittee and Committee on Academic Performance. Further absences will result in the Committee on Academic Performance chair or staff contacting the committee member and/or the conference office of the representative to discuss the member’s excessive absences. A Committee on Academic Performance member may be dismissed from the committee after further absences.

### Meeting Schedules

The Division I Management Council, subject to ratification by the Board of Directors, is responsible for developing policies governing the length, sites and expenses related to Division I committee meetings (Bylaw 31.7.2).

### Conflicts of Interest

A Committee on Academic Performance member shall not participate in the committee’s discussion or vote on any action that might bring direct or indirect financial benefit to the member or any organization in which the member is financially interested (other than the member’s institution or the conference of which it is a member). A violation of this rule by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the Board of Directors approves such action.

Additionally, Committee on Academic Performance members shall recuse themselves from committee discussion (including appeals) involving their own respective institutions, an institution within their conference or any other institution with which they have a personal conflict of interest (e.g., based on past employment, personal relationships.)

### Adopting/Revising Policies and Procedures – General

The Committee on Academic Performance shall have the authority to adopt or revise policies and procedures annually, or as needed, for the conduct of the APP. The policies and procedures governing the administration of the APP are subject to review and approval by the Board of Directors.

Adoptions or revisions to the policies and procedures shall be reviewed annually by the Committee on Academic Performance. As necessary, adoptions and revisions approved by the Committee on Academic Performance shall be forwarded for review and approval to the Board of Directors.

The Committee on Academic Performance shall publish annually the policies and procedures of the committee and of the APP. The Committee on Academic Performance shall also publish a data collection guide and penalties guide, which shall be incorporated by reference into the committee's guide on policies and procedures.

### Publishing Revisions to Policies and Procedures

The Committee on Academic Performance shall notify the membership following final approval by the Management Council and the Board of Directors of any changes to the policies and procedures of the APP.

## ***DATA COLLECTION***

### Submission/Collection of Institutional Data

Each active member institution is responsible for annually submitting documentation demonstrating its compliance with the APP, including the submission of data for the APR, APC and GSR. The specific requirements of the APP are set forth in Bylaw 23.

### Committee on Academic Performance Responsibilities

The Committee on Academic Performance shall oversee the process governing the collection of the APC data used to determine the APR and GSR.

The Committee on Academic Performance also will be responsible for publishing on an annual basis the operating policies and procedures for the collection of APC, APR and GSR data. This document is titled the NCAA Division I Academic Performance Program Data Collection Guide.



#### Filing Deadlines

1. The APR/APC data is due not later than six weeks (i.e., 42 calendar days) following the first day of each institution's fall term.
2. The GSR data is due not later than June 1 each year.

#### Legislated Penalties (Bylaw 23.01.3)

An institution that fails to submit complete APR, GSR or APC data for all applicable teams by the prescribed deadline will not be eligible to enter a team or student-athlete in postseason competition, including the national collegiate championships and football bowl games, for the current year and future years until its formal written request appealing the penalty is submitted and approved.

#### Notice of Penalties

The Committee on Academic Performance will notify in writing the chancellor or president of each institution that fails to submit the required APR, APC or GSR data by the respective prescribed deadlines. This notification will be forwarded not later than 30 days after the expired deadline and will indicate that the institution is subject to the penalties prescribed in Bylaw 23.01.3.

#### Correcting Data After Submission

Institutions may correct data previously submitted according to the following process.

1. Institutions will submit their request in an e-mail to the designated NCAA research staff member, which should include a general summary of the correction(s) that need to be made to the data (e.g., name of student-athlete, identification number, sport specific changes).
2. The staff will review the requested corrections pursuant to APP policies and APR guidelines.
3. All corrections must be completed within 14 calendar days of receiving verification that usable data was submitted. No extensions or requests to correct data will be approved after this date. If an institution discovers additional corrections after this date, the corrections can be submitted during the correction period the next academic year. Institutions are permitted to request corrections to APR data for all academic year cohorts that comprise the institution's multiyear APR cohort only during the correction period. The corrected data will be considered in the calculation of the most recent APR and any applicable subsequent years.

4. Changes to the academic eligibility status for the preceding (i.e., spring) term must occur not later than the institution's deadline to submit its data for the previous academic year. Changes to the academic eligibility status for any other term (i.e., fall and/or winter) must occur not later than the sixth week of the subsequent term.

#### Effect of Corrections on Previously Earned Penalties and/or Rewards

Corrections to data for prior years generally will not affect the status of any previously earned penalties or rewards. However, if an institution discovers that a correction to a prior year's data would have resulted in the team not being subject to a previously earned penalty that has not yet been applied, it may request relief from the previously earned penalty. To request relief, an institution must submit a written request to the Committee on Academic Performance Subcommittee on Data Collection and Reporting and provide any necessary supporting documentation. (*Adopted: 1/2007*)

#### Institutions That Do Not Provide Usable APP Data or Never Request Reinstatement of Championships Eligibility

An institution that submits APC/APR/GSR data subsequent to the submission deadline but never requests reinstatement of championships eligibility will remain ineligible to enter a team or individual student-athlete in an NCAA championship or other postseason competition for the current year and future academic years until its formal written request appealing the penalty is submitted and approved.

An institution that submits unusable APC/APR/GSR data will be provided 14 calendar days to submit corrected data on notification that the data was not usable. If the institution fails to submit corrected data, the institution will be considered to have not appropriately submitted its APC/GSR data and will remain subject to penalties for failing to satisfy the filing deadline.

Institutions or teams that are provisional or reclassifying should refer to the section on membership issues for penalties related to failure to submit usable data, or for submitting data after the deadline.

### **ACADEMIC PROGRESS RATE**

#### Multiyear APR

The APR is comprised of four years of APR data. Each year, the most current year's data will be added and the oldest year of data will be removed, creating a four-year rolling rate.

### Calculating the Multiyear APR

A team's APR will be determined by summing the numerators (e.g., total points earned), including all applicable delayed graduation points and denominators (e.g., total points possible) for all appropriate years and then dividing the overall numerator by the overall denominator to calculate the team's APR. This method will take into account the differences in numbers of student-athletes in the calculation from year to year and will weigh each student-athlete equally.

## ***GRADUATION SUCCESS RATE***

The GSR is based primarily on the Integrated Postsecondary-Education Data System (IPEDS) graduation rate, which is defined as a six-year proportion of those student-athletes who graduated versus those who entered an institution. The GSR adds information about transfers in and out of institutions and will be calculated for student-athletes who received athletics grants-in-aid during the academic year in which they entered the institution. For those teams/institutions that do not offer athletically related financial aid, the GSR will be calculated on a subset of recruited student-athletes. This rate differs from the Federal Graduation Rate, because it accounts for student-athletes who transfer into an institution, while discounting student-athletes who withdraw from the institution and would have been academically eligible to compete had they returned. The Federal Graduation Rate still must be reported to the NCAA and to prospective student-athletes. The NCAA will continue to report the Federal Graduation Rate to each of our member institutions in a format that meets the requirements of federal law.

In the past, Division I institutions reported graduation rates data in two separate formats (i.e., IPEDS graduation rates survey form and the graduate rates supplement form). The NCAA previously received data files contained in the graduate rates supplement form directly from the federal government in order to create institution-level reports that are required under the Student Right-to-Know Act. Unfortunately, the federal government is no longer able to provide the NCAA with the raw data files to create these reports. Therefore, institutions must report the data required by the federal government to both the Department of Education and to the NCAA.

The Division I membership passed legislation stipulating that all member institutions provide the information contained in its federal graduate rates supplement form to the NCAA. Additionally, all Division I members are required to provide supplemental information that will allow the NCAA to calculate the GSR. The penalty for not providing data by the due date (June 1 annually) will be ineligibility of an institution's athletics teams and student-athletes for competition in NCAA championships and other postseason competition (e.g., bowl games) conducted during the subsequent academic year and future years until eligibility is reinstated.

## ***DATA ISSUES***

### **CALCULATION, PUBLISHING AND NOTIFICATION OF APR AND GSR**

#### **Legislated Responsibilities and Calculation of APR and GSR**

The committee will be responsible for publishing on an annual basis the method used to calculate the APR and the GSR. This information is contained in the NCAA Division I Academic Performance Program Data Collection Guide.

#### **Definition of Recruited Student-Athlete (Bylaw 23.02.1)**

The APR calculation is based on currently enrolled student-athletes receiving institutional financial aid based in any degree on athletics ability or, for those institutions or teams that do not offer athletics aid, a subset of recruited student-athletes. A recruited student-athlete shall be defined in accordance with Bylaw 13.02.12.1 or as approved by the Committee on Academic Performance.

#### **Discontinued Sports**

Institutions that will no longer be sponsoring a specific Division I sport(s) at the varsity level should refer to the section on membership issues.

### **ALTERNATIVE IDENTIFICATION OF COHORT OR DEFINITION OF RECRUITED STUDENT-ATHLETE**

Pursuant to Bylaw 23, the Committee on Academic Performance has the authority to approve an alternative definition of a recruited student-athlete or identification of a cohort of student-athletes to be used to calculate a team's APR. The decision to approve any alternative definition will be based on objective evidence that the NCAA applicable cohort definition does not adequately address the unique characteristics of the applicant institution/conference.

All such requests will be reviewed by the staff and/or the Subcommittee on Data Collection and Reporting.

#### **Application Procedures**

A member institution/conference seeking to apply an alternative definition of recruited student-athlete or identification of cohort for purposes of calculating APR and/or GSR shall submit in writing a request to the national office.

All such institutional requests must be signed by the chancellor or president and must set forth the reasons why the institution believes an alternative definition of recruited student-athlete or identification of student-athletes for the APR and/or GSR cohort is warranted. The request also

must include a proposed alternative definition of recruited or identification of student-athletes for the APR and/or GSR cohort.

All such conference requests must be signed by the conference commissioner and must set forth the reasons why the conference believes an alternative definition of recruited student-athlete or identification of an alternative cohort for purposes of calculating APR is warranted. The appeal also must include a proposed alternative definition of recruited or identification of student-athletes for the APR cohort.

In cases where time is of the essence, it is important for the submitting institution or conference to clearly specify the reason(s) the issue may be time sensitive.

#### Review Procedures

On receipt of the request, the staff will review the information to ensure it is complete and will notify the applicant institution/conference of the name of the staff member handling the request.

The staff has the authority to render a decision for all requests. All staff decisions will be based on the following criteria:

1. Demonstration that the suggested definition is used for other institutional, Association and/or governmental purposes (e.g., NCAA Division I athletics certification, institution or conference data collection);
2. Demonstration that failure to use the alternative definition or identification of student-athletes is inconsistent with the intent of the APP; and
3. Demonstration that the request provides for inclusion of a population of student-athletes actively solicited by the institution to compete on its athletics teams.

The staff and Subcommittee on Data Collection and Reporting have the authority, pursuant to the authority provided by the Committee on Academic Performance to hear, deliberate and decide requests for an alternative definition. After reviewing all information, the staff/subcommittee will render for the current academic year one of the following decisions:

1. **Approval:** The staff/subcommittee determines that the institution's request demonstrated evidence warranting the use of an alternative definition of recruited student-athlete.
2. **Denial:** The staff/subcommittee determines that the institution's request did not demonstrate circumstances warranting the use of an alternative definition of recruited student-athlete. The institution will be responsible for applying the definition of recruited student-athlete noted in Bylaw 13.02.12.1.

3. **Modified Approval:** The staff/subcommittee determines that the institution's request demonstrated evidence warranting the use of an alternative definition of recruited student-athlete; however, the alternative definition recommended by the institution was not sufficient and a modification was necessary. By issuing a modified approval, the staff/subcommittee permits the institution to use the modified alternative definition of recruited student-athlete.

## **APPEALS/RECONSIDERATIONS OF ALTERNATIVE COHORT DEFINITIONS**

### Appeals of Staff Decisions

After the staff has acted on a request, the applicant institution/conference may appeal the decision to the Subcommittee on Data Collection and Reporting. The subcommittee's determination shall be final and shall not be subject to further review by any other authority.

The Committee on Academic Performance has authorized the Subcommittee on Data Collection and Reporting to review all appeals and render a decision on behalf of the committee.

### Appeal Procedures

All appeals of a staff decision must be filed within 14 calendar days of written notification of the staff's decision. Any appeal filed beyond this period must include an explanation of why the appeal was not filed within the prescribed time period. The chair of the subcommittee shall determine whether or not any appeal filed after 14 calendar days will be considered.

### Review Procedures

The subcommittee shall conduct its meetings and deliberations by facsimile, telephone conference, e-mail, Internet or in-person meeting. Deliberations shall involve only subcommittee members and NCAA national office staff.

### Reconsideration

After the staff and/or subcommittee have issued a decision, the institution/conference may ask the staff to reconsider its decision if the institution/conference submits new or additional relevant information. Requests with new or additional relevant information may not be heard by the subcommittee until the staff has reviewed and considered the new information.

## ***DATA COLLECTION WAIVERS***

### **WAIVERS/EXTENSIONS OF FILING DEADLINES**

Pursuant to Bylaw 23, the Committee on Academic Performance has the authority to grant exceptions/extensions to the filing deadlines prescribed in Bylaw 23.01.3 and in this policies and procedures manual. The decision to waive/extend any deadline will be based on objective evidence that demonstrates extenuating circumstances under which the member institution is unable to meet the required filing deadline.

All requests for waivers/extensions of the filing deadlines will be reviewed by the staff and/or the Subcommittee on Data Collection and Reporting.

#### Application Procedures

A member institution seeking to waive/extend the prescribed filing deadlines shall submit its request to the NCAA national office via the Committee on Academic Performance portion of the Legislative Services Database for the Internet (LSDBi). All requests shall be submitted electronically to the staff using the online application provided by the NCAA. Any request to waive/extend the prescribed filing deadline must be submitted prior to the original filing deadline.

The request submitted by the institution must include the signature page signed by the chancellor or president. The request shall set forth the reasons the institution believes relief from the required filing deadline(s) is warranted for that academic year and shall provide an alternate date for submission. In addition to the completed online application, the institution may submit additional information believed to be relevant to the institution's request.

Further, in cases where time is of the essence, it is important for the submitting institution to clearly specify the reason(s) the issue may be time sensitive.

#### Review Procedures

On receipt of an institution's request, the staff will review the application to ensure it is complete, notify the applicant institution of the status of the request and identify the staff member handling the request.

The staff has the authority to render a decision for all waiver/extension requests involving the filing deadlines. Staff decisions will be based on the following criteria:

1. Mitigating circumstances and whether or not the mitigating circumstances were within the control of the member institution;
2. Length of requested extension, and

3. Number of prior institutional requests for a waiver/extension of the filing deadlines.

The staff/subcommittee has the authority to hear, deliberate and decide waiver/extension requests. After reviewing all information, the staff/subcommittee will render one of the following decisions.

1. **Approval:** The staff/subcommittee determines the institution's request demonstrated evidence that warranted a waiver/extension of the prescribed filing deadline and permits the institution to supply the required academic data by the deadline the applicant institution requested in its waiver/extension request.
2. **Denial:** The staff/subcommittee determines the institution's request did not demonstrate circumstances warranting a waiver/extension of the prescribed filing deadlines. The institution is responsible for filing all required academic data by the established deadlines and will be subject to legislated penalties for failure to submit the required academic information by the prescribed deadline.
3. **Modified Approval:** The staff/subcommittee determines the institution's request demonstrated evidence warranting a waiver/extension of the prescribed filing deadline; however, the subcommittee/staff determines the length of the extension requested by the institution is excessive or unrealistic. By issuing a modified approval, the staff/subcommittee permits the institution to supply the required academic data by a deadline the staff/subcommittee determines to be reasonable.

## **APPEALS/RECONSIDERATIONS OF WAIVERS/EXTENSIONS**

### Appeals of Staff Decisions

After the staff has issued a decision regarding a waiver/extension request, the applicant institution may appeal the decision to the Subcommittee on Data Collection and Reporting using the online appeal module of the LSDBi portal. The subcommittee determination shall be final and shall not be subject to further review by any other authority.

The Committee on Academic Performance has authorized the Subcommittee on Data Collection and Reporting to review all data collection waiver/extension appeals and to render a decision on behalf of the committee.

### Appeal Procedures

All appeals of a staff decision should be filed within 14 calendar days of written notification of the staff's decision. Any appeal filed after 14 calendar days must include an explanation why the appeal was not filed within the prescribed time period. The chair of the subcommittee shall determine whether or not any appeal filed after 14 calendar days shall be heard.



The subcommittee may conduct its deliberations by facsimile, telephone conference, e-mail, Internet or in-person meeting. Such deliberations shall involve only subcommittee members and NCAA national office staff.

#### Reconsideration

After the staff and/or subcommittee have acted on a waiver/extension request, the institution may request the staff reconsider its decision if the institution submits new or additional relevant information. Requests with new or additional relevant information may not be heard by the subcommittee until the staff has reviewed and considered the new information.

#### **WAIVER OF FILING DEADLINE PENALTIES (Bylaw 23.3)**

After receipt of notification that an institution failed to submit the required APR, APC or GSR data by the prescribed deadline, the institution may seek a waiver of the resulting penalties to the Committee on Academic Performance.

Pursuant to Bylaw 23, the Committee on Academic Performance has the authority to review waivers of the filing deadlines penalties as prescribed in Bylaw 23.01.3. The decision to waive a penalty will be based on objective evidence that demonstrates extenuating circumstances that resulted in the member institution being unable to meet the required filing deadline.

All waivers will be reviewed by the staff and/or the Subcommittee on Data Collection and Reporting.

#### Application Procedures

A member institution that seeks to waive the penalty for failing to satisfy the prescribed filing deadline(s) shall submit the online waiver application to the national office only after the applicant institution's required APR, APC or GSR data has been submitted to the national office.

All requests shall be submitted online to the staff and must include the signature page signed by the chancellor or president and shall set forth the reasons why the institution believes relief from the applicable penalties is warranted.

In cases where time is of the essence, it is important for the submitting institution to clearly specify the reason(s) the issue is considered to be time sensitive.

### Review Procedures

On receipt of an institution's request, the staff will review the application to ensure it is complete and will provide to the institution the name of the staff member handling the request. The staff has the authority to render a decision for all waivers of filing deadline penalties. All staff decisions will be based on the following criteria:

1. Mitigating circumstances and whether or not the mitigating circumstances were within the control of the member institution; and
2. Prior requests for waivers/extensions of the filing deadline penalties.

The staff/subcommittee has the authority to deliberate and decide waiver requests. After reviewing all information, the staff/subcommittee will render one of the following decisions.

1. **Approval:** The staff/subcommittee determines the institution's request demonstrated evidence that warranted relief from the prescribed filing deadline penalties.
2. **Denial:** The staff/subcommittee determines the institution's waiver request did not demonstrate circumstances that warranted relief from the prescribed filing deadline penalties. The institution will be responsible for imposing all legislated penalties for failure to submit the required academic information by the prescribed deadline.
3. **Partial Approval:** The staff/subcommittee determines the institution's request demonstrated evidence that warranted partial relief from the prescribed filing deadline penalties; however, the subcommittee/staff may impose a reduced penalty to be applied by the institution.

## **APPEALS/RECONSIDERATIONS OF FILING DEADLINE PENALTIES**

### Appeals of Staff Decisions

After the staff has issued a decision on a waiver request, the applicant institution may appeal the decision to the Subcommittee on Data Collection and Reporting using the online application. The subcommittee's determination shall be final and shall not be subject to further review by any other authority.

The Committee on Academic Performance has authorized the Subcommittee on Data Collection and Reporting to review all waiver requests and to render a decision on behalf of the committee.

All appeals of a staff decision must be requested within 14 calendar days of written notification of the staff's decision. Any appeal filed after 14 calendar days must include an explanation why the appeal was not filed within the prescribed time period. The chair of the subcommittee shall determine whether or not any appeal filed after 14 calendar days will be considered.

The subcommittee shall conduct its deliberations by facsimile, telephone conference, e-mail, Internet or in-person meeting. The deliberations of a request shall involve only subcommittee members and NCAA national office staff members.

### Reconsideration

After the staff and/or subcommittee have issued a decision on an institution's request, the institution may request the staff to reconsider its decision if the institution submits new or additional relevant information. Appeals with new or additional relevant information may not be heard by the subcommittee until the staff has reviewed and considered the new information.

## ***REQUESTS FOR ADJUSTMENTS OF APR***

Pursuant to Bylaw 23, the Committee on Academic Performance has the authority to provide exceptions or adjustments to the calculation of the APR prescribed in Bylaw 23.02.1. The decision to approve any exception/adjustment to the calculation of the APR will be based on objective evidence that demonstrates that the normal process for accounting for the academic eligibility of the institution's student-athlete(s) and its success in retaining and graduating its student-athletes should not apply. The committee's decision shall be final, conclusive and not subject to further review by any other authority.

The staff and/or the Subcommittee on Data Collection and Reporting will review all requests for exceptions to the calculation of the APR prescribed in Bylaw 23.02.1.

### Adjustment Request Procedures

A member institution seeking an exception or adjustment to the normal calculation of the APR shall submit an online application to the national office after it has submitted its APR/APC data for each academic year for which the institution is seeking an adjustment. Requests to adjust the normal calculation of the APR shall be considered for each cohort that comprises the multiyear APR.

All requests shall be submitted to the staff via the LSDBi portal within 14 calendar days after the institution has verified that its APR/APC data is accurate. If an institution discovers additional adjustments after this date, they can be submitted during the adjustment period the next academic year. Institutions are permitted to request adjustments for previous academic year cohorts that comprise the institution's multiyear APR cohort only during the adjustment period.

The online adjustment application submitted by the institution will produce a signature page that must be signed by the chancellor or president, or his or her designee. The adjustment application shall set forth the reasons the institution believes that an exception to the normal calculation of the APR is warranted. In addition to the information included on the form, the institution may submit additional information and supporting documentation it believes is relevant to the request. The staff and/or subcommittee may request additional pertinent information before it reaches a final determination.

In some circumstances (i.e., degree program discontinued, dropped sport) no additional documentation must be submitted to the NCAA. In these instances, the AD and the FAR must certify in writing that the student-athlete met the conditions set forth in this section and must maintain the certification on file in the athletics department.

#### Review Procedures

On receipt of an institution's request, the staff will review the application to ensure it is complete, e-mail the applicant institution the status of the request and identify the staff member handling the request. No final decision will be rendered until the staff has received all required documentation.

The staff has the authority to render a decision for all adjustment requests. Staff decisions will be based on the following criteria:

1. The adjustment directive approved by the committee;
2. Mitigating circumstances and whether or not the mitigating circumstances were within the control of the member institution/team and/or student-athlete(s); and
3. Academic performance of the individual student-athlete.

The staff/subcommittee has the authority to consider, deliberate and decide APR adjustment requests. After reviewing all information, the staff/subcommittee will render one of the following decisions.

1. **Approval:** The staff/subcommittee determined that the institution's request demonstrated evidence that warranted an adjustment of the normal calculation of the APR for particular student-athlete(s).
2. **Partial Approval:** The staff/subcommittee determined that the institution's request demonstrated evidence that warranted partial relief from the normal calculation of the APR. By issuing a partial approval, the staff/subcommittee is adjusting part of the normal calculation of the APR.

3. **Conditional Approval:** The staff/ subcommittee determined that the institution's request demonstrated evidence that warranted an adjustment to the normal calculation of the APR if specifically stated conditions are met by institution/ team(s) and/or student-athlete(s). The staff/ subcommittee will outline such conditions in its decision notification. Institutions/ team(s) and/or student-athlete(s) that fail to meet the stated conditions will result in the decision converting to a denial and the APR being recalculated using the normal method prescribed in Bylaw 23.02.1. In such circumstances, the institution/ team(s) immediately will be subject to any penalties resulting from the recalculation of the APR.
4. **Denial:** The staff/subcommittee determined that the institution's request did not demonstrate circumstances that warrant an exception to the normal calculation of the APR prescribed in Bylaw 23.02.1.

## **APPEALS/RECONSIDERATIONS OF ADJUSTMENT DECISIONS**

### Appeals of Staff Decisions

The committee has authorized the subcommittee to consider all appeals of staff decisions involving requests to adjust the normal application of the APR prescribed in Bylaw 23.02.1.

After the staff has issued a decision on an adjustment request, the applicant institution may appeal the decision to the subcommittee. The subcommittee's determination shall be final and shall not be subject to further review by any other authority.

The subcommittee shall conduct its deliberations by facsimile, telephone conference, e-mail or in person. Such deliberations shall involve only subcommittee members and NCAA national office staff members.

### Appeal Procedures

A member institution that seeks to appeal a staff decision shall submit the online waiver appeal application to the national office. All appeals shall be submitted using the online procedures provided by the NCAA. The online appeal application will produce a signature page, which must be signed by the chancellor or president or his or her designee and be provided to the national office. The appeal must set forth the specific grounds on which the appeal is based and the rationale for the appeal.

The grounds for appealing a staff decision are limited to the following criteria:

1. The staff deviated from its approved procedures, or
2. The findings of the staff are erroneous.

All appeals of a staff decision must be requested within five calendar days of electronic notification of the staff's decision. Any appeal filed after five calendar days must include an explanation of why the appeal was not filed within the prescribed time period. The chair of the subcommittee shall determine whether or not any appeal filed after five calendar days will be considered.

#### Review Procedures

If a staff decision is appealed, a summary of the case, the institution's notification of appeal and any supporting documentation submitted by the institution will be sent to a member of the subcommittee. The subcommittee member will be responsible to review the institution's appeal. The subcommittee member can affirm the staff's original decision, at which time the appeal is considered denied and final, or request the subcommittee review the appeal. If the subcommittee reviews an appeal, a simple majority will be necessary for a decision.

#### Reconsideration

After the staff and/or subcommittee have issued a decision on an adjustment request, the institution may request the staff to reconsider its decision if the institution submits new or additional relevant information. The subcommittee may not consider requests with new or additional relevant information until the staff has reviewed the new information.

#### Effect of Prior Years' Adjustments on Previously Earned Penalties and/or Rewards

Adjustments to data for prior years will not affect the status of any previously earned penalties or incentives. Adjusted data will be considered in the calculation of the most recent multiyear APR and any applicable subsequent years.

However, if an institution discovers that an adjustment to a prior academic year's data would have resulted in the team not being subject to a previously earned penalty that has not yet been applied, it may request relief from the previous penalty. To request relief, an institution must submit a written request to the Subcommittee on Data Collection and Reporting and provide any necessary supporting documentation. (*Adopted: 7/2006; revised 1/2007*)

### **REVIEW OF APR DATA**

All APP data submitted pursuant to Bylaw 23.01.3 must conform to the Committee on Academic Performance's policies and procedures. In order to ensure the uniformity and accuracy of submitted data the committee will review data submitted by selected institutions annually.

The NCAA staff and/or the Subcommittee on Data Collection and Reporting will conduct all reviews of the APP data.

#### Selection of Institutions for Review

The staff/subcommittee will select institutions for data review based on the following indicators:

1. Comparison of academic rates previously submitted;
2. Warnings generated by the APP data collection program;
3. Manual review of submitted data;
4. Any data irregularities; and
5. Random selection.

Additionally, institutions may be selected for review if, during a prior data review it failed to provide documentation to substantiate the information entered into the APP data collection system or if, the institution fails to comply with a required action from a previous data review.

There are no specified guidelines regarding sample size or selection method. Individuals performing the data review will use an appropriate sample size based on professional judgment in the particular circumstances.

#### Scope of Review

The NCAA Division I Academic Performance Program Data Review Guide outlines all areas that are subject to review. The individual conducting the review will determine which of these areas to include in the review. Depending on the circumstances the reviewer may choose to cover every area or limit the review to particular areas.

#### Notification

During the spring of each academic year, the NCAA staff will notify in writing the chancellor or president of institutions selected for data review. The written notification will advise the institution of its selection and will provide an overview of the data review process. Additionally, the written notice will require the institution to provide (within seven calendar days of receipt of the written notice) the names of two individuals that will serve as the institutional contacts for the institution throughout the data review.

### Institutional Involvement

Institutions will be required to designate a primary and secondary contact. The primary and secondary contacts must be full-time employees of the institution and must have the authority from the institution's chancellor or president to respond on behalf of the institution.

### Use of Outside Individuals or Agencies

Institutions may involve individuals or agencies not otherwise employed by the institution on a full-time basis to perform functions associated with the review of APP data. In such cases, the institution's personnel, designated contacts and/or chancellor or president must review and verify the accuracy of all responses and information before submission to the NCAA. Additionally, the institution's personnel, designated contacts and/or chancellor or president must sign all responses and submission to the NCAA that require a signature.

### Request for Information and Documentation

After receiving notification of the institutional contacts staff will send the institution a written request for information and documentation. After an institution receives the request for information and documentation, it has four weeks (i.e., 28 calendar days) to submit all requested documentation and information.

The staff is permitted to extend the period for the institution to respond to the request for information and documentation based on the individual circumstances presented by the institution.

### On-Campus Review

The staff at any point during the APP data review process may determine that an on-campus review of the institution's APP data is necessary. If an on-campus review is required, staff will inform the institution of the scope of the review and any documents that the staff will need to review.

### Preliminary Reporting of Findings

After receipt of the documentation, staff will notify the institution of the extent of the review including, but not limited to, areas to be reviewed and any additional documentation the institution must submit. All additional documentation must be submitted within two weeks (i.e., 14 calendar days) of receipt of notification.

Staff after reviewing the documents submitted by the institution or after completing the on-campus review, will submit a preliminary report summarizing the findings of the review to the



respective institution. The institution may submit a written response to any or all of the staff's findings in the preliminary report. The institution must submit its response within four weeks of receipt of the preliminary report. The staff/subcommittee will not consider any response received after this period.

Staff is permitted to extend the period for the institution to respond to the preliminary report based on the individual circumstances presented by the institution.

#### Failure to Comply with Staff and/or Subcommittee Requests

If the institution fails to provide information or documentation that the staff/subcommittee has requested from the institution within the stated period, the institution's data will be considered invalid and the institution will be considered to have not submitted APR/APC and/or IPEDS and GSR and will be ineligible for any NCAA championship or other postseason competition until the requested information or documentation is provided.

#### Reporting of Findings to Subcommittee

After receiving the institution's response to the staff's preliminary report, staff will forward to the subcommittee its preliminary report, any institutional responses to the staff's preliminary report and a list of issues from the staff's preliminary findings that have been resolved.

#### Subcommittee Review

The subcommittee will review the staff's preliminary report, any applicable institutional responses if provided and the list of resolved issues. After reviewing this information, the subcommittee will provide the institution with a final report that will provide the following information for each area reviewed:

1. The area being reviewed;
2. The subcommittee's findings regarding the data in that particular area; and
3. The subcommittee's conclusions regarding its findings and any action for the institution to take regarding the data.

The subcommittee may recommend the institution take any or all of the following actions:

1. **No Action Required.** Based on the results of the review, the subcommittee considers the institution's APP data in the area reviewed to be in substantial conformity with applicable NCAA legislation and the committee's policies and procedures and the institution is not required to take any action regarding its APP data.

2. **Recommended Action.** Based on the findings of the review, the subcommittee considers the institution's APP data in the particular area to be in general conformity with applicable NCAA legislation and the committee's policies and procedures, but recommends the institution implement steps to ensure that the institution's APP data remains in conformity with all applicable legislation and policies and procedures. These steps may include, but are not limited to:
  - a. Changes to policies;
  - b. The creation of policies; and/or
  - c. Providing additional documentation or information.
3. **Required Action.** Based on the findings of the review, the subcommittee does not consider the institution's APP data in a particular area to be in conformity with applicable NCAA legislation and the committee's policies and procedures. The institution is required to take one of the following actions regarding the data:
  - a. Make required changes for data submitted in the future;
  - b. Amend previously submitted data; or
  - c. Amend previously submitted data and make required changes for data submitted in the future.

Additionally, the subcommittee may require the institution to change and/or create policies regarding the compilation, review and submission of APP data, provide additional documentation or information and/or require the institution's data in this area to be reviewed during a subsequent data review.

If the institution fails to take the required action within the stated period, the institution's data will be considered invalid and the institution will be considered to have not submitted APR/APC and/or IPEDS and GSR and will be ineligible for any NCAA championship or other postseason competition until the required action is taken.

The subcommittee's recommendations are final and are not subject to further review. The subcommittee will provide the committee with an aggregate report of its findings and recommendations on an annual basis.

#### Required Changes to Submitted Data

If one of the required actions the institution must take based on the recommendations of the committee is amending previously submitted data, any resulting change to the institution's APR and/or GSR will not affect the status of any previously earned contemporaneous and/or historical penalty.

#### Rules Violations

The staff/subcommittee will advise the institution of any information discovered during the review concerning possible violation(s) of NCAA legislation that may affect the accuracy and/or integrity of the institution's APP data. The staff/subcommittee will also advise the institution of its obligation to self-report violations. The subcommittee may delay issuing all or part of its final report until the institution has determined whether a violation has occurred and the effect, if any, the violation has on the institution's APP data.

The staff/subcommittee may refer potential violation(s) of NCAA legislation that may affect the accuracy and/or integrity of the institution's APP data to the NCAA enforcement staff for review. If the staff/subcommittee refers a potential violation to enforcement, the subcommittee may delay issuing all or part of its final report until the institution has determined whether a violation has occurred and the effect, if any, the violation has on the institution's APP data. *(Adopted: 7/2006; Revised: 4/2007)*

### ***INTERPRETATIONS***

#### Responsibilities and Authority (Bylaw 23.1.2)

The Committee on Academic Performance shall oversee all aspects of the APP. These responsibilities include interpreting all APP legislation and policies and procedures, including, but not limited to Bylaws 23, 15.5.7, 15.01.8 and 18.4.2.3.

The Committee on Academic Performance has exclusive authority to interpret and provide written interpretations for all aspects of the APP. Neither the NCAA Division I Legislative Review/Interpretations Committee, nor the NCAA Division I Management Council Administrative Review Subcommittee has the authority to provide any type of relief or render a decision for a request that involves legislation and/or policies and procedures relative to the APP.

The Committee on Academic Performance shall render decisions related to legitimate interpretative inquiries regarding the application of APP legislation and policies and procedures. The committee does not have the authority to make or change legislation, but shall interpret legislation and policies consistent with its intent.

The Committee on Academic Performance also shall consider and recommend editorial revisions and official interpretations it has issued for inclusion into the NCAA Division I Manual and will review all related staff interpretations to maintain the integrity of the interpretations process.

#### Staff and Committee Interpretations/Legislation Review

1. **Staff Review.** All interpretative requests must be forwarded in writing to the staff liaisons to the Committee on Academic Performance. The staff liaisons will review each request and, if possible, will provide a written response. If appropriate, the staff will issue a staff interpretation. The Committee on Academic Performance or one of its subcommittees will review all staff interpretations.
2. **Committee Review.** If the staff is unable to render a decision or if the issue is of national significance, the staff may forward the interpretative request to the Committee on Academic Performance and/or a subcommittee of Committee on Academic Performance based on the topical nature of the request. The committee and/or subcommittees shall review the following issues:
  - a. **Subcommittee on Data Collection and Reporting:** All issues related to the following: defining the APR cohort, filing APR, APC or GSR data, notification of Occasion-One and -Two Historical Penalties and contemporaneous penalties, appeals/extension requests and all other matters referred to the subcommittee by the Committee on Academic Performance chair for review.
  - b. **Subcommittee on Appeals:** All issues related to the imposition and/or appeal of contemporaneous penalties and Occasion-One and -Two Historical Penalties, any other matters related to appeals (except for Occasion-Three and -Four Historical penalties) and all other matters referred to the subcommittee by the Committee on Academic Performance chair for review.
  - c. **Full Committee:** All issues related to the historical penalties and rewards structure. All issues related to the imposition and appeal of Occasion-Three and -Four Historical Penalties. In addition, the Committee on Academic Performance will be the final authority to hear appeals of subcommittee interpretations, as well as to review all subcommittee interpretations. (*Revised: 4/2007 effective 4/2007*)

#### Review Process

Generally, the subcommittee will review interpretative requests in the following situations:

1. Referrals from the NCAA membership services staff regarding the application of legislation, other interpretations, and/or policies and procedures.

2. Referrals from Division I governance entities (e.g., cabinets/committees) of issues related to the application of legislation and/or policies and procedures.
3. A request by a member institution or conference to review an interpretation provided by the membership services staff or the application of the APP legislation and/or policies and procedures, provided the legislation, policies or other official interpretations do not address the issue.

When necessary, member institutions and/or conferences must make all interpretative requests prior to filing an appeal of an APP penalty. Further, the interpretations process must be complete, including final review of any interpretive appeals, prior to proceeding with a related appeal of any penalties (e.g., contemporaneous or historical penalties). Once an appeal has been filed, it will be assumed that the institution does not have any outstanding interpretative questions or concerns related to the imposed penalties.

#### Required Documentation

Interpretative requests from a member institution or conference must be submitted in writing. Requests from a member institution may be submitted by the institution's conference or by one of the five individuals authorized to request such interpretations on behalf of the institution (i.e., chancellor or president, faculty athletics representative, athletics director, senior woman administrator or compliance coordinator).

When seeking an interpretive clarification, an institution or conference must submit an interpretive request and supporting documentation outlining the issue in question. The request must outline the limitations in the applications of current legislation and/or official interpretations to the institution's specific circumstances.

#### Meeting Protocol

Meetings may occur in person, by teleconference, by e-mail or by any other means deemed appropriate by the chair. The respective subcommittee or committee shall meet as often as necessary during the academic year to review interpretative issues related to the application of legislation and/or policies and procedures. All subcommittee decisions will be reviewed by the full committee.

All materials provided by the entity requesting the interpretation, along with a summary/background information sheet prepared by the staff, shall be forwarded to the appropriate subcommittee prior to the request being reviewed.

The staff liaison will provide a brief summation of the issue and will provide any legislative or interpretative assistance as needed or requested by the committee/subcommittee. Only the staff

liaisons and committee or subcommittee members shall participate in review of the issue, unless additional individuals are invited to be on the call by the chair of the subcommittee or committee.

In order to for the committee or subcommittee to deliberate and render a decision, a quorum of more than 50 percent of the committee or subcommittee members eligible to vote must be present.

The conflict of interest section of this manual applies to the committee members' involvement in interpretive matters.

#### Issuance of Decisions

Interpretations issued by the committee/subcommittee shall be binding immediately on notification to the affected institution or conference. Institutions will be notified initially by telephone and subsequently in writing after the committee/subcommittee's minutes of the meeting have been finalized. All other member institutions are bound by the committee/subcommittee's interpretation after publication and circulation to the membership. If an issue is of national significance, an official interpretation shall be issued and published on the LSDBi.

#### Types of Interpretations

The committee/subcommittee shall issue an official interpretation only when it is determined by that group that the issue is one of national significance. When an official interpretation is issued, it will be issued as either a confirmation or determination. Listed below is the distinction between the two.

1. A confirmation is a verification of the legislation and or policies and procedures. The confirmation is responsive to an inquiry, and is binding on all institutions for present and past actions.
2. A determination is an interpretation issued when an issue or fact is not clearly addressed by the legislation and/or policies and procedures. It is binding on the institution making the request and other institutions once it is published to the Division I membership.

#### Review/Appeals

The Committee on Academic Performance shall review all interpretations issued by the subcommittees and may approve, reverse or modify such interpretations. A member institution or conference may appeal a decision of the subcommittee(s) to the Committee on Academic Performance within 30 calendar days following the subcommittee's decision. Such appeals must

be submitted in writing by the institution's chancellor or president, faculty athletics representative or director of athletics and must set forth an interpretative argument as to why the decision of the subcommittee is erroneous.

An interpretive decision of the Committee on Academic Performance is final and no additional appeal opportunity exists for a member institution or conference.

#### Ex Parte Communication

No member(s) of the committee/subcommittee shall be contacted or shall contact, individually or collectively, any representatives or involved individuals of a member institution or conference that have or will submit an interpretative request in advance of the committee/subcommittee discussing and rendering a final decision.

### ***MEMBERSHIP ISSUES***

#### Current NCAA Division I Members

Any NCAA member institution that sponsors a Division I sport is subject to the APP. This includes all active Division I members and multidivisional institutions sponsoring Division I sports.

#### New Sports Teams

Division I institutions that add a team are subject to contemporaneous penalties and are eligible for rewards (e.g., Top Ten Public Recognition Program) after the collection of two years of required data (e.g., APR, APC). Historical penalties will be assessed after the collection of three years of required data.

#### Institutions Transitioning Into Division I (Reclassifying or Provisional)

Institutions or teams that are provisional members or in the process of reclassifying to Division I are subject to the APP. Such institutions shall be subject to contemporaneous penalties and rewards after the collection of two years of required data (e.g., APC/APR/GSR). These institutions shall be subject to historical penalties after the collection of three years of the required data. Institutions in the process of reclassifying to Division I must submit the legislatively required data for Division I at the point in the membership process when the institution is required to be in compliance with Division I legislation. The penalty for a reclassifying or provisional member institution that fails to submit data is notification to the NCAA Division I Management Council Membership Subcommittee, rather than the championship penalties that exist for current Division I members.

For example, if an institution becomes subject to the Division I legislation beginning in the 2004-05 academic year, it is required to submit the required GSR data for the first time based on student-athletes entering the institution in fall 2004. Such institutions are not required to submit GSR data from years for which they were members of NCAA Divisions II or III.

#### Institutions or Teams Transitioning From Division I or Discontinuing a Division I Sport

Institutions or teams transitioning from Division I or discontinuing a Division I sport are not required to submit APP data beginning the academic year the institution has publicly announced its intention to transition from Division I or its intention to discontinue a Division I sport. Additionally, the APR for those teams will be removed from the institution's APR report. The institution must provide the staff with written notification of the timeline and the effective date of the transition. However, if an institution later rescinds its decision and never discontinues the sport or transitions the athletics program or sport, APP data from any year(s) that was previously excluded must be submitted and any applicable penalties must be taken.

#### Effect of Penalties on Minimum Financial Aid Requirements

The APP includes financial aid penalties (i.e., contemporaneous or historical) that may result in an institution no longer meeting Division I minimum financial aid requirements. The penalty for failure to meet the Division I financial aid minimums as set forth in Bylaw 20.2.5.1.4. is ineligibility for NCAA championships and postseason contests. If an institution believes it has sufficient mitigating factors, it may seek relief by filing a waiver of the minimum financial aid requirement to the Membership Subcommittee (Bylaw 20.9.1.2.10).

#### Restricted-Membership Penalty

Occasion-Four Historical Penalties will result in an institution being placed in restricted membership status. Restricted membership is a membership classification status assigned to an institution that fails to comply with the minimum requirements of its division (e.g., financial aid, academic requirements). (Bylaw 20.02.4). An institution placed in restricted membership loses eligibility for a number of Division I membership privileges (e.g., eligibility for NCAA championships and postseason bowl games for all teams at the institution, revenue distribution). If at the end of the one-year restricted membership period, the penalized team(s) do(does) not improve enough to meet the benchmarks, the institution shall be reclassified to corresponding membership status. (Bylaw 23.2.1.2.4).

For Division II and Division III institutions that sponsor a Division I sport(s), the restricted membership penalty only applies to the Division I sports. Restricted status would not extend to the Divisions II or III portion of the athletics program.



## ***PENALTIES AND REWARDS***

### Overview

The APP is the result of an April 2002 Board of Directors resolution outlining the academic reform package and instructing that a system of incentives and disincentives be developed that rewards those sports teams that do well academically and penalizes those that do not.

The penalties and rewards structure is directly tied to the benefits of the Association. For those sports teams and athletics programs that perform at an unacceptable level academically, those assets will be denied or restricted.

### Guiding Principles

Several key principles provide a guide to the penalty and rewards structure:

1. The goal should be first and foremost to encourage improved academic performance of all student-athletes on all sports teams so the mission of the NCAA and the commitment to student-athletes can better be realized.
2. The structure must appropriately penalize those programs that have a demonstrated history of academic underachievement (e.g., habitual offenders). Conversely, those institutions performing at a significantly high level academically should be rewarded.
3. All Division I athletics programs and sports teams will be subject to the penalty and reward structure. This includes Division I sports offered at Divisions II and III institutions.

### Evaluating a Team's Academic Success

The penalties and rewards system will be tied to meaningful measures of academic performance, which includes performance as determined by the APR and the GSR.

Three years of APR data will be collected for each team before the full array of historical penalties will be implemented. Data collection began with the 2003-04 academic year and will result in completion of the four-year rate for most teams by fall 2007.

The Board of Directors has the authority to endorse an appropriate level or rate of acceptable academic performance (taking into consideration each institution's mission, as well as an absolute minimum level of acceptable performance) and also will determine the academic level at which penalties should be applied. The Board of Directors also will approve the level of academic performance that should be rewarded.

### Squad-Size Adjustment and Determination of Penalties

While ultimately the APR for each team will be a four-year rolling rate, contemporaneous penalties are assessed after the collection of two years of APR/APC data, and historical penalties after the collection of three years of data. A squad-size adjustment is used to treat squads fairly and is consistent with standard practice before assessing penalties based on limited data. The squad-size adjustment is made relative to the number of student-athletes in the APR calculation, thus accounting for possible fluctuation in the short term due to squad size. There is no change to the team's raw APR or to the penalty benchmarks. Rather, consideration will be given to squad size to avoid unfair penalties.

A consistent margin of error set at a confidence interval of 84 percent has been applied to determine each team's subjectivity to contemporaneous and historical penalties. This means that the upper-confidence boundary of a team's APR must be below penalty benchmark for the team to be subject to any applicable penalties.

### Application of the Squad-Size Adjustment

Only teams that have not yet submitted four years of data will use the squad-size adjustment in determining any APP penalties. Once a team has established a four-year APR, the squad-size adjustment will no longer be considered, unless it has a four-year APR cohort of less than 30 student-athletes.

## **NCAA DIVISION I ACADEMIC PROGRESS RATE IMPROVEMENT PLANS**

### Overview

For a detailed overview related to APR improvement plans, please refer to the NCAA Division I Academic Performance Program Penalties Guide.

### Requirement

The Committee on Academic Performance requires an institution to develop an APR improvement plan for all teams with a multiyear APR less than 925. Teams with less than four years of data submitted and teams with less than 30 data points and squad size adjusted APR above 925 will not be subject to this requirement.

Institutions must submit an APR improvement plan to the national office for any team(s) with a multiyear APR less than 900. Further, institutions must submit copies of all previous APR improvement plans, progress reports of those plans and any intended plan amendments. Institutions with teams with less than 30 data points that have a squad size adjusted APR above

900 are not required to submit the APR improvement plan for those teams. (*Adopted: 4/200,7 effective 4/2007*)

Additionally, APR improvement plans may be required to be submitted as part of a contemporaneous-penalty or historical-penalty waiver. Further, they may be reviewed during compliance reviews, institutional self-studies and the athletics certification process.

#### Failure to Develop a Required APR Improvement Plan

An institution that does not create an APR improvement plan for a team with an APR less than 925, or that does not submit an APR improvement plan for a team with an APR less than 900, will be required to report a violation to the NCAA enforcement staff. (*Adopted: April 2007, effective 4/2007*)

## **CONTEMPORANEOUS PENALTIES**

### Overview

The APP is meant to help ensure that the Division I membership is dedicated to providing student-athletes with an exemplary educational experience. However, the implementation of historical-penalties requires three years of data collection before penalties are issued. Contemporaneous penalties were designed to provide more immediate support to the behavioral shift that is necessary to assist student-athletes in meeting the new progress-toward-degree standards (e.g., 40/60/80, grade-point-average requirements), which were effective for those student-athletes first entering a collegiate institution on or after August 1, 2003.

The contemporaneous penalties are related to an institution's ability to re-award total financial aid countable against team limits previously awarded to a student-athlete who left the institution and would not have been academically eligible (e.g., per NCAA, conference and/or institutional rules) had he or she returned.

### Legislated Penalties (Bylaw 15.5.7)

Any team with an APR below the established benchmark of 925 shall not re-award any financial aid countable toward the team's maximum limit that previously was awarded to the student-athlete who renders himself or herself academically ineligible and does not remain enrolled full-time at the institution for any reason at any time.

### Notification of Penalties

An institution is considered to have official notification of its contemporaneous penalties when the contemporaneous-penalty report is first made available to the institution on the password-protected APP Web site. Any team that has a contemporaneous penalty becomes subject to it on the date the report is available. The report will provide the institution with the exact penalty values for each team subject to contemporaneous penalties

### Determination of Penalty

Once a team's APR is determined to be below 925, regardless of the reason(s) for withdrawal (e.g., personal reasons, professional athletics career), the departure of student-athlete(s) who would not be academically eligible on return to the institution will result in the application of this penalty, unless the student-athlete(s) meets an exception.

### Squad-Size Adjustment

Teams with less than four years of APP data submitted and teams with less than 30 data points in the four-year APR cohort will be subject to contemporaneous penalties based on the squad-size adjusted APR. The following chart provides the approximate minimum APR required, based on squad size, such that the team's squad-size adjusted APR will be above 925.

<b>Number of student-athletes in multiyear APR cohort* (N)</b>	<b>Approximate minimum APR to meet squad-size adjusted APR ≥925</b>
2	740
3	775
4	795
5	810
6	820
7	830
8	835
9	840
10	845
11-12	850
13-14	855
15-16	860
17-19	865
20-22	870

23-27	875
28-34	880
35-43	885
44-56	890
57-76	895
77-110	900
111-174	905
175-300	910

#### Value of the Contemporaneous Penalty

The value of the contemporaneous penalty shall be based on each student-athlete's total financial aid countable against team limitations, not just the value of the athletics portion of the student-athlete's financial aid package.

#### Annual Maximum Value of Contemporaneous Penalties

Contemporaneous penalties apply up to, but not more than, approximately 10 percent of the maximum financial aid team limit in that sport. This includes rounding up to the next whole number for head-count sports. A chart listing the maximum value of contemporaneous penalties incurred in a single academic year for each sport is provided in the NCAA Division I Academic Performance Program Penalties Guide.

#### Application of Contemporaneous Penalties in Sports with Multiple Team Financial Aid Limits

Contemporaneous penalties are applied to all team financial aid limits, including overall-counter, initial-counter, and equivalency limits based on the legislated financial aid limits for the sport. For examples of how the penalty applies to teams with multiple financial aid limits, please refer to the NCAA Division I Academic Performance Program Penalties Guide.

#### Exceptions to the Application of Contemporaneous Penalties

Bylaw 15.5.7.2 provides three exceptions to the application of the contemporaneous penalty:

1. The student-athlete has exhausted eligibility per Bylaw 15.5.1.6 and as further defined by an official interpretation [reference: 1/9/05, Item No. 1].
2. The student-athlete is receiving institutional financial aid after becoming permanently ineligible per Bylaw 15.5.1.7.
3. The student-athlete is a medical noncounter per Bylaw 15.5.1.3.

An additional exception to the application of contemporaneous penalties is provided for a student-athlete who is not academically eligible and withdraws from the institution, but subsequently re-enrolls at the institution the first term of the subsequent academic year.

#### Applying Contemporaneous Penalties – Exhausted Eligibility

The Committee on Academic Performance issued an official interpretation (reference: 01/09/05, Item No. 1) determining that an institution may re-award the countable financial aid of a student-athlete who has no eligibility remaining, in the sport in which aid was awarded, in subsequent academic years. For example, any countable financial aid awarded to a football student-athlete who exhausts his eligibility for football competition may be re-awarded to another student regardless of the team's APR or the departing student-athlete's academic eligibility or retention status in a subsequent academic term or terms.

The committee also noted that although the countable financial aid may be re-awarded, the student-athlete shall be used in calculating the team's APR for each term in which he or she received the aid, including the last term before withdrawal. This interpretation, in conjunction with Bylaws 15.5.7.2 and 15.5.1.6, would exempt the countable aid received by the following student-athletes from the contemporaneous penalty.

1. A student-athlete who does not use all of his or her seasons of competition but exhausts his or her five-year clock.
2. A partial or nonqualifier who fails to earn a fourth season of competition by completing 80 percent of his or her degree program prior to the start of his or her fifth year.
3. A student-athlete who has used his or her fourth season of competition. (*Revised: 4/2007*)

#### Re-Awarding Athletics Aid for a Team Subject to Contemporaneous Penalties

Athletics aid subject to a contemporaneous penalty may not be re-awarded to any student-athlete (continuing or incoming). The penalized amount must be deducted from the maximum team limit, and the excess of the penalized team limit may not be re-awarded to any student-athlete.

#### Timeline to Impose the Penalty

Only those teams with an APR below 925 can be subject to contemporaneous penalties (Bylaw 15.5.7). When a student-athlete on such a team fails to meet NCAA, conference and/or institutional academic-eligibility requirements and withdraws from the institution, his or her total financial aid countable against team limits may not be re-awarded for a period of one year. This penalty must be imposed by the institution at the next available opportunity but not later than

two-academic years after the student-athlete's departure. For examples, please refer to the NCAA Division I Academic Performance Program Penalties Guide.

An official interpretation (reference: 1/21/04, Item No. 1) defines "the next available opportunity" as the academic year immediately following the ineligible student-athlete's departure, unless the institution/team already has received written notification(s) of acceptance of its offers of athletics aid (as evidenced by signed, valid National Letter of Intent (NLI) or offers of institutional financial aid) that prevents the institution from applying the contemporaneous penalty without taking away a scholarship from an incoming freshman or transfer student-athlete.

#### Conditionally Approved Contemporaneous-Penalty Waivers

Teams who initially received a conditionally approved contemporaneous-penalty waiver but fail to satisfy the condition must impose the contemporaneous penalty at the next available opportunity, defined as follows:

"The academic year the institution is notified of its failure to satisfy the condition(s) unless a prospective student-athlete (i.e., high school, two-year or four-year college transfer) who has signed a financial aid agreement prior to the institution receiving notification of its failure to satisfy the condition(s) of its conditionally approved contemporaneous-penalty waiver will be impacted. If the penalty cannot be imposed in the academic year the team receives notification, it must be imposed the following academic year."

#### Failure to Impose a Contemporaneous Penalty Within the Prescribed Timeline

Institutions that fail to impose a contemporaneous penalty within the prescribed time period are required to report a violation of Bylaw 15.5.7 to the NCAA enforcement staff.

### ***WAIVERS OF CONTEMPORANEOUS PENALTIES***

Pursuant to Bylaws 23 and 15.5.7.3, the Committee on Academic Performance has the authority to waive the application of Bylaw 15.5.7. The committee's decision shall be final, conclusive and not subject to further review by any other authority (Bylaw 15.5.7.3).

The staff and/or the Committee on Academic Performance Subcommittee on Appeals will review all waivers of Bylaw 15.5.7.

### Waivers Procedures

A member institution that seeks to delay imposing or to waive the application of Bylaw 15.5.7 shall submit an online waiver application to the national office only after it has received electronic notification indicating that one or more of the institution's teams are subject to the penalties imposed per Bylaw 15.5.7.

Waivers of contemporaneous penalties must be filed within 14 calendar days of the institution's completion of the correction period, or after receiving a final decision of all adjustment requests. All requests shall be submitted electronically to the national office staff via the LSDBi portal on the online application provided by the NCAA.

The online waiver application submitted by the institution will produce a signature page that must be signed by the chancellor or president. The waiver application shall set forth the reasons the institution believes that application of Bylaw 15.5.7 is not warranted. In addition to the information included on the form, the institution may submit additional information and supporting documentation it believes is relevant to the case. The staff and/or subcommittee may request additional pertinent information before a final determination is made.

### Review Procedures

On receipt of an institution's request, the staff will review the application to ensure it is complete, e-mail the applicant institution the status of the request and identify the staff member handling the request. No final decision will be rendered until all required documentation has been received by the staff.

The staff has the authority to render a decision for all waiver requests. Staff decisions will be based on some or all of the following criteria:

1. The waiver directive approved by the Committee on Academic Performance;
2. Mitigating circumstances and whether or not the mitigating circumstances were within the control of the member institution and/or student-athlete(s);
3. Historical academic performance of the respective team and/or individual student-athlete;
4. Size of variance between the team's APR and the penalty benchmark;
5. Prior academic waivers granted (i.e., initial-eligibility and progress-toward-degree waivers) for affected student-athletes;



6. Review of the variables related to the institution's mission and its relationship to the team's APR; and
7. Development and submission of an APR improvement plan.

The staff/subcommittee has the authority to consider, deliberate and decide waiver requests. After reviewing all information, the staff/subcommittee will render one of the following decisions.

1. **Approval:** The staff/subcommittee determines the institution's request demonstrated evidence that a waiver of Bylaw 15.5.7 was warranted.
2. **Partial Approval:** The staff/subcommittee determines the institution's request demonstrated evidence warranting partial relief from the prescribed penalties. By issuing a partial approval, the staff/subcommittee is permitting the institution to partially waive the application of the penalties of Bylaw 15.5.7.
3. **Conditional Approval:** The staff/subcommittee determines the institution's request demonstrated evidence that a waiver of Bylaw 15.5.7 was warranted if specific conditions are met by the institution/team. Such conditions will be outlined by the staff/subcommittee in the decision notification. Institutions/teams that fail to meet the stated conditions will result in the decision converting to a denial and the waived penalties being implemented.
4. **Denial:** The staff/subcommittee determines the institution's request did not demonstrate circumstances warranting a waiver of Bylaw 15.5.7. The institution will be responsible for applying the penalty or penalties.

## **APPEALS/RECONSIDERATIONS OF WAIVER DECISIONS**

### Appeals of Staff Decisions

The Committee on Academic Performance has authorized the Committee on Academic Performance Subcommittee on Appeals to consider all appeals of staff decisions involving Bylaw 15.5.7.

After the staff has issued a decision on a waiver request, the applicant institution may appeal the decision to the subcommittee. The subcommittee's determination shall be final and shall not be subject to further review by any other authority.

Further, the subcommittee may conduct its deliberations by facsimile, teleconference, e-mail, Internet or in-person meetings. Such deliberations shall involve only subcommittee members

and NCAA national office staff members. A quorum for subcommittee review of appeals shall be a majority of subcommittee members present and voting.

### Appeal Procedures

A member institution seeking to appeal a staff decision shall submit the online waiver appeal application to the NCAA national office. All appeals shall be submitted using the LSDBi portal. The online appeal application will produce a signature page that must be signed by the chancellor or president and provided to the national office. The waiver appeal shall set forth the rationale for the appeal.

All appeals of a staff decision should be filed within seven calendar days of electronic notification of the staff's decision. Any appeal filed after seven calendar days must include an explanation why the appeal was not filed within the prescribed time period. The chair of the subcommittee shall determine whether or not any appeal filed after seven calendar days will be considered.

### Reconsideration

After the staff and/or subcommittee have issued a decision on a waiver request, the institution may ask the staff or subcommittee to reconsider its decision if the institution submits new or additional relevant information. Requests with new or additional relevant information may not be considered by the subcommittee until the staff has reviewed the new information.

## **REVIEW OF CONDITIONALLY APPROVED CONTEMPORANEOUS PENALTY WAIVERS—Determining whether the condition(s) was satisfied**

The waiver case staff has authority to review conditionally approved waivers to determine whether the condition(s) was satisfied. If the condition(s) is not satisfied, the institution has the opportunity to explain to the staff why it failed to meet the condition(s) or why it believes it did not meet the stated conditions. The staff's decision may be appealed to the committee. The committee's decision is final and not subject to further review by any other authority.

### Staff Review

The waiver case staff shall review the APP data and other relevant information of all institutions that had conditionally approved waivers from the previous year to confirm whether the stated condition(s) has been satisfied. The staff will conduct this review once the APR data submission correction and adjustment phases are complete.

If the stated condition(s) has been satisfied, the waiver case staff will notify the institution, in writing, that the contemporaneous penalty has been waived.

If the condition(s) is not satisfied, the waiver case staff will provide written notification that the conditionally approved waiver has not been satisfied and the team is required to impose the contemporaneous penalties at the next available opportunity. Furthermore, the staff will notify the institution that it may provide an explanation regarding why it failed to satisfy the condition(s) or why it believes it did meet the stated conditions(s).

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the contemporaneous penalty is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

#### Review Standard

The staff may grant relief based on some or all of the following criteria:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Evaluation of implementation of institution's previously submitted APR improvement plan and revisions to plan to address current issues impacting APR.

7. Any additional information provided by the institution.

### Deliberations and Decisions

After reviewing all the information, the staff may render one of the following decisions:

1. **Approved:** The staff determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the contemporaneous.
2. **Denied:** The staff determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the contemporaneous penalties.

### Committee Review

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

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the contemporaneous penalty is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

### Review Standard

Committee decisions will include consideration of the following:

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

2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Implementation of the team's previously submitted APR Improvement Plan and assessment and development of an updated plan.

#### Conflict of Interest

A Committee on Academic Performance member must recuse himself or herself from participation in a review in which he or she is personally connected with an institution or conference. A Committee on Academic Performance member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the review. It is the responsibility of the Committee on Academic Performance member to remove himself or herself if a conflict exists. Institutional objections to a Committee on Academic Performance member participating in the review must be raised to the Committee on Academic Performance chair or NCAA staff member prior to review.

In the event that the Committee on Academic Performance chair must recuse him or herself or is unable to participate in the waiver, the remaining members must vote, by simple majority, to determine who will serve as "acting chair."

#### Deliberations and Decisions

The committee will receive the original staff conditional approval decision, staff decision regarding condition(s) not being met, the institution's request and supporting documentation and the team(s) APP data.

The committee may conduct its deliberations by facsimile, teleconference, electronic mail, Internet or in-person meeting. Such deliberations shall include only committee members and NCAA staff members supporting the committee.

A simple majority of the committee members present and voting is necessary for a decision. The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

After reviewing all information, the committee will render one of the following decisions:

1. **Approved:** The committee determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the contemporaneous penalties.
2. **Denied:** The committee determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the contemporaneous penalties.

If relief is not provided, the institution will be notified to impose the contemporaneous penalty at the next available opportunity. Additionally, if the team has become subject to a contemporaneous and/or historical penalty in the current academic year, the Committee on Academic Performance has the discretion to provide flexibility to institutions regarding the timeframe for imposing penalties. Specifically, the committee may decide to permit an institution to impose the penalties over a multiyear period. The committee may decide what penalties to extend and when. Such determinations will be made as part of the institution's waiver appeal deliberations and provided in the committee's written decision.

The committee's decision is final and not subject to further review by any other authority.

Written (e.g., electronic) confirmation of the decision must be provided by the committee to the institution within 21 calendar days of the decision.

## **APPEALS/RECONSIDERATIONS OF WAIVER DECISIONS**

### Appeals of Staff Decisions

The committee has authorized the subcommittee to consider all appeals of staff decisions involving Bylaw 15.5.7.

The subcommittee's determination shall be final and shall not be subject to further review by any other authority.

The subcommittee may conduct its deliberations by facsimile, telephone conference, e-mail, Internet or in-person meetings. Such deliberations shall involve only subcommittee members and the staff.

#### Appeal Procedures

If the staff is not able to approve the institution's waiver request, staff will forward the waiver to the subcommittee. The institution does not need to file an appeal request.

#### Reconsideration

After the staff and/or subcommittee issued a decision on a waiver request, the institution may ask the staff or subcommittee to reconsider its decision if the institution submits new or additional relevant information. Requests with new or additional relevant information may not be considered by the subcommittee until the staff has reviewed the new information.

#### Reporting Staff Decisions

The staff shall submit summaries of all decisions made by the staff to the subcommittee for their review.

### ***HISTORICAL PENALTIES***

#### Overview

The APP is meant to help ensure that the Division I membership is dedicated to providing student-athletes with an exemplary educational experience. The Board of Directors instructed that there be a system of disincentives for those teams that perform at an unacceptable level academically. Historical penalties are designed to restrict or deny the benefits of the Association for those teams that have a demonstrated history of academic underachievement.

#### Legislated Penalties (Bylaw 23.2.1.2)

Any team with a multiyear APR below the established benchmark of 900 will be subject to simultaneous review of multiple factors to determine whether or not the team is subject to historical penalties. Those factors are: meaningful improvement, institutional academic characteristics, institutional resource characteristics and a by-sport comparison.

Any institution or team that fails to compare favorably to the historical-penalty review factors will be subject to the following penalties:

**Occasion-One Public Warning:** A public warning is issued and a monitoring period begins.

**Occasion-Two Financial Aid and Playing and Practice Season Restrictions:** The team may be subject to reductions in the areas of athletics financial aid and playing and practice season. Details regarding the restrictions are outlined in the NCAA Division I Academic Performance Program Penalties Guide.

**Occasion-Three Postseason Competition:** The team (and student-athletes for individual sport teams) is not eligible for postseason competition (including NCAA championships and bowl games). (*Adopted, 1/2008, effective 8/2008*)

**Occasion-Four Membership Status:** The institution's entire athletics program shall be reclassified to restricted membership status for a period of one year. If, at the end of the one-year restricted membership period, the penalized team does not improve enough to meet the benchmarks of the historical-penalty structure, the institution shall be reclassified as a corresponding member, consistent with the provisions of Constitution 3.5.

Additionally, the penalty structure is cumulative in that each prior occasion of penalty continues to apply as a team progresses to the next level of penalty. For example, a team subject to Occasion-Three penalties is also subject to Occasion-One and Occasion-Two Historical Penalties.

#### Sequence of Historical Penalties

The first time a team is subject to a historical penalty, it will be subject to the Occasion-One penalty. That team will be then subject to the next level of penalty until the team's APR exceeds the historical penalty benchmark and/or passes the review of factors for three consecutive years. Otherwise, each failure to meet the historical penalty determination factors will result in the next occasion of penalty. For example, a team subject to Occasion-One Public Warning must either achieve an APR at or above 900 or pass the factor review system for the next three years in order to avoid Occasion-Two penalties.

#### Notification of Historical Penalties

Institutions are considered to have official notification of its historical penalties when its penalty report becomes available on its password protected APP Web site. Generally, this will occur after the institution confirms that its APR/APC data is accurate. The report will provide the level of penalty that is applicable to the team(s).



### Determination of Teams Subject to Historical Penalties

All teams with an APR below 900 will be reviewed using the analysis outlined below. Teams must demonstrate meaningful team improvement and meet one of the other factors in order to avoid historical penalties. Team improvement will be determined by an examination of team APR data to identify teams making improvement toward an APR of 925. The additional factors are as follows:

1. **By-sport comparison.** A team's APR is not in the bottom tenth percentile of team APRs within the same sport;
2. **Institutional academic characteristics.** The team must be academically outperforming students generally at its institution; or
3. **Institutional resource characteristics.** The institution must lack sufficient financial resources to quickly and reasonably engage in academic enhancements.

For details regarding the factor analysis, please refer to the NCAA Division I Academic Performance Program Penalties Guide.

### Squad-Size Adjustment

Teams with less than four years of APP data submitted and teams with less than 30 data points in the four-year APR cohort will be subject to historical penalties based on the squad-size adjusted APR. The following chart provides the approximate minimum APR required, based on squad size, such that the team's squad size adjusted APR will be above 900.

Number of student-athletes in multiyear APR cohort* (N)	Approximate minimum APR to meet squad-size adjusted APR $\geq 900$
2	< 700
3	730
4	750
5	770
6	780
7	790
8	795
9	800
10	805
11	810

12	815
13-14	820
15-16	825
17-18	830
19-21	835
22-25	840
26-29	845
30-36	850
37-44	855
45-56	860
57-73	865
74-100	870
101-144	875
145-225	880
226-370	885

#### Timeline to Impose Occasion-Two and -Three Penalties

All Occasion-Two and -Three Penalties must be imposed in the academic year subsequent to the institution receiving notification that a team(s) is subject to the penalty. Components of the cumulative penalty package (i.e., financial aid, practice and postseason competition restrictions) may not be separated. (*Adopted: 4/2007, effective 4/2007; adopted 1/2008, effective 1/2008.*)

#### Failure to Impose an Historical Penalty Within the Prescribed Timeline

Institutions that fail to apply Occasion-Two Historical Penalties within the prescribed time period will be required to report a violation of Bylaw 23.2.1.2.2 to the enforcement staff. (*Adopted: 7/2007, effective 7/2007*)

#### Permission to Contact and Transfer Exceptions for Student-Athletes on Teams Subject to Historical Penalties

On approval by the Committee on Academic Performance, written permission is not required for an institution to contact a student-athlete of another institution whose team is ineligible for postseason competition during the remaining seasons of the student-athlete's eligibility. Additionally, the Committee on Academic Performance may recommend a waiver of the transfer-residence requirement for such a student-athlete, provided he or she would have been academically eligible had he or she remained at his or her original institution.

## ***WAIVERS OF HISTORICAL PENALTIES***

The committee has authorized the Subcommittee on Appeals and the staff to review waivers of Occasion-One and -Two Penalties. The committee has authorized the staff limited review of Occasion-Three and Four Penalties. Otherwise, Occasion-Three and -Four Penalties will be reviewed by the full committee.

The information below outlines the procedures for requesting a waiver of a historical penalty.

### **OCCASION-ONE PENALTIES (BYLAW 23.2.1.2.1-PUBLIC WARNING)**

Pursuant to Bylaw 23, the Committee on Academic Performance has the authority to waive the application of Bylaw 23.2.1.2.1. The Committee on Academic Performance Subcommittee's decision shall be final, conclusive and not subject to further review by any other authority (Bylaw 23.3).

#### **Application Procedures**

All Occasion-One waivers must be submitted electronically to the NCAA national office via the LSDBi portal. Waivers must be submitted within 14 calendar days of the institution entering the penalty waiver period. The online waiver application will produce a signature page that must be signed by the institution's chancellor or president.

The waiver must set forth the reasons the institution believes that application of Bylaw 23.2.1.2.1 should not apply. The waiver must identify all team penalties for which the institution wishes to seek relief. The waiver will be considered a single case and will not be complete until each team penalty is addressed. The institution may include additional information and supporting documentation it considers is relevant to its request.

The reviewing body may request additional pertinent information before a decision is rendered.

Any waiver filed after 14 calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the Subcommittee on Appeals must determine whether any waiver filed after 14 calendar days will be considered. (*Revised: 10/2006; revised 4/2007*)

#### **Review Standards**

On receipt of an institution's request, the staff will review the application to ensure it is complete, e-mail the institution's designated contact regarding the status of the request and identify the NCAA staff member handling the request. A request will not be processed and reviewed until all required documentation has been received by the staff. An institution has 10

calendar days to submit requested documents. If it does not provide the documentation within the timeframe, the case will be staff denied. Otherwise, the staff processing the case has 21 calendar days to render a decision.

The staff/subcommittee has the authority to render a decision for all Occasion-One Public-Warning waiver requests. Decisions will include consideration of the following:

1. The waiver directive approved by the committee.
2. Mitigating circumstances and whether the mitigating circumstances were within the control of the member institution and/or student-athlete(s).
3. Historical academic performance of the respective team(s) and/or student-athlete(s).
4. Number of teams at the institution subject to historical penalties.
5. Size of variance between the team's APR and the historical-penalty benchmark.
6. History of penalties and waivers (e.g., contemporaneous penalties, APR adjustments, historical penalties, progress-toward-degree waivers, initial-eligibility waivers) for affected team(s) and/or student-athlete(s).
7. Review of the institution's mission and its relationship to team APR, GSR or Federal Graduation Rate.
8. Development and submission of an APR improvement plan and review of previously created and implemented APR improvement plan(s).
9. Other factors deemed relevant to the waiver.

The staff/subcommittee has the authority to consider, deliberate and decide waiver requests. After reviewing all information, the staff/subcommittee will render one of the following decisions:

1. **Approved:** The staff/subcommittee determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.1 was warranted. In such instances, the team will not be subject to the Occasion-One Penalty. If the team again fails to meet the established benchmarks and factor review, the Occasion-One Public-Warning Penalty will be assessed rather than progressing to Occasion-Two Penalties.
2. **Conditionally Approved:** The staff/subcommittee determines that the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.1 was warranted if

specific conditions are met by the institution/team(s). Such conditions will be outlined by the staff/subcommittee in the decision notification. If the team again fails to meet the established benchmarks and factor review, the Occasion-One Public-Warning Penalty will be assessed rather than progressing to Occasion-Two penalties. However, failure to meet the stated conditions will result in the decision converting to a denial and the waived penalty being implemented and applied to the original penalty year. In this instance, if in the following three-year period, the team again fails to meet the established benchmark and factor review, Occasion-Two Historical Penalties will be assessed.

3. **Denied:** The staff/subcommittee determines the institution's request did not demonstrate circumstances warranting a waiver of Bylaw 23.2.1.2.1. The institution will be responsible for applying the designated penalty or penalties.

Written confirmation of the decision must be provided by the staff/subcommittee to the institution within 21-calendar days of its decision.

#### Reconsideration

After the staff has acted on an appeal request, the institution may ask the staff to reconsider its decision if the institution submits new information that was not available to the institution at the time the original appeal was filed. A request with new information may not be considered by the subcommittee until the staff has reviewed the new information. An explanation must be included to clarify the reason(s) the new information was not originally available. The staff will determine if the information is new for all reconsideration requests. If the information is new, the staff will reopen the case, and make a decision based on the new set of facts. If the information is not considered new the staff decision will not be reconsidered, but the case may be appealed to the appeals subcommittee.

#### Conflict of Interest

A staff or subcommittee member must recuse himself or herself from participation in an appeal in which he or she is connected personally with an institution or conference. A staff or subcommittee member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of an appeal. It is the responsibility of the staff or subcommittee member to remove himself or herself if a conflict exists. Institutional objections to a subcommittee member participating in the review of an appeal must be raised with the subcommittee chair or NCAA staff member handling the case (in the event that the institution objects to participation by the chair) prior to review of the appeal.

In the event that the subcommittee chair must recuse him or herself or is unable to participate in the appeal, the remaining members must vote, by simple majority, to determine who will serve as acting chair.

### Appeal of Staff Decision

The committee has authorized the Subcommittee on Appeals to consider all appeals of staff decisions involving Bylaw 23.2.1.2.1, Occasion-One Public Warning.

After the staff has rendered a decision, the institution may appeal the decision to the subcommittee. The subcommittee's decision is final and is not subject to further review by any other authority.

Subcommittee members may not discuss a pending request with the staff processing the case or institutional representatives without all parties having the opportunity to participate. However, the staff supporting the work of the committee may contact the subcommittee chair to arrange a teleconference or to discuss procedural matters relevant to processing an institution's request. Further, the subcommittee members may contact the staff supporting the work of the committee to request that additional information about the case be submitted.

### Appeal Procedures

An institution must submit the online appeal of a staff decision to the NCAA national office. All appeals must be submitted using the LSDBi portal. The online appeal program will produce a signature page that must be signed by the chancellor or president and must be provided to the NCAA national office. The application must set forth the rationale for the appeal. In addition, the appeal must identify all team penalties which the institution wishes to appeal. The appeal will be considered a single case and will not be complete until each team penalty is addressed.

All appeals of a staff decision must be filed with the NCAA national office within seven calendar days of written notification of the staff's decision.

Any appeal filed after seven-calendar days must include an explanation of why the appeal was not filed within the prescribed time period. The chair of the subcommittee must determine whether any appeal filed after seven calendar days will be considered. (*Revised: 7/2007*)

### Deliberations and Decisions

The subcommittee will receive and review the penalty notice, appeal application (including supporting documents), staff decision and rationale and team APP data.

The subcommittee may conduct its deliberations by facsimile, teleconference, e-mail, Internet or in-person meeting. Such deliberations shall include only subcommittee members and NCAA staff members supporting the work of the committee.

A simple majority of the subcommittee members present and voting is necessary for a decision. The chair, or person serving as chair on a particular appeal, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

Written confirmation of the decision must be provided by the subcommittee to the institution within 21 calendar days of the decision.

#### Reporting Staff Decision

The staff shall submit summaries of all decisions made by the staff to the subcommittee for their review. (*Adopted 10/2007*)

### **REVIEW OF CONDITIONALLY APPROVED OCCASION-ONE PENALTY WAIVERS—Determining whether the condition(s) was satisfied**

The waiver case staff has authority to review conditionally approved waivers to determine whether the condition(s) was satisfied. If the condition(s) is not satisfied, the institution has the opportunity to explain to the staff why it failed to meet the condition(s) or why it believes it did not meet the stated conditions. The staff's decision may be appealed to the committee. The committee's decision is final and not subject to further review by any other authority.

#### Staff Review

The waiver case staff shall review the APP data and other relevant information of all institutions that had conditionally approved waivers from the previous year to confirm whether the stated condition(s) has been satisfied. The staff will conduct this review once the APR data submission correction and adjustment phases are complete.

If the stated condition(s) has been satisfied, the waiver case staff will notify the institution, in writing, that the historical penalty has been waived.

If the condition(s) is not satisfied, the waiver case staff will provide written notification that the conditionally approved waiver has not been satisfied and the team is required to impose the identified historical penalties at the next available opportunity. In addition, if based on the most recent year's data, the team has become subject to Occasion-Two Historical Penalties it must apply the Occasion-Two penalties in the year after it applies the Occasion-One penalties.

Furthermore, the staff will notify the institution that it may provide an explanation regarding why it failed to satisfy the condition(s) or why it believes it did meet the stated conditions(s).

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.1 is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

#### Review Standard

The staff may grant relief based on some or all of the following criteria:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Evaluation of implementation of institution's previously submitted APR improvement plan and revisions to plan to address current issues impacting APR.
7. Any additional information provided by the institution.



### Deliberations and Decisions

After reviewing all the information, the staff may render one of the following decisions:

1. **Approved:** The staff determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-Three penalties.
2. **Denied:** The staff determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-Three penalties.

### Committee Review

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

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.1 is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

### Review Standard

Committee decisions will include consideration of the following:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.

3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Implementation of the team's previously submitted APR Improvement Plan and assessment and development of an updated plan.

#### Conflict of Interest

A Committee on Academic Performance member must recuse himself or herself from participation in a review in which he or she is personally connected with an institution or conference. A Committee on Academic Performance member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the review. It is the responsibility of the Committee on Academic Performance member to remove himself or herself if a conflict exists. Institutional objections to a Committee on Academic Performance member participating in the review must be raised to the Committee on Academic Performance chair or NCAA staff member prior to review.

In the event that the Committee on Academic Performance chair must recuse him or herself or is unable to participate in the waiver, the remaining members must vote, by simple majority, to determine who will serve as "acting chair".

#### Deliberations and Decisions

The committee will receive the original staff conditional approval decision, staff decision regarding condition(s) not being met, the institution's request and supporting documentation and the team(s) APP data.

The committee may conduct its deliberations by facsimile, teleconference, electronic mail, Internet or in-person meeting. Such deliberations shall include only committee members and NCAA staff members supporting the committee.

A simple majority of the committee members present and voting is necessary for a decision. The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

After reviewing all information, the committee will render one of the following decisions:

1. **Approved:** The committee determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-One penalties.
2. **Denied:** The committee determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-One penalties.

If relief is not provided, the institution will be notified that the historical penalty will be imposed. Additionally, if the team has become subject to historical penalties in the current academic year, it will then also be subject to the next occasion of penalty within the historical-penalty structure.

The committee's decision is final and not subject to further review by any other authority.

Written (e.g., electronic) confirmation of the decision must be provided by the committee to the institution within 21 calendar days of the decision.

#### **OCCASION-TWO PENALTIES (BYLAW 23.2.1.2.2-FINANCIAL AID, PLAYING AND PRACTICE SEASONS AND/OR RECRUITING)**

A member institution that seeks to delay or waive an Occasion-Two Penalty shall submit an online waiver application to the national office only after it has received electronic notification indicating that one or more of its teams are subject to Occasion-Two Historical Penalties.

##### Application Procedures

All Occasion-Two waivers must be submitted electronically to the NCAA national office via the LSDBi portal. Waivers must be submitted within 14 calendar days of the institution entering the penalty waiver period. The online waiver application will produce a signature page that must be signed by the institution's chancellor or president.

The waiver must set forth the reasons the institution believes that application of Bylaw 23.2.1.2.2 should be waived. The waiver must identify all team penalties the institution wishes to waive. The waiver will be considered a single case and will not be complete until each team penalty is addressed. The institution may include additional information and supporting documentation relevant to its request.

The reviewing body may request additional pertinent information before a decision is rendered.

Any waiver filed after 14 calendar days must include an explanation of why the waiver was not filed within the prescribed time period. The chair of the subcommittee must determine whether any waiver filed after 14 calendar days will be considered. (*Revised: 10/2006; 4/2007*)

#### Review Standards

On receipt of an institution's request, the staff will review the application to ensure it is complete, e-mail the institution's designated contact regarding the status of the request and identify the NCAA staff member handling the request. A request will not be processed and reviewed until all required documentation has been received by the staff. An institution has 10 calendar days to submit requested documents. If it does not provide the documentation within the timeframe, the case will be staff denied. Otherwise, the staff processing a case has 21 calendar days to render a decision.

The staff/subcommittee has the authority to render a decision for all Occasion-Two Appeal requests. Decisions will include consideration of the following:

1. The waiver directive approved by the committee.
2. Mitigating circumstances and whether the mitigating circumstances were within the control of the member institution and/or student-athlete(s).
3. Historical academic performance of the respective team and or student-athlete(s).
4. Number of teams at the institution subject to historical penalties.
5. Size of variance between the team's APR/GSR and the historical-penalty "benchmark."
6. History of penalties and waivers (e.g., contemporaneous penalties, APR adjustments, historical penalties, progress-toward-degree waivers, initial-eligibility waivers) for affected team(s) and/or student-athlete(s).
7. Review of the institution's mission and its relationship to the team's APR, GSR and the Federal Graduation Rate.
8. Development and submission of an APR improvement plan and review of previously created and implemented APR improvement plan(s).
9. Other factors deemed relevant to the waiver.

The staff/subcommittee has the authority to consider, deliberate and decide waiver requests. After reviewing all information, the staff/subcommittee will render one or more of the following decisions:

1. **Approved:** The staff/subcommittee determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.2 was warranted. In such instances, the team will not be subject to the Occasion-Two Penalty. If the institution again fails to meet the established benchmarks and factor review, the Occasion-Two Penalty will be assessed rather than progressing to Occasion-Three Penalties.
2. **Conditionally Approved:** The staff/subcommittee determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.2 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the staff/subcommittee in the decision notification. If the team fails again to meet the established benchmark the Occasion-Two Penalties will be assessed rather than progressing to Occasion-Three Penalties. However, failure to meet the stated conditions will result in the decision converting to a denial and the waived penalty being implemented and applied to the original penalty year. In this instance, if, in the following three-year period, the team fails to again meet the established benchmark and factor review, Occasion-Three Penalties will be assessed.
3. **Partially Approved:** The staff/subcommittee determines the institution's request demonstrated evidence that a partial waiver of Bylaw 23.2.1.2.2 was warranted. If, in the following three-year period, the team again fails to meet the established benchmark, Occasion-Three Penalties will be assessed.
4. **Denied:** The staff/subcommittee determines the institution's request did not demonstrate circumstances warranting a waiver of Bylaw 23.2.1.2.2. This institution will be responsible for applying the designated penalty or penalties.

Written confirmation of the decision must be provided by the staff/subcommittee to the institution within 21 calendar days of the decision.

#### Reconsideration

After the staff has issued a decision on a waiver request, the institution may ask the staff to reconsider its decision if the institution submits new information that was not available to the institution at the time the original waiver was filed. Requests with new information may not be considered by the subcommittee until the staff has reviewed the new information. An explanation must be included to clarify the reason(s) the new information was not originally available. The

staff will determine whether information is new for all reconsideration requests. If the information is new, the staff will re-open the case and make a decision based on the new set of facts. If the information is not new, the staff decision will not be reconsidered; but, the case may be appealed to the Subcommittee on Appeals.

#### Conflict of Interest

A staff or subcommittee member must recuse himself or herself from participation in an appeal in which he or she is personally connected with an institution or conference. A staff or subcommittee member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of an appeal. It is the responsibility of the staff or subcommittee member to remove himself or herself if a conflict exists. Institutional objections to a subcommittee member participating in the review of an appeal must be raised with the subcommittee chair or NCAA staff member handling the case (in the event that the institution objects to participation by the chair prior to review of the appeal).

In the event that the subcommittee chair must recuse him or herself or is unable to participate in the appeal, the remaining members must vote, by simple majority, to determine who will serve as acting chair.

#### Appeal of Staff Decision

The committee has authorized the Subcommittee on Appeals to consider all appeals of staff decisions involving Bylaw 23.2.1.2.2, Occasion-Two Financial Aid, Playing and Practice Season and/or Recruiting Limitations.

After the staff has rendered a decision, the institution may appeal the decision to the subcommittee. The subcommittee's decision is final and is not subject to further review by any other authority.

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

#### Appeal Procedures

A member institution must submit the appeal of a staff decision to the NCAA national office. All notices must be submitted using the LSDBi portal. The online appeal application will

produce a signature page that must be signed by the chancellor or president and provided to the NCAA national office.

The application must set forth the rationale for the appeal. In addition, the appeal must identify all team penalties which the institution wishes to appeal. The appeal will be considered a single case and will not be complete until each team penalty is addressed.

All appeals of a staff decision must be filed with the NCAA national office within seven calendar days of written notification of the staff's decision.

Any appeal filed after seven calendar days must include an explanation of why the appeal was not filed within the prescribed time period. The chair of the subcommittee must determine whether any appeal filed after seven calendar days will be considered. (*Revised: 4/2007*)

An appeal of a staff decision will be heard via teleconference. After submission of the appeal, the staff will schedule a teleconference call and notify the institution and subcommittee of the date and time. In addition, the staff handling the case will review the application and ensure it is complete. The staff handling the case will also contact the institution to verify that all facts and assertions are accurate. This must be done prior to the case being forwarded to the subcommittee.

#### Appeal Participants

Each of the following individuals from the institution must participate in the appeal: (a) chancellor or president (or his or her designee); (b) athletics director or senior woman administrator; (c) faculty athletics representative; (d) head coach of the penalized team(s); and (e) any other individuals whose presence was requested by the subcommittee.

The institution at its discretion may permit other institutional staff members and conference office staff members (e.g., conference commissioner) to be on the teleconference for the appeal.

An institution and any individual whose presence has been requested by the subcommittee may have legal counsel present; however, an individual must speak on behalf of himself or herself.

Student-athletes and noninstitutional or nonconference office staff members are not permitted to participate in the teleconference or be present on the call.

The lead NCAA administrator who handled the case (or a staff member with case administrative oversight responsibilities) and NCAA staff member(s) supporting the work of the committee must participate on the call.

The subcommittee chair, at his or her discretion, has the authority to remove a participant from participating or being present on the teleconference call. The subcommittee chair is not required to give advance notice/warning for removing any participants.

#### Documents Reviewed by the Subcommittee

The subcommittee will receive and review the notice of penalty, appeal application (including supporting documents), staff decision and rationale and applicant team(s) APP data. Prior to the teleconference, the subcommittee will distribute to the institution, NCAA staff and involved individuals an agenda of teams to be discussed and a list of specific documents that comprise the record the subcommittee will review.

#### Introductions

The subcommittee chair will call the teleconference meeting to order and introduce the members of the subcommittee.

Following introductions of the subcommittee, the chair of the subcommittee will ask the institution to select one person to speak on behalf of the institution (institutional spokesperson). This person must be someone who is employed by the institution on a full-time basis. An involved individual must speak on behalf of himself or herself.

The institution will introduce its representatives followed by individuals whose presence has been requested by the subcommittee or the institution and conference office representatives.

The NCAA staff will introduce themselves.

After the introductions, the subcommittee chair may make announcements.

#### Review of the Appeal

The NCAA staff administrator who handled the case (or a staff member with oversight responsibilities) has 10 minutes per team to describe the facts of the appeal, applicable case precedent and the staff's rationale.

The institution's spokesperson will then have 10 minutes per team to describe the case and explain the reasons for requesting that the staff's decision be overturned or modified.

The chair or acting chair is responsible for monitoring the time. Following the description of the case, the subcommittee members may ask questions of all participants. Once all questions have been answered, the call will conclude with the staff and institution each providing one five



minute closing statement. The closing statement must be conducted by the institution's spokesperson and the staff member who presented the case.

### Deliberations and Decision

At the conclusion of the teleconference, the subcommittee members must deliberate. Neither the institution, conference nor NCAA staff member(s) handling or presenting the case may be present for the deliberations. NCAA staff members supporting the committee will be present during deliberations but will not be the same staff member(s) handling or presenting the case. *(adopted 1/2008, effective 1/2008)*

A simple majority of subcommittee members present and voting is necessary for a decision. The chair, or acting chair on a particular appeal, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

Written confirmation of the decision must be provided by the subcommittee to the institution within 21 calendar days of the decision.

### **REVIEW OF CONDITIONALLY APPROVED OCCASION-TWO PENALTY WAIVERS—Determining whether the condition(s) was satisfied**

The waiver case staff has authority to review conditionally approved waivers to determine whether the condition(s) was satisfied. If the condition(s) is not satisfied, the institution has the opportunity to explain to the staff why it failed to meet the condition(s) or why it believes it did not meet the stated conditions. The staff's decision may be appealed to the committee. The committee's decision is final and not subject to further review by any other authority.

### Staff Review

The waiver case staff shall review the APP data and other relevant information of all institutions that had conditionally approved waivers from the previous year to confirm whether the stated condition(s) has been satisfied. The staff will conduct this review once the APR data submission correction and adjustment phases are complete.

If the stated condition(s) has been satisfied, the waiver case staff will notify the institution, in writing, that the historical penalty has been waived.

If the condition(s) is not satisfied, the waiver case staff will provide written notification that the conditionally approved waiver has not been satisfied and the team is required to impose the identified historical penalties the year subsequent to notification. In addition, if based on the

most recent year's data, the team has become subject to Occasion-Three historical penalties it must also apply the Occasion-Three penalties the academic year subsequent to notification. Furthermore, the staff will notify the institution that it may provide an explanation regarding why it failed to satisfy the condition(s) or why it believes it did meet the stated conditions(s).

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.2 is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

#### Review Standard

The staff may grant relief based on some or all of the following criteria:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Evaluation of implementation of institution's previously submitted APR improvement plan and revisions to plan to address current issues impacting APR.
7. Any additional information provided by the institution.

### Deliberations and Decisions

After reviewing all the information, the staff may render one of the following decisions:

1. **Approved:** The staff determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-Two penalties.
2. **Denied:** The staff determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-Two penalties.

### Committee Review

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

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.2 is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

### Review Standard

Committee decisions will include consideration of the following:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.

3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Implementation of the team's previously submitted APR Improvement Plan and assessment and development of an updated plan.

#### Conflict of Interest

A Committee on Academic Performance member must recuse himself or herself from participation in a review in which he or she is personally connected with an institution or conference. A Committee on Academic Performance member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the review. It is the responsibility of the Committee on Academic Performance member to remove himself or herself if a conflict exists. Institutional objections to a Committee on Academic Performance member participating in the review must be raised to the Committee on Academic Performance chair or NCAA staff member prior to review.

In the event that the Committee on Academic Performance chair must recuse him or herself or is unable to participate in the waiver, the remaining members must vote, by simple majority, to determine who will serve as "acting chair."

#### Deliberations and Decisions

The committee will receive the original staff conditional approval decision, staff decision regarding condition(s) not being met, the institution's request and supporting documentation and the team(s) APP data.

The committee may conduct its deliberations by facsimile, teleconference, electronic mail, Internet or in-person meeting. Such deliberations shall include only committee members and NCAA staff members supporting the committee.

A simple majority of the committee members present and voting is necessary for a decision. The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

After reviewing all information, the committee will render one of the following decisions:

1. **Approved:** The committee determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-Two penalties.
2. **Denied:** The committee determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-Two penalties.

If relief is not provided, the institution will be notified to impose the historical penalty the academic year subsequent to notification. Additionally, if the team has become subject to historical penalties in the current academic year, it will then also be subject to the next occasion of penalty within the historical-penalty structure. If the institution seeks relief from the next occasion of penalty, the Committee on Academic Performance has the discretion to provide flexibility to institutions regarding the timeframe for imposing penalties. Specifically, the committee may decide to permit an institution to impose the penalties over a multiyear period. The committee may decide what penalties to extend and when. Such determinations will be made as part on the institution's waiver appeal deliberations and provided in the committee's written decision.

The committee's decision is final and not subject to further review by any other authority.

Written (e.g., electronic) confirmation of the decision must be provided by the committee to the institution within 21 calendar days of the decision.

### **OCCASION-THREE PENALTIES (BYLAW 23.2.1.2.3 – POSTSEASON COMPETITION and other applicable penalties)**

The staff has limited authority to render decisions for Occasion-Three waiver requests. Specifically, the staff is permitted to approve or conditionally approve a waiver request. The staff does not have the authority to partially approve or deny an Occasion-Three Penalty waiver request.

All Occasion-Three waivers must be reviewed initially by the staff. If the staff does not approve or conditionally approve a waiver, it must forward the waiver to the Committee on Academic Performance. The full Committee on Academic Performance will review the waiver and the committee's decision may be appealed to a subcommittee of the Board of Directors if the basis for appeal meets the stated criteria.

#### Definitions

For purposes of Occasion-Three and –Four Penalties, the following definitions apply.

1. **Waiver Case Lead:** The waiver case lead is charged with coordinating the staff review of waivers based on authority granted by the committee. He or she facilitates the submission of waivers by institutions. He or she is responsible for ensuring review of all submitted waivers for completeness and assigns waivers to waiver case staff. The oversight administrator or his/her waiver case staff designee will be present at all waiver hearings to present the case and any staff decision. Such staff will not be present during any of the committee's deliberations and will only be present in hearings when institutional representatives are present per established policies. Additionally, this administrator is responsible for scheduling committee waiver hearings and the logistical coordination necessary for the proceedings.
2. **Waiver Case Staff:** The waiver case staff is charged with reviewing the waiver to ensure it is complete and working with the institution to collect any additional information necessary. The staff has some authority to render a decision for Occasion-Three and -Four Historical Penalties. The staff may approve or conditionally approve a waiver. If either decision cannot be reached, then the staff must forward the waiver to the committee for a hearing. The staff may not deny or partially approve a waiver. The oversight administrator may designate a waiver case staff member to participate in the waiver hearing (e.g., provide APP data to the committee, responding to questions from the committee and if a staff decision has been issued, will provide the rationale for such a decision). The staff may not be present during committee deliberations and will only be present in hearings when institutional representatives are present per established policies.
3. **Staff Supporting the Committee:** This staff is responsible for managing all waiver hearings. The staff is responsible for supporting the committee before, during and after the hearing and in its deliberations. The staff will support the committee during appeals to the Board of Directors subcommittee. The staff may not be present in Board of Directors subcommittee deliberations and will only be present in hearings when institutional representatives are present per established policies.
4. **Staff Supporting the Board of Directors:** The staff is responsible for scheduling and managing all Board of Directors subcommittee appeal teleconferences. The staff is responsible for supporting the subcommittee before, during and after the appeal and in its deliberations.
5. **Penalty Waiver Period:** Point in the APP process when an institution is able to submit a waiver of a contemporaneous and/or historical penalty. In general an institution submits its APP data then has an opportunity to correct the submitted data and finally may request adjustments of the data. Once the data has become finalized an institution will be notified of its opportunity to submit a penalty waiver.

#### Recording

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

### Application Procedures

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

The waiver must set forth the reasons the institution believes that application of Bylaw 23.2.1.2.3 (e.g., Occasion-Three Penalties) should be waived. The waiver must identify all team penalties that an institution is appealing to the Committee on Academic Performance. The waiver will be considered a single waiver case and will not be complete until all team penalties being appealed are addressed. The institution may include additional information and supporting documentation it believes is relevant to its request.

The NCAA staff/committee may request additional pertinent information before a decision is rendered.

Any waiver filed after the 21 calendar days must include an explanation of why the waiver was not filed within the prescribed time period. The chair, or acting chair, of the committee must determine whether any appeal filed after 21 calendar days will be considered.

### Staff Review

#### Review Standards

Staff decisions will include consideration of the following:

1. The waiver directive approved by the committee.
2. Mitigating circumstances and whether the mitigating circumstances were within the control of the member institution and/or student-athlete(s).
3. Historical academic performance of the respective team(s) and/or student-athlete(s).
4. Number of teams at the institution subject to historical penalties.
5. Size of variance between the team's APR/GSR and the historical-penalty "benchmark."
6. History of penalties and waivers (e.g., contemporaneous penalties, APR adjustments, historical penalties, progress-toward-degree waivers, initial-eligibility waivers) for affected team and/or student-athlete(s).
7. Review of the institution's mission and its relationship to any team APR, GSR or Federal Graduation Rate.

8. Development and submission of an APR improvement plan and review of previously created and implemented APR improvement plan(s).
9. Other factors deemed relevant to the waiver.

On receipt of an institution's request, an assigned NCAA waiver case staff member will review the application to ensure it is complete, e-mail the institution's designated contact person regarding the status of the request and identify the NCAA waiver case staff member handling the request. A request will not be processed and reviewed until all required documentation has been received by the staff.

The waiver case staff will review the waiver request and communicate with the institution regarding any additional information necessary for the waiver.

The waiver case staff may approve or conditionally approve the waiver. If the waiver case staff does not make either decision, it must forward the waiver to the committee for a hearing. The waiver case staff has 14 calendar days, from the time the waiver file is complete, to render a decision or forward the waiver to the committee.

After reviewing all information, the waiver case staff will either forward the waiver to the committee for review or render one of the following decisions:

1. **Approved:** The waiver case staff, on behalf of the committee, determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.3 was warranted. In such instances, the team will not be subject to the applicable Occasion-Three Penalties. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, the Occasion-Three Penalties will be assessed, rather than progressing to Occasion-Four Penalties.
2. **Conditionally Approved:** The waiver case staff, on behalf of the committee, determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.3 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the waiver case staff in the decision notification. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Three Penalties will be assessed rather than progressing to Occasion-Four Penalties. Failure to meet the stated conditions will result in the decision converting to a denial and the waived penalty being implemented. In this instance, if, in the next three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.

Written confirmation of the decision to approve or conditionally approve must be provided by the staff, on behalf of the committee, to the institution within 14 calendar days of its decision.



### Acceptance of Conditions

The institution has seven calendar days to accept, in writing, the waiver case staff conditional approval and stated condition(s). If the institution accepts this outcome, the institution must meet the conditions as outlined in the decision. However, if the institution does not accept the conditional approval and stated condition(s), the waiver case staff shall forward the waiver to the Committee on Academic Performance. The committee will review the waiver de novo at an in-person hearing according to the procedures outlined in the committee review section below. The committee may approve, conditionally approve, partially approve or deny the waiver.

### Reconsideration

After the waiver case staff has issued a decision, the institution may ask the staff to reconsider its decision if the institution submits new information that was not available to the institution at the time the original waiver was filed. Requests with new information may not be considered by the committee until the waiver case staff has reviewed the new information.

### Reporting Staff Decision

The waiver case staff shall annually submit summaries of all decisions made by the waiver case staff for committee review. The summaries shall not provide institutional names.

### Committee Review

The committee has authority to consider waivers of Occasion-Three Historical Penalties. The committee will review all waivers by all committee members present and voting at an in-person hearing. The committee has authorized the NCAA staff to support the committee (hereafter referred to as “staff supporting the committee”). The staff supporting the committee has separate and distinct duties from the waiver case staff.

### Review Standard

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

Committee decisions will include consideration of the following:

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

2. Historical academic performance of the respective team(s) and/or student-athlete(s).
3. Number of teams at the institution subject to historical penalties.
4. Size of variance between the team's APR/GSR and the historical-penalty "benchmark".
5. History of penalties and waivers (e.g., contemporaneous penalties, APR adjustments, historical penalties, progress-toward-degree waivers, initial-eligibility waivers) for affected team and/or student-athlete(s).
6. Review of the institution's mission and its relationship to any team APR, GSR or Federal Graduation Rate.
7. Development and submission of an APR improvement plan and review of previously created and implemented APR improvement plan(s).
8. Other factors deemed relevant to the waiver.

#### Conflict of Interest

A Committee on Academic Performance member must recuse himself or herself from participation in a waiver in which he or she is personally connected with an institution or conference. A Committee on Academic Performance member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of a waiver. It is the responsibility of the Committee on Academic Performance member to remove himself or herself if a conflict exists. Institutional objections to a Committee on Academic Performance member participating in the review of a waiver must be raised to the Committee on Academic Performance chair or NCAA staff member when submitting the waiver in LSDBi.

In the event that the Committee on Academic Performance chair must recuse him or herself or is unable to participate in the waiver, the remaining members must vote, by simple majority, to determine who will serve as "acting chair."

Committee members may not discuss a pending request with the waiver case staff processing the case or institutional representative(s) without all parties having the opportunity to participate. Waiver case staff may communicate with the committee and institution regarding logistical hearing information (e.g., time, place, date of a waiver). The staff supporting the committee may contact the committee chair to arrange a teleconference or to discuss procedural matters relevant to processing an institution's request. Further, the committee members may contact the staff

supporting the committee to request that additional information about the case be submitted or to obtain procedural information.

#### Hearing Costs

The Committee on Academic Performance is responsible for actual and necessary expenses for NCAA staff and committee members. In addition, the committee is responsible for expenses related to reserving the hearing room.

The institution is responsible for all costs related to the waiver hearing for its institutional officers and staff members, including those staff members whose presences is requested by the Committee on Academic Performance (this may include former staff members).

The conference office is responsible for all costs related to the waiver hearing for its staff members, including those staff members whose presence is requested by the Committee on Academic Performance (this may include former staff members).

#### Timeframe for Hearing

A waiver of Occasion-Three penalties will be heard in person, before all committee members in attendance at the hearing. The waiver case staff will schedule a hearing and notify the institution and the Committee on Academic Performance of the time, date and location. When setting the date and time for the hearing, the committee will attempt to accommodate the schedule of the institution's representatives. Any conflicts with the hearing should be communicated as soon as possible to the waiver case staff. The length of time for the hearing shall be left to the discretion of the committee chair, or acting chair.

#### Documents Reviewed by the Committee

The Committee on Academic Performance will receive and review the notice of penalty, waiver application (including supporting documents), team(s)' APP data (e.g., APR, GSR, contemporaneous-penalty information, historical-penalty information), APR Improvement Plans and any other information it deems appropriate.

Any additional documentary information/data that the institution would like the committee to review must be received by the waiver case staff at least 14 calendar days prior to the hearing. The waiver case staff must distribute the documents to the committee, institution and individuals whose presence is requested by the Committee on Academic Performance or the institution not less than seven calendar days prior to the scheduled hearing.

Prior to the hearing, the Committee on Academic Performance will distribute to the institution and individuals whose presence has been requested by the committee an agenda of the team(s) to be discussed and a list of specific documents that comprise the record the committee will review.

Subject to the approval of the Committee on Academic Performance for good-cause shown, additional documents may be submitted at the hearing, provided copies (at least 40), are available for all in attendance.

The Committee on Academic Performance also may request additional documentation during the hearing or the committee's deliberations, with copies provided to all parties.

#### Waiver Hearing Participants

The following individuals must participate in the waiver hearing: (a) the institution's chancellor or president; (b) the athletics director; (c) the head coach of the penalized team(s) and (d) any other individuals whose presence was requested by the committee. If any of these individuals is not available (e.g., individual is no longer employed by institution) for the hearing, the institution must notify the committee at least 14 calendar days prior to the scheduled hearing. The committee will then notify the institution as to whether it expects another individual to substitute for the unavailable individual. At the chair's discretion, the appeal may proceed without the unavailable individual.

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

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

Student-athletes may not be present at the hearing.

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

NCAA staff members supporting the work of the committee must participate in all portions of the waiver hearing, including deliberations. In addition, the waiver case staff must participate in the waiver hearing and present to the committee. Waiver case staff and the staff supporting the Board of Directors subcommittee shall not be present for committee deliberations. Other NCAA staff members may participate at the discretion of the chair.

The Committee on Academic Performance has the authority to request that institution officials and staff members, including coaches, appear before it. Further, the committee has the authority to request that former institutional staff or conference office members appear before it. These individuals will be referred to as "involved individuals." An involved individual may have legal

counsel present; however, the involved individual must be present at the hearing and counsel may not speak on the individual's behalf.

All other individuals must be approved by the committee.

At the request of a member institution or at its own discretion, the committee may exclude an individual from certain portions of the waiver hearing. Such decisions may be made by the chair or acting chair.

### Introductions

The Committee on Academic Performance chair, or acting chair, will call the meeting to order and introduce the members of the committee and NCAA staff members supporting the committee.

The institution will introduce its representatives followed by any involved individual and conference office representatives.

The NCAA waiver case staff will then introduce themselves.

After introductions, the committee chair may make announcements.

### Opening Statement

The waiver case staff and institution each will be provided an opportunity to make a brief opening statement to the committee.

An opening statement shall be limited to not more than 15 minutes. The waiver case staff will first provide opening statements, followed by the institution.

The waiver case staff will provide a review of the team's APP history, data and information (e.g., APR, GSR, contemporaneous-penalty information, historical-penalty information, APR improvement plan review, institutional mission information) as well as any relevant academic-waiver data (e.g., progress-toward-degree information, initial-eligibility information) and information requested by the committee.

The institution's president or chancellor must provide an opening statement. In addition, the institution will provide a brief summary of the case and set forth the rationale for the waiver request and may include comments in rebuttal to the staff's opening statement. This statement may be made by any of the institution's representatives. All speakers in the opening statement and their comments are included in the institution's 15 minute time limit.

The committee chair, or his or her designee, is responsible for monitoring the time.

### Question and Answer

Following opening statements, the committee members may ask questions of all participants. Additionally, committee members may ask questions at any time during the discussion of a waiver. Any institutional representative, conference office representative or involved individual may be questioned by the committee on any relevant issue. It is possible that the parties will be asked to respond to questions prior to their formal presentations.

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

The length of time for questions and answers shall be left to the discretion of the chair of the Committee on Academic Performance.

### Closing Statements

After the question and answer period, the Committee on Academic Performance will hear brief closing statements from the waiver case staff and institution. The closing statement must be made by the institution's spokesperson and the waiver case staff member who presented the case. The closing statement may not exceed 10 minutes.

The waiver case staff will make its closing statement first, followed by the institution.

Closing statements are not intended to discuss the details of the waiver request, present new information or to make new assertions. The closing statement provides the staff and institution an opportunity for each party to summarize the discussions that occurred during the hearing and to provide a brief statement regarding the case. The institution's closing statement also allows the institution an opportunity to rebut any statements made by the waiver case staff.

### Deliberations and Decision

At the conclusion of the waiver hearing, the committee members will deliberate. The committee may request additional information from any appropriate source, including the institution or the waiver case staff. In this event, the institution and the waiver case staff will be given an opportunity to be present at the time such information is provided to the committee.

Only the Committee on Academic Performance members and NCAA staff supporting the committee (but not the NCAA staff member who presented the case) may be present for the deliberation. Other NCAA staff may be present for the deliberations at the discretion of the committee chair or acting chair. However, the waiver case staff who presented the case and the staff supporting the Board of Directors Subcommittee shall not be present.

A simple majority of the committee members present and voting is necessary for a decision. The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

After reviewing all information, the Committee on Academic Performance will render one of the following decisions:

1. **Approved:** The committee determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.3 was warranted. In such instances, the team will not be subject to the Occasion-Three Penalties. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, the Occasion-Three Penalties will be assessed, rather than progressing to Occasion-Four Penalties.
2. **Conditionally Approved:** The committee determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.3 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the committee in the decision notification. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Three Penalties will be assessed rather than progressing to Occasion-Four Penalties. However, failure to meet the stated conditions, will result in the decision converting to a denial and the waived penalty being implemented. In this instance, if, in the next three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.
3. **Partially Approved:** The committee determines the institution's request demonstrated evidence that a partial waiver of Bylaw 23.2.1.2.3 was warranted. The details of the partial approval shall be outlined in the decision notification. The committee may waive any part of the team's penalties, in part or in its entirety. Additionally, the committee may determine that if the team in the following three-year period, fails to meet the established benchmarks and factor review, Occasion-Three Penalties will be assessed for a second time and the team may not advance to the Occasion-Four Penalty.
4. **Denied:** The committee determines the institution's request did not demonstrate evidence warranting a waiver of Bylaw 23.2.1.2.3. The institution will be responsible for applying the designated penalty or penalties.

Written (e.g., electronic) confirmation of the decision must be provided by the committee to the institution within 21 calendar days of the hearing.

#### Reconsideration

After the Committee on Academic Performance has acted on a waiver request, the institution may ask the committee to reconsider its decision if the institution submits new information that was not available to institution at the time the original appeal was filed. Request with new

information may not be considered by the Board of Directors subcommittee until the committee has reviewed the new information. An explanation must be included to clarify the reason(s) the new information was not originally available. The committee will determine if information is new for all reconsideration requests. If the information is new, the committee will re-open the case, and make a decision based on the new information. This process does not require another in person hearing and may be done in any manner deemed appropriate by the committee. If the information is not considered new the committee decision will not be reconsidered, but the case may be appealed to the Board subcommittee.

### **Board of Directors Subcommittee Review**

#### **Appeal of Committee Decision**

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

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

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

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

#### **Review Standard**

Abuse of discretion occurs when the Committee on Academic Performance:

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

#### **Recording**

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



### Conflict of Interest

A Board of Directors subcommittee member must recuse himself or herself from participation in an appeal in which he or she is personally connected with an institution or conference. A Board subcommittee member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of an appeal. It is the responsibility of the Board of Directors subcommittee member to remove himself or herself if a conflict exists. Institutional objections to a Board of Directors subcommittee member participating in the review of an appeal must be raised to the Board of Directors subcommittee chair or NCAA staff member prior to review of the appeal.

In the event that the Board of Directors subcommittee chair must recuse him or herself or is unable to participate in the appeal, the remaining members must vote, by simple majority, to determine who will serve as “acting chair.”

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

### Appeal Procedures

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

An institution will be required to submit an appellate brief explaining its rationale for appealing the committee’s decision. Specifically, the institution’s appellate brief may only address how it believes that the committee abused its discretion in applying the legislation and/or policy and procedures, and how these abuses reasonably could have resulted in a different decision. The subcommittee may not hear a case de novo (e.g., over again, anew).

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

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

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

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

#### Timeframe for Hearing

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

#### Documents Reviewed by the Subcommittee

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

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

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

#### Appeal Participants

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

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

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

Student-athletes may not be present at the hearing.

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

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

All other individuals must be approved by the Board of Directors subcommittee.

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

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

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

### Introductions

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

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

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

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

The NCAA staff will then introduce themselves.

After introductions, the subcommittee chair may make announcements.

### Review of the Appeal

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

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

The Committee on Academic Performance chair, or acting chair, will have 15 minutes to describe the facts of the appeal, applicable case precedent, the committee's decision and rationale and address the allegations that it abused its discretion in applying the legislation and/or its policies and procedures.

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

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

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

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

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

### Deliberations and Decision

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

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

If the subcommittee reverses or modifies the decision of the Committee on Academic Performance it may render one of the following decisions:

1. **Approved:** The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that a waiver of Bylaw 23.2.1.2.3 was warranted. In such instances, the team will not be subject to the Occasion-Three Penalties. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, the Occasion-Three- Penalties will be assessed, rather than progressing to Occasion-Four Penalties.
2. **Conditionally Approved:** The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that a waiver of Bylaw 23.2.1.2.3 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the subcommittee in the decision notification. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Three Penalties will be assessed rather than progressing to Occasion-Four Penalties. However, failure to meet the stated conditions will result in the decision converting to a denial and the waived penalty being implemented. In this instance, if, in the next three-

year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.

3. **Partially Approved:** The subcommittee determine the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined a partial waiver of Bylaw 23.2.1.2.3 was warranted. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.

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

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

### **REVIEW OF CONDITIONALLY APPROVED OCCASION-THREE PENALTY WAIVERS—Determining whether the condition(s) was satisfied**

The waiver case staff has authority to review conditionally approved waivers to determine whether the condition(s) was satisfied. If the condition(s) is not satisfied, the institution has the opportunity to explain to the staff why it failed to meet the condition(s) or why it believes it did not meet the stated conditions. The staff's decision may be appealed to the committee. The committee's decision is final and not subject to further review by any other authority.

#### **Staff Review**

The waiver case staff shall review the APP data and other relevant information of all institutions that had conditionally approved waivers from the previous year to confirm whether the stated condition(s) has been satisfied. The staff will conduct this review once the APR data submission correction and adjustment phases are complete.

If the stated condition(s) has been satisfied, the waiver case staff will notify the institution, in writing, that the historical penalty has been waived.

If the condition(s) is not satisfied, the waiver case staff will provide written notification that the conditionally approved waiver has not been satisfied and the team is required to impose the identified historical penalties the academic year subsequent to the notification. In addition, if

based on the most recent year's data, the team has become subject to Occasion-Four historical penalties it must apply the Occasion-Four the academic year subsequent to notification.

Furthermore, the staff will notify the institution that it may provide an explanation regarding why it failed to satisfy the condition(s) or why it believes it did meet the stated conditions(s).

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.3 is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

#### Review Standard

The staff may grant relief based on some or all of the following criteria:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Evaluation of implementation of institution's previously submitted APR improvement plan and revisions to plan to address current issues impacting APR.
7. Any additional information provided by the institution.

### Deliberations and Decisions

After reviewing all the information, the staff may render one of the following decisions:

1. **Approved:** The staff determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-Three penalties.
2. **Denied:** The staff determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-Three penalties.

### Committee Review

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

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.3 is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

### Review Standard

Committee decisions will include consideration of the following:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.



4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Implementation of the team's previously submitted APR Improvement Plan and assessment and development of an updated plan.

#### Conflict of Interest

A Committee on Academic Performance member must recuse himself or herself from participation in a review in which he or she is personally connected with an institution or conference. A Committee on Academic Performance member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the review. It is the responsibility of the Committee on Academic Performance member to remove himself or herself if a conflict exists. Institutional objections to a Committee on Academic Performance member participating in the review must be raised to the Committee on Academic Performance chair or NCAA staff member prior to review.

In the event that the Committee on Academic Performance chair must recuse him or herself or is unable to participate in the waiver, the remaining members must vote, by simple majority, to determine who will serve as "acting chair."

#### Deliberations and Decisions

The committee will receive the original staff conditional approval decision, staff decision regarding condition(s) not being met, the institution's request and supporting documentation and the team(s) APP data.

The committee may conduct its deliberations by facsimile, teleconference, electronic mail, Internet or in-person meeting. Such deliberations shall include only committee members and NCAA staff members supporting the committee.

A simple majority of the committee members present and voting is necessary for a decision. The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

After reviewing all information, the committee will render one of the following decisions:

1. **Approved:** The committee determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-Three penalties.

2. **Denied:** The committee determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-Three penalties.

If relief is not provided, the institution will be notified to impose the historical penalty the academic year subsequent to notification. Additionally, if the team has become subject to historical penalties in the current academic year, it will then also be subject to the next occasion of penalty within the historical-penalty structure. If the institution seeks relief from the next occasion of penalty, the Committee on Academic Performance has the discretion to provide flexibility to institution's regarding the timeframe for imposing penalties. Specifically, the committee may decide to permit an institution to impose the penalties over a multiyear period. The committee may decide what penalties to extend and when. Such determinations will be made as part on the institution's waiver appeal deliberations and provided in the committee's written decision.

The committee's decision is final and not subject to further review by any other authority.

Written (e.g., electronic) confirmation of the decision must be provided by the committee to the institution within 21 calendar days of the decision.

#### **OCCASION-FOUR PENALTIES (BYLAW 23.2.1.2.4 – MEMBERSHIP STATUS and other applicable penalties)**

The NCAA staff has limited authority to render decisions for Occasion-Four waiver requests. Specifically, the staff is permitted to approve or conditionally approve a waiver request. The staff does not have the authority to partially approve or deny an Occasion-Four waiver request.

All Occasion-Four waivers must be reviewed initially by the staff. If the staff does not approve or conditionally approve a waiver, it must forward the waiver to the Committee on Academic Performance. The full committee will review the waiver and the committee's decision may be appealed to a subcommittee of the Board of Directors if the basis for appeal meets the stated criteria.

### Recording

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

### Application Procedures

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

The waiver must set forth the reasons the institution believes that application of Bylaw 23.2.1.2.4 (e.g., Occasion-Four penalties) should be waived. The waiver must identify all team(s) subject to membership-status penalties that an institution wishes to be waived by the Committee on Academic Performance. The waiver will be considered a single waiver case and will not be complete until each team penalty is addressed. The institution may include additional information and supporting documentation it considers is relevant to its request.

The NCAA staff/committee may request additional pertinent information before a decision is rendered.

A waiver filed after the 21 calendar day period must include an explanation of why the waiver was not filed within the prescribed time period. The chair, or acting chair, of the committee must determine whether any waiver filed after 21 calendar days may be considered.

### Definitions

Refer to Occasion-Three section for applicable definitions.

### **Staff Review**

#### Review Standards

Staff decisions will include consideration of the following:

1. The waiver directive approved by the committee.
2. Mitigating circumstances and whether the mitigating circumstances were within the control of the member institution and/or student-athlete(s).
3. Historical academic performance of the respective team(s) and/or student-athlete(s).
4. Number of teams at the institution subject to historical penalties.

5. Size of variance between the team's APR/GSR and the historical-penalty "benchmark."
6. History of penalties and waivers (e.g., contemporaneous penalties, APR adjustments, historical penalties, progress-toward-degree waivers, initial-eligibility waivers) for affected team and/or student-athlete(s).
7. Review of the institution's mission and its relationship to any team APR, GSR or Federal Graduation Rate.
8. Development and submission of an APR improvement plan and review of previously created and implemented APR improvement plan(s).
9. Other factors deemed relevant to the waiver.

On receipt of an institution's request, an assigned NCAA waiver case staff member will review the application to ensure it is complete, e-mail the institution's designated contact person regarding the status of the request and identify the NCAA waiver case staff member handling the request. A request will not be processed and reviewed until all required documentation has been received by the staff.

The waiver case staff will review the waiver request and communicate with the institution regarding any additional information necessary for the waiver.

The waiver case staff may approve or conditionally approve the waiver. If the waiver case staff does not reach either decision, it must forward the waiver to the committee for a hearing. The waiver case staff has 14 calendar days, from the time the waiver file is complete, to render a decision or forward the waiver to the committee.

After reviewing all information, the waiver case staff will either forward the waiver to the committee for review or render one of the following decisions:

1. **Approved:** The waiver case staff, on behalf of the committee, determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.4 was warranted. In such instances, the institution will not be subject to the applicable Occasion-Four Penalties. If, in the following three-year period, the team again fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed at that time.
2. **Conditionally Approved:** The waiver case staff, on behalf of the committee, determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.4 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the committee in the decision notification. If, in the following three-year period, the team again fails to meet the established benchmarks and factor review, Occasion-Four Membership-Status Penalties will be assessed. However, failure to meet

the stated conditions will result in the decision converting to a denial and the waived penalty being implemented.

Written (e.g., electronic) confirmation of the decision must be provided by the waiver case staff to the institution within 14 days of its decision.

#### Acceptance of Conditions

The institution has seven calendar days to accept, in writing, the waiver case staff conditional approval and stated condition(s). If the institution accepts this outcome, the institution must meet the condition(s) as outlined in the decision. However, if the institution does not accept the conditional approval and stated condition(s), the waiver case staff will forward the waiver to the Committee on Academic Performance. The committee will review the waiver de novo (anew) at an in-person hearing according to the procedures outlined in the committee review section below. The committee may approve, conditionally approve, partially approve or deny the waiver.

#### Reconsideration

After the waiver case staff has issued a decision, the institution may ask the staff to reconsider its decision if the institution submits new information that was not available to the institution at the time the original waiver was filed. Requests with new information may not be considered by the committee until the waiver case staff has reviewed the new information.

#### Reporting Staff Decision

The waiver case staff shall submit summaries of all decisions made by the waiver case staff for committee review. The summaries shall not provide institutional names.

#### Committee Review

The committee has authority to consider waivers of Occasion-Four Historical Penalties. The committee will review all waivers by all committee members present and voting at an in-person hearing. The committee has authorized the NCAA staff to support the committee (hereafter referred to as the “staff supporting the committee”). The staff supporting the committee has separate and distinct duties from the waiver case staff.

#### Review Standard

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

Committee decisions will include consideration of the following:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the member institution and/or student-athlete(s).
2. Historical academic performance of the respective team(s) and/or student-athlete(s).
3. Number of teams at the institution subject to historical penalties.
4. Size of variance between the team's APR/GSR and the historical-penalty "benchmark."
5. History of penalties and waivers (e.g., contemporaneous penalties, APR adjustments, historical penalties, progress-toward-degree waivers, initial-eligibility waivers) for affected team and/or student-athlete(s).
6. Review of the institution's missions and its relationship to any team APR, GSR or Federal Graduation Rate.
7. Development and submission of an APR improvement plan and review of a previously created and implemented APR improvement plan(s).
8. Other factors deemed relevant to the waiver.

#### Conflict of Interest

A Committee on Academic Performance member must recuse himself or herself from participation in a waiver in which he or she is personally connected with an institution or conference. A committee member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of a waiver. It is the responsibility of the committee member to remove himself or herself if a conflict exists. Institutional objections to a committee member participating in the review of a waiver must be raised with the committee chair or staff member when submitting the waiver in LSDBi.

In the event that the committee chair must recuse him or herself or is unable to participate in the appeal, the remaining members must vote, by simple majority, to determine who will serve as "acting chair."

Committee members may not discuss a pending request with the waiver case staff or institutional representative without all parties having the opportunity to participate. Waiver case staff may communicate with the committee and institution regarding logistical and hearing information (e.g., time, place, date of a waiver). The staff supporting the committee may contact the Committee on Academic Performance chair to arrange a teleconference or to discuss procedural matters relevant to processing an institution's request. Further, the committee members may contact the staff supporting the committee to request that additional information about the case be submitted or to obtain procedural information.

### Hearing Costs

The Committee on Academic Performance is responsible for actual and necessary expenses for NCAA staff and committee members. In addition, the committee is responsible for expenses related to reserving the hearing room.

The institution is responsible for all costs related to the appeal hearing for its institutional officers and staff members, including those staff members whose presences is requested by the Committee on Academic Performance (this may include former staff members).

The conference office is responsible for all costs related to the waiver hearing for its staff members, including those staff members whose presence is requested by the Committee on Academic Performance (this may include former staff members).

### Timeframe for Hearing

A waiver of Occasion-Four penalties will be heard in person, before all committee members in attendance at the hearing. The waiver case staff will schedule a hearing and notify the institution and the committee of the time, date and location. When setting the date and time for the hearing, the committee will attempt to accommodate the schedule of the institution's representatives. Any conflicts with the hearing should be communicated as soon as possible to the waiver case staff. The length of time for the hearing shall be left to the discretion of the committee chair, or acting chair.

### Documents Reviewed by the Committee

The Committee on Academic Performance will receive and review the notice of penalty, waiver application (including supporting documents), applicant team(s) APP data (e.g., APR, GSR, contemporaneous-penalty information, historical-penalty information), APR Improvement Plans and any other information it deems appropriate.

Any additional documentary information/data that the institution would like the committee to review must be received by waiver case staff at least 14 calendar days prior to the hearing. The waiver case staff must distribute the documents to the committee, institution and individuals whose presence is requested by the committee not less than seven calendar days prior to the scheduled hearing.

Prior to the hearing, the Committee on Academic Performance will distribute to the institution and individuals whose presence is requested by the committee an agenda of the teams to be discussed and a list of specific documents that comprise the record the committee will review.

Subject to the approval of the Committee on Academic Performance, for good-cause shown, additional documents may be submitted at the hearing, provided copies (at least 40), are available for all in attendance.

The Committee on Academic Performance also may request additional documentation during the hearing or the committee's deliberations, with copies provided to all parties.

#### Waiver Hearing Participants

The following individuals must participate in the waiver hearing: (a) the institution's chancellor or president; (b) the athletics director; (c) the head coach of the penalized team(s) and (d) any other individuals whose presence was requested by the committee. If any of these individuals is not available (e.g., individual is no longer employed by institution) for the hearing, the institution must notify the committee at least 14 calendar days prior to the scheduled hearing. The committee will then notify the institution as to whether it expects another individual to substitute for the unavailable individual. At the chair's discretion, the appeal may proceed without the unavailable individual.

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

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

Student-athletes may not be present at the hearing.

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

NCAA staff members supporting the committee must participate in all portions of the waiver hearing including deliberations. In addition, the waiver case staff must participate in the hearing and present to the committee. Waiver case staff and the staff supporting the Board of Directors subcommittee shall not be present for committee deliberations. Other NCAA staff members may participate at the discretion of the chair.

The Committee on Academic Performance has the authority to request that institution officials and staff members, including coaches, appear before it. Further, the committee has the authority to request that former institutional staff or conference office members appear before it. These individuals will be referred to as "involved individuals." An involved individual may have legal counsel present; however, the involved individual must be present at the hearing and counsel may not speak on the individual's behalf.

All other individuals must be approved by the committee.



At the request of a member institution or at its own discretion, the committee may exclude an individual from certain portions of the waiver hearing. Such decision may be made by the chair, or acting chair.

### Introductions

The Committee on Academic Performance chair, or acting chair, will call the meeting to order and introduce the members of the committee and NCAA staff members supporting the committee.

The institution will introduce its representatives followed by any involved individual and conference office representatives.

The waiver case staff will then introduce themselves.

After introductions, the committee chair may make announcements.

### Opening Statement

The waiver case staff and institution each will be provided an opportunity to make a brief opening statement to the committee.

An opening statement shall be limited to not more than 15 minutes. The waiver case staff will first provide opening statements, followed by the institution.

The waiver case staff will provide a review of the team's APP history, the conditions (if appropriate) data and information (e.g., APR, GSR, contemporaneous-penalty information, historical-penalty information, APR Improvement Plan review, institutional mission information) as well as any relevant academic-waiver data (e.g., progress-toward-degree information, initial-eligibility information) and information request by the committee.

The institution's president or chancellor must provide an opening statement. In addition, the institution will provide a brief summary of the case and set forth the rationale for the waiver request and may include comments in rebuttal to the staff's opening statement. This statement may be made by any of the institution's representatives. All speakers in the opening statement and their comments are included in the institution's 15 minute time limit.

The committee chair, or his or her designee, is responsible for monitoring the time.

### Question and Answer

Following opening statements, the committee members may ask questions of all participants. Additionally, committee members may ask questions at any time during the discussion of a

waiver. Any institutional representative, conference office representative or involved individual may be questioned by the committee on any relevant issue. It is possible that the parties will be requested to respond to questions prior to their formal presentations.

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

The length of time for questions and answers shall be left to the discretion of the committee chair, or acting chair.

#### Closing Statements

After the question and answer period, the Committee on Academic Performance will hear brief closing statements from the waiver case staff and institution. The closing statement must be made by the institution's spokesperson and the waiver case staff member who presented the case. The closing statement may not exceed 10 minutes.

The waiver case staff will make its closing statement first and then the institution.

Closing statements are not intended to discuss the details of the waiver request, present new information or to make new assertions. The closing statement provides the staff and institution an opportunity for each party to summarize the discussions that occurred during the hearing and to provide a brief statement regarding the case. The institution's closing statement also allows the institution an opportunity to rebut any statements made by the waiver case staff.

#### Deliberations and Decision

At the conclusion of the waiver hearing, the committee members will deliberate. As part of its deliberation, the committee may request additional information from any appropriate source, including the institution or the waiver case staff. In this event, the institution and the waiver case staff will be given an opportunity to be represented at the time such information is provided to the committee.

Only Committee on Academic Performance members and NCAA staff supporting the committee (but not the NCAA staff member who presented the case) may be present for the deliberation. Other NCAA staff may be present for the deliberations at the discretion of the committee chair or acting chair. However, the waiver case staff who presents the case and the staff supporting the Board of Directors Subcommittee shall not be present.

A simple majority of the committee members present and voting is necessary for a decision. The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

After reviewing all information, the Committee on Academic Performance will render one of the following decisions:

1. **Approved:** The committee determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.4 was warranted. In such instances, the team will not be subject to the Occasion-Four Penalty. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, the Occasion-Penalties will be assessed.
2. **Conditionally Approved:** The committee determines the institution's request demonstrated evidence that a waiver of Bylaw 23.2.1.2.4 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the committee in the decision notification. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four penalties will be assessed. However, failure to meet the stated conditions will result in the decision converting to a denial and the waived penalty being implemented. Additionally, the committee has the authority to apply the penalty only to the poor-performing team(s) rather than the entire institution. In this instance, if, in the next three-year period, the team(s) fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.
3. **Partially Approved:** The committee determines the institution's request demonstrated evidence that a partial waiver of Bylaw 23.2.1.2.4 was warranted. As part of a partial approval decision, the committee has the authority to apply the penalty only to poor-performing teams rather than the entire institution. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.
4. **Denied:** The committee determines the institution's request did not demonstrate circumstances warranting a waiver of Bylaw 23.2.1.2.4. The institution will be responsible for applying the designated penalty or penalties.

Written (e.g., electronic) confirmation of the decision will be provided by the Committee on Academic Performance to the institution within 21 calendar days of the committee's decision.

### Reconsideration

After the committee has acted on a waiver request, the institution may ask the committee to reconsider its decision if the institution submits new information that was not available to institution at the time the original waiver was filed. Request with new information may not be considered by the Board of Directors subcommittee until the committee has reviewed the new information. An explanation must be included to clarify the reason(s) the new information was not originally available. The committee will determine if information is new for all reconsideration requests. If the information is new, the committee will re-open the case, and make a decision based on the new set of facts. This process does not require another in-person hearing and may be done in any manner deemed appropriate by the committee. If the information is not considered to be new, the committee decision will not be reconsidered; but, the case may be appealed to the Board of Directors subcommittee.

### **Board of Directors Subcommittee Review**

#### Appeal of Committee Decision

A subcommittee of the Board of Directors, selected at the Board's discretion in number and members, has legislated authority to consider appeals of Committee on Academic Performance decisions involving Bylaw 23.2.1.2.4, Occasion-Four Penalties, provided the basis for the appeal meets the review standard. The subcommittee's decision is final and is not subject to further review by any other authority.

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

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

#### Review Standard

Abuse of discretion occurs when the Committee on Academic Performance:

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

### Conflict of Interest

A Board of Directors subcommittee member must recuse himself or herself from participation in an appeal in which he or she is personally connected with an institution or conference. A subcommittee member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of an appeal. It is the responsibility of the subcommittee member to remove himself or herself if a conflict exists. Institutional objections to a subcommittee member participating in the review of an appeal must be raised with the subcommittee chair or staff member prior to review of the appeal.

In the event that the subcommittee chair must recuse him or herself or is unable to participate in the appeal, the remaining members must vote, by simple majority, to determine who will serve as “acting chair.”

Subcommittee members may not discuss a pending request with the Committee on Academic Performance or institutional representative without all parties having the opportunity to participate. The staff supporting the subcommittee may contact the subcommittee chair to arrange a teleconference or to discuss procedural matters relevant to processing an institution’s request. Further, the subcommittee members may contact the staff supporting the subcommittee to request that additional information about the case be submitted or to obtain procedural information.

### Recording

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

### Appeal Procedures

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

An institution will be required to submit an appellate brief explaining its rationale for appealing the committee’s decision. Specifically, the institution's appellate brief may only address how it believes that the committee abused its discretion in applying the legislation and/or policy and procedures. The subcommittee may not hear a case de novo (e.g., over again, anew).

In addition, the appeal must identify all teams subject to membership-status penalties that the institution wishes to appeal. The appeal will be considered a single case and will not be complete until each team penalty is addressed.

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

The staff supporting the committee will work with the institution prior to the teleconference to verify facts, case precedent and data submitted. This must be done prior to the case being forwarded to the subcommittee.

#### Timeframe for Hearing

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

#### Documents Reviewed by the Subcommittee

The Board of Directors subcommittee will receive and review the notice of penalty, appeal application (including supporting documents), applicant team(s) APP data and Committee on Academic Performance's decision and rationale and all documents part of the record.

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

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

#### Appeal Participants

The following individuals must participate in the appeal: (a) the institution's chancellor or president; (b) the athletics director; (c) the head coach of the penalized team(s); (d) Committee on Academic Performance chair or, if different, the individual who chaired the Committee on Academic Performance hearing; and (e) any other individuals whose presence was requested by the committee. Of these groups of people only those individuals who were present for the

hearing before the committee may be present during the teleconference. If any of these individuals are not available (e.g., individual is no longer employed by the institution, family illness) for the hearing, the institution must notify the Board of Directors subcommittee at least 14 calendar days prior to the scheduled hearing. The subcommittee will then notify the institution as to whether it expects another individual to substitute for the unavailable individual. At the chair's discretion, the appeal may proceed without the unavailable individual.

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

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

Student-athletes may not be present at the hearing.

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

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

All other individuals must be approved by the Board of Directors subcommittee.

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

NCAA staff supporting the subcommittee must participate in all portions of the waiver appeal including deliberations. In addition, NCAA staff supporting the committee must participate in the appeal but may not participate in deliberations. Other NCAA staff members may participate at the discretion of the chair.

At the request of a member institution or at its own discretion, the subcommittee may exclude any individual from certain portions of the appeal.

All other individuals must be approved by the Board of Directors subcommittee.

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

### Introductions

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

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

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

The chair of the Committee on Academic Performance will introduce himself or herself and any committee members in attendance.

The NCAA staff will then introduce themselves.

After introductions, the subcommittee chair may make announcements.

#### Review of the Appeal

The institution is provided an opportunity to present its basis for appealing the committee decision to the subcommittee. The institution's appeal should be made from the appellate brief submitted to the subcommittee. The institution's brief may only address, based on the facts that were presented to the committee, how it believes that the committee abused its discretion in applying the legislation and/or its policies and procedures as outlined in the "review standard" section.

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

The Committee on Academic Performance chair or acting chair will have 15 minutes to describe the facts of the appeal, applicable case precedent, the committee's decision and rationale and address the allegations that it abused its discretion in applying the legislation and/or its policies and procedures and how such abuses could have reasonably resulted in a different outcome.

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

Following opening statements from the chair of the Committee on Academic Performance and the institution, the Board of Directors subcommittee members may ask questions of all participants. Once all questions have been answered, the teleconference will conclude with the



committee and institution each providing a five-minute closing statement. The closing statement must be made by the institution's spokesperson and the committee member who presented the case.

The Board of Directors subcommittee members may ask questions at any time. Any institutional representative or committee chair may be questioned on any relevant issue. It is possible that the parties will be asked to respond to questions prior to their formal presentations. The one-hour period includes questioning by the Board of Directors subcommittee.

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

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

#### Deliberations and Decision

At the conclusion of the appeal, the Board of Directors subcommittee members will deliberate.

The subcommittee may request additional information from any appropriate source, including the institution or the Committee on Academic Performance. In this event, the institution and the committee chair will be given an opportunity to be represented at the time such information is provided to the subcommittee.

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

If the subcommittee reverses or modifies the decision of the Committee on Academic Performance it may render one of the following decisions:

- 1. Approved:** The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it,

the subcommittee determined a waiver of Bylaw 23.2.1.2.4 was warranted. In such instances, the team will not be subject to the Occasion-Four Penalties. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, the Occasion-Four- Penalty will be assessed.

2. **Conditionally Approved:** The committee determines the institution's request demonstrated evidence the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that a waiver of Bylaw 23.2.1.2.4 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the subcommittee in the decision notification. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed. However, failure to meet the stated conditions, will result in the decision converting to a denial and the waived penalty being implemented. In this instance, if, in the next three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.
3. **Partially Approved:** The committee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined a partial waiver of Bylaw 23.2.1.2.4 was warranted. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Penalties will be assessed.

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

Written (e.g., electronic) confirmation of the decision must be provided by the Board of Directors subcommittee to the institution within 21 calendar days of the teleconference.

#### **REVIEW OF CONDITIONALLY APPROVED OCCASION-FOUR PENALTY WAIVERS—Determining whether the condition(s) was satisfied**

The waiver case staff has authority to review conditionally approved waivers to determine whether the condition(s) was satisfied. If the condition(s) is not satisfied, the institution has the opportunity to explain to the staff why it failed to meet the condition(s) or why it believes it did

meet the stated conditions. The staff's decision may be appealed to the committee. The committee's decision is final and not subject to further review by any other authority.

#### Staff Review

The waiver case staff shall review the APP data and other relevant information of all institutions that had conditionally approved waivers from the previous year to confirm whether the stated condition(s) has been satisfied. The staff will conduct this review once the APR data submission correction and adjustment phases are complete.

If the stated condition(s) has been satisfied, the waiver case staff will notify the institution, in writing, that the historical penalty has been waived.

If the condition(s) is not satisfied, the waiver case staff will provide written notification that the conditionally approved waiver has not been satisfied and the team is required to impose the identified historical penalties. Furthermore, the staff will notify the institution that it may provide an explanation regarding why it failed to satisfy the condition(s) or why it believes it did meet the stated conditions(s).

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.4 is not warranted. The institution may submit additional information that it believes is relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

#### Review Standard

The staff may grant relief based on some or all of the following criteria:

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

2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Evaluation of implementation of institution's previously submitted APR improvement plan and revisions to plan to address current issues impacting APR.
7. Any additional information provided by the institution.

#### Deliberations and Decisions

After reviewing all the information, the staff may render one of the following decisions:

1. **Approved:** The staff determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-Four penalties.
2. **Denied:** The staff determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-Four penalties.

#### Committee Review

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

The request must be submitted electronically to the NCAA national office via the LSDBI portal. Requests must be submitted within seven calendar days after the notification that the condition(s) has not been met and the institution is subject to the penalty. The online application will produce a signature page that must be signed by the institution's chancellor or president.

The request must set forth the reasons why the institution failed to meet its condition(s) or why it believes it did meet the stated condition(s) and as a result why the application of Bylaw 23.2.1.2.4 is not warranted. The institution may submit additional information that it believes is

relevant to the case. The committee may request additional pertinent information before a final determination is made.

Any request filed after seven calendar days must include an explanation of why the request was not filed within the prescribed time period. The chair of the committee must determine whether any request filed after seven calendar days will be considered.

#### Review Standard

Committee decisions will include consideration of the following:

1. Mitigating circumstances and whether the mitigating circumstances were within the control of the institution and/or student-athlete(s).
2. If multiple conditions were assigned, the number of conditions met and historical-academic performance of the respective team.
3. Size of variance between the team's most recent single-year APR and the APR required as the condition.
4. Improvement of the team's APR, eligibility and/or retention APR.
5. Review of the variables related to the institution's mission and resources and its relationship to the team's APR.
6. Implementation of the team's previously submitted APR Improvement Plan and assessment and development of an updated plan.

#### Conflict of Interest

A Committee on Academic Performance member must recuse himself or herself from participation in a review in which he or she is personally connected with an institution or conference. A Committee on Academic Performance member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the review. It is the responsibility of the Committee on Academic Performance member to remove himself or herself if a conflict exists. Institutional objections to a Committee on Academic Performance member participating in the review must be raised to the Committee on Academic Performance chair or NCAA staff member prior to review.

In the event that the Committee on Academic Performance chair must recuse him or herself or is unable to participate in the waiver, the remaining members must vote, by simple majority, to determine who will serve as “acting chair.”

Deliberations and Decisions

The committee will receive the original staff conditional approval decision, staff decision regarding condition(s) not being met, the institution’s request and supporting documentation and the team(s) APP data.

The committee may conduct its deliberations by facsimile, teleconference, electronic mail, Internet or in-person meeting. Such deliberations shall include only committee members and NCAA staff members supporting the committee.

A simple majority of the committee members present and voting is necessary for a decision. The chair, or acting chair, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

After reviewing all information, the committee will render one of the following decisions:

1. **Approved:** The committee determines that the condition(s) is satisfied or the explanation provided by the institution is sufficient to satisfy the condition(s) and as a result, the institution is not subject to the Occasion-Four penalties.
2. **Denied:** The committee determines that the institution did not present circumstances that warrant relief from the staff conditional approval and as a result, the institution is subject to the Occasion-Four penalties.

If relief is not provided, the institution will be notified to impose the historical penalty academic year subsequent to notification. Additionally, if the team has become subject to historical penalties in the current academic year, it will then also be subject to the next occasion of penalty within the historical-penalty structure. If the institution seeks relief from the next occasion of penalty, the Committee on Academic Performance has the discretion to provide flexibility to institution’s regarding the timeframe for imposing penalties. Specifically, the committee may decide to permit an institution to impose the penalties over a multiyear period. The committee may decide what penalties to extend and when. Such determinations will be made as part on the institution’s waiver appeal deliberations and provided in the committee’s written decision.

The committee’s decision is final and not subject to further review by any other authority.

Written (e.g., electronic) confirmation of the decision must be provided by the committee to the institution within 21 calendar days of the decision.

### ***REWARDS***

The Committee on Academic Performance has implemented an annual a team-centered public recognition program that highlights the academic performance of the top ten percent of teams in each sport based on NCAA Division I APR. The committee will continue attempts to identify and implement additional, meaningful incentives in future years.





**NCAA Division I Academic Progress Rate Adjustment Directive**

**Background.**

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

1. The pilot data reflected that retention is an even stronger component of graduation than eligibility.
2. By awarding points for retention, potential issues related to "run-offs" and "recruiting mistakes" could be monitored and addressed.
3. Term-by-term R points allow for a student-athlete to receive "credit" for every term he or she returns, even if he or she eventually transfers or is not retained for any reason. This "partial-credit" model has been seen as a significant improvement over the Federal Graduation Rate and is a very important consideration when assessing E + R for the APR calculation.

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

**Guiding Principles.**

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

**Effect of Adjustment.**

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

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

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

### **Circumstances Warranting an Adjustment of the E or R Point.**

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

#### **1. Academic Term Not Completed.**

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

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

- c. Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent. These circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent.
- d. Harassment. This circumstance must be clearly supported by contemporaneous objective documentation (e.g., police report).
- e. Participation in the following Olympic or international competition:
  - (1) Official Pan American, World Championships, World Cup, World University Games and Olympic training, tryouts and competition;
  - (2) Officially recognized training and competition, qualifying for final Olympic tryouts; or
  - (3) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee or, for student-athletes representing another nation, the equivalent organization of that nation.
- f. Other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control that led to lost E and/or R points in a term that the student-athlete did not complete.

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

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

- a. The student-athlete was rendered academically ineligible and the institution was not able to submit a progress-toward-degree waiver (e.g., transfer, withdrawal, no pending competition).
- b. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation.

The documentation must clearly indicate that a student-athlete was unable to be academically successful as a result of the incapacitating physical or mental circumstances.

- c. Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent. These circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent.
- d. A natural disaster (e.g., earthquakes, floods).
- e. Other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control that impacted the student-athlete's ability to be academically successful.

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

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

- a. The student-athlete's degree program was discontinued. This circumstance must be supported by documentation from the institution's registrar's office indicating that the student-athlete was enrolled in the specific degree program and the date the degree program was discontinued.
- b. The student-athlete's degree program was not offered at the original institution. This circumstance must be supported by documentation from official institutional sources indicating that the student-athlete's degree program was not offered at the original institution and the student-athlete is enrolled in the degree program at the next institution.
- c. The student-athlete's sport was discontinued. This circumstance must be supported by documentation from the institution's director of athletics indicating when the sport program was discontinued and when the announcement of the discontinuation was made.

- d. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation. The documentation must clearly indicate that a student-athlete was unable to be retained by the institution as a result of the incapacitating physical or mental circumstances.
- e. A natural disaster (e.g., earthquakes, floods).
- f. Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent. These circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent.
- g. Harassment. This circumstance must be clearly supported by objective documentation (e.g., police report).
- h. Participation in the following Olympic or international competition:
  - (1) Official Pan American, World Championships, World Cup, World University Games and Olympic training, tryouts and competition;
  - (2) Officially recognized training and competition, qualifying for final Olympic tryouts; or
  - (3) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee or, for student-athletes representing another nation, the equivalent organization of that nation.
- i. The student-athlete was not retained by the institution in one regular academic term, but he or she later returned. The student-athlete must qualify for the missed-term exception pursuant to NCAA Bylaw 14.4.3.5-(a). The student-athlete must return to the institution as a full-time student in a subsequent term and meet all criteria for the missed-term exception. A student-athlete may only have the R point adjusted one time during his or her academic career based on this mitigation.
- j. The student-athlete was not retained due to other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control.

4. Professional Athletics Opportunities.

a. Initial Professional Sports Opportunity.

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

- (1) Signed contract with a professional sports team or organization;
- (2) Established pattern of acceptance of prize money for competition;
- (3) Documented declaration of intent to compete as a professional in an individual sport (e.g., tennis, golf); or
- (4) Other evidence determined by the staff/committee to confirm the individual's professional sports vocation.

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

- (1) Signing a contract with an agent;
- (2) Signing a commercial endorsement agreement;
- (3) Declaring for a professional sports draft; or
- (4) Participating in professional sports tryouts.

b. Second Professional Sports Opportunity.

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

completed, the student-athlete must have earned the E point in order for the R point to be adjusted (see letter a above).

- (1) Signed contract with a professional sports team or organization;
- (2) Established pattern of acceptance of prize money for competition;
- (3) Documented declaration of intent to compete as a professional in an individual sport (e.g., tennis, golf); or
- (4) Other evidence determined by the staff/committee to confirm the individual's professional sports vocation.

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

- (1) Signing a contract with an agent;
- (2) Signing a commercial endorsement agreement;
- (3) Declaring for a professional sports draft; or
- (4) Participating in professional sports tryouts.

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

5. Transfer.

- a. The student-athlete was not retained because he or she transferred to another institution and meets the following criteria:
  - (1) The student-athlete earned the E point in the last term of enrollment prior to transfer.
  - (2) The student-athlete was enrolled at the institution for at least one academic year prior to transfer.
  - (3) The student-athlete immediately transferred to another four-year institution. This requires full-time enrollment at the new institution at the next available regular academic term.

- (4) The student-athlete presents a cumulative grade-point average at the original institution of at least 2.6.

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

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

- (1) The student-athlete earned the E point in the last term of enrollment prior to transfer.
- (2) The student-athlete was enrolled at the institution for at least one academic year prior to transfer.
- (3) The student-athlete immediately transferred to another four-year institution. This requires full-time enrollment at the new institution at the next available regular academic term.
- (4) The student-athlete presents a cumulative grade-point average of at least 2.0, but less than 2.6 at the original institution and satisfies a rigorous review of academic factors (e.g., number of transferable credit hours accepted by the next institution and applicable to the student-athlete's designated degree program, positive trends in the student-athlete's academic performance, student-athlete's academic success compared to other students with similar admissions profiles).

**Note: This adjustment will be subject to a very high review standard and will be filed through the LSDBi Portal.**

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

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

1. Student-athlete transferred to another institution for any reason not included in the section above.
2. Student-athlete departed the institution due to lack of playing time, or desire to play for a different coach.



3. Student-athlete departed the institution due to a coaching change.
4. Student-athlete departed the institution because he or she was placed on academic suspension.
5. Student-athlete departed an institution because of disciplinary actions taken at the institution (e.g., crime, academic fraud, dismissed from team, positive drug test).
6. Student-athlete departed an institution because his or her team is subject to disciplinary measure (e.g., infractions sanctions, APP penalties).
7. Student-athlete departed an institution because his or her athletically related aid was not renewed or was reduced.

**Reconsideration.**

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

**Staff Authority in APR Adjustment Requests.**

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



**Occasion-Two Historical Penalties Educational Column**

Pursuant to NCAA Bylaw 23.2.1.2.2 and the NCAA Division I Academic Performance Program policies, teams subject to an Occasion-Two Historical Penalty are subject to restrictions in the areas of financial aid and playing and practice seasons.

Specific to the playing and practice season penalty, any team subject to practice restrictions must reduce practice time four hours per week during the playing season and replace that time with four hours of academic activities. Additionally, teams that did not demonstrate meaningful NCAA Division I Academic Progress Rate (APR) improvement in the most recent academic year must reduce practice activities to five days per week during the playing season. Finally, institutions/teams are required to report to the NCAA Division I Committee on Academic Performance how the penalties were imposed.

**The following will assist institutions in ensuring the practice penalties are imposed correctly:**

Q: Does the practice restriction apply during the entire academic year?

A: No, the practice restriction only applies during the period when the team is subject to the 20 hour per week limitation.

Q: Does the practice restriction apply only to the championship segment of the playing season?

A: No, it applies to the team's entire playing season including football spring practice and baseball fall nonchampionship segment.

Q: Do the hour or additional day off restrictions apply when there are no daily and weekly hour limits per the NCAA bylaws (e.g., vacation periods)?

A: No, the practice restriction only applies during the time period when the team is subject to the daily and weekly hour limits (e.g., 20 hours per week, required day off). Because the reduced practice time is to be supplemented with academic activities the restriction does not apply when no classes are in session.

Q: Do the hour and/or additional day off restrictions apply to practice and participation in conference and/or postseason championships?

A: The weekly hour restrictions and day off restriction does apply during a week in which a team is participating in conference and/or postseason championships. The exception to the one day off per week does not apply to the required day off per the team's historical penalty.

Q: In the sport of basketball, does the additional day off restriction apply when a team is participating in three contests a week?

A: The exception to the one day off per week does not apply to the team's historical penalty. Therefore, a basketball team subject to an additional day off as part of its Occasion-Two Historical Penalties must take that day off during a week in which the team participates in three contests.

Q: Do the weekly practice restrictions apply to a student-athlete who is also a member of another team at the institution that is not subject to an Occasion-Two Historical Penalty?

A: No, the practice restriction applies to the team's weekly practice limitations and does not apply to the individual student-athlete limitations for those student-athletes who are members of more than one team at the institution.

**The following will assist institutions in ensuring that the policy of replacing practice time with academic activities is imposed correctly:**

Q: What are acceptable academic activities?

A: The following activities are acceptable academic activities:

- a. Study hall.
- b. Tutoring.
- c. Meeting with academic support personnel.
- d. Meeting with departmental academic advisor.
- e. Meeting with professor.
- f. Meeting with formal study group.
- g. Meeting with informal study group.
- h. Faculty mentoring.
- i. Peer mentoring.
- j. Meeting with career counselor.
- k. Career development seminar.

- l. Life skills development session.
- m. Campus seminars.
- n. Supplemental instruction session.
- o. Study skills seminars.

The following activities would **NOT** be considered acceptable academic activities:

- a. Meeting with coaches in their offices to study.
- b. Academic activity while traveling (e.g., on a bus, plane, at hotel).
- c. Academic meetings with coaches.
- d. Community service with athletic team/department.
- e. Promotional activities.
- f. Hosting recruits for official or unofficial visits.
- g. Team meetings (not related to academics).

Q: Does the institution have to document the academic activities for student-athletes who are not in the APR cohort?

A: No.

Q: Do all student-athletes on the penalized team have to complete the same academic activity?

A: No, institutions can determine what academic activities are most appropriate for each student-athlete on the penalized team.

Q: Should the academic activities be related to the elements included in the team's/institution's APR Improvement Plan?

A: It is not necessary that the activities be specifically related to the issues identified within the APR Improvement Plan, however, this is encouraged.

Q: Can individual student-athletes be exempt from the academic activities if they are doing everything they can to meet the mission of the athletics department, university, and the NCAA (e.g., student-athletes meeting all progress-toward-degree requirements, institutional requirements)?

A: No. The intent of the penalty structure is for all student-athletes on a penalized team to engage in more academic activities and less athletics time.

Q: Who is responsible for monitoring the academic activity?

A: Each institution must designate the staff member(s) responsible for monitoring the activities.

**The following outlines the reporting requirements for historical penalties:**

Q: When does an institution have to report how the team applied the penalty?

A: All materials must be submitted to the NCAA national office by July 1 following the academic year in which the penalty was applied. For example, teams applying the penalty during the 2008-09 academic year must submit a report to the Committee on Academic Performance by July 1, 2009.

Q: What if a team does not impose all or part of the penalty?

A: The institution shall report a violation to the NCAA enforcement staff.

Q: What will an institution have to report regarding the academic activities the team participated in place of practice time?

A: The team will need to report a narrative to the NCAA national office by July 1 following the academic year in which the penalty was applied. The narrative must describe the academic activities the student-athletes on the team participated in to replace the reduced practice time.

[References: Bylaws: 17.1.1 (playing season), 17.1.6.3.6 (vacation periods and between terms), 17.1.6.3.8 (multisport participant); 17.1.6.4 (required day-off – playing season), 17.1.6.4.7 (exceptions – basketball), 17.1.7 (general regulations for computing playing seasons applicable to all sports), 23.2.1 (penalties), 23.2.1.2.2 (financial aid, playing and practice seasons and recruiting limitations)]

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

**1. Background.**

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

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

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

Waivers for both contemporaneous and historical penalties are provided for in NCAA Bylaws 15.5.7.3, 23.2.1.2.1.1 and 23.2.1.2.2.1, 23.2.1.2.3.2 and 23.2.1.2.4.1. The NCAA Division I Committee on Academic Performance has approved this directive to provide guidance to the NCAA staff and the NCAA Division I Committee on Academic Performance Subcommittee on Appeals in reviewing APP penalty waiver requests.

**2. Guiding Principles.**

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

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

- b. Waiver decisions will consider whether the team's academic deficiency is an anomaly or a pattern of behavior as demonstrated by current and historical data. Waiver decisions will analyze those circumstances that may be unique events resulting in academically low performing year(s) versus habitually underperforming teams. A team's APR that is negatively affected by a unique one time circumstance, but otherwise is not historically an underperforming team, should be treated differently than a team that has a history and pattern of academic underachievement.
- c. Institutions seeking a waiver of APP penalties must present evidence of compelling mitigating circumstances along with a reasonable expectation that the team's academic performance will improve and the team will achieve an APR of 925 or higher in a reasonable period of time. APR Improvement Plans assist teams in achieving the established APR penalty benchmarks in a reasonable time by identifying the issues impacting a team's APR, establishing measurable goals, steps to achieve the stated goals and establishing a timetable for implementation.

### **3. Squad-Size Adjustment.**

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

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



**4. Use of Conditional Approvals.**

APP penalty waivers may receive “conditional” approval. A waiver that is conditionally approved does not “forgive” the team’s penalty unless the team satisfies the stated condition(s). These conditions may include, but are not limited to, compliance with the institution’s written APR Improvement Plan, attendance at mandatory educational sessions, and/or, meeting or maintaining a specified APR.

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

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

**5. Length of Time to Cite Mitigation.**

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

**6. Academic Factors Considered for Teams.**

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

- a. The team’s Graduation Success Rate (GSR) and Federal Graduation Rate, if available.
- b. Eligibility. The team’s eligibility and percentile rank will be compared against the following:
  - (1) All other NCAA Division I teams.
  - (2) All other Division I teams in the same sport.

- (3) The institution's teams.
- c. Retention. The team's retention and percentile rank will be compared against the following:
  - (1) All other Division I teams.
  - (2) All other Division I teams in the same sport.
  - (3) The institution's teams.
- d. APR. The team's APR and percentile rank will be compared against the following:
  - (1) All other Division I teams.
  - (2) All other Division I teams in the same sport.
  - (3) The institution's teams.
- e. The team's APR for the most recent year will be reviewed to determine if this rate demonstrates improvement over previous year's APR.
- f. The mitigating circumstances for any previous contemporaneous-and/or historical-penalty waiver requests.
- g. History of contemporaneous and/or historical penalties.
- h. The team's academic profile including hours earned, grade-point average, eligibility and retention points.
- i. Academic profile of the team when admitted to the member institution, including admissions status as compared to the general student-body and/or other student-athletes at the institution.
- j. Size of variance between the team's APR and the applicable APP penalty benchmark (e.g., 925 or 900).
- k. The team's single-year APRs that comprise the multiyear rate. Specifically, the number of single-year APRs above or below the penalty benchmarks (e.g., 900, 925).

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

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

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

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

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

- a. Mitigating circumstances that led to the student-athlete being not academically eligible and/or not retained.
- b. Academic profile of student-athlete when admitted to the member institution, including admissions status as compared to the general student body and/or other student-athletes at the institution;
- c. Academic record (e.g., credits completed, grade-point-average);
- d. Record of APR points earned and/or lost;
- e. Prior academic waivers (initial-eligibility and progress-toward-degree waivers);
- f. Academic progress in term of departure; and
- g. Other factors deemed relevant by the staff or subcommittee.

**8. Mitigating Circumstances to be Considered.**

After reviewing the academic profile of the team, the staff/subcommittee may consider the circumstances provided by the institution to explain a team's APR or a "0/2" student-athlete. Circumstances will be considered as compelling mitigating factors if the

institution can demonstrate that it had a direct correlation to the team's ability to earn eligibility/graduation and/or retention points and it must be supported by objective documentation. Mitigating circumstances for a "0/2" student-athlete will be reviewed in accordance with Section 7 of this document.

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

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

- a. Unreasonable reliance by a student-athlete on misinformation from an institutional staff member (e.g., misadvisement);
- b. Institutional lack of understanding regarding the APP; or
- c. Failure to develop and **implement** an APR Improvement Plan.
- d. Conferences and/or institutions with more stringent academic standards than NCAA Division I Progress-Toward-Degree requirements.

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

## **9. Institutional Characteristics.**

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

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

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

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

- (1) Review the size of the variance between a team's expected Federal Graduation Rate based on its multiyear APR (Attachment A) and the institution's student-body Federal Graduation Rate.
- (2) Compare differences between the team's expected Federal Graduation Rate based on the multiyear APR and the institution's student-body projected Federal Graduation Rate as determined by characteristics of the applicant institution. Comparing a team's performance to an institution's projected (rather than actual) Federal Graduation Rate takes into account the possibility that an institution may be outperforming institutions with similar characteristics in a manner not assessed by the review outlined in letter (a) above. The NCAA research staff will provide the staff/subcommittee the following information with each waiver filed that indicates an institution's characteristics as a mitigating factor:
  - (a) The team's expected Federal Graduation Rate, based on the team's multiyear APR (Attachment A);
  - (b) The most recent four-year student-body Federal Graduation Rate for that institution; and
  - (c) The institution's projected Federal Graduation Rate based on various characteristics of the institution. This rate will be determined by a series of statistical models that will include a list of variables from the following categories that have shown to be the most predictive of an institution's Federal Graduation Rate:
    - (i) Who is served by the institution (for example: average age of student body, percent of students residing on campus, per capita Pell Grant dollars)?

- (ii) What is the academic experience at the institution (for example: admissions selectivity, academic entrance requirements and academic characteristics of student body)?
- (iii) What are the available educational resources for the institution and its students (for example: per capita education expenditures, tuition, student faculty ratio, research dollars)?

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

- (d) Review of the narrative information supplied by the institution describing how the characteristics of the institution affects the student body and why its team's academic performance represents superior academic performance given the institution's characteristics.
  - (e) Review the portions of the institution's most recent academic accreditation report that detail the information submitted.
- b. The staff/subcommittee shall review the following when considering an institution's resources as a mitigating factor for a waiver of historical penalties:
- (1) Per capita educational expenses;
  - (2) Per capita athletics department operating expenditures; and
  - (3) Average Pell Grant among all students.

#### **10. Automatic Waivers of Contemporaneous Penalties.**

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

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

## 11. Review of Historical-Penalty Determination Factors.

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

- a. Team APR Improvement.

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

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

- b. By-Sport Comparison. A team(s) that compares favorably in the by-sport comparison (Attachment No 2) but fails to meet the improvement factor will be reviewed in accordance with this directive and are expected to demonstrate that relief is warranted (e.g., mitigating circumstances).
- c. Institutional Characteristics. A team(s) that demonstrates that the team(s) is out performing its general student-body (Attachment No. 1) but fails to meet the improvement factor will generally be reviewed based on the following: level of APR improvement, level of institutional resources as defined in Section 9, the institution's APR Improvement Plan and any other relevant factor(s).

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

## **12. ~~Contemporaneous Penalty Tiered System of Review~~**

~~The staff/subcommittee shall consider contemporaneous penalty waiver requests using a "tiered" approach. The goal of this approach is to encourage improved academic performance of teams. Generally, low performing teams seeking waivers of contemporaneous penalties are expected to improve the team's multiyear APR above 925 in a reasonable period of time.~~

~~Tier No. 1 (APR below 925 to 900): Appeals of contemporaneous penalties in this range are generally conditionally approved without significant review of the mitigating circumstances. A team in this range is expected to improve its APR with the goal of achieving a 925 multiyear APR within a reasonable period of time.~~

~~Tier No. 2 (APR below 900): Waivers of contemporaneous penalties are only granted when the institution presents evidence of compelling mitigating circumstances and demonstrates that the team will achieve a multiyear APR of 925 within a reasonable period of time.~~

## **12. APR Improvement Plans.**

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

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



- (1) Identify all steps the institution has taken toward ~~completion~~ ~~implementation~~ of the previous APR Improvement Plan and progress toward ~~ultimate completion of~~ the measurable goals.
  - ~~(2) Identify challenges, issues or problems that were identified in the previous plan that continue to confront the team(s) in its pursuit of improved academic achievement.~~
  - (3) Identify any new issues impacting the academic performance, retention and graduation of the team's student-athletes and develop specific and measurable goals to address the issues, steps to meet the goals, timetable for implementation and persons responsible for each step outlined in the plan.
  - (4) Identify specific target APR goals for the team(s) for the current academic year that will assist the team in meeting the 925 benchmark in a reasonable period of time.
- b. Institutions requesting an APP penalty waiver for a team that does not have an APR Improvement Plan will be required to develop an APR Improvement Plan. If an institution was required to develop an APR improvement for a team, but failed to develop a plan or implement the plan it developed, the staff/subcommittee will consider this in evaluating whether the team can be expected to improve its academic performance and achieve an APR of 925 within a reasonable period of time. Institutions shall address the following for each waiver request:
- (1) Identify issues impacting the academic performance, retention and graduation of the student-athletes on each team subject to APP penalties.
  - (2) Identify specific and measurable goals to address the issues, steps to meet the goals, timetables for implementation and persons responsible for each step.
  - (3) Identify specific APR target goals for the team(s) for the current academic year that will assist the team in meeting the 925 benchmark in a reasonable period of time.

### **Delays of Occasion-Two Historical Penalties**

Occasion-Two Historical Penalties are intended to be serious and significant and delaying their application is contrary to this intent. Therefore, in the vast majority of cases, the staff and/or

subcommittee will not approve any delay in the application of these penalties. In rare cases where an institution can demonstrate that due to unanticipated and extraordinary circumstances outside the control of the institution, team and involved student-athlete(s) it is unable to apply Occasion-Two Historical Penalties within the prescribed period a delay may be conditionally approved.

### **Delays of Contemporaneous Penalties**

#### **1. Standard for Review.**

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

- a. A current team squad list with counters designated and/or equivalency amounts listed for each student-athlete;
- b. Identification of the current student-athletes with remaining eligibility whose countable financial aid is expected to be renewed for the next academic year; and
- c. The countable financial aid equivalencies for prospective student-athletes who signed a valid National Letter of Intent (NLI) and/or financial aid agreement prior to the institution receiving notice of its APP financial aid penalties.

#### **2. Guiding Principles.**

- a. APP penalties are meant to be a team penalty and not for an individual student-athlete. If an institution must take away financial aid from a current or prospective student-athlete who has signed a valid NLI and/or financial aid agreement prior to the institution receiving notification of its APP penalty in order for the team to impose the APP financial aid penalty, a delay would be warranted.
- b. Any request to delay imposing an APP financial aid penalty will be considered on the premise that any current student-athlete receiving countable financial aid will be renewed at the same equivalency as the current academic year.
- c. If the request to delay the APP financial aid penalty is approved, a delay will generally only be extended one academic year so that the APP financial aid

penalty will be imposed at the latest within three years of the ineligible student-athlete's departure.

**3. Use of Conditional Approvals.**

Approvals will generally be based on the following conditions:

- a. All currently enrolled student-athletes who will not exhaust eligibility during the current academic year will return to the team in the subsequent academic year and receive the countable financial aid at the same equivalency as the current year.
- b. All prospective student-athletes who have signed a valid NLI and/or financial aid agreement will enroll at the institution the next academic year and are eligible for institutional financial aid based on athletics ability.
- c. If any current student-athlete departs the institution prior to the next academic year or if any prospective student-athlete does not enroll or is not eligible for institutional financial aid based on athletics ability (i.e., is a nonqualifier), the team must impose part or all of the APP financial aid penalty based on the equivalency amount and/or the number of counters that become available.
- d. The team may not re-award the financial aid of any student-athlete who departed the institution and/or prospective student-athlete who did not enroll and/or qualify for the institutional financial aid based on athletics ability, unless it is imposing the entire penalty within the original prescribed period of time.



**Expected Federal Graduation Rate based on  
NCAA Division I Academic Progress Rate**

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

**TO BE DETERMINED**

[Note: This table was created by comparing APRs to historical-squad Federal Graduation Rates for N=5,455 squads with both rates available (using equipercentile method). This table should be considered a fairly rough guide only (especially at the tails of the distribution) until contemporary graduation rates are available for squads in the APR cohort. Note that this table will continue to change as the APR formula changes and as we move toward a four-year data collection.]



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

The table below provides the minimum multiyear NCAA Division I Academic Progress Rate (APR) required for a team to meet the by-sport comparison factor within the historical-penalty structure. A team with an APR at or above the APR listed for the specific sport would meet the by-sport comparison factor, but must also meet the improvement factor in order to avoid historical penalties in the 2008-09 academic year.

Baseball	890
Men's Basketball	874
Men's Cross Country	920
Football	897
Men's Fencing	930
Men's Golf	918
Men's Gymnastics	946
Men's Ice Hockey	945
Men's Lacrosse	933
Men's Skiing	928
Men's Soccer	918
Men's Swimming	936
Men's Tennis	926
Men's Track, Indoor	910
Men's Track, Outdoor	910
Men's Volleyball	921
Men's Water Polo	923
Men's Wrestling	901
Women's Basketball	926
Women's Bowling	898
Women's Cross Country	936
Women's Rowing	967
Women's Fencing	910
Field Hockey	964
Women's Golf	947
Women's Gymnastics	960
Women's Ice Hockey	948
Women's Lacrosse	965
Women's Softball	934
Women's Skiing	935
Women's Soccer	946
Women's Swimming	958
Women's Tennis	941
Women's Track, Indoor	932
Women's Track, Outdoor	930
Women's Volleyball	938
Women's Water Polo	942
Mixed Rifle	914





**Including Student-Athletes Receiving Athletics Aid Contingent on Academic Performance  
in the NCAA Division I Academic Performance Program Cohort**

**Background.**

In April, the NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting considered a request from a member institution to determine if a student-athlete who was offered and accepted athletically related financial aid contingent on the student-athlete satisfying various academic criteria before receiving any athletics aid should be included in the NCAA Division I Academic Performance Program (APP) cohort for purposes of calculating the NCAA Division I Academic Progress Rate (APR). The subcommittee determined that a student-athlete signed to athletically related financial aid in this manner who is enrolled full time as of the institution's census date or the fifth week of classes, whichever is earlier, should be included in the APP cohort regardless if the student-athlete eventually meets the contingency within the financial aid agreement and is awarded the athletics aid. The subcommittee considered changing the definition of the APP cohort for purposes of calculating the APR to address this scenario, but ultimately elected to issue an interpretation to clarify this issue. The NCAA Division I Committee on Academic Performance was supportive of this solution.

**Interpretation.**

The committee determined that when an institution offers and signs a student-athlete to athletically related financial aid contingent on the student-athlete subsequently satisfying some nonathletics criteria prior to receiving any athletics aid, that student-athlete shall be included in the APP cohort for that term, whether the stated criteria are met or not. Provided the student-athlete meets all other criteria to be included in the APP cohort. The committee noted that offering athletics aid with a contingency is indicative of the institution's intention to provide the student-athlete with athletically related financial aid. Therefore, the institution should include the student-athlete in the APP cohort, based on the current definition of the cohort for institutions that offer athletically related financial aid (student-athletes who received institutional financial aid based in any degree on athletics ability and who are enrolled full time as of the institution's fifth week of class or official census date).



**REPORT OF THE  
NCAA DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION  
GOVERNANCE COMMITTEE**

The NCAA Division I Football Championship Subdivision Governance Committee submits the following report from its October 16, 2008, teleconference:

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

- The committee reviewed proposals in the current 2008-09 legislative cycle that impact the Football Championship Subdivision. The committee identified issues and provided initial comments regarding the proposals as follows:

**a. NCAA Proposal No. 2008-10**

PERSONNEL -- DEFINITIONS AND APPLICATIONS -- MINORITY  
GRADUATE ASSISTANT COACH -- CHAMPIONSHIP SUBDIVISION  
FOOTBALL

- (1) The committee expressed support for the concept of the proposal, but expressed concerns related to its details. The committee suggested that the proposal could be tabled until additional details could be fleshed out.
- (2) Alternative legislation could establish a position that institutions could fund.
- (3) Funding could be sought through partnerships with other entities.
- (4) Concern was expressed related to potential gender equity and other legal issues.

**b. Proposal No. 2008-19**

RECRUITING -- CONTACTS AND EVALUATIONS -- FOOTBALL -- ONE  
CONTACT WITH JUNIORS OR SENIORS -- SPRING EVALUATION  
PERIOD

- (1) Concern was expressed regarding the potential of increased costs, increased time spent in recruiting and increased pressure to recruit younger prospective student-athletes.

- (2) Previous legislation, for a brief period (August 1, 2004, through January 8, 2006), allowed for contact with high school juniors in sports other than football.

- The legislation was eliminated due to concerns related to early recruitment and the attendant pressures on both coaches and prospective student-athletes. Earlier recruitment should not be encouraged now for the same reasons.

**c. Proposal No. 2008-20**

RECRUITING -- FOOTBALL EVALUATIONS -- SCHOLASTIC AND NONSCHOLASTIC ACTIVITIES -- EVENTS ORGANIZED AND CONDUCTED BY SCHOLASTIC ATHLETICS GOVERNANCE BODIES -- OTHER EVALUATION EVENTS

- (1) Although the legislation would not allow involvement of nonscholastic entities in events organized and conducted solely by scholastic athletics governing bodies, concern was expressed regarding the potential involvement or attempted involvement of such entities.
- (2) Scholastic athletics governing bodies may feel pressure to conduct events if they are not doing so now.

**d. Proposal No. 2008-52**

PLAYING AND PRACTICE SEASONS -- FOOTBALL -- PRESEASON PRACTICE -- LIMIT ON NUMBER OF PARTICIPANTS -- REPLACEMENT OF STUDENT-ATHLETE DUE TO INJURY OR ILLNESS

- The committee expressed an initial position of opposition to the proposal.
  - (a) Concern was expressed regarding the potential financial impact. The committee noted that the purpose for the limit on the number of preseason practice participants is tied to expenses.
  - (b) Concern was expressed regarding the potential for abuse of the rule. Potentially, the legislation could lead to "tryout" situations.

**e. Proposal No. 2008-66**

**ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS --  
FOOTBALL -- DEAD PERIOD**

- The committee expressed an initial position of opposition to the proposal.
  - (a) The committee understands the rationale for the proposal, but believes that an institution should have the flexibility and discretion to monitor its own staff schedules.
  - (b) It would likely be difficult for prospective student-athletes to know the time periods selected by institutions.
  - (c) The possible alternative of having a consistent dead period or periods for all institutions was discussed; however, it was noted that such an approach may interfere with summer camp scheduling.

*Committee Chair: Carolyn Campbell-McGovern, Ivy League*  
*Staff Liaisons: Damani Leech, Baseball and Football*  
*Leeland Zeller, Membership Services*

**Progress Report of the  
Division I Men's Basketball Academic Enhancement Group  
(As of September 15, 2008)**

**Background.**

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

The Division I Men's Basketball Academic Enhancement Group was directed to develop appropriate recommendations for consideration by the Division I membership within a timeline of approximately 12 to 18 months. The group was provided a charge to:

1. Analyze available data, research and literature regarding the academic performance trends of Division I men's basketball student-athletes.
2. Identify characteristics and factors in the sport that may be serving to impair the academic performance of Division I men's basketball student-athletes.
3. Identify changes that would enhance academic progress and graduation rates in Division I men's basketball.
4. Submit to the Division I Board of Directors, no later than the end of 2008, a set of recommendations and proposals that would enhance APR and graduation rates in Division I men's basketball.
5. Maintain ongoing communication with, and seek reactions from, the NCAA governance structure, and the National Association of Basketball Coaches [NABC] membership and conference offices during the course of the project.

The Division I Men's Basketball Academic Enhancement Group conducted its initial meeting in Indianapolis at the national office in August 2007, and agreed that the project could most

effectively be accomplished through the use of subcommittees. The following subcommittees were formed and charged with identifying and developing potential solutions, legislative and non-legislative, for consideration by the full group.

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

The subcommittees have conducted several meetings, both in-person and by conference call and have developed preliminary recommendations/solutions specific to their respective areas. During its April 25 and August 8, 2008, in-person meetings, the full group discussed the subcommittee's recommendations in detail, offered additional comments and suggestions and began to develop some preliminary consensus positions on some of the recommended solutions. The group also received and considered feedback from various constituencies in the Division I governance structure. The following information sets forth the current progress of the Division I Men's Basketball Academic Enhancement Group to date. It should be emphasized that this is a progress report and many of the recommendations as well as consensus positions are likely to undergo additional discussion and consideration prior to being put forth as a final recommendation/position of the full group. The Division I Men's Basketball Academic Enhancement Group is scheduled to again convene as full group later this fall, at which time it is anticipated that the group will be prepared to make final recommendations. A final report including the group's recommendations will be prepared shortly thereafter and provided to the Board of Directors for consideration at its meeting in conjunction with the NCAA Convention.

#### **Recommendations Receiving Preliminary Support.**

1. **Proposed Academic Preparation, Enhancement and Summer Access Model - Mandatory Summer School.**

**Background and Rationale.** The full group supported a proposed academic preparation and enhancement model that involves summer school attendance and summer access for Division I men's basketball student-athletes. The primary intent of this recommendation is

to increase academic performance. It is important to emphasize athletics access that has an academic nexus tied to it. This model proposes a playing and practice season structure that is designed to encourage greater academic commitment, while also providing an opportunity for coaches and student-athletes to interact and enhance the coach/player relationship throughout the academic year and summer.

Data reviewed by the group indicates that student-athletes who enroll in summer school, particularly early in their academic career are far more likely to make appropriate academic progress toward their degrees during their playing career. In addition, a survey of Division I men's basketball student-athletes attending summer school revealed that time spent on athletically related activities while enrolled in summer school has been approximately 10-11 hours on a weekly basis. Thus, the ability to engage in such activities in a more structured environment under the supervision of the coaching staff will not increase the status quo during the summer, but could prove beneficial in establishing a stronger coach/player relationship in a less pressured environment. Definitions of summer access and summer school requirements have been included to assist in understanding a practical application of the model. It is designed both for individuals during the summer prior to initial full-time enrollment and continuing student-athletes.

- a. **Summer School Requirements.** Current financial aid legislation permits institutions to provide athletics aid for the summer prior to initial full-time enrollment under conditions prescribed by NCAA Bylaw 15.2.8.1.4. Further, NCAA Bylaw 15.2.8 and its subsections, outline legislation related to summer financial aid for enrolled student-athletes.

The proposed definition of required summer school includes a requirement that all incoming men's basketball student-athletes, who have signed financial aid agreements to receive athletically related financial aid for the ensuing regular academic year, be enrolled in a minimum of three hours of acceptable degree credit [in addition to study skills / life skills education]. Further, all continuing men's basketball student-athletes who have signed financial aid agreements to receive athletically related financial aid for the ensuing regular academic year, must be enrolled in a minimum of six hours of acceptable degree credit. Consistent with the provisions of Bylaw 14.4.3.4.4, such hours may include remedial courses, provided the courses are prerequisites for specific courses acceptable toward any degree program. Institutions that offer athletically related financial aid would be required to provide financial aid to these student-athletes to attend the summer session. Further, institutions must provide such student-athletes study skills / life skills education (e.g., course, seminar, training session that helps student-athletes "learn how to learn"). The provisions of NCAA Bylaw 15.2.8.1.4 would continue to apply to individuals during the summer prior to initial full-time enrollment, except that such an individual



would be permitted to engage in athletics activities, as defined in the ensuing section entitled, "Definition of Summer Access."

An exception would be provided to those institutions that do not offer summer courses to the general student body. However, such institutions would not be able to take advantage of the summer athletics access component of this model. Further, institutions that offer summer courses, but do not offer any athletically related financial aid [e.g., award only need-based aid] would have two options. The first option would be to use the previously noted exception applicable to institutions that do not offer summer courses to the general student body. Institutions electing to use this option would not be required to award summer financial aid, but also would be prohibited from participation in summer athletics access. The second option would be available for those institutions that wish to participate in the summer athletics access. These institutions would be subject to the mandatory summer aid requirement for those recruited student-athletes who qualify for nonathletically related aid to attend the summer session. The summer athletics access provisions of this model would be applicable to those student-athletes enrolled in the requisite minimum number of hours of acceptable degree credit and who are receiving nonathletically related financial assistance or covering their own cost of summer school.

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

The definition of summer access for this model is based on the use of required weight training, conditioning and individual skill instruction as avenues for summer athletics access. Individual skill instruction provides an opportunity for student-athletes and coaches to work together to improve aspects of the student-athletes' individual skill in a more intimate structure. The focus on individual skill instruction addresses concerns from the men's basketball community regarding the importance of increased access to student-athletes during the summer, but prevents full team practice on a year-round basis.

The proposed definition would permit the allocation of eight hours per week as the maximum number of hours per week in which it would be permissible to engage in these activities, with no more than two hours devoted to skill-related instruction. This length of time is consistent with current legislation governing athletics activities outside the playing season during the academic year. Based on current legislation, the membership appears to accept eight hours per week as a reasonable balance

between the academic and athletic needs of student-athletes while not imposing an undue burden on their time. Similarly, while cognizant of time demands issues that also exist during the summer, this proposed definition does not exceed eight required hours per week in order to provide student-athletes sufficient time to engage in other pursuits.

In addition to identifying the appropriate maximum number of hours per week, the number of weeks during the summer in which access shall be permitted should be considered in the same manner. The proposed definition would specify a period of eight weeks of access at the institution's discretion. For comparison purposes, the identification of an eight-week period presents a consistent length of time as provided for in the football summer conditioning period. Consideration should also be given to academic needs and other time demands concerns in determining the eight-week period as appropriate for football. Likewise, the remaining time outside the eight-week period should be designated as student-athlete discretionary time as outlined in existing legislation in which a student-athlete can only participate in athletics activities at his discretion.

**c. Summary of the Model's Concepts.**

- (1) All incoming and continuing men's basketball student-athletes (including transfer student-athletes) who have signed financial aid agreements to receive athletically related financial aid for the ensuing regular academic year would be required to attend the institution's summer term during the summer prior to initial full-time enrollment and the summer after completion of the first year of enrollment at the certifying institution. [Note: The committee committed to further reviewing data at a later date to determine if an "opt out" provision should be established for student-athletes who satisfy specific academic threshold requirements].

Summer school attendance following the second year in attendance at the certifying institution and thereafter would be presumed to be mandatory, but student-athletes meeting specified (to be determined) academic benchmarks who also have institutionally approved graduation plans would be permitted to "opt out" of such attendance. [Note: The committee agreed that "opt out" provisions should include higher standards than minimum progress-toward-degree standards].

- (2) As an additional financial aid requirement of Division I membership, institutions must award financial aid during the summer to each incoming men's basketball student-athlete for a minimum of three hours [ in addition to study skills / life skills education ] and to each continuing men's basketball

student-athlete for a minimum of six hours. Institutions whose financial aid package includes an exceptional amount of Pell Grant assistance would be required to provide one half of the value of the summer financial aid to each recruited men's basketball student-athlete who has signed a financial aid agreement for the ensuing regular academic year. [Note: An exceptional amount of Pell Grant assistance is defined as those institutions that in a given academic year have an average per-student allotment of Pell Grant dollars for undergraduate students reported to the U.S. Department of Education the previous September that is more than one standard deviation above the mean for all reporting Division I membership institutions for that year].

- (3) Further, institutions would be required to provide all incoming men's basketball student-athletes study skills / life skills education (e.g., course, seminar, training session that helps student-athletes "learn how to learn", for example, how to take notes, how to take tests, evaluation of study skills). Such educational activities should be organized in a manner to assist coaches with developing strategies for individual student-athletes to succeed in the classroom and focus on career planning and "life after basketball" skills. Such education would be encouraged in future years as deemed necessary.
- (4) Upon summer enrollment, incoming recruited men's basketball student-athletes, who have signed financial aid agreements for the ensuing regular academic year, would be considered student-athletes under all NCAA legislation. Currently, under NCAA Bylaw 13.02.11.1, these individuals are not subject to contact regulations in Bylaw 13 and are considered student-athletes only for purposes of Bylaw 16. They are considered prospective student-athletes for the remainder of Bylaw 13 and all other bylaws.
- (5) Enrollment in a minimum of three hours [plus study skills / life skills education] for incoming men's basketball student-athletes] and a minimum of six hours for continuing men's basketball student-athletes would be required as a prerequisite for athletics access during the summer. A waiver from the application of the mandatory attendance requirement would be available when unique circumstances preclude an incoming or continuing student-athlete from attending summer school. A student-athlete receiving a waiver of the mandatory attendance requirement would not be permitted to engage in the athletics access during the summer.
- (6) A credit-hour requirement would be established such that incoming men's basketball student-athletes, who have signed financial aid agreements to receive athletically related financial aid for the ensuing regular academic year, would be required to satisfactorily complete a minimum of three hours of academic

credit during the summer as a prerequisite for eligibility in the fall term. Thereafter, the student-athlete would be required to satisfactorily complete a minimum of six hours of academic credit during any summer as a prerequisite for eligibility in the ensuing fall term. A student-athlete who is not eligible for competition in the fall, based on unsuccessful completion of at least six hours during the summer, would be permitted to regain eligibility at the conclusion of the fall term, provided he meets all other applicable progress-toward-degree regulations. [Note: A nonqualifier must still complete an academic year of residence before being eligible for competition; however, he would be eligible for summer financial aid and athletics access during the summer prior to initial full-time collegiate enrollment.]

- (7) Institutions would continue to be permitted to conduct required athletics activities [i.e., mandatory weight training, conditioning or individual skill-instruction] from the end of the institution's playing season until the week prior to the beginning of the institution's final examination period in accordance with current regulations.

## **2. Proposed Playing and Practice Season Model.**

**[Note: The group did not engage in further discussion regarding this model at its August 8 meeting, but will take final action at its next meeting]**

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

### **a. Preseason Conditioning and Practice.**

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

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

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

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

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

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

- (3) **Missed Class Time Policies.** Policies must be implemented to limit missed class time due to athletics participation (e.g., student-athlete may not miss more than 10 percent of class meetings per semester due to athletics participation). Athletics participation schedules that include the amount of missed class time due to athletics participation must be approved prior to each semester by the faculty athletics representative or faculty oversight committee.
- b. **Practice Scrimmages/Exhibition games.** The group recommended modifications to the current legislation regarding informal preseason scrimmages to specify that such practice scrimmages shall not result in missed class time allowed by the student-athletes of the participating institutions.
- c. **Playing season.**

- (1) An institution shall conduct regular-season games no earlier than start the Saturday prior to Thanksgiving.
- (2) An institution shall conduct a maximum of 28 regular-season games over 14 weeks (two games per week for 14 weeks) or, a maximum of 26 games, if the institution participates in a Qualifying Regular-Season Multiple Team Event.
- (3) An institution shall participate in no more than two games per week, except during holiday or vacation periods as defined in the institution's official catalog.
- (4) An institution shall not participate in any games during the week of final exam period(s) as defined in the institution's official catalog.
- (5) An institution shall not participate in more than one away from home regular season conference game Monday through Thursday of any given week.

### 3. Academic Progress Rate (APR) Policies.

**Background and Rationale.** Academic success within a particular sport or on specific teams likely occurs as a result of the interplay of many factors, including a student-athlete's academic profile, athletics time demands, personal factors (e.g., family finances), athletics opportunities (e.g., playing time, professional departure) and the level of commitment to academic success by players, coaches, administrators and others. The ultimate academic casualty occurs when a student-athlete fails academically and separates from the institution. Under such circumstances, not only does an individual student-athlete fall off track, but his team also loses 2 of 2 possible NCAA Division I Academic Progress Rate (APR) points for his last academic term.

While the number of "0/2" student-athletes in NCAA Division I dropped over the last three years, the decrease occurred at a slower pace in the sport of men's basketball than in any other sport. By comparison, the number of "0/2" student-athletes in football and baseball dropped by 12 percent and 21 percent, respectively, from 2003-04 to 2005-06; however, the number of "0/2" student-athletes in men's basketball decreased by only 3 percent. Together, these three sports accounted for 49 percent of all "0/2" student-athletes nationally in 2005-06.

Trends in "0/2" performance by gender and ethnicity indicate higher percentages of male and ethnic minority student-athletes among those who depart and are ineligible to return. In addition, there are higher percentages of "0/2" student-athletes among those who transfer,

particularly those who transfer from a two-year college to a four-year college. In each of the last three APR reporting years, between nine and 10 percent of two-year transfer student-athletes have lost both the eligibility (E) and retention (R) points for their teams.

**General Observations Related to the Academic Progress of Division I Men's Basketball Student-Athletes.**

- a. **Stronger connections to Head Coach.** Men's basketball players seem to have stronger connections to their head coaches and/or a style of play than to their programs or their institutions overall.
- b. **Head coaching change will occur when expectations are not met.** The subcommittee acknowledged there are times when a transition in personnel simply must be made for the short- and long-term health of the program. For example, institutional leadership may choose to replace a head coach to restore the program's competitive level, to make improvements to a team's APR, to turn around an unhealthy environment for players, or to meet expectations and goals of the institution and its alumni and supporters.
- c. **The "margin of error" is different in men's basketball.** The subcommittee acknowledged that, in the sport of men's basketball, the academic performance of only one or two players can significantly impact a team's APR.
- d. **Gravitational pull of professional basketball opportunities.** There are unique professional opportunities available to men's basketball student-athletes. Student-athletes may submit their names for consideration in the NBA annual draft as long as they are at least 19 years of age during the calendar year in which the draft is held, and at least one NBA season has elapsed since the individual's graduation from high school. In addition to the NBA, there are numerous opportunities available to men's basketball student-athletes in international professional leagues. The subcommittee members discussed the difficulty in maintaining a level of academic engagement for these student-athletes once they have declared for the draft. The subcommittee members who coach these student-athletes indicated that there is a cultural expectation that they disengage academically once the basketball season has ended in order to prepare for the draft.
- e. **Nature of the NBA tryout process.** The annual NBA draft traditionally occurs in June. Student-athletes who have declared their desire to be drafted often participate in tryouts and the annual pre-draft camp (late May/early June) that occurs between the conclusion of the basketball season and the draft. Again the topic of academic disengagement was discussed, as well as the concern that those who may want to remain engaged cannot due to the tryout schedule. The group also discussed the common practice of agents or advisors to recommend prospective professional basketball players leave their institutions to prepare for the pre-draft camps at some other location.

- f. **Nature of the combine process for international leagues.** The tryout process for international leagues does not appear to be as organized as the NBA tryouts. There are professional league tryouts conducted in several countries from June through early September, but it is unclear how the schedule of those tryouts impacts a student-athlete's academic endeavors in his last term of enrollment prior to departing for the professional ranks. There is also a concern with this preparation that agents or advisors recommend that student-athletes leave their institutions to prepare for the tryouts.

**The following are preliminary recommendations supported by the group related to the application of the Academic Progress Rate [APR] policies: [Note: Where applicable, the recommendations will be forwarded to the Committee on Academic Performance for consideration].**

- a. **Provide greater flexibility in the waiver and adjustment processes during head coaching transitions.** The NCAA Division I Basketball Academic Enhancement Group supports some relief in contemporaneous penalties when a coaching transition occurs and to include the possibility of a waiver process that may result in a discount of the retention (R) point when circumstances can be documented to reflect an individual student-athlete's decision to leave an institution due to a coaching change. Given the institutional responsibility to foster an environment that supports student-athlete academic achievement and retention, the group was reluctant to recommend steps that would alter the NCAA Division I Academic Progress Rate (APR) calculation in all instances of a coaching transition.
- b. **Revise the APR adjustment guidelines to be more flexible and to allow consideration of the student-athlete's level of academic engagement and achievement to the point of departure from the institution to pursue a professional athletics career, should that departure occur during his fourth year of collegiate enrollment.** Currently a student-athlete must have earned the eligibility (E) point in his last term of enrollment prior to departing the institution for the professional ranks in order for the institution to request an adjustment to the lost retention (R) point. Basically, the student-athlete has to be a "1/2" in order for the staff to consider granting an adjustment to the lost R point. However, in some instances (e.g., departures for foreign leagues) student-athletes must leave prior to the conclusion of the academic term in order to pursue professional opportunities. The subcommittee recommends providing relief specifically for a student-athlete in his fourth year of college enrollment. The staff will have to develop a means of assessing academic engagement and academic performance; however, consideration could be given to the student-athlete's APR point record for previous terms, his progress toward graduation and his level of academic engagement at the time of departure (e.g., class attendance, preliminary grades, completed assignments and faculty reports). This analysis could lead to APR adjustments (i.e., 1/1) in those cases in



which a student's academic performance and engagement can be documented through class attendance records, preliminary grades, completed assignments and faculty reports.

- c. **Revise the calculation of the APR to award an additional point as an incentive to motivate early graduation.** Currently, APR points are awarded on a term-by-term bases as follows: one point if the student-athlete is eligible for competition at the conclusion of the term (E), and one point if the student-athlete is retained the following term (R). At most, a student-athlete can accrue two points in one term, or "2/2." The subcommittee recommends the NCAA Division I Committee on Academic Performance modify this point calculation when a student-athlete completes a baccalaureate degree in less than four academic years. A similar accommodation could be provided for a student-athlete enrolled in a five-year baccalaureate degree program if he completes that program in less than five years. The subcommittee suggests when a student-athlete graduates ahead of schedule, the calculation include an additional point in the numerator. The early graduate would be considered a "3/2." Current policy stipulates that once a student-athlete graduates, the R point will continue to be awarded in all subsequent terms of enrollment. However, in order to earn the E point, the student-athlete must pass a minimal number of hours. Again, because of the nature of some professional opportunities, athletic and otherwise, some student-athletes do not complete terms after graduation or do not complete them satisfactorily. Should a graduated student-athlete fail to earn the E point in a term of enrollment after graduation, the additional point that was earned due to an early graduation would compensate for the lost point. If the student-athlete earns the E point after graduation, the additional point for early graduation would truly be a bonus for the student-athlete and the team.
- d. **Examine current professional tryout practices with the National Basketball Association (NBA) and the Federation of International Basketball Associations (FIBA).** The NCAA could work with the NBA and FIBA to determine whether other tryout options are available to encourage less missed class time among student-athletes still enrolled while exploring or pursuing professional opportunities.
- e. **Adopt legislation granting "noncounter" status to a student-athlete who wishes to remain at the institution, but not participate in athletics, after the departure of the head coach who recruited him.** Such student-athletes could continue to receive athletics aid, but would not count against team scholarship limits as long as they do not return to athletics participation. If such a student-athlete was granted "noncounter" status, then elected to return to the men's basketball team in a subsequent term or season, he would become a counter for all years during which athletics aid was received. The subcommittee believes this legislative change would provide additional flexibility to student-athletes when their coaches leave, particularly

for those who are in their final two to three semesters of a degree program who may not wish to transfer. The group does recognize, however, that many student-athletes are motivated to continue participating in basketball and still may choose to transfer for more playing time at a different institution, regardless of the scholarship opportunity at the original institution.

- f. **Remove legislative barriers that may prevent a student-athlete from returning to an institution to complete a degree after a professional career.** Current legislation allows for five years of athletics aid to be provided within a six-year time period. Athletics aid awarded beyond those parameters must be "earned" aid. Flexibility in this area may encourage more former student-athletes to return to complete their degrees.
- g. **Recommendation Related to Four-Year College Transfers** The group discussed Division I men's basketball student-athletes that transfer from a Division I institution and supported a recommendation that the Committee on Athletic Performance continue to examine and develop appropriate policies to allow for an adjustment of a retention point lost when a student-athlete transfers, provided the student-athlete has a cumulative grade-point-average of 2.00 or higher and was academically eligible.

4. **Two-Year College Transfer - Recommended Concepts to Address the Academic Performance of Two-Year College Transfers in the Sport of Men's Basketball.**

- a. **Collect Research.** Data should be collected to help determine the characteristics of a successful two-year college transfer. In addition to academic based data, the subcommittee also believes that focus groups consisting of current and former two-year college transfers should be formed to determine what academic and nonacademic factors contribute to the academic success or failure of two-year college transfers in the sport of men's basketball.
- b. **Use of Nontraditional Courses to Meet Transfer Requirements.** The NCAA Division I Academics Cabinet should continue to review the use of nontraditional courses to meet academic transfer requirements for 2-4 transfer student-athletes and its impact on their academic success.
- c. **Physical Education Activity Courses.** Limit physical education activity courses used to satisfy two-year transfer requirements to no more than two credit hours. For those student-athletes matriculating at the four-year institution immediately into a physical education degree program or an education program requiring physical

education activity courses as a part of the degree program (courses cannot be used to fulfill free elective requirements), student-athletes can use up to up to the number of major specific courses to meet transfer requirements.

**5. Other Recommendations.**

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

**Issues Still Under Consideration.**

The following concepts will continue to be discussed by the full group (or one of its subcommittees), but no preliminary consensus position has been developed at this time.

**1. Incoming Two-Year College Transfers.**

- a. **Mandatory Year in Residence.** Require all two-year college transfers in the sport of men's basketball who are nonqualifiers to serve an academic year in residence at the four-year institution before being eligible to compete. These transfer students would be eligible to receive athletically related financial aid and practice. Additionally, if the transfer student because of the mandatory year in residence would not be able to participate in four seasons of competition, he would be eligible for an extension of his five-year clock provided he graduated at the end of five years.
  - To be eligible to practice and receive athletics aid, all two-year college transfers would be required to receive a final initial-eligibility certification from the NCAA Eligibility Center.
- b. **Exception to the Mandatory Year in Residence.** A two-year transfer who is a nonqualifier in the sport of men's basketball would not have to serve a year in residence at the four-year institution before being eligible to compete if:

- (1) The transfer student satisfies current two-year college academic transfer requirements (e.g., 2.00 grade-point average, associate's degree); and
- (2) The transfer student completes all requirements that are part of a graduation plan developed by the four-year institution for the transfer student while he is enrolled at the two-year institution. This plan would have to be on file with the member institution and should articulate which credit hours from the two-year institution would transfer to the four-year institution and what degree requirement they would fulfill. Additionally, the plan should prescribe any necessary academic support services for the transfer student and the use of remedial/noncredit courses.
  - To develop the graduation plan, academic support personnel at the four-year institution would be able to communicate with the transfer student, college coaches and/or academic personnel at the two-year institution under the following circumstances:
    - i. If the prospective men's basketball student-athlete signs a National Letter of Intent (NLI) with a member institution while in high school. The institution's academic support personnel would have access during all years the transfer student is attending the two-year institution. This option would require that the NLI remains valid while the transfer student is in attendance at the two-year institution; or
    - ii. If a prospective men's basketball student-athlete does not sign a NLI with a member institution while in high school, the institution's academic support personnel would be permitted access to the transfer student after he signs a NLI, or accepts an offer of admission with the member institution. For nonqualifiers, an institution would be permitted to sign the transfer student to a NLI during the spring of his first year at the two-year institution or during any subsequent year.

- c. **Summer School While Attending the Two-Year Institution.** Permit the four-year institution to pay for the transfer student to attend summer classes at the four-year institution while the transfer student is enrolled at a two-year institution, provided:
- (1) The courses taken at the four-year institution are part of the graduation plan on file with the institution.
  - (2) The transfer student does not engage in any countable athletically related activities.
  - (3) If the transfer student attends summer classes paid for by the four-year institution, and the student-athlete is admissible to the institution, the student-athlete will be considered a transfer student-athlete if he wants to attend another institution.
  - (4) The coursework taken at the four-year institution during the summer can be used to satisfy all academic transfer requirements established for two-year college transfers.
- d. **Year in Residence.** Permit a transfer student in the sport of men's basketball to attend a two-year institution for his first year of collegiate enrollment without having the year count towards determining progress-toward-degree requirements provided:
- (1) The transfer student does not compete during the first year at the two-year institution.
  - (2) The transfer student attends the two-year institution for a minimum of five semesters or eight quarters.
  - (3) The transfer student satisfies all two-year college academic transfer requirements.
- e. **Academic Access to Two-Year College Student-Athletes.** The group continues to explore the development of proposals that would provide academic support for two-year college transfers in the sport of men's basketball. This would require earlier access to the two-year college transfer student-athletes by academic support personnel at the four-year institution. In particular, the group is modeling current articulation agreements that various four-year institutions have with two-year institutions in part

because of the demonstrated success that these agreements have in supporting the two-year college transfer at the two-year and four-year institutions.

## **2. Year of Academic Readiness.**

a. **Overview.** For various reasons, some prospective student-athletes are underprepared academically to enter a four-year college or university and achieve academic success. Such prospective student-athletes have several options:

- (1) Attend a junior college in an effort to remedy academic deficiencies. This option begins a prospective student-athlete's progress-toward-degree requirements timeline (e.g., after two years the prospective student-athlete must have completed 40 percent of the requirements toward a bachelor's degree).
- (2) Attend a four-year college/university, and with significant academic support, attempt to make up academic deficiencies while taking a full college course load.
- (3) Attend a preparatory school in order to better prepare academically for college.

While the reasons for lack of academic readiness vary, none of the options are ideal academically. Two-year transfers have the lowest graduation rates according to both federal and NCAA graduation rates data. While many preparatory schools are excellent, attendance at some does little to improve the academic readiness of a prospective student-athlete. Reports from the academic support community confirm that admitting prospective student-athletes who are academically, significantly behind their general student body peers presents some real challenges, even with the best academic support services in place. Additionally, some institutions are not able to devote significant financial resources to academic support activities.

The following is a new concept for consideration that provides academically underprepared prospective student-athletes another option involving NCAA member institutions. *A central question that may be important in the reform work is, "What mechanism exists or should exist for academically underprepared student-athletes to remediate deficiencies in order to eventually graduate from a four-year institution?"*

The concept outlined would permit prospective student-athletes to attend a member institution on athletics-related financial aid for a largely remedial

academic year, without triggering the current progress-toward-degree requirements. The concept is further defined below.

**b. Legislative Parameters.**

- (1) Prospective student-athlete must use the year of academic readiness prior to any post high school college enrollment. The institution and the prospective student-athlete must declare in writing the year of academic readiness after final determination of the student's qualifier status, but not later than the last opportunity to enroll in the college's summer term. A student-athlete must be admitted to the institution, which could include a special admit or similar designation. A prospective student-athlete may only use the year of academic readiness in their first year of collegiate enrollment.
- (2) Year of academic readiness would be available to nonqualifiers.
- (3) Student-athlete may receive athletics-related aid. Student-athlete's financial aid would count against team limits consistent with any other student-athlete receiving aid.
- (4) Student-athlete may not compete.
- (5) Student-athlete may practice with the team at institutional/local facilities only.
- (6) Student-athlete may not travel with the team to any away competitions or other events (e.g., no summer foreign tours, no post-national championship trips to the White House).
- (7) Student-athlete's five-year athletics clock would start at the beginning of the year of academic readiness.
- (8) Student-athlete is not subject to percent degree, grade-point average and credit-hour requirements until after completion of the year of academic readiness (e.g., the terms do not count for purposes of determining grade-point average and percent-degree requirements). The student is subject to applicable institutional requirements (e.g., must be in good academic standing and meet university requirements).
- (9) Student-athlete who transfers during the year of academic readiness is subject to an academic year in residence.

(10) Student-athlete is subject to the following academic requirements in order to be eligible for competition in their second year of collegiate enrollment.

- Student-athlete must be enrolled full-time per applicable legislation.
- Must complete 12 hours toward any degree program prior to the start of the student-athlete's second year of enrollment. Such hours do not have to be completed during the academic year (e.g., some or all may be earned during the summer).
- Must complete six semester or quarter hours per regular academic term and 18 semester or 27 quarter hours during the academic year. All such hours may be remedial.
- By the start of the student's third year of collegiate enrollment, the student must complete 36 degree-applicable semester hours (i.e., 12 from the first year, plus 24 required in year two) with a grade-point average of 90 percent of the institutional requirement (e.g., generally 2.000 is required thus a 1.800 would be needed).
- The student-athlete may not use any remedial hours to meet progress-toward-degree standards after completion of the year of academic readiness. Only remedial hours taken in the year of academic readiness may be used to meet academic eligibility requirements.

The following table summarizes the credit-hour requirements for these students using a semester school as the example:

<b><u>Term</u></b>	<b><u>Minimum hours required</u></b>
Summer after high school	6 hours
Fall semester (Year 1)	6*/9 hours
Spring semester (Year 1)	6*/9 hours
Summer after Year 1	6 hours
	30 hours completed. 12 hours must be degree credit.

\*Must pass 6 hours per term and 18 hours during academic year.

- c. **NCAA Division I Committee on Academic Performance/NCAA Division I Academic Progress Rate Impact.**



- (1) A year in readiness student-athlete who meets the NCAA Division I Academic Progress Rate (APR) cohort definition (e.g., are on athletics aid) will be included in a teams' APR.
- (2) A year in readiness student-athlete earns a retention point in the same manner as all other student-athletes in the cohort.
- (3) A year in readiness student-athlete earns the eligibility point if they meet the progress-toward-degree requirements applicable to a student-athlete using an academic year of readiness referenced in this document.
- (4) The student-athlete would fail to earn the eligibility point if they do not graduate in six years, as opposed to the five years for student-athlete's not using this year of readiness.

**d. General Observations.**

- (1) Nonqualifiers are not permitted to receive athletics-related aid in their first year at a member institution. This legislation has been discussed throughout the years with some supporting aid to nonqualifiers. Aid to nonqualifiers certainly could be an alternative or addition to any discussion about the year of academic readiness. This concept however, does more than provide a means for aiding nonqualifiers, it also provides some relief from the immediate implementation of the progress-toward-degree standards while a prospective student-athlete more fully prepares academically for a traditional full-college credit load.
- (2) Conferences with prohibitions against nonqualifiers may want to examine the implications of the year of academic readiness and whether such a concept would be permitted.
- (3) The two-year college community has expressed interest in delaying the onset of the "40-60-80" percent-degree requirements for two-year transfers. This request is predicated by the difficulty of improving academic deficiencies during a prospective student-athlete's two-year college enrollment and also ensuring the prospective student-athlete is prepared to meet the percent-degree requirements after four-year college enrollment.
- (4) This concept will not appeal to all academically underprepared prospective student-athletes. It will however, give those most interested in earning a college degree an option currently unavailable. At a minimum, it pulls to the forefront a prospective student-athlete's decision about education versus professional athletics ambitions.

- (5) Data demonstrates that prospective student-athletes who attend one four-year institution are most likely to graduate, as opposed to those who transfer. This concept may increase graduation rates among those minimally prepared for college.
- (6) Who will determine whether a prospective student-athlete makes use of the year of academic readiness? Those decisions would be made by member institutions in consultation with each prospective student-athlete, similar in some ways to decisions regarding redshirting.
- (7) Many in the college academic-support ranks have indicated a preference for having underprepared prospective student-athletes attend four-year member institutions immediately after high school as opposed to transferring. This proposal permits a limited number of special admit prospective student-athletes to attend four-year institutions on athletics aid and thus get the academic support to remediate academic deficiencies.

**Note: It also should be noted that the group engaged in an extensive discussion as to whether two-year colleges are better equipped to assist in the remediation of academically underprepared men's basketball student-athletes and agreed there is some merit in considering the "Academic Year in Readiness" concept to be applied during the initial year of enrollment at a two-year college.**

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

## **BEST PRACTICES.**

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

Program Area	BEST PRACTICES
Orientation/ Continuing Education of Staff	<p><b><i>Academic Support Personnel.</i></b></p> <ul style="list-style-type: none"> <li>• Veteran academic support personnel provide training and orientation for new hires including: campus degree requirements, admissions requirements, NCAA rules, philosophy and mission of the academic support unit, and advising policies and procedures.</li> <li>• Academic support personnel in athletics participate in campus advisor training sessions to learn campus requirements and changes in curriculum.</li> <li>• Compliance staff provides academic support personnel ongoing training on NCAA rules and regulations.</li> <li>• Academic support personnel participates in professional development opportunities (e.g., N4A Regional and National Conventions, N4A Professional Development Institute, NCAA Regional Rules Seminars).</li> <li>• Identify academic support staff member to serve as liaison to each college/department within the university. Liaison is responsible for attending college/departmental meetings and updating entire academic support staff on curriculum changes.</li> </ul>
	<p><b><i>Departmental Academic Advisors.</i></b></p> <ul style="list-style-type: none"> <li>• Academic support personnel and athletics department staff conducts annual training of departmental advisors to assist with the understanding of NCAA eligibility issues and the daily lives of men's basketball student-athletes.</li> <li>• Director of academic support unit encourages departmental academic advisors who work with a large population of student-athletes to participate in ongoing training on NCAA rules and regulations (e.g., NACADA academic reform online course).</li> </ul>

Program Area	BEST PRACTICES
Orientation/ Continuing Education of Staff (continued)	<p><b><i>Coaching Staff.</i></b></p> <ul style="list-style-type: none"> <li>• Require all new coaches to participate in a campus orientation session including information about the university (e.g., university mission, campus history), admissions calendars and impact on recruiting, academic information and other pertinent campus information (e.g., highly regarded academic programs, university rankings).</li> <li>• Require all coaches to participate in annual admissions training covering: criteria to meet minimum admission standards; special admission procedures; and minimum thresholds requiring review by Faculty Committee (e.g., grade point average, test score).</li> <li>• Require coaches to participate in APR Education sessions covering: NCAA initial-continuing eligibility rules; APR adjustments; and team specific APR/GSR information.</li> </ul>
Recruiting	<p><b><i>Incoming Freshmen.</i></b></p> <ul style="list-style-type: none"> <li>• Academic support personnel meet with recruits and their parents/guardians during all official visits and scheduled unofficial visits.</li> <li>• Coaches submit the academic credentials (e.g., high school transcript, test scores) of prospective student-athlete to academic support personnel for review not later than the conclusion of the prospective student-athlete's junior year. Academic support personnel provides written evaluation of the likelihood of the prospect meeting necessary requirements to coaches.</li> <li>• Coaches talk with prospective student-athlete to determine major(s) of interest prior to the official visit. Academic support personnel prepares information for the visit based on major interest (e.g., course curriculum of major, entrance requirements for the major, typical graduation plan).</li> <li>• Academic support personnel schedules academic meeting with a representative from the prospective student-athlete's major area of interest during the recruiting visit.</li> <li>• Evaluate high school disciplinary record (e.g., suspensions). Conduct police background checks. Academic support personnel contact academic advisor at secondary school for insight on prospect's academic profile and character.</li> </ul> <p><b><i>Incoming Transfers:</i></b></p> <ul style="list-style-type: none"> <li>• Once prospective student-athlete is identified, coach submits the academic credentials (e.g., high school transcripts, test scores, and transcripts from all institutions attended) of prospect to academic support personnel for review. Academic support personnel provides written evaluation of the likelihood of the prospect meeting necessary requirements to coaches.</li> </ul>

Program Area	BEST PRACTICES
Recruiting (continued)	<ul style="list-style-type: none"> <li>• Coaches talk with prospect to determine major(s) of interest prior to the visit. Academic support personnel prepares information for the visit based on major interest (e.g., course curriculum of major, entrance requirements for the major, typical graduation plan).</li> <li>• Academic support personnel schedules academic meeting with representative from the prospective student-athlete's major area of interest during the recruiting visit.</li> <li>• Academic support personnel contact academic advisor at previous institution(s) for insight on prospect's academic profile and character.</li> <li>• Evaluate high school/previous college disciplinary record (e.g., suspensions). Conduct police background checks.</li> </ul>
Evaluation of Academic Readiness	<p><b><i>Incoming Freshmen:</i></b></p> <ul style="list-style-type: none"> <li>• Academic support personnel complete academic evaluations to review coursework completed and enrolled courses to assess prospective student-athlete's ability to meet NCAA requirements and institutional requirements, and to determine potential for academic success at the institution.</li> <li>• Academic support personnel examine academic record to determine impact on academic preparation for prospects who: attended multiple high schools; attended prep school; completed coursework in narrow timeframe (less than 60 days); had a grade point average increase of .5 or greater in an academic year; used multiple nontraditional courses to meet NCAA/graduation requirements; and/or repeated multiple courses.</li> <li>• Director of academic support program, athletics director, provost, and faculty athletics representative establish minimum thresholds (e.g., high school grade point average, test score) for faculty review of marginal students.</li> <li>• A faculty-based committee (outside of admissions) reviews all incoming student-athletes below established minimum threshold prior to the athletics department advocating for student-athlete's admission.</li> <li>• Head coach meets with Faculty Review Committee to advocate for student-athletes below minimum thresholds and to explain why he believes the student should be admitted to the university.*</li> </ul>

Program Area	BEST PRACTICES
Evaluation of Academic Readiness (continued)	<p><b><i>Incoming Transfers:</i></b></p> <ul style="list-style-type: none"> <li>• Academic support personnel complete academic evaluation of all incoming transfer student-athletes. Evaluation includes review of: academic work at all institutions attended, academic coursework versus free-elective and activity coursework, grade point average in academic coursework compared to overall grade point average, high school transcripts and test scores. Evaluate student-athlete's ability to meet: NCAA transfer- requirements; progress-toward-degree requirements on enrollment at the four-year institution; and progress-toward-degree requirements after enrollment (determine how many credits the student-athlete will need to meet the next percentage-of-degree benchmark).</li> <li>• A faculty-based committee (outside of admissions) reviews all two-four transfers who were nonqualifiers and any transfer with a transfer grade point average below 2.5.</li> <li>• Head coach meets with Faculty Review Committee to advocate for student-athletes below minimum thresholds and to explain why he believes the student should be admitted to the university.</li> <li>• Work with academic officials and the two-year college community to identify policies/programs that will provide effective academic support for student-athletes at the two-year institution to enable the student-athlete to be academically successful at the two-year institution and prepare the student-athlete for a four-year institution [See Best Practices for Two-Year College Transfer Men's Basketball Student-Athletes While Enrolled at the Two-Year Institution].*</li> </ul>
Admissions	<ul style="list-style-type: none"> <li>• Discourage direct communication from coaching staff to admissions' office personnel on admissions decisions.</li> <li>• Require the prospective student-athlete to present official documentation (e.g., transcripts, test scores) to the Admissions Office prior to admission decision (final documentation prior to enrollment).</li> <li>• Academic support personnel reports annually to the Faculty Review Committee and Faculty Athletics Council the academic performance of special or alternate admits (e.g., grade point average, hours attempted, hours earned, degree progress).</li> <li>• Faculty Review Committee considers the academic performance of previous year's special admits as each class is considered. If a coach demonstrates that he is able to support these students, the committee will be more likely to take future risks. If the students are not academically successful, the committee will be less likely to approve decisions for students not meeting the minimum thresholds.</li> <li>• Limit the number of special admits based on team's APR.</li> <li>• Do not encourage signees to come to campus until they are admissible and/or admitted.</li> </ul>

Program Area	BEST PRACTICES
Transfer Student-Athletes	<ul style="list-style-type: none"> <li>• Academic support personnel meets with all transfer student-athletes on initial enrollment prior to the start of classes to ensure that courses from previous institution transferred appropriately and that all courses that should be counting toward degree are counting toward degree.</li> <li>• Collaboration between academic support personnel and student-athlete's departmental advisor to create graduation plan for all transfer student-athletes.</li> <li>• Academic support personnel creates individualized academic support plan for transfer based on academic preparation. Support plan may include required weekly meetings with advisor, study hall, and/or scheduled tutoring appointments. Consequences for failure to attend academic meetings/appointments should be developed in conjunction with and enforced by coaches.</li> </ul>
Academic Support Program Structure & Personnel	<ul style="list-style-type: none"> <li>• No academic support personnel should report to a coach.</li> <li>• Recommend that the academic support provided to basketball student-athletes be under the purview of the institution's general academic support program and coordinated with the athletics department.</li> <li>• Experienced staff member (e.g., advising experience, knowledge of NCAA rules, experience in direct interaction with coaches) assigned to work with men's basketball student-athletes.</li> <li>• Director of the academic support unit should carefully evaluate caseload of men's basketball advisor to determine the staff member's ability to provide appropriate level of support (e.g., staff assigned to men's basketball should not be assigned other team(s) with a large percentage of at-risk student-athletes).</li> <li>• Compare peer institutions to identify successful academic support programs and implement new programs where appropriate.</li> <li>• Involve faculty athletics representatives in developing appropriate policies (e.g., scheduling, academic support and academic progress) and reporting mechanisms.</li> <li>• Associate director or assistant director of the academic support unit assigned to men's basketball with limited other sport assignment if any.</li> <li>• Salary for men's basketball athletics academic advisor should reflect the experience of the staff member and his/her level of increased responsibility due to work with men's basketball.</li> </ul>

Program Area	BEST PRACTICES
Academic Advising	<ul style="list-style-type: none"> <li>• Student-athlete required to meet with assigned departmental advisor at least one time per semester.</li> <li>• Academic support personnel creates individualized academic support plan once a student-athlete is admitted to the university. Support plan includes: weekly meetings with academic advisor, study hall requirements and tutoring appointments. Individualized plans of incoming and continuing student-athletes compiled to determine staffing needs for each academic year.</li> <li>• Programming offered by the academic support unit to assist each student-athlete in identifying a major by the end of the first academic year (e.g., first year success course, scheduled roundtable discussions with representatives from different majors).</li> <li>• Academic support personnel should limit the student-athlete's enrollment in electives until the student-athlete has matriculated into a major and the exact number of free electives is known (minimize the number of "lost credits" when student-athlete matriculates).</li> <li>• Collaboration between student-athlete, departmental advisor and academic support personnel to enroll student-athlete in a balanced academic schedule (e.g., course load should not include five intensive writing/reading classes in the same term).</li> <li>• Require student-athletes to enroll in 15 credits per term unless otherwise advised by academic support personnel or departmental academic advisor. All dropped classes should be approved by academic support personnel.</li> <li>• Establish a goal for each student-athlete to complete 30 degree applicable each academic year.</li> <li>• Enrollment in nontraditional courses (e.g., independent study, online courses) monitored by academic support personnel. Limit or restrict enrollment for at-risk student-athletes unless advised by academic support personnel or departmental advisor.</li> <li>• Emphasis on completing remediation as soon as possible (i.e. first two semesters of enrollment).</li> <li>• Collaboration between student-athlete, academic support personnel and departmental advisor to create graduation plan prior to student-athlete's junior year.</li> <li>• Establish policies that enable access to learning opportunities that might already exist on campus (e.g., online classes, alternative test dates, video and audio of classes) to respond to the needs of student-athletes who miss class due to athletics participation.</li> <li>• Require all transfer student-athletes to enroll in summer school [prior to first semester of full-time enrollment and on-going]. Summer courses should be degree applicable or meet a degree prerequisite.</li> </ul>



Program Area	BEST PRACTICES
Tutoring	<p data-bbox="448 331 592 363"><b><i>Personnel.</i></b></p> <ul data-bbox="448 373 1484 856" style="list-style-type: none"> <li>• Limit tutors working more than two consecutive terms with only men's basketball student-athletes.</li> <li>• Restrict communication between coaches and faculty/tutors</li> <li>• Ensure appropriate accommodations available for student-athletes with diagnosed learning disabilities.</li> <li>• Full-time staff member assigned the responsibility for recruiting, hiring, training, evaluation and oversight of tutors.</li> <li>• Learning specialists (i.e., full-time personnel with specific background in special education) assigned to student-athletes with diagnosed learning disabilities or who are significantly underprepared.</li> <li>• Assign academic mentors (e.g., hourly employees) to meet regularly with student-athletes to assist with organization, study skills and time management.</li> </ul> <p data-bbox="448 863 576 894"><b><i>Training.</i></b></p> <ul data-bbox="448 905 1484 1304" style="list-style-type: none"> <li>• Tutor orientation required for all tutors. Minimum areas to cover include: NCAA rules; academic integrity; information about the culture of college athletics; program policies and procedures, and expectations.</li> <li>• Compliance director involved in all orientation and training of tutors to review NCAA rules.</li> <li>• Academic support program evaluates tutors each semester and also gathers student evaluations of tutors.</li> <li>• Ongoing training provided by academic support program for tutors. Sessions include subject specific training (e.g., writing, math), specific training for working with student-athletes enrolled in nontraditional courses, and strategies for tutoring at-risk student-athletes.</li> </ul> <p data-bbox="448 1310 813 1341"><b><i>Appointments/Assignments.</i></b></p> <ul data-bbox="448 1352 1484 1686" style="list-style-type: none"> <li>• Assign student-athletes to meet with tutors early in the semester, rather than waiting for poor test grades.</li> <li>• Require tutors to complete a report of each tutoring session (e.g., material covered, student progress, concerns). Session reports reviewed by men's basketball advisor daily.</li> <li>• Consequences for not attending tutorial sessions should be developed in conjunction with and enforced by coaches.</li> <li>• Develop individualized tutoring plans for each student-athlete based on assessment of academic performance and course schedule.</li> </ul>

Program Area	BEST PRACTICES
Monitoring of Academic Progress	<ul style="list-style-type: none"> <li>• Coaches are involved in monitoring attendance (e.g., random class checks).</li> <li>• Academic support personnel request attendance information, grade updates and additional feedback from instructors for all men's basketball student-athletes at least three times per term via electronic and other types of progress report system. Requests may occur more frequently for more at-risk student-athletes.</li> <li>• Academic support personnel communicate unexcused class absences immediately to coaches.</li> <li>• Coaches impose practice and competition restrictions for unexcused class absences.</li> <li>• Academic support personnel provide academic progress reports to coaches/sport supervisors weekly (at a minimum).</li> <li>• Weekly meetings between academic support personnel and student-athletes to discuss academic progress. Student-athletes sign release of academic information at the beginning of each semester (to share with faculty on request)</li> <li>• Require coaches to meet with the academic support staff to coordinate academic support programs (e.g., study hall, tutoring, etc.) within the practice and travel schedules.</li> <li>• Hire individuals to check class attendance of identified student-athletes based on academic profile. Class checkers assigned to check identified players attendance at the beginning, middle, and/or the end of class.</li> </ul>
Communication	<ul style="list-style-type: none"> <li>• Academic support personnel shares all academic reports and attendance information with head coach.</li> <li>• Academic support personnel maintains documentation of all conversations with student-athletes/coaching staff related to academic decisions (e.g., advising notes, drop/add).</li> </ul>
Study Hall	<ul style="list-style-type: none"> <li>• Objective-based study hall required for all freshmen, incoming transfers and at-risk continuing student-athletes. Each student-athlete in study hall required to establish weekly and daily objectives.</li> <li>• Isolated/distraction-free study hall conducted in academic environment (not in the coaches' office).</li> <li>• Academic support personnel communicates study hall attendance to coaches daily.</li> <li>• Consequences established and implemented by coaching staff for student-athlete(s) not meeting study hall requirements.</li> <li>• Coaching staff schedules monitored study time during all overnight road trips during the week and tournament travel.</li> </ul>

Program Area	BEST PRACTICES
Study Hall (continued)	<ul style="list-style-type: none"> <li>• Student-athletes are assigned to individual "tutors/mentors" to develop weekly lists of tasks/assignments to complete, and check-off tasks during the week as they are completed.</li> <li>• Provide laptops for student-athletes to check out for team travel.</li> <li>• Academic support staff member conducts all regular study hall sessions.</li> <li>• Men's basketball athletics academic advisor supervises study hall during all overnight road trips during the week and during tournament travel (others on as needed basis).</li> </ul>
Missed Class Time	<ul style="list-style-type: none"> <li>• Academic support personnel review all travel schedules prior to finalizing to minimize missed class time.</li> <li>• Competition schedule finalized as early as possible and communicated to academic support personnel. Competition schedule should be considered during registration for subsequent terms to minimize missed class time and to avoid conflicts with departmental attendance policies.</li> <li>• Academic support personnel should coordinate with sports medicine/media relations to minimize class and academic time for appointments/interviews.</li> <li>• Travel notices detailing missed class time delivered to faculty by student-athlete at the beginning of the term/prior to missed classes due to postseason competition.</li> <li>• Student-athletes responsible for developing a plan with the instructor to handle missed assignments and/or exams prior to missing class.</li> <li>• Academic support personnel available to facilitate submission of assignments during travel.</li> </ul>
Coach/Player Relationship	<p><b><i>Continuing Student-Athletes.</i></b></p> <ul style="list-style-type: none"> <li>• Division I men's basketball coaches should be more proactive in establishing regular meetings [e.g., weekly, biweekly, monthly] with all squad members during the academic year, both during and outside of the playing season. Such meetings should involve noncountable athletically-related activities [i.e., the meetings do not have an athletics purpose] and thus would not be included in the daily/weekly hourly limits. Emphasis during such meetings should be placed on nonathletically-related activities such as academic commitment, good citizenship and responsibility off the court and consequences for failure to exhibit such, the complete collegiate experience, on - and off - court personal issues, career discussions, etc.. The goal of such meetings is to develop trust and to provide necessary mentoring to establish a more structured environment that will facilitate a more positive collegiate experience and academic success for Division I men's</li> </ul>

Program Area	BEST PRACTICES
Coach/Player Relationship (continued)	<p data-bbox="505 338 1471 457">basketball student-athletes. Institutional staff members with responsibilities for coordinating academic progress of men's basketball student-athletes should be included in such meetings on a regular basis.</p> <p data-bbox="496 499 1471 829">It is important to understand that during such meetings/discussions, it is permissible to engage in general discussions regarding basketball-related topics, for example , problems the student-athlete may be incurring on the court, basic areas of deficiency that merit attention when practicing or playing, the landscape of college basketball or the conference of which the institution is a member. Such meetings/discussions should not be conducted strictly for this purpose and may not be used to engage in practice activities, film review or chalk talks regarding "X's and O's" of the team or an opponent.</p> <ul data-bbox="451 835 1471 1396" style="list-style-type: none"> <li>• Identify appropriate "voluntary athletically related activities" related to men's basketball and limit time student-athletes may be involved in such activities.</li> <li>• Develop best practices to ensure student-athletes remain academically engaged and motivated to graduate throughout their enrollment, including beyond the first year on campus. Such practices should take into account research findings that indicate student-athletes perceive a decrease in the positive influence of their coaching staffs on their academic careers in the third and fourth years of enrollment. The practices also should include methods to address self-identification as "athletes" versus "students", as well as the perceived bias among faculty and the student-body toward identification of players as "athletes" rather than "students." Such best practices could be shared with coaches through the National Association of Basketball Coaches (NABC) partnership with the NCAA as part of coaches' professional development programming.</li> </ul> <p data-bbox="459 1417 959 1451"><i>Incoming Freshman Student-Athletes.</i></p> <ul data-bbox="451 1480 1471 1850" style="list-style-type: none"> <li>• Subsequent to a prospective student-athlete's commitment or signing of a National Letter of Intent or institutional financial aid agreement, coaches should continue to interact with their signee on a regular basis and provide important information/institutional contacts [e.g., academic advisors, academic policies, NCAA eligibility certification information] to stress the importance of academics as the signee finishes his senior year of high school. This continued dialogue should also help identify, and possibly minimize, any academic concerns as the prospective student-athlete goes through the academic and amateurism certification process. Finally, this</li> </ul>

Program Area	BEST PRACTICES
Coach/Player Relationship (continued)	<p data-bbox="493 338 1398 407">should enhance the prospective student-athlete's total development and better prepare them for the overall collegiate experience</p> <p data-bbox="456 443 683 470"><i>Youth Education.</i></p> <ul data-bbox="456 506 1479 953" style="list-style-type: none"> <li>• Coaches should be more proactive and look for opportunities to speak to young basketball athletes in their community about the importance of education and the appropriate role of basketball in the educational process. Although NCAA rules preclude direct contact with prospective student-athletes, coaches [and student-athletes also] are permitted to speak to high school groups or at meetings/banquets, provided the coach does not provide a recruiting presentation and does not use such a forum to attempt to recruit a particular prospective student-athlete. Coaches are role models in their communities/states and can use that status in a positive way to minimize the nonscholastic influences and further the message of the importance of education.</li> </ul>
Student-Athlete Development/ Engagement	<ul data-bbox="456 968 1479 1556" style="list-style-type: none"> <li>• Collaboration between coach and academic support personnel to establish team academic goals (e.g., team grade point average).</li> <li>• Recognize academic improvement of individual student-athletes (e.g., scholar-athlete of the week, Scholar Baller program).</li> <li>• Long-range counseling for student-athletes provided by former student-athletes (currently playing professional and willing to "tell their story").</li> <li>• Faculty mentoring programs for all student-athletes.</li> <li>• Mandatory enrollment in first-year success course (e.g., transition issues).</li> <li>• Academic support personnel should obtain written release from student-athletes at the beginning of each term to discuss academic issues with parent/guardian. As issues arise throughout the semester, they should be communicated to parent/guardian as needed.</li> <li>• Include language in scholarship agreements that academic misconduct, etc. could result in termination of award.</li> <li>• Develop institutional policies recommending student-athletes remain on scholarship if they are eligible and wish to remain at the university.</li> </ul>

Program Area	BEST PRACTICES
Student-Athletes Pursuing Professional Opportunities	<ul style="list-style-type: none"> <li>• Advise student to earn as many credits as possible so when they depart the institution, they are as close to graduation as possible.</li> <li>• Early identification of student-athletes pursuing professional opportunity and ongoing dialogue between coaches, academic support staff and student-athlete regarding academic expectations.</li> <li>• Provide information to departing student-athletes on how to return to the university to complete their degree program.</li> <li>• During the expected last season, the student-athlete's schedule should be carefully considered to determine ability to complete successfully. Online courses should be considered if the student-athlete anticipates significant participation in "tryouts" after the season concludes.</li> <li>• Develop best practices for awarding fifth-year aid. Model practices should address motivation, expectations and accountability for student-athletes and coaches.</li> </ul>

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

#### **Academic Advising/Counseling Personnel.**

1. Identify an individual(s) on campus with academic support/academic advising responsibilities for student-athletes.
2. Required training for the individual(s) with academic support/academic advising responsibilities for student-athletes on NCAA transfer requirements, NCAA Progress-Towards-Degree Requirements, and NCAA Eligibility Center processes (e.g., initial eligibility review, amateurism certification).
3. Attendance at regional or national meetings of the National Academic Advising Association and/or the National Association of Academic Advisors for Athletics.
4. Academic advisor/counselor provides student-athletes with career and academic major information during regularly scheduled appointments (e.g., weekly meetings, team meetings each semester).

### **Recruiting.**

1. Once prospective student-athlete is identified, coach submits the academic credentials (e.g., high school transcripts, available test scores and transcripts from all institutions attended) of prospect to academic advisor/counselor for review.
2. Academic advisor/counselor assigned to student-athletes meet with all prospective men's basketball student-athletes prior to enrollment to provide institutional academic information and obtain academic information to assist with creation of appropriate academic plan to meet institutional, transfer requirements and progress-towards-degree requirements. Meeting with parents is advisable.
3. Academic advisor/counselor prepares information for the visit by student-athlete based on major interest (e.g., course curriculum of major, entrance requirements for the major, typical graduation plan).

### **Student-Athlete Orientation.**

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

### **Monitoring Academic Progress/Academic Evaluation.**

1. Academic advisor assigned to student-athletes requests regular progress updates from the faculty members on classroom attendance, grades earned and classroom behavior.
2. Academic advisor/counselor creates individualized academic support plan for student-athletes desiring to transfer to four-year institution based on academic preparation. Support plan may include required weekly meetings with advisor, study hall and/or scheduled tutoring appointments. Consequences for not attending academic appointments should be developed in conjunction with and enforced by coaches.

Comparison of Summer-School Models

The following is a summary of recommended changes to the summer-school model previously endorsed by the NCAA Division I Men's Basketball Academic Enhancement Group. The information included provides a summary of recommendations from the group's August 8 meeting and how they differ from those previous supported as of May 27. Changes to previous recommendation are reflected in bold in the new recommendation.

**1. Mandatory Summer-School Attendance.**

**Previous Recommendation** - The group previously recommended that summer-school attendance be mandatory for all incoming and continuing Division I men's basketball student-athletes (including transfer student-athletes) who sign a financial aid agreement to receive athletically related financial aid for the ensuing academic year from the summer prior to initial full-time enrollment at the certifying institution until the completion of graduation.

**New Recommendation** - The group recommends all incoming and continuing men's basketball student-athletes (including transfer student-athletes) who have signed financial aid agreements to receive athletically related financial aid for the ensuing regular academic year be required to attend the institution's summer term **during the summer prior to initial full-time enrollment and the summer after completion of the first year of enrollment at the certifying institution.**

The committee committed to further reviewing data at a later date to determine if an "opt out" provision should be established for student-athletes who satisfy specific academic threshold requirements].

Summer-school attendance following the second year in attendance at the certifying institution and thereafter would be presumed to be mandatory, but student-athletes meeting specified to be determined academic benchmarks who also have institutionally approved graduation plans would be permitted to "opt out" of such attendance. The committee agreed that "opt out" provisions should include higher standards that minimum progress-toward-degree standards.

**2. Institution's Financial Aid Obligation.**

**Previous Recommendation** - As an additional financial aid requirement of Division I membership, institutions must award financial aid to each incoming and continuing men's basketball student-athlete for a minimum of six hours during the summer. Institutions whose financial aid package includes an exceptional amount of Pell Grant assistance would be required to provide one half of the value of the summer financial aid to each recruited men's basketball student-athlete who has signed a financial aid agreement for the ensuing regular academic year.

**New Recommendation** - As an additional financial aid requirement of Division I membership, institutions must award financial aid during the summer **to each incoming men's basketball student-athlete for a minimum of three hours [in addition to study skills / life skills education]** and to each continuing men's basketball student-athlete for a minimum of six hours during the summer. Institutions whose financial aid package includes an exceptional amount of Pell Grant assistance would be required to provide one half of the value of the summer financial aid to each recruited men's basketball student-athlete who has signed a financial aid agreement for the ensuing regular academic year.



3. **Eligibility Requirements.**

**Previous Recommendation** - A credit hour requirement would be established such that incoming and continuing men's basketball student-athletes, who have signed financial aid agreements to receive athletically related financial aid for the ensuing regular academic year, would be required to satisfactorily complete a minimum of **six** hours of academic credit during the summer as a prerequisite for eligibility in the fall term. A student-athlete who is not eligible for competition in the fall, based on unsuccessful completion of the six hours during the summer, would be permitted to regain eligibility at the conclusion of the fall term, provided he meets all other applicable progress-toward-degree regulations.

**New Recommendation** - A credit hour requirement would be established such that incoming men's basketball student-athletes, who have signed financial aid agreements to receive athletically related financial aid for the ensuing regular academic year, would be required to satisfactorily complete a minimum of **three** hours of academic credit during the summer as a prerequisite for eligibility in the fall term. Thereafter, continuing student-athlete would be required to satisfactorily complete a minimum of six hours of academic credit during any summer as a prerequisite for eligibility in the ensuing fall term. A student-athlete who is not eligible for competition in the fall, based on unsuccessful completion of the minimum required hours during the summer, would be permitted to regain eligibility at the conclusion of the fall term, provided he meets all other applicable progress-toward-degree regulations.

4. **Athletics Access.**

**Previous Recommendation** - Enrollment in a minimum of six hours would be required as a prerequisite for athletics access during the summer. The period of access would be eight weeks at the institution's discretion. Institutions would be permitted to conduct eight hours of weight-training, conditioning and skill instruction per week with no more than two hours devoted to skill-related instruction. This length of time is consistent with current legislation governing athletics activities outside the playing season during the academic year. There were on-going discussions as to whether institutions would continue to be permitted to conduct required athletics activities from the end of the institution's playing season until the week prior to the beginning of the institution's final examination period and, if so, whether athletics access would be reduced.

**New Recommendation** - Enrollment in a minimum of **three hours [plus study skills / life skills education]** for incoming men's basketball student-athletes and a minimum of six hours for continuing men's basketball student-athletes would be required as a prerequisite for athletics access during the summer. The period of access would be eight weeks at the institution's discretion. Institutions would be permitted to conduct eight hours of weight-training, conditioning and skill instruction per week with no more than

two hours devoted to skill-related instruction. This length of time is consistent with current legislation governing athletics activities outside the playing season during the academic year. **Institutions would continue to be permitted to conduct required athletics activities from the end of the institution's playing season until the week prior to the beginning of the institution's final examination period in accordance with current regulations.**

**5. Life Skills/Study Skills Component.**

**Previous Recommendation** - Institutions would be required to provide incoming men's basketball student-athletes life skills education (e.g., course, seminar, training session). Such educational activities should be organized in a manner to assist coaches with developing strategies for individual student-athletes, with a particular focus on career planning and "life after basketball" skills.

**New Recommendation** - Institutions would be required to provide incoming men's basketball student-athletes **study skills/ life skills education** (e.g., course, seminar, training session that helps student-athletes "learn how to learn", for example, **how to take notes, how to take tests, evaluation of study skills**). Such educational activities should be organized in a manner to assist coaches with developing strategies for individual student-athletes **to succeed in the classroom and focus on career planning and "life after basketball" skills.**

**6. Definition of Student-Athlete.**

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

**New Recommendation** - No change.

**7. Waiver of Mandatory Summer School Enrollment.**

**Previous Recommendation** - A waiver from the application of the mandatory attendance requirement would be available when unique circumstances preclude an incoming or continuing student-athlete from attending summer school. A student-athlete receiving a waiver of the mandatory attendance requirement would not be permitted to engage in the athletics access during the summer.

**New Recommendation** - No change.

**REPORT OF THE  
NCAA COMMITTEE ON WOMEN'S ATHLETICS  
July 14-15, 2008**

**ACTION ITEMS.**

**1. Legislative Items.**

**a. Postseason Events—Criteria for Establishment or Continuation of Championships—Exception for Women's Sports—Removal of Years.**

- (1) Recommendation. Sponsor legislation to amend NCAA Divisions I, II and III Bylaws 18.2.4.1 to remove the years associated with the regulation that specifies that a National Collegiate Championship or a division championship may be established in a women's sport in which the Association does not already conduct a championship if at least 40 institutions sponsor the sport.
- (2) Effective Date. Immediate.
- (3) Rationale. The rationale of the original legislation included the promotion of gender equity by providing for the establishment of new women's championships. The initial legislation also outlined 1994-95 through 1998-99 as a specified time period that the threshold of 40 institutions was necessary in order for the Association to establish a new women's championship. Over time, this legislation has been extended to 2003-04 and then 2008-09. As the emerging sports for women program has evolved beyond its initial 10 year period with additional sports being added to the list and the ongoing development of existing men's and women's championships, including bracket expansion, the Committee on Women's Athletics (CWA) believes that there continues to be an overall need to permit the establishment of a new women's national collegiate championship or a division championship if at least 40 institutions sponsor the sport. Removal of the specified time periods will eliminate the need for legislative action every four to five years to extend this provision. The expansion of men's sport championship opportunities makes it prudent to retain the overall principle that 40 institutions are necessary in order for a women's championship be established to ensure gender equity in NCAA championship and other postseason opportunities for men and women. Also, institutions that are in the process of adding women's sports have more viable options as the number of women's championship sports increase.

- (4) Budget Impact. Same as current potential budget impact. If 40 or more institutions sponsor the sport for at least one academic year, then legislation to establish the championship may be proposed.
- (5) Student-Athlete Impact. Increased championship participation opportunities for female student-athletes.

**b. Membership—Definitions and Applications—Emerging Sports for Women—Sand Volleyball, Archery, Badminton, Synchronized Swimming, and Team Handball**

- (1) Recommendation. Sponsor legislation to add sand volleyball to the list of emerging sports for women; further, to remove archery, badminton, synchronized swimming and team handball from the list of emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).
- (2) Effective Date. August 1, 2009, for the removal of archery, badminton, synchronized swimming and team handball and August 1, 2010, for the addition of sand volleyball.
- (3) Rationale. The emerging sports for women program began in 1994 as a result of recommendations from the Gender-Equity Task Force. Nine sports were on the original list. In the past 14 years, four of those sports became championship sports (rowing, women's ice hockey, women's water polo and bowling). The committee received a variety of information regarding sand volleyball indicating wide-spread support for the sport to be added to the list. This information included 12 commitment letters signed by presidents and athletics directors, letters of support from several conferences, USA Volleyball, the American Volleyball Coaches Association and the United States Olympic Committee. Data presented to the committee showed that over 200,000 females aged 6-17 play sand volleyball and over 60% play only sand volleyball. In addition, there were over 40 NCAA teams competing in sand volleyball tournaments in spring 2008. Sand volleyball is recognized by the International Olympic Committee and volleyball national governing bodies as a distinctly different sport from indoor volleyball. With the initial proposed competition format, there is the opportunity for smaller and different

participants than the indoor game to have a meaningful and significant competitive experience in the sand doubles season. Although there may be some initial crossover with indoor volleyball participants, it is expected and the goal of the volleyball community is to produce a significant increase in participation opportunities for women. The delayed effective date for sand volleyball will provide the divisions the opportunity to develop the other necessary regulations related to a sport being added to the emerging sport list (e.g., playing and practice seasons, minimum contests, financial aid award limitations) in accordance with the emerging sport timetable and the playing rules (e.g., competition format, uniforms). NCAA regulations require that emerging sports for women gain championship status (minimum of 40 varsity-sponsored NCAA programs) within 10 years or show steady progress toward that goal to remain on the emerging sports for women list. Four sports on the original list, (archery, badminton, synchronized swimming and team handball) have seen minimal if any sponsorship growth over the past 14 years. The 2007-08 varsity sponsorship levels are: Archery: 1, Badminton: 2, Synchronized Swimming: 8, and Team Handball: 0. In July 2007, the Committee on Women's Athletics notified the institutions, conferences and national governing bodies supporting these four sports that they needed to provide a minimum of 10 commitment letters from institutions by July 2008 and that failure to meet that request would result in action to remove the sports from the list. None of the four sports were able to meet this requirement.

- (4) Budget Impact. Dependent on institutional decisions whether to sponsor an identified emerging sport for women. Emerging sports for women may be used to meet sports sponsorship requirements, in Divisions I and II the minimum membership financial aid requirements, and, in Division I, for revenue distribution purposes.
- (5) Student-Athlete Impact. Participation opportunities within an NCAA recognized sport will be impacted by sports being removed or added to the emerging sports for women list. Also, future championship participation opportunities for sand volleyball if the sport reaches the minimum sponsorship levels for an NCAA championship.

**c. Membership—Definitions and Applications—Emerging Sports for Women—Equestrian.**

- (1) Recommendation. Sponsor legislation to add equestrian as an emerging sport for women.
- (2) Effective Date. August 1, 2009.
- (3) Rationale. Several Division III institutions sponsor equestrian although it is not recognized as an NCAA sport. The Division III membership should be provided the opportunity to determine if equestrian should be recognized as an NCAA sport and included on the emerging sports for women list. If equestrian is added to the emerging sports for women list, a Division III institution will have the opportunity to elect whether it conducts the sport as an NCAA intercollegiate sport and thereby required to comply with NCAA regulations. An institution may also elect to offer equestrian at the non-varsity level or outside the department of intercollegiate athletics and not be subject to NCAA regulations. Equestrian was added to the Divisions I and II emerging sport for women list in 1999. At that time, Division III chose not to forward a similar proposal to their membership for vote. Over the past eight years, an average of 42 institutions reported sponsoring equestrian at the varsity level with an average of 23 of those being in Division III. The other divisions have been able to successfully integrate equestrian programs within their NCAA varsity intercollegiate sports program and successfully comply with NCAA amateurism and playing and practice season regulations. If this proposal is adopted, the Division III governance structure will need to adopt additional legislation necessary when a sport is identified as an emerging sport in accordance with Constitution 3.2.4.4.2 Emerging Sports Timetable (e.g., Year One--minimum contests and participants requirements for sports sponsorship). The regulations specific to equestrian that have been implemented in Divisions I and II may serve as a model for similar legislation within Division III while still giving consideration to the Division III philosophy in areas such as playing and practice seasons. Finally, if Division III includes equestrian on the emerging sports for women list, the committee strongly believes that within a short period of time the threshold number of 40 institutions sponsoring the sport will be met and an NCAA national collegiate championship may be established soon thereafter. This will

provide additional championship participation opportunities for women across all three divisions and enhance the student-athlete experience.

- (4) Budget Impact. Varies. For institution's that currently offer equestrian programs that would become a recognized NCAA program the budget impact may be minimal. For those institutions that do not currently offer the sport at any level the budget impact may be greater.
- (5) Student-Athlete Impact. Varies. Additional participation opportunities within an NCAA recognized sport and may provide championship participation opportunities if sport reaches the minimum sponsorship level for an NCAA championship.

[Note: The CWA recommends that, if sponsored, the two aforementioned recommendations relating to the emerging sports for women list be presented in the same legislative proposal as a package but as separate parts within that one proposal. This will allow the membership to vote on the recommendations relating to the emerging sports for women program as a package but also provide the opportunity for the proposal to be separated on the floor if so moved.]

## **2. Nonlegislative Items.**

- a. None.

## **INFORMATIONAL ITEMS.**

- 1. **New and Departing Committee Members.** The committee welcomed George VanderZwaag, University of Rochester and Tamica Smith-Jones, Clark-Atlanta University. The committee thanked Geri Knortz, St. Michael's College, Jennifer Warmack-Chipman, Muhlenberg College, Megan Coyne, Division I Student-Athlete Advisory Committee and Alecia Weddle, Division III Student-Athlete Advisory Committee, for their service.
- 2. **Appointment of Chair and Vice Chair.** The committee thanked Geri Knortz for her service as chair. The committee elected Patrick Nero, America East Conference, as chair and Faith Shearer, Elon University as vice chair.

3. **Emerging Sports for Women Program.** The committee engaged in a discussion regarding the emerging sports for women program. The emerging sports program was designed to identify women's sports that have the potential to progress to 40 varsity programs and the opportunity for an NCAA championship and therefore providing additional participation and championship opportunities for women. The committee has developed some background and resource information relating to the program that will be posted on the NCAA web site (see attachment).

a. **Sports Currently Included in the Emerging Sports for Women Program.**

The committee discussed the following items as it relates to sports currently included within the emerging sports for women program:

- i. **Squash.** Squash has been on the emerging sports for women list since 1994. In 2007-08, 28 institutions sponsored the sport at the varsity level, but the sport has not moved significantly closer in recent years to the goal of 40 varsity programs. In the summer of 2007 the committee requested an action plan from the squash community by July 2008 in order to have the sport remain on the list of emerging sports. The committee received the requested plan to further develop the sport and increase institutional sponsorship. As a result, squash remains on the list of emerging sports. The committee appointed Lynn Oberbillig, Smith College, and George VanderSwaag, University of Rochester, to meet via conference call with representatives from the squash community to further discuss the action plan. The committee will receive a report from the conference call at its October meeting.
- ii. **Equestrian.** Equestrian has been on the emerging sport for women list for Divisions I and II since 1999. Over the past eight years, an average of 42 institutions reported sponsoring equestrian at the varsity level with an average of 23 of those being in Division III.
- iii. **Rugby.** Rugby has been on the emerging sports for women list since 2002 (Division I) and 2003 (Divisions II and III). In 2007-08, five institutions sponsored the sport at the varsity level. The committee received a report on the state of the collegiate game from USA Rugby and anticipates meeting with its representatives at its next meeting.

- b. **Policies and Procedures Relating to the Emerging Sports for Women Program.** In its review of the committee's policies and procedures for evaluating sports that are currently included in the emerging sports for women



program and of sports that may be removed or added to the list, the committee agreed to amend its policies and procedures to specify that:

- If a sport is removed from the emerging sports for women list, 12 months after being removed from the list by a vote of the membership, the sport may submit a new request to be added to the emerging sport for women list. If the sport is under consideration to be added back on the list, 15 commitment letters signed by presidents and athletics directors must be submitted to the committee in addition to documentation meeting the criteria for such a request.

[Note: See attachment for additional policies and procedures and other information about the emerging sports for women program.]

4. **Baseball and Softball Student-Athlete Participation -- Same or Different Sports - Update.** The committee was provided an update related to its recommendation from its January meeting regarding the issue of baseball and softball being considered the same or different sports for the purposes of amateurism, outside competition and playing and practice season regulations. The committee was informed that the Division I Legislative Review and Interpretations Committee had reviewed the issue recently on a teleconference and recommended that the Division I Legislative Council at its October meeting, reverse the existing official and staff interpretations indicating that baseball and softball are considered the same sport and therefore be considered separate sports. The Division II Legislation Committee and Division III Interpretations and Legislation Committee will re-evaluate the same existing official and staff interpretations at their fall meetings. The committee reaffirmed its position that legal precedent supports separate treatment and that the sports should be considered different sports.

5. **Financial Aid Issues:**

- a. **Division I Women's Basketball Counters limits.** The committee was provided an update relating to the concept to reduce the annual institutional limit on the total number of counters in Division I women's basketball from 15 to 13 and to increase the team financial aid limits in another identified women's sport or sports. The committee was informed that that the Division I Women's Basketball Issues Committee, Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Financial Aid and Women's Basketball Coaches Association did not support the concept. Specifically, the Women's Basketball Issues Committee noted that the current

financial aid model for women's basketball, which provides for a limit of 15 counters (head count), is appropriate for Division I women's basketball, given the current level of development of the game, the general rate of funding for the game within Division I and the related issues regarding women's basketball student-athlete injury rate.

- b. Division I Women's Volleyball.** The committee was informed that the Pacific-10 Conference submitted a legislative proposal into the Division I 2008-09 legislative cycle to increase the number of counters in women's volleyball from 12 to 13.
  - c. Division I Softball.** The committee was informed that the National Fastpitch Coaches Association requested the Academics/Eligibility/Compliance Cabinet Subcommittee on Financial Aid consider increasing the number of equivalencies in softball from 12 to 14. The recommendation was not supported by the subcommittee. Specifically, concerns were expressed regarding the impact on competitive equity and recruiting if the maximum limitation was increased. The subcommittee did recommend that the Division I Awards, Benefits, Expenses and Financial Aid Cabinet examine the maximum institutional grant-in-aid limitations for all sports.
  - d. Division I Baseball.** The committee was informed that the Southeastern Conference has indicated its intent to submit a legislative proposal into the Division I 2008-09 legislative cycle to increase the number of equivalencies in baseball from 11.7 to 14.7. The proposal had not yet been officially submitted as the July 15, 5 p.m. submission deadline had not closed.
- 6. NCAA Division I Proposal No. 2008-6 Committee on Women's Athletics -- composition -- Division I Management Council Representation.** The committee received an update on Division I Proposal No. 2008-6 which eliminates the requirement that one of the six Division I members of the Committee on Women's Athletics must also be a member of the Division I Management Council. The committee was informed that NCAA Division I Proposal No. 2008-6 was adopted by the NCAA Division I Board of Directors in April 2008. The affected bylaws are a common provision and all three divisions must adopt the same legislative modification in order for the change to be effective. The committee is looking forward to working with a liaison from the Division I Leadership Council.
- 7. Update on Budget Requests.** The committee expressed its appreciation of the Executive Committee's decision to support their request for additional funding for the

life and work balance initiatives, the women's coaches academy, the NACWAA professional development grant, the new women's leadership symposiums and gender equity resources.

- 8. Student-Athlete Pregnancy Issues Update.** Staff provided an update regarding the draft of a membership toolkit providing legal analysis and best practices surrounding pregnant and parenting student-athletes. The consultants have been working with the NCAA health & safety staff and former Committee on Competitive Safeguards and Medical Aspects of Sports member to include appropriate advice about Title IX, Health Insurance Portability and Accountability Act (HIPPA) and athletics trainer practices.
- 9. Diversity Leadership Strategic Planning Committee.** The committee discussed the Diversity Leadership Strategic Planning Committee's recommendation that Divisions II and III have five-year gender equity planning requirements similar to those in Division I through the athletics certification process. CWA supports this recommendation, which will allow institutions to strategically plan their gender equity goals in cooperation with their campus officials and evaluate their programs in a more formal and regular format. CWA requested the Divisions II and III membership committees consider the recommendations. The committee also learned of Division II's review of gender equity and diversity issues and plans to provide additional education to its presidents and athletics authorities.
- 10. Woman of the Year.** The 2008 Woman of the Year celebration will take place on Sunday, October 19 and will coincide with the divisional council meetings in Indianapolis. The committee agreed to modify the selection criteria to eliminate a requirement that the student-athlete letter in the year of her nomination and simply require that nominees graduate and exhaust primary sport eligibility.. Nominations may be submitted within one calendar year after both of the aforementioned criteria has been met. This information will be communicated to the membership prior to the 2009 application deadline. The committee also discussed ways to increase the number of nominations submitted for this prestigious national award, which saw a record 438 institutional nominations this year.
- 11. NCAA Gender Equity Resources.** The committee received an update about the development of a teaching Title IX resource tool and web site development.

- 12. Review of Life/Work Balance Issues.** The committee was provided with an update on the Executive Committee working group which was appointed to examine the issue of life/work balance within intercollegiate athletics. The Executive Committee working group is conducting its last conference call this summer. An association-wide group of council representatives has been established that will continue to discuss and work on issues associated with life/work balance. In addition, the committee was informed that there was a train-the-trainer life/work balance session at the recent Gender Equity Issues Forum. A pilot program relating to implementing life/work balance initiatives may be developed that will include at least one institution from each Divisions I, II and III. New membership resources should be available by the committee's next in-person meeting
- 13. Youth Basketball Initiative.** The committee was informed that the NCAA, along with the NBA, has announced a wide-ranging initiative designed to provide more structure to youth basketball. This initiative is intended to benefit everyone who participates in youth basketball programs and will not only focus on enhancing participants' basketball skills but, will also stress the importance of academic preparation and life skills.
- 14. CWA Representatives on Diversity and Inclusion Selection Committees.** The committee appointed the following members to serve on their joint subcommittees with the Minority Opportunities and Interests Committee:

  - a.** Women's Enhancement Scholarship Selection Committee: Stan Williamson, Campbell University replacing Donna Fields, St. Mary's University (Texas).
  - b.** Fellows Leadership Development Program Selection Committee: George VanderZwaag, University of Rochester replacing Geri Knortz, St. Michael's College.
  - c.** Leadership Institute for Ethnic Minority Females Selection Committee: Tamica Smith-Jones, Clark Atlanta University and Julie Davis, University of Maine, Farmington replacing Donna Fields, St. Mary's University and Jenny Warmack-Chipman, Muhlenberg College.
- 15. CWA Subcommittees.** The committee appointed the following members to serve on the identified subcommittees:

- a. Patrick Nero, America East Conference, incoming chair, to the Budget Subcommittee. He joins Julie Davis, University of Maine, Farmington and Jamie Zaninovich, West Coast Conference.
  - b. Faith Shearer, Elon College, incoming vice chair, to the Strategic Planning Subcommittee. She joins Pamm Hubbard, University of Alaska-Fairbanks. The committee will appoint a third member to this group at their October meeting.
- 16. **NACWAA/HERS, NACWAA Leadership Institute, NACWAA Executive Institute and Women's Coaches Academy.** The committee was provided an update regarding the 2008 NACWAA/HERS, NACWAA Leadership Institute, NACWAA Executive Institution and the Women's Coaches Academy. The committee expressed their appreciation that over 900 women have gone through the administrative trainings and over 400 have benefited from the women coaches academies. The coaches academies were able to offer a third program this summer and therefore, impact more coaches. The committee requested that a NACWAA representative attend the committee's October meeting to engage in a discussion about the NACWAA specific programs.
- 17. **Gender Equity and Title IX litigation updates.** The committee was provided an update on legal cases associated with Gender Equity and Title IX issues.

**18. Future Meeting Dates and Sites.**

- a. October 10-11, 2008, Atlanta, GA, in conjunction with the NACWAA Convention.
- b. January, 2009, teleconference.
- c. June 2009, Indianapolis, IN.
- d. September, 2009, Indianapolis, IN, joint meeting with the Minority Opportunities and Interests Committee.

*Committee Chair: Geri Knortz, St. Michaels's College*  
*Staff Liaison(s): Kimberly Ford, Diversity and Inclusion*  
*Lynn Holzman, Membership Services*  
*Karen Morrison, Gender Initiatives*

**REPORT OF THE  
NCAA COMMITTEE ON WOMEN'S ATHLETICS  
October 10-11, 2008, MEETING**

**ACTION ITEMS.**

**1. Legislative Items.**

- None.

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

- 1. New and Departing Committee Members.** The committee welcomed to the committee Alexandra Morley, Division I Student-Athlete Advisory Committee and Erin Wojtkun, Division III Student-Athlete Advisory Committee. The committee thanked outgoing members, Donna Fields, St. Mary's University (Texas) and Hilary Hughes, Division II Student-Athlete Advisory Committee, for their service.

**2. Emerging Sports.**

- a. **Rugby.** The committee received an update from representatives of USA Rugby who provided an overview of the progress of the sport and future plans for 2009-10 to grow the sport. The committee provided feedback relating to the desire to move rugby to a NCAA championship. USA Rugby announced a development plan "Ten by 2010" to add five more varsity programs at NCAA institutions. The effort includes up to \$5,000 of start-up grants to participants in the program.
- b. **Squash.** The committee's subcommittee assigned to finalize the Squash action plan for remaining on the emerging sports for women list and progressing toward championship status conducted two conference calls. The first included members of the Executive Board of the Collegiate Squash Association (CSA) in an effort to review the previously submitted proposal for the growth of the sport. CSA expressed commitment to remain on the emerging sports list, however no true timeline was provided by the organization for perceived measurable growth. The committee took action to request annual reporting from the CSA on their emerging program and stated

a deadline of 2014 to show demonstrated growth towards reaching 40 teams and sponsoring a NCAA championship. The committee was encouraged by the CSA's efforts and commitment from USA Squash of \$50,000 in seed money to develop new varsity programs over the next three years.

3. **Woman of the Year.** An update regarding Woman of the Year was provided, including statistics related to the nominee demographics. 2008 marks the second year for online institutional submissions with a record of 438 nominees and 134 conferences nominations. Every institutional and conference honoree received an NCAA Woman of the Year award certificate. The committee voted to clarify that reclassifying institutions with nominees will be considered and evaluated in the division in which they were nominated by a conference or for independents the division in which they competed.
4. **NCAA Fellows Program.** The committee agreed to support the Minority and Opportunities Interest Committee position to reserve one opening in the program for an applying NCAA staff member.
5. **Division I Legislative Proposals.** The slate of proposals in all three divisions related to the committee's mission was reviewed. No formal positions were taken by the committee at this time.
6. **NCAA Research reports.**
  - a. **Participation Data.** The committee received an update on the overall high school participation numbers for both boys and girls and how they are increasing. The committee also previewed the new NCAA Gender Equity Report, which showed that female participation remained steady or improved by only one percent since the last report. . The proportion of money spent on women's athletics showed decreases in all Division I subdivisions and Division II had no change. Only in Division III did the proportion of money spent on women's athletics increase. The proportion of recruiting expenditures devoted to women's sports decreased in all subdivisions of Division I. Women's recruiting dollars in Division II remained at 36 percent and from 34 to 35 percent in Division III.



- b. **Perceived Barriers to Women in Athletics Careers.** The committee was provided an opportunity to review and make suggestions for the final draft of the Barriers study that includes student-athlete, administrator, coach and game official responses regarding why women choose or decline to participate or enter the field as a profession were shared. An Executive Summary will be added to the report to compare the findings of the 1989 study to 2008 before it is published. The committee expects this report to serve as a foundation for continued discussions about the recruitment and retention of women in intercollegiate careers.
  - c. **Campus Climate Surveys.** The committee was provided with a review of the preliminary student-athlete results of the five institutions selected to participate in the pilot study. The primary purpose of the pilot was to test the survey instrument in preparation for a wider administration. A pilot of the administrator's survey will be completed this fall, with the national student-athlete survey to take place no sooner than the spring of 2009.
- 7. **Championships update.** The committee received an update regarding the current status of NCAA championships and the four goals that will be used to direct the future of the group to include: a focus on the experience of the student-athlete in that all 88 championships will provide the same baselines and deliverables; greater staff efficiency with resources; effective management and leadership as it relates to the direction of sport committees; and a demonstrated value-added concept for all 88 championships. Six cities have been identified to participate as championship cities; a significant action has been taken to address the escalating transportation costs as well.
- 8. **Work-Life Balance update.** The final report of the Executive Committee working group was presented at the most recent Executive Committee meeting. The work-life balance resource toolkit for the membership will be made available on January 15 during the 2009 Convention, when two 90-minute, workshops will be held on individual and institutional evaluations of and action plans to address balance issues will be conducted. One session will serve as an informational session and the other will focus on action planning and steps to change department culture.
- 9. **Baseball and Softball Interpretations – Divisions II and III.** The committee received an update that all three divisions are moving in the direction of recognizing baseball and softball as separate sports, in response to a request from the Women's

Sports Foundation through the committee. At this time, the request is now receiving formal consideration from the Divisions II and III interpretive committees and Division I Legislative Council.

- 10. Student-Athlete Pregnancy Issues and Gender Equity Resources.** Committee members were provided with a draft of the handbook related to student-athletes who are pregnant or parenting, which includes medical and legal reviews, model policies for athletics departments, best practices for certified athletic trainers and case studies. The NCAA national office anticipates a mailing to all member institutions and conferences with the following gender equity resources: Pregnant and Parenting Student-athletes: Resources and Model Policies; Teaching Title IX resources; the revised NCAA Gender Equity Manual; sample Title IX brochures and a reminder about the NCAA Gender Equity and Issues Forum. All the resources will be available online as well.
- 11. Gender Equity Planning.** The committee reviewed a draft of the gender equity sample plan for the gender equity portion of third-cycle Division I Certification. Feedback was provided for suggested additions to the document to further clarify and enhance the document. The committee also reviewed suggested changes for the Division II Institutional Self-Study Guide questions and requested materials related to gender equity.
- 12. Title IX News.** The committee discussed the Office for Civil Rights September 17, 2008, athletics activities "Dear Colleague" letter; recent court and settlement action in Title IX legal cases; and the Women's Sports Foundation release of the second in-a-series report: "Who's Playing College Sports: Money, Race and Gender."
- 13. Other Business.**

  - a. NCAA Matching Grants for Minority and Women Coaches.** The committee received an update on the grants awarded for 2008. New groups were funded this year that had not previously received funds. Also it was noted that a greater effort was made to fund grants relative to enhancing and growing the officiating ranks.
  - b. Women's Sports Foundation.** Chris Voelz, the Leadership Gifts Officer of the Women's Sports Foundation, provided a presentation to the committee on

the organization's priorities and ways in which the Committee on Women's Athletics may partner with them regarding future endeavors.

- c. **NCAA Internship Program.** The committee was provided with an update of the 2008-09 class and relative demographic statistics. The application for the 2009-10 class has been posted online with a December 5 deadline.
- d. **CWA Orientation Packet.** The committee received a copy of the orientation packet prepared for incoming committee members developed as a resource tool describing the committee's charge, subcommittees, supported programs, strategic plan and data related to women in intercollegiate sports.

#### 14. Upcoming Events and Relative Dates.

- a. **Women of the Year Dinner.** October 19, Indianapolis, Indiana. ESPN2 broadcast on December 5, 2008.
- b. **Division I Final Four Events.** April 6, 2009, St. Louis, Missouri. Preparations are being made to develop a "legacy program", a session focused on encouraging business-women to serve as mentors to at-risk girls from the local community.
- c. **Women's Leadership Symposium.** Designed as an educational experience for professional women new to working in intercollegiate athletics administration and coaching and students aspiring to a career in college athletics, the new NCAA Women's Leadership Symposiums will begin with a regional event in Boston March 20-21, 2009 in conjunction with the NCAA Women's Frozen Four Ice Hockey Championship. The two-day program will focus on the following areas of skill development: Leadership Skills; Management Strategies; and Career Advancement. The mission of the program is to further the participants' skills, expand their professional network and promote the recruitment and retention of women in athletics administration and coaching.
- d. **Gender Equity and Issues Forum.** April 27-29, 2009, San Diego, California.
- e. **2009 Regional Rules.** May 13, 2009, Atlanta, Georgia and June 3, 2009, Anaheim, California. Two gender equity sessions will focus on Work-Life Balance and Equity in Athletics Disclosure Act and Title IX Coordinators.

**15. Future Meeting Dates and Sites.**

- a. CWA teleconference on February 5, 2009, 1 to 3:30 p.m.
- b. CWA Budget Subcommittee conference call, TBD.
- c. CWA Strategic Planning Subcommittee conference call, TBD.
- d. May, 18-19, 2009, Indianapolis, IN, CWA meeting.
- e. September, 15-16, 2009, Indianapolis, IN, joint meeting with the Minority Opportunities and Interests Committee.

*Committee Chair: Patrick Nero, America East Conference*  
*Staff Liaison(s): Kimberly Ford, Diversity and Inclusion*  
*Lynn Holzman, Membership Services*  
*Karen Morrison, Gender Initiatives*

**REPORT OF THE NCAA MINORITY OPPORTUNITIES  
AND INTERESTS COMMITTEE (MOIC)**

**ACTION ITEMS.**

None.

**INFORMATIONAL ITEMS.**

**Association-wide.**

1. **Review of the MOIC report.** The chair of the MOIC highlighted information that was discussed during the June 2008 meeting. The committee discussed the NCAA national office diversity statement, and letters to the Faculty Athletics Representatives Association and NCAA senior woman administrator.
2. **Committee on Women's Athletics (CWA).** The MOIC reviewed the July CWA report.
  - a. The committee supported the legislation on postseason events – criteria for establishment or continuation of championships – exception for women's sports – removal of year. Specifically, the legislation will amend NCAA Divisions I, II and III Bylaws 18.2.4.1 to remove the years associated with the regulation that specifies that a national collegiate championship or a division championship may be established in a women's sport in which the Association does not already conduct a championship if at least 40 institutions sponsor the event.
  - b. The committee reviewed the legislation on membership – definitions and applications – emerging sports for women – sand volleyball, archery, badminton, synchronized swimming, and team handball. The CWA recommended adding sand volleyball to the list of emerging sports for women; further, to remove archery, badminton, synchronized swimming and team handball from the list of emerging sports for women. The committee discussed the financial impact this legislation would have in Division III with regard to sand volleyball (having to build the stage and providing new equipment). The committee also discussed increasing participation of women of color in non-traditional sports and looks forward to working with CWA on this issue.
  - c. The committee reviewed the legislation on membership – definitions and applications – emerging sports for women – equestrian. The CWA recommended sponsoring legislation to add equestrian as an emerging sport for women. The rationale for this legislation is that several Division III institutions sponsor equestrian, although it is not recognized as an NCAA sport. The MOIC wanted to know if diversity was considered with regard to this proposal. In addition, the MOIC

would like to see what kind of outreach is available to introduce this sport in underserved communities.

3. **Review of Executive Committee Subcommittee on Gender and Diversity Issues report.** The MOIC discussed the subcommittee's stance regarding Hispanic-serving institutions. The MOIC noted the guide for NCAA student-athletes is not available in Spanish, and the committee should discuss this issue with the NCAA Eligibility Center. In addition, the MOIC believes the Association should consider doing some public service announcements in Spanish in order to improve outreach to the Hispanic/Latino community. Lastly, many Historically Black Colleges and Universities (HBCUs) have a large Hispanic/Latino student-athlete and coaching population, and diversity and inclusion may want to reach out to those institutions as well.
4. **NCAA Fellows Leadership Development Program (Fellows).** The committee discussed the eligibility status of NCAA national office staff for the Fellows Program. The eligibility standards state that athletics administrators at an NCAA member institution or conference office are eligible to apply. The MOIC agreed to allow NCAA national office staff members to be eligible for selection to the program, with a maximum of one current NCAA staff member per class.
5. **Matching grants for minority women coaches.** The question was brought forth to the committee regarding the level of involvement that the selection committee for matching grants would have in the future (e.g., specific advice on curriculum, more direct line of contact between selection committee and organizations seeking the grant) and whether it is beneficial to place specific standards on events/programs funded by the grant (e.g., number of participants). The committee believes that reaching out to work directly with potentially grant-funded organizations would be positive, in part, by increasing the likelihood that more organizations can better meet the grant objectives and, thereby, better ensure that funding for such programs will remain in place for the future. The committee also suggested that attendance by committee members at grant-funded events would be another positive method to ensure programs are meeting grant objectives, while at the same time providing valuable, first-hand feedback for the future. Ultimately, the group voted to refer the topic to MOIC's Athletics Opportunities for Women subcommittee for further discussion. Regarding the addition of specific standards, the committee did not feel this would be a beneficial change, as each given proposal can represent unique needs and outcomes.

6. **Football Presentation.** The staff provided the committee with an overview of a presentation given to the Executive Committee Subcommittee on Gender and Diversity Issues entitled: Head Coaches of Color in the Sport of Football. The MOIC expressed the need to see more coaches of color at the assistant coordinator position. The committee acknowledged there are not many student-athletes of color participating in football at Division III schools; therefore, that may be a reason for the lack of coaches of color coming back to work for Division III programs. In addition, the staff provided to the MOIC a list of programming for football coaches through the diversity and inclusion department at the national office. Some notable highlights include the Future Coaches Academy, Football Coaches Academy and Expert Coaches Forum.
7. **Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS).** The CSMAS staff liaison provided a brief summary of the risks of sudden cardiac arrest (SCA) and how the MOIC and CSMAS can work together on this issue. SCA kills more people every year than any other cause of death in the United States. Specifically, every three days a competitive athlete suffers from SCA in the United States, and only 11 percent survive. In athletics, SCA disproportionately affects student-athletes of color and, with more women competing in athletics, there is an increase in numbers of women suffering from SCA. In particular, 55 percent of whites and 42 percent of blacks die from SCA. Additionally, African-Americans are at high risk for SCA due to the presence of the sickle cell trait. It was noted that in all of the deaths that occurred in intercollegiate athletics, an athletic trainer was present. The MOIC would like to see legislation put forward for football to deal with heat related issues that cause SCA as well as conduct screenings in advance to identify and catch pre-existing conditions. Staff informed the MOIC that Division III plans to require head coaches to become certified in first aid; the legislation will be presented in January at Convention. The MOIC discussed drafting a statement that expresses the need for automated external defibrillators for all athletics departments as well as first aid certification for all coaches.
8. **HBCUs.** The staff reviewed the NCAA's enforcement process and discussed the perception that HBCUs are disproportionately impacted by the enforcement process. The staff noted that there were slightly more HBCUs involved in the enforcement process within the Division II membership than Division I. The staff informed the Committee that many of the HBCU cases were the result of information being reported to the enforcement staff and subsequently corroborated through various sources.
9. **Leadership Institute for Ethnic Minority Males and Females.** Staff provided an update on the Leadership Institute for Ethnic Minority Males and Females that is designed

to address the critical shortage of senior-level professionals of color in athletics administrative staff at NCAA member institutions and within conference offices. This program is administered by diversity and inclusion. The institute prepares diverse leaders through a 12-month leadership training and skills development experience and enhance job-related competencies in selected areas through completion of four professional development sessions, practical work and a week-long intensive workshop. The staff informed the MOIC of the eligibility requirements and ways to expose institute graduates to the membership.

10. **NCAA Internship Program.** Staff provided an overview on the NCAA Internship Program that is administered by diversity and inclusion. The internship is a year-long experience at the national office that provides on-the-job opportunities for college graduates from a four-year NCAA member institution for individuals who express an interest in pursuing a career in the administration of intercollegiate athletics. Sixteen interns are employed at the national office, while three are at the NCAA Eligibility Center. The staff reviewed the eligibility requirements, number of applications submitted, number of interns who have come through the program, and the hiring success rate within intercollegiate athletics. In addition, the staff noted the diminishing number of racial/ethnic minorities applying to the internship program. The MOIC discussed methods of getting more student-athletes of color to apply to the internship program.
11. **Approved Budget Items.** The committee discussed two recommendations that were put forward: Future Athletics Administrators Program and the HBCU grant. The Future Athletics Administrators Program was not funded; however, the MOIC believes that modifications to the program may result in funding in the future. The MOIC supported the increase in funds for diversity education so that more Division II and III institutions could take advantage of this program.
12. **Review of MOIC and CWA Association-Wide diversity initiatives.** The staff provided an update of all the programs and initiatives that will foster and enhance professional opportunities for ethnic minority administrators and coaches. These programs are administered by the NCAA diversity and inclusion department. The committee reviewed the eligibility requirements, number of individuals served over the years, program accomplishments, metrics of success and concerns for the future. Notable highlights included the Ethnic Minority and Women's Enhancement Postgraduate Scholarship for Careers in Athletics; Division II Strategic Alliance Matching Grant Enhancement Program; Division III Strategic Alliance Matching Grant; and the Women's Coaches Academy. In addition, the committee discussed the need for an academy for coaches of color and women in Olympic sports.



- 13. Proposed MOIC Legislation Updates.** The MOIC received feedback on a legislative proposal to amend Article 3 of the NCAA Constitution – conditions and obligations of Membership- from the NCAA Division I Administrative Committee (of the former Division I Management Council) and the NCAA Divisions II and III Management Councils. The MOIC discussed several issues surrounding this proposal, such as: type of information required for submission; oversight of the information after submission; difference between the information requested in this proposal and the information collected in the Division II and III Institutional Self-Study-Guide; and any budget implications that were not mentioned in the proposal. However, the MOIC tried to balance those issues against the interests of those that want to ensure athletics departments are not circumventing their institutional hiring practices and that diversity is considered during the hiring process. Therefore, the MOIC's subcommittee on legislation and governance will seek additional feedback from interested parties as the subcommittee re-evaluates the legislative proposal.

The committee reviewed proposal 2008-10 from the Southern Conference to establish a program by which a minority graduate assistant coach position is awarded annually to each NCAA Division I Football Championship Subdivision conference and to establish the parameters of the program and position. The committee was supportive of the concept as an opportunity to increase diversity in football coaching positions but did not support the proposal as written. The committee was unclear as to how the selection process would occur at the conference level, and raised concerns about the potential for a competitive advantage gained by those institutions to which the graduate assistant coach was assigned. The committee also noted that while diversity continues to be a primary concern specifically as it relates to head coaching positions in football, other sports also are lacking in diversity and could benefit from a more broadly defined program.

- 14. MOIC Hot Topics for 2008-09.** The committee discussed hot topics in the following areas: legislative, programmatic, Convention, community outreach and research. The chair delegated the hot topics to specific MOIC subcommittees to take the lead. In addition, the development of a short- and long-term strategy to promote the MOIC initiatives was delegated to the professional development subcommittee.

- 15. Committee Vacancies.** Staff provided the committee with diversity information on all committee appointments from 1997-2007. The MOIC discussed how it wants to approach the lack of diversity within governance committees and the lack of ethnic/racial minority athletics administrators at NCAA member institutions.

*Committee Chair: Rudy Keeling, Eastern College Athletic Conference*

*Staff Liaisons: Corey Jackson, Diversity and Inclusion (primary); Joyce Thompson, Enforcement Services*

**REPORT OF THE  
JOINT MEETING OF THE  
NCAA COMMITTEE ON WOMEN'S ATHLETICS  
AND NCAA MINORITY OPPORTUNITIES AND  
INTERESTS COMMITTEE  
January 28, 2008**

**ACTION ITEMS.**

**1. Legislative Action Items.**

- None

**2. Nonlegislative Items.**

- None

**INFORMATIONAL ITEMS.**

**Association-wide**

**1. NCAA Committee on Women's Athletics update.** The Committee on Women's Athletics (CWA) chair, Geri Knortz, provided an update on the following issues:

- a. Division I Legislation - Student-Athlete Pregnancy Issues.** The committee received an update on the adoption of NCAA Division I Proposal No. 2007-110. It was noted that the proposal had been clarified to include the phrase "injury, illness, physical or mental medical condition." Further, an extensive Q/A document had been developed to assist the membership with its understanding of the application of the legislation. It is anticipated that Division II review the same legislative recommendation during its April Management Council meeting. The CWA is in the process of developing a membership toolkit which will include some of the following resources: policies for addressing pregnant student athletes and partners, parenting issues and concerns, legal information and Office for Civil Rights clarifications.
- b. Emerging Sports for Women.** The committee was provided an update regarding correspondence that was sent last June to sports currently on the emerging sport for women list and responses received. A video, to be made available through the NCAA web site, is being developed that will explain the emerging sport process and will have current emerging sport representatives discuss their sport. An emerging sport session will be included at the Gender Equity and Issues Forum. Strategies to assist squash and rugby as they continue to explore ways to grow their sport were discussed.

- c. **Work Life Balance.** An update was provided regarding the Executive Committee Working Group and their efforts to partner with a consulting firm to develop resources for the membership. Members from divisional management councils have volunteered to serve on an association-wide working group on these issues.

2. **Minority Opportunities and Interests Committee update.** MOIC chair, Rudy Keeling, provided an overview of the following:

- a. **Divisions II and III Membership Institutional Self-Study Guide.** The committee reviewed draft letters to the Membership Committees of Divisions II and III. The letters asked the respective committees to consider whether their institutions are enhancing diversity and inclusion through their full-time professional administrative positions. MOIC is strongly encouraging the Divisions II and III Membership Committees to implement questions and initiatives in their self-study guides that require the institution's Title IX and Affirmative Action officers to monitor gender equity and diversity. In addition, MOIC also encourages the institution's designee to sign the Notification of Completion Form, which accompanies the self-study guide. The signature of the institution's designee would in effect mean that he or she attests to the veracity of the contents contained in the report.
- b. **HBCU Working Group.** The staff provided the committee with an update on the Historically Black Colleges and Universities (HBCU) Working Group (Group). The staff noted that the Group was formed approximately one year ago, and discussed ways to support HBCU's that could be facing penalties due to poor academic performance rate scores based on Academic Performance Rate (APR) trends. The committee discussed the need to review academic improvement plans to address APR scores that fall below a certain level in sports where there is a high concentration of people of color. The committee also discussed the idea of developing a best practices document or module to assist other HBCUs that struggling dues to low APR scores. The committee noted that many of the HBCUs are awaiting notice as to how much money will awarded through the academic enhancement and supplemental support funds to further boost athletics support systems at their respective institutions.
- c. **Football Issues Committee Meeting/Minority Issues Subcommittee.** The staff provided an update to MOIC on the Football Issues Committee (Committee) meeting that was held in August 2007. The staff informed MOIC that the Committee focused on three topics during its August meeting:

1) academic performance; 2) minority hiring; 3) sportsmanship; and, 4) agents and gambling. MOIC also discussed the recent trends of institutions naming a coach's successor before the coach retires or accepts another position. MOIC expressed concerns about the lack of transparency in the hiring process and the lack of binding employment contracts in some cases securing the successor's promotion. MOIC discussed the positive and the negative impacts of this trend. MOIC also discussed its desire to monitor the issue and addressed the importance of institutions to follow state and federal employment laws. The committee also discussed the recent trends and factors involved when interviewing potential employment candidates.

- d. **Letters to FARA and NCAA senior women administrators.** The committee reviewed draft letters to the president of the Faculty Athletics Representatives Association (FARA) and the NCAA Senior Vice President of Championships which addressed developing best practices to attract and retain racial and ethnic minorities and women within the ranks of faculty athletics representatives and senior women administrators.

- 3. **Division I Governance and Issues Report.** CWA and MOIC received an update from Beth DeBauche, NCAA director of Division I on the Division I Governance Structure as it begins to move into its final stages of formation. The committees were requested to forward any additional suggestions regarding restructuring to the governance group, in addition, perceived transitional issues were discussed. Both CWA and MOIC will report primarily into the Leadership Council but if legislative concerns arise they will be directed to the Legislative Body for review. This new governance structure will be effective September 2008. The Board of Directors has been identified as the body responsible for filling current council, committee and cabinet vacancies. The window for nominations is open through the conference offices through March. Both CWA and MOIC continued to express concern regarding efforts being done to meet gender and ethnicity standards beyond the minimums. Other issues presently being addressed include: Division I membership moratorium, the Division I Basketball Academic Enhancement Group and the Taskforce on Commercial Activity in Intercollegiate Athletics.
- 4. **NCAA Division II Governance and Issues Report.** The CWA chair provided a brief report about current Division II priorities and the convention proceedings.
- 5. **NCAA Division III Governance and Issues Report.** CWA and MOIC received an update from Leah Nilsson, NCAA director of Division III, on the following issues:

- a. Request for budgetary increases for both the Division III Conference Grant Program and the Division III Internship Grant Program.
  - b. The Membership Committee will be considering recommendations from the Diversity Leadership Strategic Planning Committee (DLSPC) regarding making proposed changes to the Institutional Self-Study Guide.
  - c. Division III 2008 Proposal No. 5 was adopted at the 2008 NCAA Convention. The proposal permits an institution to finance academic and other support services for student-athletes, provided similar services are provided or available to students in general.
  - d. The membership issues survey will be sent to each institution requesting feedback in late March to be reviewed by a working group of the Executive Committee.
  - e. The division is entering into their second year of the pilot drug testing program. At the completion of this year it will be determined if the pilot needs to be continued.
  - f. The use of Financial Aid and its practices regarding how it is awarded will continue to be looked at to determine if more punitive actions need to be taken regarding institutions that continue to be identified as repeat violators.
6. **2008 NCAA Convention Update.** An update was provided on the successful programming that took place at the NCAA Convention which included: the Women of Color Symposium, Diversity Keynote Lunch, Life Work Balance, LGBT student-athlete well-being and Student-Athlete Pregnancy sessions.
7. **Executive Committee Subcommittee on Gender and Diversity Issues Report.** Corey Jackson updated the committee members that the work of the DLSPC was completed in the calendar year of 2006 and that now all proposed programmatic and legislative recommendations are being considered by committees within the governance structure or groups within the national office. Both CWA and MOIC have reviewed recommendations specific to their individual committees.

8. **Joint Budget Recommendations.** CWA and MOIC received an update on some of the joint budget initiatives that will be presented on their behalf's during the upcoming discussions to include the following: Gender Equity comprehensive education resource tool, increased support for the Women Coaches Academy, Campus Climate survey, Future Athletic Administrators program, HBCU matching grant program for Academic and Compliance areas, and the Officials study.
9. **Black Coaches Associations Searches.** CWA and MOIC expressed their support of the BCA moving forward in their efforts to monitor the search, hiring processes and retention success of Athletics Director Positions and Women's Basketball Coaches.
10. **Upcoming Events.**
  - a. **Women in College Sports Forum.** The forum is scheduled to take place on April 6, in Tampa, Florida on Sunday during the Division I Women's Final Four. Scheduled programming will consist of four sessions and a keynote speaker to address barriers and climate issues and the portrayal of female student athletes in the media.
  - b. **Gender Equity and Issues Forum.** The forum is scheduled to take place on April 27-29 in Boston, Massachusetts.
  - c. **Women in College Sports Forum.** The forum is scheduled to take place on April 6, in Tampa, Florida on Sunday during the Division I Women's Final Four. Scheduled programming will consist of four sessions and a keynote speaker to address barriers and climate issues and the portrayal of female student athletes in the media.
  - d. **Gender Equity and Issues Forum.** The forum is scheduled to take place on April 27-29 in Boston, Massachusetts.

- e. **Regional Rules Seminars.** The 2008 Rules Seminars are scheduled to take place May 18-23 in Boston, Massachusetts and June 1-6 in San Antonio, Texas.
- f. **National Student-Athlete Development Conference.** The National Leadership Conference has recently undergone a name change and conference redesign. The conference is scheduled to take place on May 25-29, at the Disney Yacht & Beach Club Resorts in Orlando, Florida, with the goal of doubling student-athlete participation.

*Committee Chair(s): Rudy Keeling, Eastern College Athletic Conference  
Geraldine Knortz, St. Michael's College, Northeast-10 Conference*

*Staff Liaison(s): Nick Castro, Diversity and Inclusion;  
Kimberly Ford, Diversity and Inclusion;  
Curtis Hollomon, Education Services;  
Corey Jackson, Diversity and Inclusion;  
Karen Morrison, Education Services;  
Joyce Thompson, Enforcement*





## Proposals Recommended as Emergency or Noncontroversial Legislation

**Proposal Number:** 2008-61

**Title:** COMMITTEES -- DIVISION I CABINETS AND COMMITTEES --  
WOMEN'S SOCCER COMMITTEE -- COMPOSITION -- REGIONS

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

**Bylaws:** Amend 21.7.6.5.5.3.20, as follows:

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

**Source:** NCAA Division I Championships/Competition Cabinet.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Committees

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

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

none

**History**

*Jun 24, 2008:* Submit; Submitted for consideration.

*Jun 25, 2008:* Championships/Competition Cabinet, Sponsored

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

**Proposal Number:** 2008-69

**Title:** ADMINISTRATIVE REGULATIONS -- SUMMER BASKETBALL LEAGUES AND CERTIFIED BASKETBALL EVENTS -- ADDITIONAL CRITERIA -- APPROVAL OF EVENT AND LEAGUE OPERATORS -- BASKETBALL

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

**A. Administrative:** Amend 30.14, as follows:

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

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

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

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

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

**B. Administrative:** Amend 30.15, as follows:

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

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

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

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

**C. Administrative:** Amend 30.16, as follows:

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

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

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

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

**D. Administrative:** Amend 30.17, as follows:

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

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

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

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

**Source:** NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Administrative Regulations

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

**Budget Impact:** Minimal additional costs for background checks.

**Impact on S-A's Time:** None.

### **Position Statement(s)**

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

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

### **History**

*Jun 13, 2008:* Submit; Submitted for consideration.

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

*Jun 25, 2008:* Championships/Competition Cabinet, Sponsored

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

*Aug 18, 2008:* Women's Basketball Issues Committee, Recommends Modification; Recommends that the proposal be modified to include women's basketball.

*Sep 17, 2008:* Championships/Sports Management Cabinet, Modified the Proposal; Proposal modified to include women's basketball.

**Proposal Number:** 2008-73

**Title:** EXECUTIVE REGULATIONS -- NATIONAL STATISTICS PROGRAM

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

**Administrative:** Amend 31.9, as follows:

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

*31.9.1 General Policies.*

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

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

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

*31.9.1.4 Countable Opponents. Only contests against varsity intercollegiate teams of four-year, degree-granting institutions shall be*

*included in individual and team statistics, won-lost record and coaching records. Contests against service teams, professional teams, semiprofessional teams, amateur teams, two-year colleges and club teams are specifically excluded. Further, only contests against varsity intercollegiate teams of four-year, degree-granting institutions that play a majority of their contests in that sport against varsity intercollegiate teams (per Constitution 3.2.4.5) of United States four-year, degree-granting institutions shall be tabulated for inclusion in such statistics (and counted for purposes of team selection for an NCAA championship per Bylaw 31.3.3.1).*

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

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

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

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

*31.9.1.8 Statistics of Ineligible Student-Athletes.*

*31.9.1.8.1 Declared Ineligible During Season. The individual statistics of any student-athlete declared ineligible by a member institution, a conference or the NCAA for any remaining portion of a*



*season shall not be included in the national statistics rankings from the date the student-athlete is declared ineligible.*

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

### *31.9.2 Baseball and Softball Statistics.*

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

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

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

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

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

*31.9.4 Football Statistics.*

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

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

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

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

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

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

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

*31.9.4.8 Minimum-Games Requirement. For purposes of Bylaws 31.9.4.6 and 31.9.4.7, if a player has not participated in the required*

75 percent of the team's games but has the required minimum number of returns or punts per game played, he is not to be charged with the number of games necessary for qualification because it cannot be assumed that he would have maintained his average in the additional games.

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

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

*31.9.5.2 "No Contest" Declaration.* There is no forfeit of a contest until all participating teams are present and the referee or other appropriate contest official has assumed jurisdiction in accordance with applicable playing rules. When a team does not appear (e.g., due to weather conditions, accidents, breakdown of vehicles, illness or catastrophic causes), a forfeit is not recorded. An institution shall not, for statistical purposes, declare a forfeit for nonfulfillment of a contract. Such instances shall be considered as "no contest." In circumstances involving institutions from the same conference, the league office has the option to declare a forfeit win and loss for conference-standing purposes only but this does not change an institution's overall win-loss record.

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

*31.9.5.3 Contest in Progress.* If a forfeit is declared while a contest is in progress or a situation occurs that forces a premature end to the contest, all statistics (other than won-lost and coach's records) are voided unless the contest has progressed to a "reasonable point of conclusion" (e.g., three quarters in football and lacrosse, 30 minutes in

*basketball and five innings in baseball and softball and two periods in ice hockey; for volleyball, all completed games in a match shall count, as well as a partial game if the team ahead has scored at least 10 points), in which case all statistics shall count and shall be reflected in all records. The team's won-lost record shall include the forfeit, but if the statistics are voided, all averages in future rankings shall be computed without inclusion of the forfeited contests.*

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

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

*(b) It is not required that similar action be taken in regard to the individual records and performances of other players (teammates and opponents) who participated in contests during the period in which the player participated while ineligible;*

*(c) While neither the forfeiting institution nor the national office has the authority to require opponents receiving those forfeits to alter their season records, the forfeiting institution should actively encourage its opponents to do so; and*

*(d) These same conditions shall be applicable to the records of a conference. Neither the institution nor the national office has the authority to require a conference to alter its records. However, the institution should actively encourage such a result.*

#### *31.9.6 Career Records.*

*31.9.6.1 Co-head Coaches. In the event that an institution designates a co-head-coaching system, the won-lost records of both coaches for each season that they co-head coaches, are to be included in each coach's total career record. In such instances, both coaches' career records shall be denoted by an asterisk and a footnote [e.g., includes 40-20 record as a co-head coach with (name of other coach) during the years indicated].*

*31.9.6.2 Division Classification. For career record purposes, a player's statistics are recognized by the Association only for the years that the individual's college was an active member of the Association. In the event an individual's college changed divisions while a member, career*

*statistics for the individual are credited only in the division in which he or she actually competed each year.*

*31.9.6.3 Collegiate Record Category. In the above-mentioned case where an individual's college changed divisions while a member, the player's full career statistics are to be entered in the collegiate record category.*

*31.9.6.4 Determination of Head Coach at an Institution. In order for a coach to be credited with wins, losses or ties, that individual must be designated as the institution's head coach for the entire sports season. Individuals serving on an advisory or preseason basis may not be credited with the wins, losses, or ties. If the head coach is not present at a contest due to illness or other unexpected circumstances, or otherwise is unable to complete the sports season, it is up to the institution to determine whether the win, loss or tie for that contest(s) shall be credited to the head coach or to an interim or assistant coach, as determined by the institution prior to the contest(s).*

**Source:** NCAA Division I Championships/Competition Cabinet.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Executive Regulations

**Rationale:** Removing the policies and procedures of the national statistics program from the legislative process while having the Championships/Sports Management Cabinet continue to oversee and approve changes will eliminate the current bureaucracy and confusion in the process. This action also will help ensure the statistics program is applied consistently across all three divisions of the Association. The national statistics program policies and procedures are already provided to the membership via the NCAA Web site. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

none

**History**

*Jun 24, 2008:* Submit; Submitted for consideration.

*Jun 25, 2008:* Championships/Competition Cabinet, Sponsored

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

**Proposal Number:** 2008-75

**Title:** ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION -- QUALIFIER -- EXCEPTION -- EARLY ACADEMIC CERTIFICATION -- SUBMISSION OF TRANSCRIPT

**Intent:** To specify that if a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial collegiate enrollment as a full-time student occurs at the certifying institution, the institution shall ensure submission his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment; further, to specify that a violation of this provision shall be considered an institutional violation, however, the student-athlete's eligibility shall not be affected.

**Bylaws:** Amend 14.3.1, as follows:

14.3.1 Eligibility for Financial Aid, Practice and Competition. A student-athlete who enrolls in a member institution as an entering freshman with no previous full-time college attendance shall meet the following academic requirements, as certified by the NCAA Eligibility Center, as approved by the Executive Committee, and any applicable institutional and conference regulations, to be considered a qualifier and thus be eligible for financial aid, practice and competition during the first academic year in residence.

[14.3.1.1 unchanged.]

14.3.1.1.1 Exception -- Early Academic Certification. A student-athlete shall be certified as a qualifier, provided he or she has achieved the following academic criteria:

[14.3.1.1.1-(a) through 14.3.1.1.1-(b) unchanged.]

**14.3.1.1.1.1 Submission of Final Transcript. If a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial collegiate enrollment as a full-time student occurs at the certifying institution, the institution shall ensure submission his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment.**

**14.3.1.1.1.1.1 Effect of Violation. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected.**

[Remainder of 14.3.1 unchanged.]

**Source:** NCAA Division I Academics Cabinet.

**Effective Date:** August 1, 2009

**Proposal Category:** Eligibility

**Topical Area:** Eligibility

**Rationale:** Current legislation permits an individual to be certified as a qualifier based on core courses, grades and test score through six semesters of high school. In these circumstances, the individual is not required to submit a final high school transcript to the NCAA Eligibility Center. For the current academic year, the Eligibility Center has not received final transcripts from approximately 40 percent of the individuals who were certified as early academic qualifiers. These missing transcripts represent a significant gap in academic data available to the NCAA research staff, which is vital for future policy decisions. Without such data, the ongoing review of initial-eligibility and progress-toward-degree rules (e.g., the impact of the increase from 14 to 16 core courses) is threatened. In addition, since the submission of a final transcript is not necessary for certification of initial eligibility pursuant to the early certification exception, a transcript could be official or unofficial and will be accepted in any form (e.g., copy, fax). Finally, it is recommended that the Eligibility Center Web site is updated to provide clear information to institutions regarding the final transcripts that are required to be submitted.

**Budget Impact:** None to minimal, as institutions generally receive a final high school transcript for admissions purposes.

**Impact on S-A's Time:** None.

### **History**

*Jun 8, 2008:* Submit; Submitted for consideration.

*Jun 9, 2008:* Academics Cabinet, Sponsored

*Jun 9, 2008:* Academics Cabinet, Recommends Approval as Noncontroversial Legislation



**Proposal Number:** 2008-76

**Title:** RECRUITING – TRYOUTS AND SPORTS CAMPS AND CLINICS --  
DEFINITION OF PROSPECTIVE STUDENT-ATHLETE -- MEN'S BASKETBALL

**Intent:** In men's basketball, for purposes of the tryout rule and the regulations related to camps and clinics, to specify that a prospective student-athlete is a student who has started classes for the seventh grade.

**A. Bylaws:** Amend 13.11.1, as follows:

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaw 13.11.1.1 **and 13.11.1.2**) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

13.11.1.1 Definition of "Prospective Student-Athlete" for Tryout-Rule Purposes – **Sports other than Men's Basketball. In sports other than men's basketball, For for** purposes of the tryout rule, the phrase "prospective student-athlete" shall include any individual who has started classes for the ninth grade and is not enrolled in the member institution at the time of the practice or test therein described.

**13.11.1.2 Definition of "Prospective Student-Athlete" for Tryout-Rule Purposes –Men's Basketball. In men's basketball, for purposes of the tryout rule, the phrase "prospective student-athlete" shall include any individual who has started classes for the seventh grade and is not enrolled in the member institution at the time of the practice or test therein described.**

[13.11.1.2 through 13.11.1.6 renumbered as 13.11.1.3 through 13.11.1.7 unchanged.]

**B. Bylaws:** Amend 13.12, as follows:

13.12 SPORTS CAMPS AND CLINICS

13.12.1 Institution's Sports Camps and Clinics.

13.12.1.1 Definition. An institution's sports camp or instructional clinic shall be any camp or clinic that is owned or operated by a member institution or an employee of the member institution's athletics department, either on or off its campus, and in which prospective student-athletes participate.

**13.12.1.1.1 Definition of Prospective Student-Athlete -- Men's Basketball. In men's basketball, for purposes of Bylaw 13.12,**

**the phrase "prospective student-athlete" shall include any individual who has started classes for the seventh grade.**

[13.12.1.1.1 through 13.12.1.1.3 renumbered as 13.12.1.1.2 through 13.12.1.1.4, unchanged.]

**Source:** NCAA Division I Championships/Sports Management Cabinet (Men's Basketball Issues Committee).

**Effective Date:** Immediate

**Proposal Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation prohibits basketball coaches or noncoaching staff members with basketball-specific responsibilities from being employed at other institutional camps or clinics or at noninstitutional privately owned camps or clinics. However, the prohibition applies only to camps or clinics in which prospect-aged participants (grade nine and above) are involved. Further, current legislation requiring camps or clinics to be open to any or all entrants does not apply to those conducted for non-prospect-aged participants. Noninstitutional camp operators conduct elite basketball camps for seventh and eighth graders and are employing Division I basketball coaches. Coaches feel pressured work at the camps since many of the operators also have ties to nonscholastic teams that include prospects. This situation increases the nonscholastic influence in youth basketball, creates potential recruiting advantages for coaches who are employed at the camps and encourages the practice of early verbal offers and commitments, which can be detrimental to the well-being of the youth and the collegiate institutions. Additionally, some coaches are conducting elite basketball camps for seventh and eighth graders and are using this unfettered access to further their own recruiting interests. This proposal furthers the creation of a healthier environment for the recruitment of men's basketball prospective student-athletes. It is recommended that this proposal be adopted as noncontroversial or emergency legislation inasmuch as it is simply an attempt to adopt a common sense principle that coaches should not be involved in recruiting activities of youth of in seventh and eighth grade and it attempts to address some of the concerns related to the current youth basketball environment, particularly the increase in nonscholastic influences and the early recruitment of youth, which are issues that have been identified by the Board of Directors and the Leadership Council that infringe on a core principle of the association related to the recruitment of prospective student-athletes.

**Estimated Budget Impact:** None.

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

## **History**

*Jun 16, 2008:* Submit; Submitted for consideration.

*Jun 17, 2008:* Championships/Sports Management Cabinet, Sponsored

*Jun 17, 2008:* Championships/Sports Management Cabinet, Recommends  
Approval as Emergency or Noncontroversial Legislation

# LEGISLATION



## NCAA DIVISION I PUBLICATION OF PROPOSED LEGISLATION

2008-09 Legislative  
Cycle

August 15, 2008

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
P.O. Box 6222  
Indianapolis, Indiana 46206-6222  
317/917-6222  
ncaa.org  
August 2008

**Legislation Prepared By:** Lynn Holzman, *Director of Membership Services*; Steve Mallonee, *Membership Services Governance Liaison/Managing Director of Membership Services* and Leeland Zeller, *Associate Director of Membership Services*.

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## **Publication of Proposed Legislation for the 2008-09 Legislative Cycle**

This publication presents all proposed amendments to the NCAA legislation that were properly sponsored for the 2008-09 legislative cycle by Division I conferences, the NCAA Division I Academics/Eligibility/Compliance Cabinet, the NCAA Division I Championships/Competition Cabinet, the NCAA Division I Management Council and the NCAA Division I Board of Directors in accordance with the Division I legislative calendar.

This publication is produced directly from the Legislative Services Database for the Internet (LSDBi) each time it is downloaded. Therefore, the content of the publication may change each time it is accessed from the NCAA Web page. As modifications or corrections are made to proposals during the sponsor modification/alternative proposal period, updates will be made to LSDBi and those changes will be reflected in this document.

Because this document is generated directly from LSDBi each time it is downloaded, there is no table of contents or index; however, users may use the "Bookmark" feature of the Adobe Reader to quickly scan the proposal numbers and titles and go directly to those proposals within the document. Users may also use the "Search" feature to find particular proposals. The proposals are presented by topical area by bylaw numbers and by proposal number within topical areas. The order of the topical areas is as follows:

Organization

Personnel

Amateurism

Recruiting

Eligibility

Financial Aid

Awards, Benefits and Expenses

Playing and Practice Seasons

Championships and Postseason Football

Division Membership

Committees

Academic Performance Program

Administrative Regulations

Executive Regulations

### **2008-09 Division I Legislative Calendar**

The legislative calendar, as set forth in NCAA Constitution 5 is summarized here for convenience of reference.

**July 15:** Deadline for submission of proposals by Division I conferences and cabinets.

**August 15:** Deadline for online posting of Division I Publication of Proposed Legislation.

**Posting of POPL through September 30, 2008:** Cabinet and Committee Review. Applicable proposals forwarded to the appropriate governance entity for discussion and comment.

**July 15 through October 21, 2008:** Sponsor Modification/Alternative Proposal Period. From July 15 through October 21 at 5 p.m., the cabinets or any conference may suggest that the sponsor modify the proposal or may sponsor an alternative proposal, provided the suggested modification or alternative proposal is on topic with the original proposal. Modifications suggested during this period may increase or decrease the scope of the proposal. Entities suggesting modifications are to contact the proposal's sponsor to determine if the sponsor agrees with the proposed change.

**November 15, 2008:** NCAA Division I Official Notice Available Online. The Official Notice lists all pending legislative proposals (including alternative proposals) whether sponsored by conferences, cabinets, the Management/Legislative Council or the Board of Directors.

**October 20-21, 2008:** The NCAA Division I Legislative Council Meeting.

**January 14-17, 2009:** NCAA Convention.

**January 15, 2009:** Management Council initial consideration of legislation.

**January 17, 2009:** NCAA Division I Board of Directors meeting.

**January 18 through March 18, 2009:** 60-Day Comment/Amendment/Override Period. Cabinets and conferences shall have 60 days to offer amendments to any legislation forwarded for membership comment by the Legislative Council or request an override of any legislation adopted by the Legislative Council or Board of Directors at their January 2009 meetings. During this period, legislative amendments that do not increase the modification specified in the original proposal are permitted. Any amendments submitted during this time period will be posted for the membership on LSDBi. Pursuant to NCAA Division I Constitution 5.3.2.4.1, during this time period, member institutions also may submit comments on the pending legislation.

**April 20-21, 2009:** Legislative Council second consideration of legislation.

**April 30, 2009:** Board of Directors meeting.

**May 1-June 29, 2009:** 60-Day Override Period.

## PROPOSALS SUBMITTED FOR THE 2008-09 LEGISLATIVE CYCLE

[Note: In the following proposals, those letters and words that appear in *italics* are to be deleted and those letters and words that appear in **bold** face are to be added. Some proposals may be considered in October 2008 as emergency or noncontroversial. All other proposals are for consideration in January and April 2009.]



## **NCAA Membership**

### **No. 2008-9 NCAA MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL — CONDITIONS AND OBLIGATIONS OF MEMBERSHIP — OPERATING AND CAPITAL FINANCIAL DATA REPORT**

**Intent:** To specify that an institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis, as specified, as a condition and obligation of membership and in order to be eligible to enter a team or individual in NCAA championship competition.

**A. Constitution:** Amend 3.2.4, as follows:

**3.2.4 Conditions and Obligations of Membership.**

[3.2.4.1 through 3.2.4.15 unchanged.]

**3.2.4.16 Operating and Capital Financial Data Report.** An institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis in accordance with the financial reporting policies and procedures. The required data shall include, but is not limited to, the following:

(a) All expenses and revenues for or on behalf of an institution's intercollegiate athletics program, including those by any affiliated or outside organization, agency or group of individuals;

(b) Salary and benefits data for all athletics positions. The data shall include base salary, bonuses, endorsements, media fees, camp or clinic income, deferred income and other income contractually guaranteed by the institution;

(c) Capital expenditures (to be reported in aggregate for athletics facilities), including capitalized additions and deletions to facilities during the reporting period, total estimated book value of athletically related plant and equipment net of depreciation, total annual debt service on athletics and university facilities and total debt outstanding on athletics and university facilities;

(d) Value of endowments at fiscal year-end that are dedicated to the sole support of athletics;

(e) Value (at the time of submission of the report) of all pledges that support athletics; and

(f) The athletics department fiscal year-end fund balance.

**3.2.4.16.1 Verification and Certification.** The report shall be subject to annual agreed-upon verification procedures approved by the membership (in addition to any regular financial reporting policies and procedures of the institution) and conducted by a qualified independent accountant who is not a staff member of the institution and who is selected by the institution's chancellor or president or by an institutional administrator from outside the athletics department designated by the chancellor or president. The independent accountant shall verify the accuracy and completeness of the data prior to submission to the institution's chancellor or president and the NCAA.

**The institution's chancellor or president shall certify the financial report prior to submission to the NCAA.**

**B. Constitution:** Amend 6.2.3, as follows:

*6.2.3 Financial Report-Procedures. All expenses and revenues for or on behalf of an institution's intercollegiate athletics program, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to annual agreed-upon procedures approved by the Division I membership (in addition to any regular financial reporting policies and procedures of the institution) conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's chancellor or president or by an institutional administrator from outside the athletics department designated by the chancellor or president.*

*6.2.3.1 Schedule. The report created pursuant to the approved procedures shall be completed for one fiscal year and presented to the chancellor or president on or before January 15 following the end of the institution's fiscal year.*

**C. Bylaws:** Amend 18.4.2, as follows:

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

[18.4.2.1-(a) through 18.4.2.1-(e) unchanged.]

(f) Have submitted its race and demographic information to the NCAA through the official submission process; *and*

**(g) Have submitted its financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA through the official submission process (see Constitution 3.2.4.16); and**

[18.4.2.1-(g) renumbered as 18.4.2.1-(h), as unchanged.]

**Source:** NCAA Division I Board of Directors.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** NCAA Membership

**Rationale:** This recommendation is a result of the work of the Presidential Task Force on the Future of Division I Intercollegiate Athletics. The task force found that the threats to the future of intercollegiate athletics are nearly all connected to the need for ensuring the financial integrity of intercollegiate athletics. In order to bring focus to the financial realities for intercollegiate athletics and relieve the financial stress, or even avert a looming crisis, it will fall to chancellors and presidents to give impetus and direction to the effort. Creating a national policy to collect and promulgate clear and concise data will allow chancellors and presidents to use the data to align

athletics budgeting with institutional mission to strengthen the enterprise. Financial data related to athletics departments and programs will be collected in a timely manner using uniform and common definitions. A full and comprehensive financial picture of revenues, expenditures and capital improvements related to intercollegiate athletics will be readily available to decision-makers for use in strategic planning and policy development. Ratios or data points (dashboard indicators) will provide simple comparisons among institutions. Finally, collected data will be codified and presented in a manner that protects institutional and individual privacy.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

**History:**

Jul 29, 2008 Submit Submitted for consideration.

Aug 07, 2008 Board of Directors, Sponsored

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Approval

**Personnel**

**No. 2008-10 PERSONNEL — DEFINITIONS AND APPLICATIONS — MINORITY GRADUATE ASSISTANT COACH — CHAMPIONSHIP SUBDIVISION FOOTBALL**

**Intent:** To establish a program by which a minority graduate assistant coach position is awarded annually to each NCAA Division I Football Championship Subdivision (FCS) conference and to establish the parameters of the program and position, as specified.

**A. Bylaws:** Amend 11.01, as follows:

[Federated provisions, FCS only.]

11.01 Definitions and Applications.

[11.01.1 through 11.01.3 unchanged.]

**11.01.4 Coach, Minority Graduate Assistant — Championship Subdivision Football.** In Championship Subdivision Football, a minority graduate assistant coach is an ethnic minority who has been selected for such a position by a selection committee composed of representatives from the NCAA Minority Opportunities and Interests Committee, the American Football Coaches Association and the Black Coaches and Administrators. Each conference shall determine which of its member institutions may employ the selected coach. The selected institution must meet the Football Championship Subdivision membership requirements (Bylaw 20.9.8). The NCAA shall provide the funding necessary to employ the coach at each selected institution. The following provisions shall apply:

- (a) The individual shall have received a baccalaureate degree and shall be a graduate student enrolled in at least 50 percent of an institution's minimum regular graduate program of studies. The individual may attend an institution other than the one at which he or she performs coaching duties, with the approval of the selection committee. The individual is not required to be enrolled in a specific graduate degree program unless required by institutional policy.
- (b) The individual may not receive compensation or remuneration in excess of the value of a full grant-in-aid for a full-time student, based on the resident status of that individual, and the receipt of four complimentary tickets to the institution's football and basketball games;
- (c) Graduate and postgraduate financial assistance administered by the institution shall be excluded from the individual's limit on remuneration, provided such assistance is awarded through an established and continuing program to aid graduate students;
- (d) The position shall be renewed on an annual basis contingent on the individual successfully completing 12 semester or 18 quarter hours during the previous academic year. No individual shall serve as a minority graduate assistant coach for a period of more than three years. The Legislative Council Subcommittee for Legislative Relief may approve a waiver of these limitations based on the fact that the student's service as a coach and enrollment as a graduate student were interrupted for reasons that are unrelated to athletics, or to personal or family finances, and that are beyond the control of the institution or the coach. Such a waiver may not be granted solely to permit the completion of a graduate program;
- (e) Compensation for employment from a source outside the institution during the academic year shall be excluded from the individual's limit on remuneration, provided the institution does not arrange such employment and the compensation is for work actually performed. The member institution may not arrange on- or off-campus employment opportunities except for summer employment, which is permissible regardless of whether the student remains enrolled in the graduate program during the summer;
- (f) A minority graduate assistant coach may accept employment benefits available to all institutional employees (e.g., life insurance, health insurance, disability insurance), as well as expenses to attend the conventions of the national coaches associations in football, without the value of those benefits being included:
- (g) The institution may provide actual and necessary expenses for the individual's spouse and children to attend contests in which the institution participates in the NCAA Football Championship; and
- (h) The individual may not evaluate or contact prospective student-athletes off campus regardless of whether compensation is received for such activities. The individual may not perform recruiting coordination functions (see Bylaw 11.7.1.2); however, it is permissible for a minority graduate assistant coach to make telephone calls to prospective student-athletes, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1.

[11.01.4 through 11.01.6 renumbered as 11.01.5 through 11.01.7 unchanged.]

**B. Bylaws:** Amend 11.7.3, as follows:

[Federated provisions, FCS only.]

11.7.3 Championship Subdivision Football. There shall be a limit of 11 coaches of any type who may be employed by an institution in Championship Subdivision Football.

**11.7.3.1 Exception — Minority Graduate Assistant Coach. An institution may employ a minority graduate assistant coach pursuant to Bylaw 11.01.4 as selected by the institution's conference.**

[11.7.3.1 renumbered as 11.7.3.2, unchanged.]

**Source:** Southern Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Personnel

**Rationale:** This proposal would provide qualified minority candidates with an entry into the football coaching profession. The minority graduate assistant position would serve as an additional prong in the Association's multifaceted effort to address the critical shortage of ethnic minorities in head coaching positions in college football, primarily at the Division I level.

**Estimated Budget Impact:** Approximately \$328,800 annually will fund 12 grants covering tuition, fees, room and board and required text books. [Source: U.S. Department of Education, National Center for Education Statistics - The Condition of Education 2007 (NCES 2007-064)].

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. While the cabinet is supportive of efforts to increase diversity in head coaching positions, the cabinet believes the establishment of such a program and details of the program's policies and procedures would more appropriately be addressed through nonlegislative action and in a way that minimizes any competitive advantage.

**History:**

Jul 14, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

No. 2008-11. PERSONNEL — LIMITATIONS ON THE DUTIES OF COACHES — NONCOACHING ACTIVITIES — EXCEPTION — STUDENT MANAGER — BASEBALL

**Intent:** In baseball, to specify that a student manager may be involved in on-field activities (e.g., catching in the bullpen, pitching batting practice, hitting fungoes, shagging balls) without counting

in the institution's coaching limitations, provided the student manager participates in the activities within five years of his or her initial full-time collegiate enrollment and does not provide instruction to student-athletes or engage in other coaching activities.

**Bylaws:** Amend 11.7.1.1.1, as follows:

11.7.1.1.1 Countable Coach. An athletics department staff member must count against coaching limits as soon as the individual participates (in any manner) in the coaching of the intercollegiate team in practice, games or organized activities directly related to that sport, including any organized staff activity directly related to the sport.

11.7.1.1.1.1 Noncoaching Activities. Institutional staff members involved in noncoaching activities (e.g., administrative assistants, academic counselors) do not count in the institution's coaching limitations, provided such individuals are not identified as coaches, do not engage in any on- or off-field coaching activities (e.g., attending meetings involving coaching activities, analyzing videotape or film involving the institution's or an opponent's team), and are not involved in any off-campus recruitment of prospective student-athletes or scouting of opponents. A noncoaching staff member with sport-specific responsibilities may not participate with or observe student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

**11.7.1.1.1.1.1 Exception — Student Manager — Baseball.** In baseball, a student manager may be involved in on-field activities (e.g., catching in the bullpen, pitching batting practice, hitting fungoes, shagging balls) without counting in the institution's coaching limitations, provided the student manager participates in the activities within five years of his or her initial full-time collegiate enrollment and does not provide instruction to student-athletes or engage in other coaching activities.

[11.7.1.1.1.2 through 11.7.1.1.1.4 unchanged].

**Source:** Pacific-10 Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Personnel

**Rationale:** Routine on-field activities such as catching in the bullpen, pitching batting practice, hitting fungoes and shagging balls have been defined as on-field coaching activities, which must be performed by a countable coach. These duties could be performed by student managers, which would permit coaches to spend more time providing instruction to student-athletes. These activities are not inherently coaching, and no advantage exists if they are performed by a student manager. Similar activities in other sports (e.g., feeding balls to the quarterback in football drills, retrieving balls for shooters in basketball) are performed by student managers. Limiting such on-field activities to student managers who are within five years of their initial full-time collegiate enrollment would alleviate concerns that an institution may have former professional players or other nonstudents become "managers" and engage in countable coaching activities.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet expressed concern that the proposal does not limit the number of managers an institution could carry and participate in these activities. Further, the cabinet noted there are no restrictions regarding the eligibility of these individuals in subsequent years; therefore, the cabinet is concerned about potential tryouts for these individuals who could be eligible for competition in subsequent years. The cabinet suggested the sponsor consider establishing a limit on the number of permissible managers, clarifying the future eligibility options (if any) of these individuals and whether it would be appropriate to extend this proposal to include other sports.

**History:**

Jun 26, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

**No. 2008-12 PERSONNEL — LIMITATIONS ON NUMBER OF OFF-CAMPUS RECRUITERS AT ANY ONE TIME — EXCEPTION — WOMEN'S BASKETBALL — JULY EVALUATION PERIODS**

**Intent:** In women's basketball, to specify that during the July evaluation periods, a coach replaced for the purpose of off-campus recruiting activities is not required to return to the institution's campus before engaging in additional recruiting activities, provided no more than three coaches engage in off-campus recruiting activities each day.

**Bylaws:** Amend 11.7.4.3, as follows:

11.7.4.3 Off-Campus Recruiting — At Any One Time. It is permissible for a coach to leave campus to engage in off-campus contact or evaluation before another coach who is off campus actually returns to campus, provided the total number of coaches recruiting on behalf of the institution at any time do not exceed the permissible number. The coach being replaced must complete his or her recruiting activities before another coach may begin any off-campus recruiting activity. Further, the replaced coach may not engage in additional recruiting activities until after he or she has returned to the institution's campus.

**11.7.4.3.1 Exception - Women's Basketball — July Evaluation Periods.** During the July evaluation periods, a replaced coach is not required to return to the institution's campus before engaging in additional recruiting activities, provided no more than three coaches engage in off-campus recruiting activities each day.

**Source:** Big East Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Personnel

**Rationale:** During the July evaluation periods, women's basketball coaches travel the country in order to identify prospective student-athletes. Only three of the four coaches are permitted to recruit at any one time, and this is regulated by requiring a coach who comes "off the road" to return to campus before being permitted to resume recruiting activities. Due to the intense nature of the July evaluation periods, it is preferable that the three-coach limit be regulated by permitting only three coaches to engage in off-campus recruiting each day, and by permitting a coach who is replaced as an off-campus recruiter to resume recruiting without returning to campus first. This proposal would allow three coaches to evaluate while the fourth coach travels from one certified event directly to the location of another. Under the current rule, coaches must take turns flying back to campus, creating needless expenses and using valuable time.

**Estimated Budget Impact:** Potential decrease in recruiting travel expenses.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale statement. Although the cabinet discussed whether this proposal should be expanded to other time periods and other sports, the cabinet agreed the membership should first consider the current proposal.

*Women's Basketball Issues Committee:* The committee took no formal position on this proposal, but stressed the importance of the governance substructure continuing to examine issues surrounding the number of coaches who may recruit off campus at any one time and the associated travel challenges and expenses. Additionally, the committee recommends that this proposal receive initial support by the governance structure to encourage further review and discussion of the broader concept by both the governance structure and the Division I membership through the comment and amendment-to-amendment period.

**History:**

Jul 11, 2008 Submit Submitted for consideration.

Aug 18, 2008 Women's Basketball Issues Committee, No Formal Position

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

**Amateurism**

No. 2008-13 AMATEURISM — EXCEPTION FOR PRIZE MONEY FOR STUDENT-ATHLETES —  
OUTSIDE THE PLAYING SEASON DURING AN OFFICIAL VACATION PERIOD —  
INDIVIDUAL SPORTS

**Intent:** In individual sports, to permit a student-athlete to accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during any official vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event.

**A. Bylaws:** Amend 12.1.2.4, as follows:



#### 12.1.2.4 Exceptions and Amateurism Rule.

[12.1.2.4.1 unchanged.]

**12.1.2.4.2 Exception for Prize Money for Student-Athletes — Outside the Playing Season During an Official Vacation Period — Individual Sports.** In individual sports, a student-athlete may accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during an official vacation period. Such prize money may not exceed actual and necessary expenses and may be provided only by the sponsor of the open event. The calculation of actual and necessary expenses shall not include the expenses or fees of anyone other than the student-athlete (e.g., coach's fees or expenses, parent's expenses).

[12.1.2.4.2 through 12.1.2.4.12 renumbered as 12.1.2.4.3 through 12.1.2.4.13, unchanged.]

#### **B. Bylaws:** Amend 16.1.1, as follows:

##### 16.1.1 Application of Awards Legislation.

[16.1.1.1 unchanged.]

16.1.1.2 Awards Received by a Student-Athlete While Enrolled as a Full-Time Student. The awards limitations of Bylaw 16.1 apply to awards received by a student-athlete while enrolled during the academic year (from the beginning of the fall term through completion of the spring term, including any intervening vacation period) as a regular student in a minimum full-time academic load, or awards received by a student-athlete while representing the student-athlete's institution at any other time. Such awards may not include cash, gift certificates, a cash-equivalent award (an item that is negotiable for cash or trade or other services, benefits or merchandise) for athletics participation, or a country club or sports club membership.

**16.1.1.2.1 Exception. Prize Money Outside the Playing Season During an Official Vacation Period — Individual Sports.** In individual sports, a student-athlete may accept prize money that does not exceed his or her actual and necessary expenses, pursuant to Bylaw 12.1.2.4.2.

16.1.1.3 Student-Athlete Not Regularly Enrolled. Awards received by a student-athlete participating in an event while not enrolled as a regular student during the academic year, or received during the summer while not representing his or her institution, shall conform to the regulations of the recognized amateur organization that governs the competition. Such awards may include gift certificates, but may not include cash.

**16.1.1.3.1 Exception — Prize Money Outside the Playing Season During an Official Vacation Period — Individual Sports.** In individual sports a student-athlete may accept prize money that does not exceed his or her actual and necessary expenses, pursuant to Bylaw 12.1.2.4.2.

[16.1.1.3.1 renumbered as 16.1.1.3.2, unchanged.]

[16.1.1.4 unchanged.]

**Source:** Pacific-10 Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Amateurism

**Rationale:** Currently, a prospective student-athlete may accept prize money based on place finish, up to actual and necessary expenses, in order to offset costs incurred while participating in an open athletics event. In the interest of student-athlete well-being and consistency in the rules, the same opportunity should be available to enrolled student-athletes. The current post-enrollment amateurism rule adversely affects student-athletes in individual sports. Student-athletes who participate in team sports and who compete on outside teams during vacation periods are able to travel extensively and have their expenses paid in full or subsidized heavily by their teams, team sponsors and/or event organizers. Student-athletes in individual sports should have the same opportunity to compete at a high level during vacation periods while having some or all of their expenses covered. The scope of this proposal is limited to the receipt of actual, incurred, out-of-pocket expenses. A student-athlete would not be able to profit from competing in events and accepting money based on place finish. Moreover, in order to safeguard against student-athletes missing class to compete in outside events, this proposal would apply only to open events taking place during official vacation periods and outside of the playing and practice season.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Amateurism Cabinet:* The cabinet supports the proposal.

**History:**

Jun 27, 2008 Submit Submitted for consideration.

Sep 24, 2008 Amateurism Cabinet, Recommends Approval

**Recruiting**

No. 2008-14 RECRUITING — DEFINITIONS AND APPLICATIONS — PROSPECTIVE STUDENT-ATHLETE — ENROLLMENT AND ATTENDANCE IN SUMMER CLASSES PRIOR TO INITIAL FULL-TIME ENROLLMENT

**Intent:** To specify that an individual shall no longer be considered a prospective student-athlete for purposes of the contact limitations in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 at the point in which he or she officially registers and enrolls and attends classes in an institution's summer term prior to initial full-time enrollment.

**Bylaws:** Amend 13.02.11, as follows:

13.02.11 Prospective Student-Athlete. A prospective student-athlete is a student who has started classes for the ninth grade. In addition, a student who has not started classes for the ninth grade becomes a prospective student-athlete if the institution provides such an individual (or the individual's relatives or friends) any financial assistance or other benefits that the institution does not provide to prospective students generally. An individual remains a prospective student-athlete until one of the following occurs (whichever is earlier):

[13.02.11-(a) through 13.02.11-(b) unchanged.]

(c) The individual officially registers and enrolls and attends classes during the summer prior to initial full-time enrollment *and receives institutional athletics aid*.

[13.02.11.1 unchanged.]

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Recruiting).

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation permits any individual who is enrolled in the institution's summer term prior to his or her initial, full-time enrollment at the certifying institution to be provided academic support services and to use the institution's training room facilities without signing a National Letter of Intent (NLI). In addition, in football and basketball, any individual who is enrolled in the institution's summer term prior to his or her initial, full-time enrollment at the certifying institution may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach regardless of whether the individual has signed an NLI or is receiving athletically related financial aid during the summer term. Although these individuals have not signed an NLI and are not receiving summer financial aid, they are no longer being recruited by the institution and they receive the same access to institutional facilities and services as individuals who have signed an NLI or are receiving summer financial aid. Accordingly, these individuals should also be provided the benefits of student-athletes for purposes of Bylaw 16 and the institutions at which they are enrolled should not be subject to the contact restrictions of Bylaw 13.

**Estimated Budget Impact:** Minimal; based on possible benefits and modes of contact.

**Impact on Student-Athlete's Time:** Minimal; based on possible benefits and contact.

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale for the proposal.

**History:**

Jun 10, 2008 Submit Submitted for consideration.

Jun 11, 2008 Academics/Eligibility/Compliance Cabinet, Sponsored

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Approval

No. 2008-15 RECRUITING — DEFINITIONS AND APPLICATIONS — PROSPECTIVE STUDENT-ATHLETE — INSTITUTIONAL ORIENTATION SESSION

**Intent:** To specify that a prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport or for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to a required institutional orientation session within 14 calendar days prior to the opening day of classes of a regular academic year term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the required orientation.

**Bylaws:** Amend 13.02.11, as follows:

13.02.11 Prospective Student-Athlete. A prospective student-athlete is a student who has started classes for the ninth grade. In addition, a student who has not started classes for the ninth grade becomes a prospective student-athlete if the institution provides such an individual (or the individual's relatives or friends) any financial assistance or other benefits that the institution does not provide to prospective students generally. An individual remains a prospective student-athlete until one of the following occurs (whichever is earlier):

[13.02.11-(a) through 13.02.11-(c) unchanged.]

[13.02.11.1 unchanged.]

**13.02.11.2 Institutional Orientation Session.** A prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport or for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to a required institutional orientation session within 14 calendar days prior to the opening day of classes of a regular academic year term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the required orientation.

**Source:** Southeastern Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Currently, prospective student-athletes who are required to attend an institutional orientation session in late July or early August are considered prospective student-athletes until they begin classes unless they have attended summer school and received athletically related financial aid. In some cases, issues arise related to the well-being of prospective student-athletes who travel long distances for a required orientation. Once the orientation ends the prospective student-athletes must either return home or find lodging, meals and transportation on their own

until they begin classes as full-time students. A current student-athlete may not provide local transportation to a prospective student-athlete and the prospective student-athlete may not receive an occasional meal from a staff member. Since this proposal limits the effective time period to a 14-day period prior to the start of classes and limits the scope to prospective student-athletes who have signed a National Letter of Intent, the potential for abuse is limited. This proposal would permit the affected prospective student-athletes to interact with future teammates and coaches in a logical and reasonable manner. An individual in this situation may not engage in any countable athletically related activities during the time period and may not receive room or board expenses.

**Estimated Budget Impact:** Minimal.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet opposes the proposal. The cabinet recommends the sponsor modify the proposal to specify that a recruited prospective student-athlete who has reported to a required institutional orientation session within 14 calendar days prior to the beginning of classes of a regular academic year term shall not be subjected to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the required orientation. The cabinet agreed that all recruited prospective student-athletes should benefit from the same services and benefits during this period. It was also noted that the NCAA definition of a recruited prospective student-athlete should be used. The cabinet would support the proposal if modified. Further, in the event the sponsor does not accept the cabinet's recommended modification, the cabinet will sponsor an alternative proposal.

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet expressed concern that only a limited number of institutions have required orientation sessions within 14 days of the opening day of classes and believes the waiver process is the most appropriate avenue to address these situations.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Defeat

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

No. 2008-16 RECRUITING — CONTACTS AND EVALUATIONS — CONTACTABLE INDIVIDUALS  
— STUDENT-ATHLETE WITHDRAWN FROM FOUR-YEAR COLLEGE —  
EXCEPTION — OFFICIAL CHURCH MISSION

**Intent:** To specify that an institution shall not contact a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed a National Letter of Intent (NLI) and attended the institution (with which he or she signed the NLI) as a full-time student; further, to specify that if such a student-athlete has completed his or her official

church mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution.

**Bylaws:** Amend 13.1.1.3.2, as follows:

13.1.1.3.2 Student-Athlete Withdrawn from Four-Year College. A member institution may contact a student-athlete who has withdrawn officially from a four-year collegiate institution without obtaining permission from the first institution only if at least one academic year has elapsed since the withdrawal.

**13.1.1.3.2.1 Exception — Official Church Mission.** An institution shall not contact a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed a National Letter of Intent (NLI) and attended the institution (with which he or she signed the NLI) as a full-time student. If such a student-athlete has completed his or her official church mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution.

**Source:** Western Athletic Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** An official church mission is a time when an individual should not have to deal with distractions due to numerous recruiting contacts by coaches. In many cases, the missionary's church may restrict contact between the missionary and his or her family and friends to correspondence and two phone calls per year. Current legislation allows for active recruitment of such a student-athlete to recommence after he or she has been officially withdrawn from a four-year institution. Recruitment during the mission experience detracts from the goals and focus of the mission. In addition, many resources are expended in recruiting prospective student-athletes. The fact that a student-athlete who serves an official church mission will once again become eligible for recruitment discourages many schools from recruiting those prospective student-athletes prior to their missions. This proposal would protect such student-athletes and the institutions with which they sign National Letters of Intent from external recruiting interferences during the student-athletes' missionary service.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete's Time:** Reduction in intrusions on a student-athlete's time during a church mission.

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale statement and believes this would add appropriate

mechanisms to protect the student-athlete and institution with which they originally signed a NLI.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

**No. 2008-17 RECRUITING — CONTACTS AND EVALUATIONS — PERMISSIBLE RECRUITERS — BOWL SUBDIVISION FOOTBALL — HEAD COACH RESTRICTIONS — SPRING EVALUATION PERIOD — OTHER OFF-CAMPUS ACTIVITIES**

**Intent:** In bowl subdivision football, to specify that the head coach shall not participate in an off-campus coaching clinic, visit a prospective student-athlete's educational institution for any reason or meet with a prospective student-athlete's coach at an off-campus location during the April 15 through May 31 evaluation period.

**Bylaws:** Amend 13.1.2.6, as follows:

[Federated provision, FBS only.]

13.1.2.6 Bowl Subdivision Football — Head Coach Restrictions.

[13.1.2.6.1 unchanged.]

13.1.2.6.2 Spring Evaluation Period. In bowl subdivision football, the head coach shall not engage in off-campus recruiting activities, **participate in an off-campus coaching clinic, visit a prospective student-athlete's educational institution for any reason, or meet with a prospective student-athlete's coach at an off-campus location** during the April 15 through May 31 evaluation period.

**Source:** Southeastern Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** The current restriction on off-campus recruiting activities was adopted with the intent of prohibiting head football coaches from engaging in any off-campus recruiting activities during the spring evaluation period. Following the adoption of the restriction, confusion arose regarding the activities in which head coaches were allowed to engage off an institution's campus. This proposal further defines the activities in which head coaches may not participate during the spring evaluation period. A head coach would be permitted to speak at engagements held at locations other than a prospective student-athlete's educational institution that are open to the general public or engagements organized for institutional (NCAA institution) fundraising purposes.

**Estimated Budget Impact:** Potential reduction in recruiting travel costs.

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

## Position Statement(s)

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale statement and believes that this proposal is consistent with the intent of Bylaw 13.1.2.6.2, which was adopted last year to prohibit head coaches from engaging in off-campus recruiting activities during the spring evaluation period, by addressing additional activities that were not contemplated under the original legislation. The cabinet is also interested in feedback from the NCAA Division I Football Issues Committee.

## History:

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

## No. 2008-18 RECRUITING — TELEPHONE CALLS INITIATED BY A PROSPECTIVE STUDENT-ATHLETE AT HER OWN EXPENSE — WOMEN'S LACROSSE

**Intent:** In women's lacrosse, to specify that an institutional coaching staff member may receive telephone calls placed by a prospective student-athlete at her own expense before July 1 following her junior year in high school, provided the coaching staff member does not request that the a prospective student-athlete call at a specific time or otherwise prearrange the telephone call; further; to specify that telephone calls placed after July 1 following the prospective student-athlete's junior year in high school may be prearranged.

**Bylaws:** Amend 13.1.3.2, as follows:

13.1.3.2 Additional Regulations.

[13.1.3.2.1 unchanged.]

13.1.3.2.2 Telephone Calls Initiated by Prospective Student-Athlete at His or Her Expense — **Sports other than Women's Lacrosse.** *Institutional In sports other than women's lacrosse, institutional* coaching staff members (see Bylaw 13.1.3.4.1) may receive telephone calls placed by a prospective student-athlete at the prospective student-athlete's own expense at any time, including before July 1 following the prospective student-athlete's junior year in high school.

13.1.3.2.3 Telephone Calls Initiated by Prospective Student-Athlete at Her Expense — **Women's Lacrosse.** In women's lacrosse, an institutional coaching staff member (see Bylaw 13.1.3.4.1) may receive telephone calls placed by a prospective student-athlete at her own expense before July 1 following her junior year in high school, provided the coaching staff member does not request that the prospective student-athlete call at a specific time or otherwise prearrange the telephone call. Telephone calls placed on or after July 1 following the prospective student-athlete's junior year in high school may be prearranged.

**Source:** Ivy Group.

**Effective Date:** August 1, 2009



**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation permits coaches to receive telephone calls from prospective student-athletes at any time. However, coaches may not place calls to prospects until July 1 following the prospect's junior year in high school. Coaches often circumvent the July 1 restriction by prearranging calls from prospective student-athletes. For example, a coach may ask the prospects he or she is recruiting to call the coach's office every Tuesday night or arrange for regular conference calls that include the coach, the prospect and his or her parents, high school coach, guidance counselor, or club coach. The women's lacrosse coaches believe that this practice unnecessarily intrudes on the lives of high school juniors, who feel pressure to demonstrate interest by making such calls to college coaches at the coaches' requests. This proposal would ensure that prospective student-athletes are initiating calls solely at their discretion prior to July 1 following their junior year. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete's Time:** Reduced time and intrusion for prospective student-athletes.

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruitment concerns in their sport. However, the cabinet expressed concern regarding the difficulty associated with monitoring whether telephone calls are prearranged under this proposal. Further, the cabinet noted the issue of early offers has been identified by the Board of Directors and the Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.

**History:**

Jul 08, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

**No. 2008-19 RECRUITING — CONTACTS AND EVALUATIONS — FOOTBALL — ONE CONTACT WITH JUNIORS OR SENIORS — SPRING EVALUATION PERIOD**

**Intent:** In football, to specify that during the spring evaluation period, an institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athletes in their junior year) at the prospective student-athlete's educational institution; further, to specify that an institution may use an additional evaluation in conjunction with the contact.

**A. Bylaws:** Amend 13.02.4.2, as follows:

[Federated provision, FBS and FCS, divided vote.]

13.02.4.2 Evaluation Period. An evaluation period is a period of time when it is permissible for authorized athletics department staff members to be involved in off-campus activities designed to assess the academic qualifications and playing ability of prospective student-athletes. No in-person, off-campus recruiting contacts shall be made with the prospective student-athlete during an evaluation period.

**13.02.4.2.1 Exception — Spring Evaluation Period — Football.** In football, an institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athlete's in their junior year per Bylaw 13.1.1.1.1) at the prospective student-athlete's educational institution during the spring evaluation period.

**B. Bylaws:** Amend 13.1.1.1, as follows:

[Federated provision, FBS and FCS, divided vote.]

13.1.1.1 High School Prospective Student-Athletes. Off-campus recruiting contacts shall not be made with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians before July 1 following the prospective student-athlete's completion of the junior year in high school (July 15 in women's gymnastics). U.S. service academy exceptions to this provision are set forth in Bylaw 13.16.1.

**13.1.1.1.1 Exception — Football.** In football, it is permissible to make one in-person, off-campus recruiting contact with a prospective student-athlete or a prospective student-athlete's relatives or legal guardians at the prospective student-athlete's educational institution during the spring evaluation period of the prospective student-athlete's junior year in high school (subject to applicable recruiting calendar restrictions).

**C. Bylaws:** Amend 13.1.6.2, as follows:

[Federated provision, FBS and FCS, divided vote.]

13.1.6.2 Football. In football, **contacts shall be permitted as follows:**

**(a) Contact Period.** During the contact period [per Bylaw 30.10.3.-(b)], each institution shall be limited to six in-person, off-campus recruiting contacts per prospective student-athlete at any site and shall include contacts made with the prospective student-athlete's relatives or legal guardians, but shall not include contacts made during an official visit per Bylaw 13.6.

**(b) Spring Evaluation Period.** During the spring evaluation period [per Bylaw 30.10.3-(f)], each institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athletes in their junior year per Bylaw 13.1.1.1.1) at the prospective student-athlete's educational institution. It is not necessary for the contact to occur in conjunction with an evaluation; however, if the contact occurs in conjunction with an evaluation (on the same day), the institution shall be charged with both a contact and an evaluation for that prospective student-athlete (see Bylaws 13.1.8.4 and 13.1.8.4.1).

**D. Bylaws:** Amend 13.1.8.4, as follows:

[Federated provision, FBS and FCS, divided vote.]

**13.1.8.4 Limitations on Number of Evaluations — Football.** In football, institutional staff members shall be limited to three evaluations during the academic year during which the prospective student-athlete competes or practices on any team. Not more than one evaluation may be used during the fall evaluation period and not more than two evaluations may be used during the April 15 through May 31 evaluation period per Bylaw 30.10.3. An authorized off-campus recruiter may use one evaluation to assess the prospective student-athlete's athletics ability and one evaluation to assess the prospective student-athlete's academic qualifications during the April 15 through May 31 evaluation period. If an institution's coaching staff member conducts both an athletics and an academic evaluation of a prospective student-athlete on the same day during the April 15 through May 31 evaluation period, the institution shall be charged with the use of an academic evaluation only and shall be permitted to conduct a second athletics evaluation of the prospective student-athlete on a separate day during the April 15 through May 31 evaluation period.

**13.1.8.4.1 Exception — Additional Spring Evaluation in Conjunction with Contact.** During the spring evaluation period, an institution may use an additional evaluation (third spring evaluation; fourth evaluation for the academic year) in conjunction with an off-campus contact per Bylaw 13.1.6.2-(b). If an academic evaluation is used in conjunction with the contact (on the same day), the institution shall be permitted to conduct two athletics evaluations of the prospective student-athletes during the period (for a total of three evaluations during the period).

**E. Bylaws:** Amend 13.1.8.9.2, as follows:

[Federated provision, FBS and FCS, divided vote.]

**13.1.8.9.2 Limitations on the Number of Spring Evaluations.** In football, institutional staff members shall not visit a prospective student-athlete's educational institution on more than two **three** calendar days during the spring evaluation period. A visit to a prospective student-athlete's educational institution that only includes contact with a signed prospective student-athlete during the spring evaluation period shall be considered one of the institution's two **three** permissible days at that institution.

**F. Administrative:** Amend 30.10.3, as follows:

[Federated provision, FBS and FCS, divided vote.]

30.10.3 Football. The following recruiting periods shall apply to football:

[30.10.3-(a) through 30.10.3-(e) unchanged.]

(f) Four weeks (excluding Memorial Day and Sundays) during April 15 through May Evaluation 31 selected at the discretion of the member institution and designated in writing in Period the office of the director of athletics [as provided in (1) below **and with exception in (2) below**]:

(1) An authorized off-campus recruiter may use one evaluation to assess the prospective student-athlete's athletics ability and one evaluation to assess the prospective student-athlete's academic qualifications during the April 15 through May 31 evaluation period. If an institution's coaching staff member conducts both an athletics and an academic evaluation of a prospective student-athlete on the same day during the April 15 through May 31 evaluation period, the institution shall be charged with the use of an academic evaluation only and shall be permitted to conduct a second athletics evaluation of the prospective student-athlete on a separate day during this evaluation period. **In addition, an institution may use an additional evaluation (a third spring evaluation; fourth evaluation for the academic year) in conjunction with an off-campus contact per Bylaw 13.1.6.2-(b). If an academic evaluation is used in conjunction with the contact (on the same day), the institution shall be permitted to conduct two athletics evaluations of the prospective student-athlete during the period (for a total of three evaluations during the period).**

(2) An institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athletes in their junior year per Bylaw 13.1.1.1.1) on the campus of the prospective student-athlete's educational institution. It is not necessary for the contact to occur in conjunction with an evaluation; however, if the contact occurs in conjunction with an evaluation (on the same day), the institution shall be charged with both a contact and an evaluation for that prospective student-athlete.

[30.10.3-(g) unchanged.]

**Source:** Big Ten Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Between NCAA Division I Academic Progress Rate considerations, off-field behavioral expectations, and trends such as increased mid-year enrollment by high school prospective student-athletes, there has never been more pressure to have an early, accurate assessment of a prospective student-athlete's ability to succeed academically and assimilate culturally in a

collegiate environment. Permitting an additional recruiting opportunity per prospective student-athlete during the spring evaluation period will enhance a coaching staff's assessment of the character and academic qualifications of a prospective student-athlete. The additional recruiting opportunity would permit a contact with a prospective student-athlete (including juniors) at the prospective student-athlete's educational institution or a contact plus an evaluation in conjunction with that contact on the same day. At most, the additional recruiting opportunity would result in one additional visit to a prospective student-athlete's educational institution during the spring evaluation period. In addition to improving the accuracy of a staff's assessment of a prospective student-athlete earlier in the recruiting process, another benefit of this proposal is that impermissible contacts ("bumps") with juniors and seniors during the spring evaluation period would be reduced. Finally, confining the additional recruiting opportunity to the prospective student-athlete's educational institution is consistent with and furthers the effort to focus recruiting on the scholastic environment.

**Estimated Budget Impact:** One additional visit to a high school during the spring evaluation period.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agreed with the sponsor's rationale statement and noted this legislation would not increase the number of coaches permitted to recruit off campus at one time or permit the head coach to have contact with prospective student-athletes during the spring evaluation period.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

No. 2008-20 RECRUITING — FOOTBALL EVALUATIONS — SCHOLASTIC AND NONSCHOLASTIC ACTIVITIES — EVENTS ORGANIZED AND CONDUCTED BY SCHOLASTIC ATHLETICS GOVERNANCE BODIES — OTHER EVALUATION EVENTS

**Intent:** In football, to specify that live athletics evaluations are permissible at events organized and conducted solely by a scholastic athletics governing body (e.g., state high school athletics association, junior college athletics association); further, to specify that institutional staff members shall not attend a recruiting event in which information (e.g., athletics or academic credentials, highlight video) related to prospective student-athlete is presented or otherwise made available.

**Bylaws:** Amend 13.1.8.9.4, as follows:

[Federated provision, FBS and FCS, divided vote]

13.1.8.9.4 Scholastic and Nonscholastic Activities. In football, all live athletics evaluations shall be limited to:

- (a) Regularly scheduled high school, preparatory school and two-year college contests and practices; *and*
- (b) Regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur; *and*
- (c) **Events that are organized and conducted solely by a scholastic athletics governing body (e.g., state high school athletics association, junior college athletics association).**

**13.1.8.9.4.1 Other Evaluation Events.** In football, institutional staff members shall not attend a recruiting event (other than those permitted pursuant to Bylaw 13.1.8.9.4) in which information (e.g., athletics or academic credentials, highlight or combine video) related to prospective student-athletes is presented or otherwise made available.

**Source:** Southeastern Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** This proposal seeks to permit coaches' attendance at coaching clinics, all-star game practices and competitions that are solely conducted and organized by a state high school athletics association or by a junior college athletics association. In addition, the current limitations on evaluations apply only to live athletics activities. This proposal would preclude attendance at recruiting events (other than the permissible live events) in which information (e.g., athletics or academic credentials, highlight or combine video) related to prospective student-athletes is presented or otherwise made available, but it would not preclude an institution's coach from engaging in other individual evaluation activities (e.g., individually meeting with a high school coach to discuss a prospective student-athlete athletics or academic credentials).

**Estimated Budget Impact:** Potential for costs related to attendance at events organized and conducted by a scholastic athletics governing body; eliminates costs related to other evaluation events.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agreed with the sponsor's rationale statement and noted this proposal further emphasizes the scholastic environment in recruiting activities.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

No. 2008-21 RECRUITING — ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS — REPORTS AND NOTIFICATION — ELIGIBILITY CENTER

**Intent:** To specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data, academic progress rate and graduation success rate to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list; further, to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center.

**Bylaws:** Amend 13.3, as follows:

13.3. ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS.

13.3.1 Disclosure Reports.

13.3.1.1 Report Publication. The Association's national office annually shall publish the admissions and graduation-rate data, academic progress rate and graduation success rate specified in Bylaws 30.1, 30.1.1 and 30.1.2 and shall identify the information on an institution-specific basis.

13.3.1.2 Report Distribution. *Member institutions* **The NCAA Eligibility Center** shall provide to prospective student-athletes and to prospective student-athletes' parents or legal guardians the information contained within the report to a **prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list.** The NCAA shall provide a compilation of graduation data to the prospective student-athletes' guidance offices and high school and two-year college coaches. *The information shall be provided at the earliest opportunity after the institution's first arranged in-person encounter with the prospective student-athlete or upon request; however, in no event shall an institution provide the information later than the day prior to a prospective student-athlete's signed acceptance of the National Letter of Intent or signed acceptance of the institution's written offer of admission and/or financial aid. An institution may provide the information in hard copy or electronic form (e.g., electronic mail, link to Web site). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.*

13.3.2 Banned Drug List and Information about Nutritional Supplements.

13.3.2.1 Report Publication. The Association's national office annually shall publish the banned drug list and shall update the list on its Web site (see Bylaw 31.2.3.4).

13.3.2.2 Report Distribution. *Member institutions* **The NCAA Eligibility Center** shall provide to all incoming prospective student-athletes and to prospective student-athletes' parents the NCAA banned drug list, or the NCAA Web site address at which the list is located, and information about nutritional supplements (see Bylaw 31.2.3.4) **to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center.** *The information shall be provided at the earliest practical opportunity (e.g., after the institution's first arranged in-person encounter with the prospective student-athlete) or upon request; however, in no event shall an institution provide the information later than July 1 before the prospective student-athlete's initial enrollment at the institution. For a prospective student-athlete whose recruitment in initiated after July 1, the institution must send the banned drug and information about nutritional supplements at the earliest opportunity. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.*

13.3.3 Notification of Initial-Eligibility Standards. *Member institutions* **The NCAA Eligibility Center** shall provide to high school prospective student-athletes and their parents or legal guardians information regarding the initial-eligibility standards contained in Bylaw 14.3 **to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center.** *The information shall be provided at the earliest opportunity after the institution begins recruiting the prospective student-athlete, but not later than the day prior to the prospective student-athlete's signed acceptance of the National Letter of Intent or institution's written offer of admission and/or financial aid. An institution may provide the information in hard copy or electronic form (e.g., electronic mail, link to Web site). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.*

**Source:** Big 12 Conference.

**Effective Date:** August 1, 2010

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation places an unnecessary administrative burden on institutions to distribute information that could be efficiently provided to prospective student-athletes by the Eligibility Center. This is particularly true in the case of initial-eligibility standards. The necessary information related to admissions and graduation-rate data, the academic progress rate and the graduation success rate is already collected and published by the NCAA. The creation of the Eligibility Center has provided increased efficiency and customer service to prospective student-athletes and their parents. This proposed role in the central coordination and distribution of required reports would greatly enhance the Eligibility Center's service to the membership. The close relationship between the NCAA national office and the Eligibility Center will facilitate the sharing of the necessary data. The required information could be provided to prospective student-athletes by the most efficient method (e.g., through e-mail or other technology), as determined by the Eligibility Center. This shift in report distribution is merely administrative in nature. Institutions



would remain responsible for responding to any questions raised by prospective student-athletes and their parents or legal guardians regarding initial-eligibility, academic rates, the NCAA banned drug list and nutritional supplements.

**Estimated Budget Impact:** Potential increased cost for the Eligibility Center.

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

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal with the modification to specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data, academic progress rate and graduation success rate to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list; and the modification to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center. The cabinet supports the concept of reducing the administrative burden on institutions and providing consistent information to prospective student-athletes by switching responsibility for the distribution of such information to the Eligibility Center. (See History Section.)

*Committee on Competitive Safeguards and Medical Aspects of Sports:* The committee opposes the proposal. The committee is opposed to shifting the responsibility for communicating the NCAA banned drug information away from the institution and to the Eligibility Center. The committee would support the Eligibility Center providing information to prospective student-athletes in addition to what the institution is currently required to provide. The committee believes that it is important that institutions are educated and that they educate prospective student-athletes regarding banned drugs and nutritional supplements.

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet took no position on the proposal. The cabinet noted the NCAA Division I Academics Cabinet opposed this proposal, but recommended a modification to address its concerns.

**History:**

Jun 26, 2008 Submit Submitted for consideration.

Sep 09, 2008 Academics Cabinet, Recommends Defeat The cabinet recommends that the sponsor modify the proposal to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center, and that the Eligibility Center shall provide information related to admissions, Federal Graduation Rate data, APR and GSR data to a prospective student-athlete after he or she has registered with the Eligibility Center and has been placed on an institution's IRL. The cabinet would support the proposal if modified. The cabinet noted several difficulties associated with providing information to prospective student-athletes who have not yet registered with the Eligibility Center (i.e., who are only placed on an IRL), as well as with providing institution-specific information when a prospective student-athlete has not been placed on any IRL.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, No Formal Position

Sep 22, 2008 \$history.shortName Sponsor modified the proposal to specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data, academic progress rate and graduation success rate to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list; further, to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center.

Sep 26, 2008 Committee on Competitive Safeguards and Medical Aspects of Sports, Recommends Defeat

#### No. 2008-22 RECRUITING — PRINTED RECRUITING MATERIALS — INSTITUTIONAL POSTCARDS

**Intent:** To specify that an institutional postcard may be provided to a prospective student-athlete, his or her parents or legal guardians, his or her coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved, provided its dimensions do not exceed 4 1/4 by 6 inches, it contains only the institution's name and logo or an athletics logo on one side when produced and it includes only handwritten information, (e.g., words, illustrations) on the opposite side when provided to a prospective student-athlete.

**Bylaws:** Amend 13.4.1.1, as follows:

13.4.1.1. Printed Recruiting Materials. As specified below, an institution may provide the following printed materials to prospective student-athletes, their parents or legal guardians, their coaches or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved.

[13.4.1.1-(a) through 13.4.1.1-(i) unchanged.]

**(k) Institutional Postcards.** The dimensions of an institutional postcard may not exceed 4 1/4 by 6 inches. In addition, a postcard may contain only the institution's name and logo or an athletics logo on one side when produced and may include only handwritten information, (e.g., words, illustrations) on the opposite side when provided to prospective student-athletes.

[Remainder of 13.4.1.1 unchanged.]

**Source:** Big 12 Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** The distinction between institutional postcards and note cards can be confusing and prone to misapplication. This proposal will alleviate many questions regarding what constitutes a postcard and what constitutes a note card for recruiting purposes. Further, postcards are less expensive to produce and require less postage to mail. This proposal does not eliminate the option of sending a blank postcard issued by the U.S. postal service to a prospective student-athlete as general correspondence.

**Estimated Budget Impact:** Will vary depending on use of postcards.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale statement that this will alleviate confusion and questions regarding postcards.

**History:**

Jun 25, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

**No. 2008-23 RECRUITING — RECRUITING MATERIALS — ELECTRONIC TRANSMISSIONS — AFTER NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT**

**Intent:** To specify that after the calendar day on which a prospective student-athlete signs a National Letter of Intent (NLI), signs an institution's written offer of admission and/or financial aid, or submits a room or tuition deposit in response to the institution's written offer of admission, there shall be no limit on the forms of electronically transmitted correspondence sent by the institution with which the prospective student-athlete has committed.

**Bylaws:** Amend 13.4.1.2.1, as follows:

13.4.1.2.1 Exception — Electronic Transmissions After National Letter of Intent Signing or Other Written Commitment. After the calendar day on which a prospective student-athlete signs a National Letter of Intent, **signs the institution's written offer of admission and/or financial aid, or submits a room or tuition deposit in response to the institution's written offer of admission**, there shall be no limit on the forms of electronically transmitted correspondence sent to the prospective student-athlete or his or her parents or legal guardians by the institution with which the prospective student-athlete has *signed committed*. *For an institution not using the National Letter of Intent in a particular sport, or for a prospective student-athlete who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer) , there shall be no limit on the forms of electronically transmitted correspondence sent to a prospective student-athlete or his or her parents or legal guardians by that institution after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid.*

**Source:** Southern Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** This proposal would establish an exception to the electronic correspondence legislation that would be similar to the current legislation regarding publicity released by an institution after a prospective student-athlete has evidenced his or her commitment to attend the institution. A key factor in the membership's desire to eliminate text messaging and other electronically transmitted correspondence is the intrusive nature of these particular methods of communication during the recruiting process. However, such communication to prospective student-athletes who have already committed to the institution does not present a recruiting advantage and is not overly invasive. Prospective student-athletes who have signed an institutional financial aid agreement or have submitted a tuition or room deposit may not have signed a National Letter of Intent, but they have shown the same level of commitment as those prospective student-athletes who have. Institutions should be able to communicate with those prospective student-athletes via the same electronic methods. This proposal would allow for a consistent application to all prospective student-athletes who have committed to attend the institution.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete's Time:** Minimal.

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale.

**History:**

Jul 14, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

**No. 2008-24 RECRUITING — RECRUITING MATERIALS — OTHER RECRUITING MATERIALS POSTED TO INSTITUTION'S WEB SITE**

**Intent:** To permit an institution to print and provide other recruiting information that is posted on its Web site to prospective student-athletes via regular mail as attachments to general correspondence, via facsimile or during any permissible on- or off-campus contact.

**Bylaws:** Amend 13.4.1.3, as follows:

13.4.1.3 Other Recruiting Materials. An institution may post recruiting materials not listed in Bylaw 13.4.1 on its Web site *but and* may *not* print such items and provide them to prospective student-athletes via **regular mail as attachments to general correspondence, via facsimile** or during **visits any permissible on- or off-campus contact**.

**Source:** Atlantic Coast Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Currently, recruiting information that is posted on the institution's Web site may not be sent to a prospective student-athlete as an attachment to general correspondence unless it appears in the list of permissible recruiting materials. In order for information that does not appear on the list of permissible materials to be sent as an attachment, the institution must find it elsewhere (e.g., newspaper, other Web site). A typical institution's Web site contains valuable and important information beyond what appears on the list of permissible materials. Such information could easily be sent to prospective student-athletes. Some prospective student-athletes do not have daily access to computers and, therefore, are not able to access this additional information. This change would not result in significant increases in costs associated with producing and sending the information since these items are already being produced and posted to the institution's Web site.

**Estimated Budget Impact:** Cost to print and mail additional recruiting materials.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet expressed concern regarding the possible circumvention of current restrictions on attachments to general correspondence by permitting items with a recruiting purpose to be posted on an institution's Web site and sent to prospective student-athletes. The cabinet believes current legislation is appropriate, which permits institutions to print information from its Web site and send it to prospective student-athletes as attachments as general correspondence, provided the information does not have a recruiting purpose.

**History:**

Jul 09, 2008 Submit Submitted for consideration.

Sep 12, 2008 \$history.shortName Sponsor modified proposal to specify that recruiting materials posted on institution's Web site also may be provided to prospective student-athletes via facsimile.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

No. 2008-25-A RECRUITING — OFFICIAL VISIT AND LETTER OF INTENT PROGRAMS — REQUIREMENTS FOR OFFICIAL VISIT AND OFFERS OF ATHLETICALLY RELATED FINANCIAL AID — COMPLETION OF AMATEURISM CERTIFICATION QUESTIONNAIRE

**Intent:** To specify that a high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the

NCAA Eligibility Center before an institution may provide the prospective student-athlete an official visit; further, to specify that an institution shall not provide a high school, preparatory school or transfer prospective student-athlete a written offer of athletically related financial aid until he or she has completed the amateurism certification questionnaire with the Eligibility Center.

**A. Bylaws:** Amend 13.6.3, as follows:

13.6.3 Requirements for Official Visit. The following requirements must be met before an institution may provide an official visit to a prospective student-athlete:

[13.6.3-(a) through 13.6.3-(b) unchanged.]

(c) A high school or preparatory school prospective student-athlete must register with the NCAA Eligibility Center; *and*

(d) A high school or preparatory school prospective student-athlete must be placed on the institution's institutional request list (IRL) with the NCAA Eligibility Center.; *and*

**(e) A high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center.**

[13.6.3.1 through 13.6.3.2 unchanged.]

**B. Bylaws:** Amend 13.9, as follows:

13.9 LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS

**13.9.1 NCAA Eligibility Center Registration and Institutional Request List Requirements for Offer of Athletically Related Financial Aid.** *An institution shall not provide a high school or preparatory school prospective student-athlete a written offer of athletically related financial aid (per Bylaw 15.3.2.3) until he or she has registered with the NCAA Eligibility Center and the institution has placed the prospective student-athlete on its institutional request list (IRL) with the NCAA Eligibility Center. The following requirements must be met before an institution may provide a written offer of athletically related financial aid (per Bylaw 15.3.2.3) to a prospective student-athlete:*

**(a) A high school or preparatory school prospective student-athlete must register with the NCAA Eligibility Center;**

**(b) A high school or preparatory school prospective student-athlete must be placed on the institution's institutional request list (IRL) with the NCAA Eligibility Center; and**

**(c) A high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center.**

[Remainder of 13.9 unchanged.]

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Agents and Amateurism and Subcommittee on Recruiting).

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation requires that a prospective student-athlete present an institution with a high school (or college) academic transcript and register with the Eligibility Center prior to taking an official visit to the institution. Prior to the official visit, the institution must also place the prospective student-athlete on its institutional request list. Requiring prospective student-athletes to take the additional step of completing the amateurism questionnaire prior to taking an official visit and prior to receiving a written offer of athletically related aid will allow the Eligibility Center to begin the process of certifying prospective student-athletes' amateur status at an earlier date and will help ease case volume leading up to and after the start of the academic year when competition is pending. The effective date of August 1, 2009, will provide adequate notice to institutions and prospective student-athletes.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet opposes the proposal. The cabinet recommends the sponsor modify the proposal to specify that a high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center before an institution may provide a written offer of athletically related financial aid. The cabinet is concerned that requiring the amateurism certification questionnaire to be completed prior to an official visit is cumbersome and could result in a delay of the visit. It was noted that despite adequate planning, many official visits are arranged or changed at the last minute due to schedule changes or other complications. The cabinet agreed the appropriate timing for the completion of the amateurism certification questionnaire is prior to issuing a written offer of athletically related financial aid. The cabinet agreed that this timing may address the concerns related to late registrations by prospective student-athletes currently experienced by the Eligibility Center, while still supplying institutions with important amateurism information before financial aid commitments are made. The cabinet would support the proposal if modified. Further, in the event the sponsor does not accept the cabinet's recommended modification, the cabinet will sponsor an alternative proposal. Finally, the cabinet recommends further clarification be provided regarding what is meant by "complete" the amateurism certification questionnaire.

**History:**

Feb 12, 2008 Submit Submitted for consideration.

Feb 13, 2008 Academics/Eligibility/Compliance Cabinet, Sponsored

Jun 11, 2008 Academics/Eligibility/Compliance Cabinet Modified proposal to also specify that an institution shall not provide a prospective student-athlete (including a prospective transfer student-athlete who is subject to the amateurism certification process) a written offer of athletically related financial aid until he or she has completed the amateurism certification

questionnaire with the Eligibility Center.

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Defeat

Sep 26, 2008 \$history.shortName Proposal renumbered as Proposal No. 2008-25-A. An alternative is Proposal No. 2008-25-B.

No. 2008-25-B RECRUITING — LETTER OF INTENT PROGRAMS — REQUIREMENTS FOR OFFERS OF ATHLETICALLY RELATED FINANCIAL AID — COMPLETION OF AMATEURISM CERTIFICATION QUESTIONNAIRE

**Intent:** To specify that an institution shall not provide a high school, preparatory school or transfer (if applicable) prospective student-athlete a written offer of athletically related financial aid until he or she has completed the amateurism certification questionnaire administered by the NCAA Eligibility Center.

**Bylaws:** Amend 13.9, as follows:

13.9 LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS

13.9.1 *NCAA Eligibility Center Registration and Institutional Request List* **Requirements for Offer of Athletically Related Financial Aid.** *An institution shall not provide a high school or preparatory school prospective student-athlete a written offer of athletically related financial aid (per Bylaw 15.3.2.3) until he or she has registered with the NCAA Eligibility Center and the institution has placed the prospective student-athlete on its institutional request list (IRL) with the NCAA Eligibility Center. The following requirements must be met before an institution may provide a written offer of athletically related financial aid (per Bylaw 15.3.2.3) to a prospective student-athlete:*

(a) **A high school or preparatory school prospective student-athlete must register with the NCAA Eligibility Center;**

(b) **A high school or preparatory school prospective student-athlete must be placed on the institution's institutional request list (IRL) with the NCAA Eligibility Center; and**

(c) **A high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center.**

[Remainder of 13.9 unchanged.]

**Source:** NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Requiring the amateurism certification questionnaire to be completed prior to an official visit is cumbersome and could result in a delay of the visit. Despite adequate planning, many official visits are arranged or changed at the last minute due to schedule changes or other



complications. The appropriate timing for the completion of the amateurism certification questionnaire is prior to issuing a written offer of athletically related financial aid. This timing may address the concerns related to late registrations by prospective student-athletes currently experienced by the Eligibility Center, while still supplying institutions with important amateurism information before financial aid commitments are made.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

**History:**

Sep 26, 2008 Submit Submitted for consideration as an alternative to Proposal No. 2008-25-A.

No. 2008-26 RECRUITING — OFFICIAL VISIT — MEALS ON OFFICIAL VISIT — MEALS AT AIRPORT OR BUS OR TRAIN STATION

**Intent:** To specify that meals may be provided to a prospective student-athlete on an official visit at the airport or bus or train station at the time of his or her arrival or departure.

**Bylaws:** Amend 13.6.7.7, as follows:

13.6.7.7 Meals on Official Visit. The cost of actual meals, not to exceed three per day, on the official visit for a prospective student-athlete and the prospective student-athlete's parents, legal guardian(s), spouse or children need not be included in the \$30-per-day entertainment expense. Meals must be comparable to those provided to student-athletes during the academic year. **Meals may be provided within a 30-mile radius of the institution's campus and at the airport or bus or train station at the time of the prospective student-athlete's arrival or departure.** A reasonable snack (e.g., pizza, hamburger) may be provided in addition to the three meals.

**Source:** Big 12 Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** This proposal supports the well-being of prospective student-athletes and recognizes the liability and responsibility placed on an institution during official visits. It is necessary to account for the realities of travel as well as the importance of a coaching staff member's availability to assist and supervise prospective student-athletes who travel alone for an official visit. Security issues are unpredictable and travel delays are common. It is reasonable for an institutional staff member to provide a meal to a prospective student-athlete while he or she waits at the airport or bus or train station as the result of such issues or delays. Although it is currently permissible to pay a prospective student-athlete's costs for meals incurred while in transit, this proposal accounts for the prospective student-athlete who is not able to pay for such meals. Additionally, this proposal

creates equity among institutions that are located various distances from airports or bus or train stations. For example, those institutions that have a major airport within 30 miles of campus have a greater number of flight options available and also have the option to provide supervision along with a meal at the airport when travel issues arise.

**Estimated Budget Impact:** Minimal.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet generally agrees with the sponsor's rationale statement although the cabinet suggests the sponsor consider a modification to more precisely address the sponsor's specific concerns related to official visits.

**History:**

Jun 25, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

**No. 2008-27 RECRUITING — UNOFFICIAL VISIT — HOUSING — LODGING IN DORMITORIES — ADDITIONAL RESTRICTION — WOMEN'S LACROSSE**

**Intent:** In women's lacrosse, to specify that an institution's athletics department staff member shall not arrange lodging for a prospective student-athlete on an unofficial visit in an enrolled student-athlete's residence (e.g., dormitory room, apartment) until August 1 following the prospective student-athlete's junior year in high school.

**Bylaws:** Amend 13.7.2.1.2, as follows:

13.7.2.1.2 Housing — Lodging in Dormitories. A prospective student-athlete on an unofficial visit may stay in an enrolled student-athlete's dormitory room only if the prospective student-athlete pays the regular institutional rate for such lodging.

**13.7.2.1.2.1 Additional Restriction — Women's Lacrosse.** In women's lacrosse, an institution's athletics department staff member shall not arrange lodging for a prospective student-athlete on an unofficial visit in an enrolled student-athlete's residence (e.g., dormitory room, apartment) until August 1 following the prospective student-athlete's junior year in high school.

**Source:** Ivy Group.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation permits an institution to arrange for prospective student-athletes on unofficial visits to stay overnight in the dormitory room or other residence of current student-

athletes. Prospective student-athletes who are juniors in high school or younger, are often not mature enough to handle the freedoms associated with staying overnight without supervision and problems have been known to arise. Restricting the arrangement of overnight on-campus lodging to prospective student-athletes who are entering their senior year in high school will help to alleviate this problem while still permitting younger prospective student-athletes to visit an institution overnight if they make other lodging arrangements. This restriction is not intended to impact visits that are not arranged by an athletics department staff member. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruitment concerns in their sport. However, the cabinet is unclear how this proposal would meaningfully address issues related to early recruitment since it would still be permissible for high school juniors to participate in an unofficial visit and stay with students who are not student-athletes or stay in off-campus locations (e.g., hotels) where no supervision is provided which raises prospective student-athlete well-being concerns. Further, the cabinet noted the issue of early offers has been identified by the Board of Directors and the Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.

**History:**

Jul 08, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

**No. 2008-28 RECRUITING — FINANCIAL AID AGREEMENTS — OFFERS OF AID BEFORE JULY 1 FOLLOWING JUNIOR YEAR — WOMEN'S LACROSSE**

**Intent:** In women's lacrosse, to specify that an institution shall not offer (or indicate that it will or may offer), orally or in writing, athletically related financial aid, other institutional financial aid or admissions assistance before July 1 following the prospective student-athlete's junior year in high school; further, to specify that an institution shall not accept any commitment from a prospective student-athlete before July 1 following the prospective student-athlete's junior year in high school.

**Bylaws:** Amend 13.9.2, as follows:

13.9.2 Letter of Intent Restriction. A member institution may not participate in an institutional or conference athletics letter-of-intent program or issue an institutional or conference financial aid agreement that involves a signing date that precedes the initial regular (as opposed to early) signing date for the National Letter of Intent program in the same sport. However, an institution may permit a prospective student-athlete to sign an institutional or conference letter of intent during the National Letter of Intent early signing period in the applicable sport.

[13.9.2.1 unchanged.]

13.9.2.2 Offer of Aid Before Signing Date — **Sports Other Than Women's Lacrosse.** *An In sports other than women's lacrosse*, institution may indicate in writing to a prospective student-athlete that an athletically related grant-in-aid will be offered by the institution; however, the institution may not permit the prospective student-athlete to sign a form indicating his or her acceptance of such an award before the initial signing date in that sport in the National Letter of Intent program.

**13.9.2.3 Offer of Aid Before July 1 Following Junior Year — Women's Lacrosse.** *In women's lacrosse*, an institution shall not offer, (or indicate that it will or may offer), orally or in writing athletically related financial aid, other institutional financial aid or admissions assistance before July 1 following the prospective student-athlete's junior year in high school. An institution shall not accept any commitment from a prospective student-athlete before July 1 following the prospective student-athlete's junior year in high school.

**Source:** Ivy Group.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** The Women's Lacrosse Coaches Association believes that stopping the trend of college coaches providing verbal offers of admissions and scholarship support and asking for and receiving verbal commitments from prospective student-athletes during their junior year in high school will result in a higher quality recruiting process for prospective student athletes and coaches. This proposal seeks to take the pressure and "fear" approach out of recruiting (e.g., fear that if the prospect does not accept an offer she may not receive another one) and replace it with the opportunity for prospects to make informed decisions. In addition, waiting until July 1 following a prospect's junior year in high school to make offers and accept commitments allows coaches to use the early summer months for evaluations at high school games and tournaments, thereby giving a more accurate view of a prospective student-athlete's talent and potential, as well as her academic qualifications. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet took no position on the proposal. The cabinet applauded the leadership displayed by the National Women's Lacrosse Coaches Association on this issue and supports the concept. However, the cabinet encourages the Legislative Council to table the proposal until the Recruiting and Athletics Personnel Issues Cabinet can review the issue of early offers of financial aid. Finally, the cabinet was supportive of a broader discussion on this issue for potential solutions applicable to all sports.

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruiting concerns in their sport. Further, the cabinet noted the issue of early offers has been identified by the Board of Directors and the Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.

**History:**

Jul 08, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, No Formal Position

**No. 2008-29 RECRUITING — TRYOUTS — EXCEPTIONS — VOLUNTARY SUMMER  
CONDITIONING — SPORTS OTHER THAN FOOTBALL AND BASKETBALL**

**Intent:** In sports other than football and basketball, to specify that a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieval basis), provided he or she is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution.

**Bylaws:** Amend 13.11.3, as follows:

13.11.3 Tryout Exceptions.

[13.11.3.1 through 13.11.3.9 unchanged.]

**13.11.3.10 Voluntary Summer Conditioning — Sports Other Than Football and Basketball.** In sports other than football and basketball, a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieve basis), provided he or she is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution.

**13.11.3.10.1 Mandatory Medical Examination.** Prior to participation in any weight-training or conditioning workouts conducted by an institution's strength and conditioning coach, a prospective student-athlete who will be a first-time participant shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must have been administered within six months prior to participation in any weight-training or conditioning activity.

[13.11.3.10 renumbered as 13.11.3.11, unchanged.]

**Source:** Southeastern Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation permits football and basketball prospective student-athletes to participate in voluntary conditioning activities during the summer with the institution's strength and conditioning coach, provided the prospective student-athletes are enrolled in the institution's summer term. This proposal extends the same opportunity to incoming student-athletes in all other sports. Currently, incoming student-athletes in other sports who elect to enroll in summer school prior to initial full-time enrollment may not work out with their future teammates and are forced to lift weights and condition on their own, and in some cases, without proper guidance from a skilled strength and conditioning coach. This proposal will allow all incoming student-athletes the opportunity to receive proper instruction and to work with their future teammates.

**Estimated Budget Impact:** Potential increase in costs associated with additional prospective student-athletes involved in weight-training and conditioning activities.

**Impact on Student-Athlete's Time:** Opportunity for involvement in voluntary conditioning activities.

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. Although the cabinet is supportive of addressing sport-equity issues regarding the current legislation, it expressed concern with increased costs and demands on athletics staff members (e.g., strength and conditioning coaches and athletic trainers) associated with having a greater number of prospective student-athletes on campus during the summer. Additionally, the cabinet noted the requirements for participation in voluntary summer activities would be different for football and basketball compared to all other sports under this proposal.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

No. 2008-30 RECRUITING — SPORTS CAMPS AND CLINICS — EMPLOYMENT AT CAMP OR CLINIC — HIGH SCHOOL, PREPARATORY-SCHOOL TWO-YEAR COLLEGE COACHES OR OTHER INDIVIDUALS INVOLVED WITH PROSPECTIVE STUDENT-ATHLETES — EMPLOYMENT AS SPEAKER — BASKETBALL

**Intent:** In basketball, to specify that an institution shall not employ (either on a salaried or a volunteer basis) a speaker in any basketball camp or clinic (including a coaches clinic or a camp or clinic involving nonprospects) who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball; further, to specify that such an individual may be employed as a camp counselor, but may not perform speaking duties other than those normally associated with camp counselor duties (e.g., skill instruction).

**Bylaws:** Amend 13.12.2.2, as follows:

13.12.2.2 High School, Preparatory-School, Two-Year College Coaches or Other Individuals Involved with Prospective Student-Athletes. A member institution (or employees of its athletics department) may employ a high school, preparatory-school or two-year-college coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved at its camp or clinic, provided:

[13.12.2.2-(a) through 13.12.2.2-(b) unchanged.]

[13.12.2.2.1 unchanged.]

**13.12.2.2.2 Employment as a Speaker in an Institutional Camp or Clinic — Basketball.** An institution shall not employ (either on a salaried or a volunteer basis) a speaker in any basketball camp or clinic (including a coaches clinic or a camp or clinic involving nonprospects) who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball. Such an individual may be employed as a camp counselor, but may not perform speaking duties other than those normally associated with camp counselor duties (e.g., skill instruction).

**Source:** NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation does not preclude institutions from providing honorariums to a prospective student-athlete's coach to speak at an institution's camp or clinic. Such a fee is often independent of any compensation for employment as a camp counselor and is used as a recruiting inducement, either to pay for the costs of the coach's players to attend the camp or to solicit the enrollment of a prospective student-athlete associated with that coach. In some cases, the fee may be exorbitant unless institutional policy restricts the amount. This proposal would address those recruiting concerns without precluding institutions from employing a prospective student-athlete's coach as a legitimate counselor. Current legislation governs such employment

and requires compensation paid to all counselors to be commensurate with the going-rate based on like teaching ability and camp experience.

**Estimated Budget Impact:** Potential cost savings.

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

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet noted institutional camps and clinics are conducted during the months of June, July or August and an immediate effective date will ensure that the legislation is applied consistently throughout the entire summer. In addition, the issues identified in this proposal exist in women's basketball as well as in men's. In supporting the proposal, the cabinet noted that at some point, consideration should be given to whether the proposal should be expanded to include all camp employees in an effort to further address the problem this proposal seeks to address. Further, it was noted that the Women's Basketball Issues Committee supports the inclusion of women's basketball.

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet received clarification that this proposal would prohibit an individual who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball from serving as a speaker at institutional camps or clinics even if the individual is employed as a camp counselor at the same institutional camp or clinic. Further, the proposal would prohibit such an individual from serving as a speaker at any type of institutional camp or clinic, including coaching clinics. Finally, the cabinet would support an immediate effective date in order for the legislation to apply to institutional camps or clinics in summer 2009.

*Women's Basketball Issues Committee:* The committee supports the proposal. Under current legislation, institutions may provide honorariums to a prospective student-athlete's coach to speak at an institution's camp or clinic. Such honorariums are sometimes used as recruiting inducements, either to pay for the costs of a coach's players to attend the camp or to solicit the enrollment of a prospective student-athlete associated with the coach. The issues identified in this proposal exist in women's basketball as well as in men's. In supporting the proposal, the committee noted that at some point, consideration should be given to whether the proposal should be expanded to include all camp employees in an effort to further address the problem this proposal seeks to address.

**History:**

Jun 13, 2008 Submit Submitted for consideration.

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

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

Aug 18, 2008 Women's Basketball Issues Committee, Recommends Modification  
Recommends that the proposal be modified to include women's basketball.

Sep 17, 2008 Championships/Sports Management Cabinet, Modified the Proposal Proposal  
modified to include women's basketball.



Sep 17, 2008 Championships/Sports Management Cabinet, Modified the Proposal Effective date modified from August 1, 2009 to immediate.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

No. 2008-31 RECRUITING — USE OF RECRUITING FUNDS — RECRUITING SERVICES — VIDEO SERVICES

**Intent:** To eliminate the requirement that off-campus observation of a prospective student-athlete on a video that is made available by a scouting service be considered an evaluation activity subject to applicable evaluation regulations.

**Bylaws:** Amend 13.14.3, as follows:

13.14.3 Recruiting Services.

[13.14.3.1 unchanged.]

13.14.3.2 Video Services. Member institutions are permitted to use video services so long as only regularly scheduled (regular season) high school or two-year college contests are involved. The institution may not contract with the service in advance to have particular contest videotaped, and the service must be available to all institutions at the same cost. *Off-campus observation of a prospective-student-athlete on a video made available by a scouting service is considered an evaluation activity and is subject to applicable evaluation regulations.*

[13.14.3.3. unchanged.]

**Source:** Big 12 Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Technological advances have permitted coaches to have easy and inexpensive access to video at locations other than work. No competitive advantage is gained by a coach viewing a video of a high school or two-year college contest off campus. Coaches have relatively equal access to view video from scouting services in various formats (e.g., online, on DVD, video cassette). Therefore, coaches should not be limited by the viewing location and should not be required to count off-campus observation as an evaluation. In addition, off-campus observation of video should not be regulated by the recruiting calendar. The observation of prospective student-athletes on video should be permissible at any time and at any location without restrictions.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet expressed concern that this legislation could lead to the proliferation of video recruiting events (e.g., hotel nights) and increase the demands on coaching staffs to attend such events. The cabinet noted current regulations permit coaches to view this video at home without it counting as an evaluation. The cabinet noted the NCAA Division I Women's Basketball Issues Committee is opposed to this proposal.

*Women's Basketball Issues Committee:* The committee opposes the proposal. The committee expressed concern that not counting evaluations of videos off campus could lead to the proliferation of video recruiting events (e.g., hotel nights) and increase the demands on coaching staffs to attend such events. The committee also expressed concern that there would also be a direct impact on prospects and increased expectations that a prospect use a recruiting or scouting service that offers the video type services.

**History:**

Jun 25, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

Sep 25, 2008 Women's Basketball Issues Committee, Recommends Defeat

**No. 2008-66 ADMINISTRATIVE REGULATIONS — RECRUITING CALENDARS — FOOTBALL — DEAD PERIOD**

**Intent:** In football, to specify that an institution shall designate two weeks (not required to be consecutive) during the months of June and July as a dead period.

**Administrative:** Amend 30.10.3, as follows:

[Federated provision, FBS and FCS, divided vote.]

30.10.3 Football. The following recruiting periods shall apply to football:

(a) June 1 through the last Saturday in November [except for (1) **and (2)** below]: Quiet Period

[30.10.3-(a)-(1) unchanged.]

**(2) Two weeks (not required to be consecutive) during the months of June and July selected at the discretion of the institution and designated in writing in the office of the director of athletics. For purposes of this provision, a week is any consecutive seven-day period (e.g., Thursday through Wednesday):** Dead Period

[Remainder of 30.10.3 unchanged.]

**Source:** Big Ten Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** This proposal requires each institution to set aside two weeks during the summer as a dead period, which prohibits in-person contact with recruits either on or off campus. Currently, coaches feel it necessary to be in the office at all times in case a prospective student-athlete visits unexpectedly. This dead period would provide coaches, particularly assistant coaches, with down time before training camp and the football season. Because of varying academic calendars, each school would determine its own dead period. In order to be implemented for summer 2009, this proposal has an immediate effective date.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet noted that an institution should be provided with the flexibility and discretion to monitor its own staff and office schedules without being required to adhere to a legislated dead period.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

No. 2008-67 ADMINISTRATIVE REGULATIONS — RECRUITING CALENDARS — SOFTBALL —  
CONTACT PERIOD AUGUST 1 THROUGH THE DAY PRIOR TO THANKSGIVING  
DAY

**Intent:** In softball, to establish a contact period from August 1 through the day prior to Thanksgiving Day.

**Administrative:** Amend 30.10.4, as follows:

30.10.4 Softball. The following recruiting periods shall apply to softball:

(a) August 1 through *Labor Day* **the day prior to Thanksgiving day [except Contact Period for (1) below]:**

(b) *The day after Labor Day through Thanksgiving day [except for (1) and (2) Contact only below]:* ( n o evaluations)

(1) *The second Friday in October through the first Sunday of Contact Period November:*

(21) Monday through Thursday of the week that includes the initial date Dead Period for the fall signing of the National Letter of Intent:

(cb) *The day after Thanksgiving day through January 1 [except for (1) below]:* Quiet Period

(1) 12:01 a.m. on the day of registration for the national convention of Dead Period the National Fastpitch Coaches Association to 12:01 a.m. on the day after adjournment of the convention:

[30.10.4-(d) through 30.10.4-(f) relettered as 30.10.4-(c) through 30.10.4-(e), unchanged.]

**Source:** Big East Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Under the current softball recruiting calendar, fall evaluations are limited to a narrow window of time (second Friday in October through the first Sunday in November). The short duration of this period presents several problems for the fall recruiting process. Prospective student-athlete well-being was a primary reason for the structure of the current calendar. However, the truncation of the fall evaluation period has put more stress on prospective student-athletes by causing an increase in missed class time due to tournaments being held for longer periods during the permissible evaluation weekends, in addition to the proliferation of events taking place during weekdays. Additionally, the short time period for evaluations in the fall has created increased pressure on coaches to recruit as much as possible within the allowable timeframe, thereby decreasing time spent on campus with current student-athletes. Moreover, if a single tournament is canceled due to weather conditions or other reasons, a considerable recruiting opportunity is lost. The recruiting calendar should allow for greater flexibility to use the 50 permissible evaluation days instead of limiting the time period in which it is permissible to evaluate prospective student-athletes.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet expressed concern that the current legislation has only been effective for approximately

one year and the cabinet believes more time is necessary to assess its impact before considering changes. Further, the cabinet noted the National Fastpitch Coaches Association is opposed the proposal for this same reason.

**History:**

Jul 02, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

**No. 2008-68 ADMINISTRATIVE REGULATIONS — RECRUITING CALENDARS — WOMEN'S LACROSSE — FALL EVALUATIONS**

**Intent:** In women's lacrosse, to specify that during the fall contact period, evaluations of prospective student-athletes participating in lacrosse activities who have not started their senior year in high school are limited to the three weekends prior to Thanksgiving.

**Administrative:** Amend 30.10.8, as follows:

30.10.8 Lacrosse, Women's. The following recruiting periods shall apply to women's lacrosse:

[30.10.8-(a) through 30.10.8-(e) unchanged.]

(f) September 1 through the Tuesday before Thanksgiving [except for (1) **and** (2) Contact below]:

Period

(1) Monday through Thursday of the initial week of the fall signing of the Dead National Letter of Intent:

Period

**(2) Evaluations of prospective student-athletes participating in lacrosse activities who have not started their senior year in high school are limited to the three weekends (Saturday and Sunday) prior to Thanksgiving.**

[30.10.8-(g) unchanged.]

**Source:** Ivy Group.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Prospective student-athletes are incurring travel expenses and withdrawing from other activities in order to be seen at fall tournaments by college coaches. Substantial evaluation opportunities already exist in the spring and summer. The recruiting process should not unnecessarily impose on these prospective student-athletes' time in the fall. This proposal would allow younger prospective student-athletes to participate in fall sports and other activities in September and October and still have the opportunity to be evaluated by college coaches. This proposed limitation does not apply to senior prospective student-athletes since the fall evaluation

period is the last scheduled opportunity for college coaches to evaluate their athletics ability prior to the signing dates. Therefore, it would be permissible for coaches to evaluate at senior-only tournaments. This proposal is not intended to prohibit other types of evaluations (e.g., academic evaluations, evaluations of prospective student-athletes playing other sports) during the fall contact period. This amendment is part of a package of proposals sponsored on behalf of the Intercollegiate Women's Lacrosse Coaches Association, designed to address recruiting issues in that sport. The proposals also may serve as a pilot program for adoption in other sports, if they prove effective.

**Estimated Budget Impact:** Potential cost reduction with fewer evaluation opportunities.

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

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet opposes the proposal. The cabinet recognizes the effort and intent of the Intercollegiate Women's Lacrosse Coaches Association in its attempt to address early recruitment concerns in their sport. However, the cabinet is unclear how common "senior only" tournaments are in the sport and whether scholastic lacrosse seasons in all states are in the spring. Additionally, the cabinet noted the potential increase in the number of inadvertent secondary violations if participants' grade levels are not known. Finally, the cabinet noted this issue has been identified by the Board of Directors and the Leadership Council as an issue that requires further examination in all sports; therefore, the cabinet believes it would be premature to adopt sport-specific legislation at this time.

**History:**

Jul 08, 2008 Submit Submitted for consideration.

Sep 19, 2008 Recruiting and Athletics Personnel Issues Cabinet, Recommends Defeat

**Eligibility**

No. 2008-32 ELIGIBILITY — GENERAL ELIGIBILITY REQUIREMENTS — FULL-TIME ENROLLMENT — REQUIREMENT FOR COMPETITION — NONTRADITIONAL COURSES

**Intent:** To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) offered by the certifying institution may be used to satisfy the full-time enrollment requirement for competition, provided the specified conditions are met.

**Bylaws:** Amend 14.1.8.2, as follows:

14.1.8.2 Requirement for Competition. To be eligible for competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree, which shall not be less than 12 semester or quarter hours.

[14.1.8.2.1 through 14.1.8.2.4 unchanged.]

*14.1.8.2.5 Extension Courses. A student-athlete may use a combination of hours taken in residence during a regular term and extension courses taken from the certifying institution during that term to meet the minimum 12-hour enrollment requirement, provided the institution considers enrollment in such extension courses as regular course enrollment for all students during term time.* **Nontraditional Courses.** Enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) offered by the certifying institution may be used to satisfy the full-time enrollment requirement for competition, provided the following conditions are met:

- (a) The course is available to any qualified student at the institution;
- (b) The institution considers enrollment in the course as regular course enrollment for all students;
- (c) Enrollment in the course occurs within the institution's regular enrollment periods (pre-registration or drop-add period) in accordance with the institution's academic calendar and applicable policies and procedures;
- (d) The course is conducted during the institution's regular academic schedule (term time) in accordance with the institution's academic calendar and applicable policies and procedures;
- (e) The course involves regular interaction with the instructor (in-person or electronically);
- (f) Evaluation of the student's work in the course is conducted by the appropriate academic authorities in accordance with the institution's established academics policies;
- (g) The institution uses a conventional grading scale consistent with similar courses offered by the institution and in accordance with applicable policies and procedures; and
- (h) The course is acceptable for degree credit (no remedial or noncredit course) and is reflected on the student's official academic record.

*14.1.8.2.6 Correspondence Courses. A student-athlete may not use a correspondence course to meet the minimum 12-hour enrollment requirement.*

[14.1.8.2.7 renumbered as 14.1.8.2.6, unchanged.]

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Continuing Eligibility).

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** After extensive review of traditional and nontraditional courses, the NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Continuing Eligibility defined traditional courses as those involving regular in-person, classroom-based instruction. Nontraditional courses were defined as those involving little or no classroom-based instruction (e.g., distance-learning, correspondence, extension, Internet courses, independent study and any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student). Technological trends within postsecondary instruction require a modernization of the language used to refer to various methods of course delivery. Generally, a student-athlete should be permitted to use nontraditional courses to satisfy the full-time enrollment requirement, provided the institution considers enrollment in such a course as regular course enrollment for all students; however, this proposal establishes minimum standards that must be met in order for nontraditional courses to be used for purposes of full-time enrollment for competition.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

**History:**

Jun 10, 2008 Submit Submitted for consideration.

Jun 11, 2008 Academics/Eligibility/Compliance Cabinet, Sponsored

Sep 09, 2008 Academics Cabinet, Modified the Proposal The cabinet modified the proposal to also specify that the certifying institution must consider enrollment in such nontraditional courses as regular course enrollment for all students, and that the courses must be available to any qualified students at the certifying institution.

**No. 2008-33 ELIGIBILITY — SEASONS OF COMPETITION — FIVE-YEAR RULE — CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY — DELAYED ENROLLMENT — WOMEN'S VOLLEYBALL**

**Intent:** In women's volleyball, to specify that a student-athlete who does not initially enroll full time in a collegiate institution within one year following the high school graduation date of the student-athlete's class and participates in organized events after the one-year period, shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.

**A. Bylaws:** Amend 14.2.3.2, as follows:



**14.2.3.2 Delayed Enrollment** —Tennis, *and* Swimming and Diving, **and Women's Volleyball**. After the high school graduation date of the student-athlete's class (as determined by the first year of high school enrollment or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility), a student-athlete shall have one year in order to be immediately eligible and retain the opportunity for four seasons of competition on initial, full-time collegiate enrollment. Graduation from high school or secondary school shall be based on the student-athlete's prescribed educational path in his or her country. The student also must meet all applicable NCAA, institutional and conference eligibility requirements. A student who does not enroll in a collegiate institution as a full-time student during that one-year time period shall be subject to the following:

(a) The student-athlete shall be charged with a season of intercollegiate *tennis or swimming and diving* eligibility for each calendar year after the one-year time period (the next opportunity to enroll after one calendar year has elapsed) and prior to full-time collegiate enrollment during which the student-athlete has participated in organized *tennis or swimming and diving* events per Bylaw 14.2.3.5.3.

(b) After the one-year time period, if the student-athlete has engaged in organized *tennis or swimming and diving* events per Bylaw 14.2.3.5.3, on matriculation at the certifying institution, the student-athlete must fulfill an academic year in residence before being eligible to represent the institution in intercollegiate *tennis or swimming and diving* competition.

[Remainder of 14.2.3.2 unchanged.]

**B. Bylaws:** Amend 14.2.3.5, as follows:

**14.2.3.5 Participation After 21st Birthday.** In sports other than tennis, *and* swimming and diving, **and women's volleyball**, any participation as an individual or a team representative in organized sports competition by a student during each 12-month period after the student's 21st birthday and prior to initial full-time enrollment in a collegiate institution shall count as one year of varsity competition in that sport. Participation in organized competition during time spent in the U.S. armed services shall be excepted. (Note: In swimming and diving **and women's volleyball**, Bylaw 14.2.3.5 applies to a student-athlete who is not subject to Bylaw 14.2.3.2. If a student-athlete triggers both Bylaws 14.2.3.2 and 14.2.3.5, only Bylaw 14.2.3.2 applies.)

[Remainder of 14.2.3.5 unchanged.]

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Continuing Eligibility).

**Effective Date:** August 1, 2010, for student-athletes initially enrolling full time in a collegiate institution on or after August 1, 2010.

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** There is support among members of the American Volleyball Coaches Association (AVCA) for this legislation to address concerns regarding the current organized competition legislation. It is becoming increasingly common for women's volleyball prospective student-athletes to intentionally delay initial collegiate enrollment in order to compete and train at an elite level. Under the current legislation, these prospective student-athletes may delay enrollment until age 21 and train and compete for three to four years before entering college. This proposal adds women's volleyball to the legislation by which tennis and swimming and diving have addressed similar concerns.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

**History:**

Jun 10, 2008 Submit Submitted for consideration.

Jun 11, 2008 Academics/Eligibility/Compliance Cabinet, Sponsored

No. 2008-34 ELIGIBILITY — FRESHMAN ACADEMIC REQUIREMENTS — CORE CURRICULUM  
TIME LIMITATION — STUDENTS WITH EDUCATION IMPACTING DISABILITIES

**Intent:** To specify that if a prospective student-athlete with a diagnosed education-impacting disability graduates from high school within the core-curriculum time limitation, he or she may use up to three core courses completed after high school graduation to satisfy the core-curriculum or minimum grade-point average requirements, or both.

**Bylaws:** Amend 14.3.1.2.1.2, as follows:

14.3.1.2.1.2 **Exception** — Students with Education-Impacting Disabilities. *The Eligibility Center, pursuant to policies and procedures prescribed by the Academics Cabinet, may approve the use of all core courses completed by a student diagnosed with an education-impacting disability prior to initial full-time enrollment at a collegiate institution. If a prospective student-athlete with a diagnosed education-impacting disability graduates from high school within the core-curriculum time limitation, he or she may use up to three core courses completed after high school graduation to satisfy the core-curriculum or minimum grade-point average requirements, or both. The prospective student-athlete may complete the core courses at a location other than the high school from which he or she graduated and may initially enroll full time at a collegiate institution at any time after completion of the core courses. A prospective student-athlete may not use a core course completed after graduation if he or she receives institutional financial aid while enrolled in the course during the summer after the high school graduation date of his or her class (see Bylaw 15.2.8.1.4).*

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Initial-Eligibility Issues).

**Effective Date:** August 1, 2009, for student-athletes initially enrolling full time in a collegiate institution on or after August 1, 2009.

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Current legislation permits a prospective student-athlete with a diagnosed education-impacting disability to use all core courses up to the individual's initial full-time enrollment to satisfy the core-curriculum or minimum grade-point average requirements or both. This proposal provides a more consistent application of the core-curriculum time limitation legislation for all prospective student-athletes, while still providing individuals with diagnosed education-impacting disabilities the reasonable accommodation of completing up to three core courses after high school graduation. This proposal also would protect the well-being of prospective student-athletes with education-impacting disabilities, particularly those individuals who require accommodations to complete their course work, by limiting the number of core courses they are completing in a short amount of time. Pursuant to current initial-eligibility waiver policies and procedures, consideration may be given to all courses taken by a prospective student-athlete with an education-impacting disability up to initial full-time enrollment. Consideration of all courses taken would continue as a part of the waiver process under this proposed change to the legislation.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

**History:**

Jun 10, 2008 Submit

Jun 11, 2008 Academics/Eligibility/Compliance Cabinet, Sponsored

No. 2008-35 ELIGIBILITY — PROGRESS-TOWARD-DEGREE REQUIREMENTS —  
REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE —  
NONTRADITIONAL COURSES

**Intent:** To specify that nontraditional courses (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) completed at a four-year institution other than the certifying institution, may be used to meet credit hour and percentage-of-degree requirements, provided the specified conditions are met.

**Bylaws:** Amend 14.4.3.4, as follows:

14.4.3.4 Regulations for Administration of Progress Toward Degree.

[14.4.3.4.1 through 14.4.3.4.2 unchanged.]

14.4.3.4.3 Correspondence and Extension Courses From *Another a Two-Year Institution*. Correspondence, extension and credit-by-examination courses taken from *an a two-year* institution other than the one in which a student-athlete is enrolled as a full-time student shall not be used in determining a student's academic standing or progress toward degree.

[14.4.4.3.1 through 14.4.4.3.2 unchanged.]

[14.4.3.4.4 through 14.4.3.4.7 unchanged.]

14.4.3.4.8 Distance-Learning Courses **From a Two-Year Institution**. Credit hours earned via distance learning **from a two-year institution** may be used to meet all progress-toward-degree requirements provided:

[14.4.3.4.8-(a) through 14.4.3.4.8-(b) unchanged.]

**14.4.3.4.9 Nontraditional Courses from Another Four-Year Institution.** Nontraditional courses (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) completed at a four-year institution other than the certifying institution, may be used to meet credit hour and percentage-of-degree requirements, provided the following conditions are met:

- (a) The course is available to any qualified student at the certifying institution;
- (b) The certifying institution considers enrollment in the course as regular course enrollment for all students;
- (c) Enrollment in the course occurs within the offering institution's regular enrollment periods (pre-registration or drop-add period) in accordance with the institution's academic calendar and applicable policies and procedures;
- (d) The course involves regular interaction with the instructor (in-person or electronically);
- (e) Evaluation of the student's work in the course is conducted by the appropriate academic authorities in accordance with the offering institution's established academic policies;
- (f) The offering institution uses a conventional grading scale consistent with similar courses offered by the institution and in accordance with applicable policies and procedures; and
- (g) The course is acceptable for degree credit (no remedial or noncredit courses) and is reflected on the student's official academic record at the certifying institution.

[14.4.3.4.9 renumbered as 14.4.3.4.10, unchanged.]

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Continuing Eligibility).

**Effective Date:** August 1, 2009

**Category:** Amendment

## **Topical Area: Eligibility**

**Rationale:** After extensive review of traditional and nontraditional courses, the Academics/Eligibility/Compliance Cabinet Subcommittee on Continuing Eligibility defined traditional courses as those involving regular in-person, classroom-based instruction. Nontraditional courses were defined as those involving little or no classroom-based instruction (e.g., distance-learning, correspondence, extension, Internet courses, independent study and any other course or credit that is not earned in a typical face-to-face classroom environment with regular in-person interaction between the instructor and the student). Technological trends within postsecondary instruction require a modernization of the language used to refer to various methods of course delivery. Generally, a student-athlete should be permitted to use nontraditional courses from any four-year institution to satisfy progress-toward-degree requirements, provided they are accepted by the certifying institution and satisfy graduation requirements for all students at the certifying institution. It is important to respect institutional discretion and authority in setting course content and curriculum and to trust institutional integrity with regard to use of nontraditional courses. However, this proposal establishes minimum standards that must be met in order for nontraditional courses to be used for progress-toward-degree requirements.

**Estimated Budget Impact:** None.

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

### **Position Statement(s)**

#### **History:**

Jun 10, 2008 Submit Submitted for consideration.

Jun 11, 2008 Academics/Eligibility/Compliance Cabinet, Sponsored

Sep 09, 2008 Academics Cabinet, Modified the Proposal The cabinet modified the proposal to also specify that the institution considers enrollment in such nontraditional courses as regular course enrollment for all students, and that the courses must be available to any qualified students at the certifying institution.

No. 2008-36 ELIGIBILITY — PROGRESS-TOWARD-DEGREE REQUIREMENTS — ELIGIBILITY FOR COMPETITION — INTERNATIONAL COMPETITION WAIVER — USE OF CREDITS EARNED

**Intent:** To specify that credits earned by a student during the term or terms to which an international competition waiver applies may be used to satisfy the 24/36 hour, percentage-of-degree and grade-point average progress-toward degree requirements.

**Bylaws:** Amend 14.4.3.6, as follows:

14.4.3.6 Waivers of Progress-Toward-Degree Rule. The Division I Progress-Toward-Degree Waiver Committee shall establish appropriate criteria for waivers of this legislation. The following waivers shall be administered by the conference members of the Association or, in the case of an independent institution, by the Division I Progress-Toward-Degree Waiver Committee.

[14.4.3.6-(a) unchanged.]

(b) International Competition. The credit hours required under the progress-toward-degree regulation of Bylaws 14.4.3.1 and 14.4.3.5-(c) may be prorated at nine hours per term of actual attendance during an academic year in which a student is not enrolled for a term or terms or is unable to complete a term **as a full-time student** as result of participation in the FIFA World Youth Championship, Pan American Games, Olympic Games, World Championships, World Cup or World University Games (including final Olympic tryouts and the officially recognized training program that directly qualifies participants for those tryouts). This waiver provision may be applied to no more than two semesters or three quarters. **Credits earned by the student during the term or terms to which the waiver applies may be used to satisfy the 24/36 hour [see Bylaw 14.4.3.1-(a)], percentage-of-degree (see Bylaw 14.4.3.2) and grade-point average requirements (see Bylaw 14.4.3.3).**

**Source:** Big 12 Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Currently, credits earned by a student during the term or terms to which a medical absence waiver applies may be used to satisfy the 24/36 hour, percentage-of-degree and grade-point average progress-toward-degree requirements. This proposal affords student-athletes who participate in the specified international competition the same benefit. Currently, hours earned during the term or terms associated with an international competition waiver may not be used to satisfy progress-toward-degree requirements. Permitting the use of such hours to satisfy these elements of the progress-toward-degree requirements is consistent with the NCAA's intent to ensure that students are progressing toward completion of a degree. Moreover, such hours still would not be applicable toward the six hour or 18/27 credit hour requirement.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal and agrees with the sponsor's rationale.

**History:**

Jun 25, 2008 Submit Submitted for consideration.

Sep 09, 2008 Academics Cabinet, Recommends Approval

No. 2008-37 ELIGIBILITY — TRANSFER REGULATIONS — EXCEPTIONS FOR TRANSFERS  
FROM FOUR-YEAR COLLEGES — CHURCH MISSION

**Intent:** To eliminate the church mission exception to the transfer residence requirement for transfers from four-year colleges.

**Bylaws:** Amend 14.5.5.2, as follows:

14.5.5.2 Exceptions for Transfers from Four-Year Colleges. A transfer student (other than one under disciplinary suspension per Bylaw 14.5.1.3) from a four-year collegiate institution is not subject to the residence requirement for intercollegiate competition, provided the student does not have an unfulfilled residence requirement at the institution from which he or she is transferring (except for the return to original institution without participation or with minimal participation exception) and any of the following exceptions is satisfied. During the student-athlete's first academic year of full-time collegiate enrollment, such conditions may serve as a basis for an exception to the residence requirement only for transfer students who, at the time of initial collegiate enrollment, met the requirements for "qualifiers" (set forth in Bylaw 14.3.1) in Division I. In basketball, a student-athlete who initially enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the ensuing academic year.

[14.5.5.2.1 through 14.5.5.2.4 unchanged.]

14.5.5.2.5 Military Service, *Church Mission* Exception. The student returns from at least 12 months of active service in the armed forces of the United States, *or from at least 12 months of active service on an official church mission.*

14.5.5.2.5.1 Collegiate Enrollment Concurrent with Military Service. The amount of time that an individual is enrolled as a regular student in a collegiate institution while concurrently on active military duty *or engaged in active service on an official church mission* may not be counted as a part of the 12-month active-duty period that qualifies a student for an exception to the transfer-residence requirement.

[Remainder of 14.5.5.2 unchanged.]

**Source:** Western Athletic Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Current legislation provides an exception to the residence requirement for a transfer student from a four-year institution if the student-athlete actively serves at least 12 months on an official church mission. The exception essentially makes a student-athlete who is serving an official church mission a "free agent," because he or she is not required to fulfill a year in residence on

returning and transferring to another institution. Since the current legislation provides an exception to the transfer residence requirement, many institutions are discouraged from investing the time, energy and finances into recruiting prospective student-athletes who plan to serve missions. As a result, an individual who would otherwise serve a mission may choose not to do so in order to receive a scholarship offer, which may be contingent on not serving a mission. Legislation affecting official church mission service should be distinguished from active military service due to a recent increase in the recruitment of student-athletes who serve official church missions.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal. The cabinet noted that participation in a church mission is within the student-athlete's control and such student-athletes should not be provided an exception to the transfer legislation if they decide to transfer to a different four-year institution on return from the church mission.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 09, 2008 Academics Cabinet, Recommends Approval

**No. 2008-38 ELIGIBILITY — TRANSFER REGULATIONS — FOUR-YEAR COLLEGE TRANSFERS — COMPETITION AND RECEIPT OF ATHLETICALLY RELATED FINANCIAL AID IN YEAR OF TRANSFER — TENNIS**

**Intent:** In tennis, to specify that a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year and received athletically related financial aid during the same academic year from the previous four-year institution.

**Bylaws:** Amend 14.5.5.3, as follows:



14.5.5.3 Competition in Year of Transfer. A transfer student from a four-year institution, who has received a waiver of or exception to the transfer residence requirement (per Bylaw 14.5.5.2), is not eligible to compete at the certifying institution during the segment that concludes with the NCAA championship if the student-athlete has competed during that segment of the same academic year in that sport at the previous four-year institution.

**14.5.5.3.1 Competition and Receipt of Athletically Related Financial Aid in Year of Transfer — Tennis.** In tennis, a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year and received athletically related financial aid during the same academic year from the previous four-year institution.

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Continuing Eligibility).

**Effective Date:** August 1, 2010

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Current legislation precludes a student-athlete from engaging in competition in a particular sport at two different institutions in the championship segment of the same academic year. In tennis, the season of competition is typically divided into two segments, but the Intercollegiate Tennis Association (ITA) is concerned about situations in which a student-athlete may compete for two different institutions in the same academic year and the difficulty some institutions have in replacing a student-athlete midyear. Accordingly, the ITA supports this proposal, which limits the ability of a midyear tennis transfer student-athlete to compete for two four-year institutions in the same academic year if the student-athlete received athletically-related financial aid at the first institution. Additionally, this proposal encourages and promotes more careful consideration by the coach and the student-athlete during the recruiting process and helps to solidify the commitment made by both parties.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Men's and Women's Tennis Committee:* The committee supports the proposal.

**History:**

Jun 10, 2008 Submit Submitted for consideration.

Jun 11, 2008 Academics/Eligibility/Compliance Cabinet, Sponsored

Sep 09, 2008 Men's and Women's Tennis Committee, Recommends Approval

No. 2008-39 ELIGIBILITY — OUTSIDE COMPETITION, EFFECTS ON ELIGIBILITY —  
EXCEPTION — CONFERENCE ALL-STAR COMPETITION AGAINST U.S. NATIONAL  
TEAM — WOMEN'S ICE HOCKEY

**Intent:** In women's ice hockey, to specify that a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for competition at the time of the competition.

**A. Bylaws:** Amend 14.7.1, as follows:

14.7.1 Outside Competition — Sports Other Than Basketball. A student-athlete in any sport other than basketball who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition becomes ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement. A student-athlete is permitted to practice on such a team.

[14.7.1.1 through 14.7.1.2 unchanged.]

**14.7.1.3 Exception — Conference All-Star Competition Against U.S. National Team — Women's Ice Hockey.** In women's ice hockey, a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for competition at the time of the competition.

[14.7.1.3 through 14.7.1.5 renumbered as 14.7.1.4 through 14.7.1.6, unchanged.]

**B. Bylaws:** Amend 17.14.8.1, as follows:

17.14.8.1 Noncollegiate, Amateur Competition.

17.14.8.1.1 During Academic Year. A student-athlete in ice hockey who participates during the academic year as a member of any outside ice hockey team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate ice hockey competition shall be ineligible for intercollegiate ice hockey competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions).

[17.14.8.1.1.1 unchanged.]

**17.14.8.1.1.2 Exception — Conference All-Star Competition Against U.S. National Team.** In women's ice hockey, a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for intercollegiate competition at the time of the competition.

**Source:** Ivy Group.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** In previous years leading up to the Winter Olympic Games, NCAA Division I Subcommittee for Legislative Relief (formerly Administrative Review Subcommittee) waivers have been granted for conference women's ice hockey all-star teams to play a maximum of two contests each against the U.S. women's national team. In granting the waiver related to the 2006 Winter Olympic Games, the subcommittee encouraged the applicant conferences to propose legislation to address the issue. This proposal will decrease bureaucracy by permitting participation in such contests without requiring institutions or conferences to request a waiver.

**Estimated Budget Impact:** Costs related to two contests every four years potentially involving a few students per institution.

**Impact on Student-Athlete's Time:** Time related to two contests every four years potentially involving a few students per institution.

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal with the modification to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the competition. The cabinet noted the limited viable competition available for the U.S. national team, that women's ice hockey teams generally have good APRs and the limited timeframe during which the competition could occur. However, the cabinet supports the consideration of potential academic impact for all such outside competition requests. (See History Section.)

*Championships/Sports Management Cabinet:* The cabinet supports the proposal with the modification to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the competition. (See History Section.)

*Women's Ice Hockey Committee:* The committee supports the proposal.

**History:**

Jul 03, 2008 Submit Submitted for consideration.

Aug 26, 2008 Women's Ice Hockey Committee, Recommends Approval

Sep 09, 2008 Academics Cabinet, Recommends Defeat The cabinet recommends that the sponsor modify the proposal to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the competition. The cabinet would support the proposal if modified.

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat The cabinet opposes the proposal as drafted noting that it would support the proposal if modified to specify that the student-athlete must be academically eligible for intercollegiate competition at the time of competition.

Sep 19, 2008 \$history.shortName The sponsor modified the proposal to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the

competition.

### **Financial Aid**

#### **No. 2008-40 FINANCIAL AID — MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT — WOMEN'S VOLLEYBALL**

**Intent:** In women's volleyball, to increase the maximum institutional grant-in-aid limitation from 12 to 13.

**Bylaws:** Amend 15.5.2, as follows:

##### **15.5.2 Head-Count Sports Other Than Football and Basketball.**

**15.5.2.1 Maximum Limits.** An institution shall be limited in any academic year to the total number of counters (head count) in each of the following sports:

Women's Gymnastics 12

Women's Volleyball 12 13

Women's Tennis 8

[Remainder of 15.5.2 unchanged.]

**Source:** Pacific-10 Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Financial Aid

**Rationale:** In 2004, an ad hoc group made up of members of the NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Financial Aid, the NCAA Division I Management Council and the NCAA Division I Committee on Women's Athletics performed a comprehensive review of the appropriateness of the maximum institutional grant-in-aid limitations in women's sports. As a result of its review, the group recommended legislation to increase the institutional grant-in-aid limitation in women's volleyball from 12 to 13 to reflect the addition of the "libero" position. The legislation was adopted by the Board of Directors in 2005, but it was narrowly overridden by the membership in January 2006. Data continues to support the recommendation to increase the institutional grant-in-aid limitation in this sport. The addition of the libero and specialization by position has resulted in an increase in squad sizes in the sport (up to 14.5 in 2005-06 from 14.0 in 2003-04). High school participation also has increased, resulting in a larger pool of viable prospective student-athletes who are worthy of athletics scholarships. The proposed increase also takes into consideration that the average number of volleyball student-athletes receiving athletics grant-in-aid is relatively consistent among Division I institutions. This fact is an important competitive and recruiting equity consideration.

**Estimated Budget Impact:** Potential increase of one scholarship per institution.

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

## **Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet took no position on the proposal. The cabinet requests the Legislative Council table this legislation to provide time for the cabinet to conduct a broader examination of maximum grant-in-aid limitations for all sports.

*Women's Volleyball Committee:* The committee supports the proposal.

## **History:**

Jun 26, 2008 Submit Submitted for consideration.

Sep 09, 2008 Women's Volleyball Committee, Recommends Approval

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, No Formal Position

## **No. 2008-41 FINANCIAL AID — MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT — BASEBALL**

**Intent:** In baseball, to increase the annual limit on the value of financial aid awards (equivalencies) to counters from 11.7 to 14.

**Bylaws:** Amend 15.5.4, as follows:

15.5.4 Baseball Limitations. During the 2008-09 academic year, there shall be a limit of 11.7 on the value of financial aid awards (equivalencies) to counters and a limit of 30 on the total number of counters, in baseball at each institution. During the 2009-10 academic year and thereafter, there shall be an annual limit of ~~11.7~~ **14** on the value of financial aid awards (equivalencies) to counters and an annual limit of 27 on the total number of counters in baseball at each institution.

[Remainder of 15.5.4 unchanged.]

**Source:** Southeastern Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Financial Aid

**Rationale:** Currently, institutions are limited to providing a maximum of 27 student-athletes with at least 25 percent of an equivalency beginning August 1, 2009. This is a step forward in improving the academic success of baseball student-athletes, but additional steps are necessary to further the initiative to increase graduation rates and retain student-athletes. Many baseball student-athletes receive only token amounts of athletically related financial aid. Low scholarship amounts are byproducts of the numbers needed to field a baseball team and the low number of equivalencies that are available. An increase to the maximum equivalencies will allow institutions the flexibility to provide student-athletes with increased athletically related financial aid to further reduce the likelihood of transfer to another institution. Further, as a result of small equivalency values during the academic year, many student-athletes are required to pay the majority of the

cost to attend summer terms. Given the expense, many student-athletes choose to participate in summer baseball rather than make additional progress toward a degree. Finally, the increase in equivalencies would provide a better financial opportunity for prospective student-athletes from lower income families to participate in baseball. This proposal furthers student-athlete well-being as well as student-athlete retention and academic progress toward a degree.

**Estimated Budget Impact:** Potential increase of 2.3 scholarships per institution.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet took no position on the proposal. The cabinet requests the Legislative Council table this legislation to provide time for the cabinet to conduct a broader examination of maximum grant-in-aid limitations for all sports.

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet took no position. The cabinet requests

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, No Formal Position

**Awards, Benefits and Expenses**

No. 2008-42 AWARDS, BENEFITS AND EXPENSES — COMPLIMENTARY ADMISSIONS AND TICKET BENEFITS — POSTSEASON EVENTS

**Intent:** To specify that an institution may provide each student-athlete who participates in or is a member of a team participating in a postseason event (e.g., conference championship, NCAA championship, National Invitation Tournament, bowl game) with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates.

**Bylaws:** Amend 16.2.1.1.1, as follows:

16.2.1.1.1 Exception — *Conference Championships, NCAA Championships and Bowl Games***Postseason Events.** An institution may provide each student-athlete who participates in or is a member of a team participating in a **postseason event** (e.g., conference championship, NCAA championship,**National Invitation Tournament**, or bowl game) with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates.

**Source:** Big Ten Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Awards, Benefits and Expenses

**Rationale:** This proposal would simplify and bring consistency to the application of the complimentary admissions legislation and permit a student-athlete to receive six complimentary admissions to postseason events in which the student-athlete participates or is a member of a team participating in the event.

**Estimated Budget Impact:** Varies depending on postseason participation.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet supports the proposal and agrees with the sponsor's rationale.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Approval

**No. 2008-43 AWARDS, BENEFITS AND EXPENSES — HOUSING AND MEALS — FRUIT, NUTS AND BAGELS**

**Intent:** To specify that an institution may provide fruit, nuts and bagels to student-athletes at any time.

**Bylaws:** Amend 16.5.2, as follows:

16.5.2 Permissible. Identified housing and meal benefits incidental to a student's participation in intercollegiate athletics that may be financed by the institution are:

[16.5.2-(a) through 16.5.2-(g) unchanged.

**(h) Fruit, nuts and bagels. An institution may provide fruit, nuts and bagels to a student-athlete at any time.**

**Source:** Atlantic Coast Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Awards, Benefits and Expenses

**Rationale:** Current legislation allows for an institution to provide student-athletes with energy bars, carbohydrate/electrolyte drinks, and carbohydrate boosters, but does not allow them to provide actual food items, such as fruits, nuts, or bagels. Dietitians working with student-athletes work to convince student-athletes and coaches that nutrition can have a very big impact on his or her athletics performance, and to convince them that they are not immune to the same types of health risks that nonathletes face. While some sports nutrition supplements have an important role in the lives of athletes, encouraging a diet of healthy and natural foods is a key for establishing a long term healthy lifestyle. Additionally, many permissible nonmuscle-building nutritional supplements

may not be as healthy as they seem. Many contain high-fructose corn syrup, which has raised concern among nutritional experts because of the way it is broken down in the body. Excessive amounts of fructose have been theorized to be one of the contributors to the obesity epidemic. Fructose has also been linked, through research, to an increased risk for heart disease and accelerated bone loss.

**Estimated Budget Impact:** Costs related to providing fruit, nuts and bagels to student-athletes at any time.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet took no position on the proposal. The cabinet is supportive of a broader review of nutritional supplements and whole foods by the Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS). The cabinet recommends the Legislative Council table this proposal until CSMAS can complete this review.

**History:**

Jul 09, 2008 Submit Submitted for consideration.

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, No Formal Position

Sep 19, 2008 \$history.shortName Sponsor modified proposal to specify that fruit, nuts and bagels could be provided as meal benefits incidental to participation in intercollegiate athletics separate from nutritional supplements.

No. 2008-44 AWARDS, BENEFITS AND EXPENSES — EXPENSES PROVIDED BY THE  
INSTITUTION FOR PRACTICE AND COMPETITION — DEPARTURE/RETURN  
EXPENSE RESTRICTIONS — EXCEPTIONS — TRAVEL FOLLOWING  
CHAMPIONSHIPS EVENTS AND POSTSEASON FOOTBALL GAMES

**Intent:** To specify that return transportation following contests in NCAA championship events, national governing body championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms are exempt from the requirement that a student-athlete remain no longer than 36 hours following the conclusion of the competition in order to receive actual and necessary expenses to return to campus.

**Bylaws:** Amend 16.8.1.2.1, as follows:



16.8.1.2.1 Departure/Return Expense Restrictions. An eligible student-athlete may receive actual and necessary travel expenses to represent the institution in athletics competition, provided the student-athlete departs for the competition no earlier than 48 hours prior to the start of the actual competition and remains no more than 36 hours following the conclusion of the actual competition even if the student-athlete does not return with the team.

16.8.1.2.1.1 Exceptions. These travel expense restrictions do not apply in the following circumstances:

[16.8.1.2.1.1-(a) through 16.8.1.2.1.1-(d) unchanged.]

**(e) Return transportation following contests in NCAA championship events, NGB championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms;**

[16.8.1.2.1.1-(e) through 16.8.1.2.1.1-(i) relettered as 16.8.1.2.1.1-(f) through 16.8.1.2.1.1-(j), unchanged.]

**Source:** Atlantic Coast Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Awards, Benefits and Expenses

**Rationale:** Current legislation provides an exception to the 48-hour departure restriction for travel prior to contests in NCAA championship events, National Governing Body championships in emerging sports or licensed postseason football games; however, there is no exception for departing the competition site more than 36 hours following the conclusion of a competition. When these events take place during institutional vacation periods and classes are not in session, many student-athletes and their families choose to stay in the locale of the competition for an extended period after the competition. However, under the current rule, if a student-athlete remains at the site more than 36 hours after the conclusion of the competition, the institution is not permitted to pay for that student-athlete's return transportation. Current legislation provides an exception to the 36-hour return restriction for regular-season competition that takes place during the institution's official vacation period during the academic year and between terms. This proposal would bring consistency to the application of the return restriction for regular-season and championship competition that occurs during the institution's vacation period. The same rationale for an exception for regular-season competition would logically apply to championship competition and postseason football games.

**Estimated Budget Impact:** Potential increase in costs to provide transportation expenses to student-athletes remaining in the locale of competition beyond 36 hours.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet supports the proposal. The cabinet recommends that the sponsor clarify which expenses (e.g., transportation, meals, lodging) may be provided by the institution beyond the 36-hour period and whether the student-athlete must remain in the locale of the championship event or postseason football game in order to receive these expenses.

*Championships/Sports Management Cabinet:* The cabinet supports the proposal with the modification to clarify that only return transportation could be provided to a student-athlete after 36 hours have elapsed following the conclusion of competition. (See History Section.)

#### **History:**

Jul 09, 2008 Submit Submitted for consideration.

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat The cabinet requests that the sponsors clarify whether the impact of the proposal is that the institution may only provide expenses related to the student-athlete's transportation back to campus. The cabinet would support the proposal if that limitation were in place.

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Approval

Sep 19, 2008 \$history.shortName Sponsor modified proposal to clarify that only return transportation could be provided to a student-athlete after 36 hours have elapsed following the conclusion of competition. The student-athlete may not receive other expenses (e.g., room, meals) after 36 hours have elapsed.

#### **Playing and Practice Seasons**

##### **No. 2008-45 PLAYING AND PRACTICE SEASONS — GENERAL REGULATIONS — SKILL INSTRUCTION — SPORTS OTHER THAN FOOTBALL — CONCURRENT SESSIONS**

**Intent:** In sports other than football, to specify that prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any one facility.

**Bylaws:** Amend 17.1.6.2, as follows:

17.1.6.2 Weekly Hour Limitations — Outside the Playing Season.

[17.1.6.2-(a) through 17.1.6.2-(c) unchanged.]

[17.1.6.2.1 unchanged.]

17.1.6.2.2 Skill Instruction — Sports other than Baseball and Football. Participation by student-athletes in individual skill-related instruction in sports other than baseball and football is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes from the team may be involved in skill-related instruction with their coaches from September 15 through April 15. Prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coach(es) at any one time in any **one** facility.

17.1.6.2.3 Skill Instruction — Baseball. In baseball, participation by student-athletes in skill-related instruction is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes may be involved in skill-related instruction with their coaches from September 15 to one week prior to the final examination period for the fall term and from January 15 through April 15. No more than four student-athletes may be involved in skill-related instruction with their coaches at any one time in any **one** facility prior to September 15, from the opening day of classes of the institution's second academic term to January 15 (for those institutions that begin classes prior to January 15) and after April 15.

**Source:** Big 12 Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The current legislation governing skill-related instruction was implemented to prevent teams from essentially conducting regular practice at certain times during the off-season. However, as applied, it places unnecessary time demands on student-athletes and institutional staff members because it does not allow more than four student-athletes to participate in skill-related instruction with their coaches at any one time in any facility prior to September 15 and after April 15. Allowing separate, autonomous groups of student-athletes to participate in skill-related instruction at the same time does not compromise the intent of the original legislation. Clearly, it is not possible to conduct regular practice by allowing more than one group to participate in skill-related instruction in separate locations at the same time. The most significant benefit of this proposal would be the reduction in the total amount of time that would be required to conduct skill-related instruction for the entire team. For sports with larger rosters, such as baseball, which may have up to 40 student-athletes, allowing multiple groups to participate in skill-related instruction at one time would permit three baseball coaches to conduct skill instruction for their 40 student-athletes in five hours, rather than ten.

**Estimated Budget Impact:** None.

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

## Position Statement(s)

*Championships/Sports Management Cabinet:* The cabinet opposes the proposal. The cabinet noted potential challenges related to the availability of facilities.

*Women's Basketball Issues Committee:* The committee supports the proposal. The committee noted that the current legislation puts a strain on both coaches and student-athletes. By allowing separate groups of student-athletes to participate in skill-related instruction at the same time but at separate locations, this proposal would reduce the total time needed by coaches to conduct such instruction, while still maintaining the intent of the original legislation.

## History:

Jun 26, 2008 Submit Submitted for consideration.

Aug 18, 2008 Women's Basketball Issues Committee, Recommends Approval

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat

## No. 2008-46 PLAYING AND PRACTICE SEASONS — BASEBALL — PRESEASON PRACTICE AND FIRST CONTEST — CHAMPIONSHIP SEGMENT

**Intent:** In baseball, to specify that in the championship segment, an institution shall not commence practice sessions prior to the Friday that is three weeks prior to the first permissible contest date for the championship segment and shall not play its first contest (game or scrimmage) with outside competition prior to the Friday in February that is 14 weeks before the Friday immediately preceding Memorial Day.

### A. Bylaws: Amend 17.4.2, as follows:

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

[17.4.2-(a) unchanged.]

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

### B. Bylaws: Amend 17.4.3, as follows:

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

[17.4.3-(a) unchanged.]

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

**Source:** Conference USA.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The 2008 baseball season was the first season in which institutions experienced a compacted 13-week playing season due to the uniform start dates for practice and competition during the championship segment. An unintended consequence of the legislation is that institutions are playing the same number of contests in a shorter period of time. As a result, institutions are participating in more weekday games, thereby increasing the number of missed class days and reducing student-athletes' time for academics in the spring term. Some conferences have experienced a 15 percent increase in the number of missed class days. Given the focus on the academic performance of baseball student-athletes, it is necessary to reconsider the first contest date for the championship segment. This proposal would allow for flexibility with scheduling, would reduce missed class time and would allow more time for student-athletes to fulfill academic requirements.

**Estimated Budget Impact:** Minimal.

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

**Position Statement(s)**

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

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat

No. 2008-47 PLAYING AND PRACTICE SEASONS — BASEBALL — MAXIMUM NUMBER OF CONTESTS — 52 DURING THE CHAMPIONSHIP SEGMENT AND FOUR DURING THE NONCHAMPIONSHIP SEGMENT

**Intent:** In baseball, to specify that an institution shall limit its total playing schedule with outside competition during the institution's playing season to 52 contests (games and scrimmages) during the championship segment and four contests (games and scrimmages) during the nonchampionship segment.

**Bylaws:** Amend 17.4.5, as follows:

17.4.5 Number of Contests.

17.4.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in baseball during the institution's baseball playing season to 56 **52** contests (games and scrimmages) **during the championship segment and four contests (games and scrimmages) during the non-championship segment**, except for those contests excluded under Bylaws 17.4.5.3 and 17.4.5.4.

[17.4.5.1.1 unchanged.]

17.4.5.2 Maximum Limitations — Student-Athlete. An individual student-athlete may participate in each academic year in not more than 56 **52** baseball contests **during the championship segment and four contests during the nonchampionship segment** (this limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution).

[Remainder of 17.4.5 unchanged.]

**Source:** Pacific-10 Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The 2008 baseball season was the first season in which institutions experienced the compacted 13-week playing season caused by the mandatory competition start date in February. Institutions are challenged to fit 56 games into a shortened season. The compacted season is inconsistent with the academic enhancement measures that were recently implemented in baseball. The same number of games in a shorter time period only increases the stress and academic pressure on student-athletes. A reduction of four games during the championship segment would reduce the academic hardships placed on student-athletes in the spring. Moving those games to the fall would allow institutions to maintain an overall 56-game schedule.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete's Time:** Reduction in time spent in game related activities and/or travel in the spring; proportionate increase in the fall.

**Position Statement(s)**

*Academics Cabinet:* The cabinet opposes the proposal. The cabinet noted the continued need for academic improvement in this sport and, as a result, is opposed to making baseball a "two-semester sport." Further, the cabinet noted the challenges created when the baseball season recently was compressed and sees Proposal No. 2008-48 as the best solution to those challenges.

*Championships/Sports Management Cabinet:* The cabinet opposes the proposal. The cabinet prefers Proposal No. 2008-48.

**History:**

Jul 03, 2008 Submit Submitted for consideration.

Sep 09, 2008 Academics Cabinet, Recommends Defeat

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat

**No. 2008-48 PLAYING AND PRACTICE SEASONS — BASEBALL — MAXIMUM NUMBER OF CONTESTS — 52**

**Intent:** In baseball, to reduce the maximum number of contests from 56 to 52.

**Bylaws:** Amend 17.4.5, as follows:

**17.4.5 Number of Contests.**

17.4.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in baseball during the institution's baseball playing season to ~~56~~ **52** contests (games and scrimmages), except for those contests excluded under Bylaws 17.4.5.3 and 17.4.5.4.

[17.4.5.1.1 unchanged.]

17.4.5.2 Maximum Limitations — Student-Athlete. An individual student-athlete may participate in each academic year in not more than ~~56~~ **52** baseball contests (this limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution).

[Remainder of 17.4.5 unchanged.]

**Source:** Pacific-10 Conference, Big South Conference and West Coast Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Based on the experience of the compacted baseball schedule during the 2008 season, which resulted from the new competition start date, it has become apparent that institutions are challenged to fit 56 games into a shortened season. Although institutions are not required to participate in the maximum permissible number of games, they are reluctant to schedule fewer than maximum because of the potential effect on consideration for postseason participation. A four game reduction would reduce the hardships placed on baseball programs generally and student-athletes and coaches specifically.

**Estimated Budget Impact:** Decrease in costs for travel and/or game related expenses; less revenue from ticket sales.

**Impact on Student-Athlete's Time:** Reduction in time spent in game related activities and/or travel.

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal. The cabinet noted the proposal would likely result in less missed class time and time away from campus for baseball student-athletes, which should contribute to improved academic performance overall.

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

**History:**

Jul 03, 2008 Submit Submitted for consideration.

Sep 09, 2008 Academics Cabinet, Recommends Approval

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Approval

No. 2008-49 PLAYING AND PRACTICE SEASONS — BASKETBALL — FIRST CONTEST —  
EXCEPTIONS — INFORMAL PRACTICE SCRIMMAGES — NO MISSED CLASS  
TIME

**Intent:** In basketball, to specify that no class time shall be missed in conjunction with an informal practice scrimmage, including activities associated with such scrimmages (e.g., travel, pregame and postgame activities).

**A. Bylaws:** Amend 17.5.3, as follows:

17.5.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in basketball prior to the second Friday of November (see Figure 17-2).

17.5.3.1 Exceptions. The following basketball contests (games and scrimmages) are permitted prior to the first contest dates specified under Bylaw 17.5.3:

(a) Practice Scrimmages. Informal practice scrimmages with outside competition, provided they are conducted in privacy without publicity or official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. **No class time shall be missed in conjunction with such a scrimmage, including all associated activities (e.g., travel, pregame and postgame activities);** and

[17.5.3.1-(b) unchanged.]

**B. Bylaws:** Amend 17.5.5.3, as follows:



17.5.5.3 Annual Exemptions. The following basketball contests each year may be exempted from a member institution's maximum number of contests:

[17.5.5.3-(a) through 17.5.5.3-(i) unchanged.]

(j) Practice Scrimmage. An informal practice scrimmage with outside competition, provided it is conducted in privacy without official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. **No class time shall be missed in conjunction with such a scrimmage, including all associated activities (e.g., travel, pregame and postgame activities).** In women's basketball, an institution may play two practice scrimmages during any year it does not use an exemption set forth in Bylaw 17.5.5.3-(g), 17.5.5.3-(h) or 17.5.5.3-(i), or may play one practice scrimmage and either one exhibition contest against a foreign team in the United States, one exhibition contest against a "club" member of USA Basketball or one exhibition contest against a four-year collegiate institution (other than an NCAA Division I institution). In men's basketball, an institution may play two practice scrimmages during any year in which it does not use the exemption set forth in Bylaw 17.5.5.3-(i), or may play one practice scrimmage and one exhibition contest against a non-NCAA Division I four-year collegiate institution.

**Source:** NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee) (Playing and Practice Seasons Subcommittee).

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Current legislation permits an institution to participate in an informal basketball scrimmage after the start date for on-court practice. Such a scrimmage may be conducted against another Division I institution. The current rules have established conditions to ensure that the scrimmage is conducted in privacy and does not, in essence, become an additional contest. However, there is no requirement that student-athletes do not miss class time to participate in such a scrimmage. In recent years, there have been some instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions. These scrimmages originally were designed to permit institutions in close proximity to each other to engage in an informal type of practice session. As such, student-athletes should not be missing class time to participate. This proposal will help further the original intent of the legislation.

**Estimated Budget Impact:** Potential cost savings for institutions that have been traveling significant distances while classes were in session to participate in practice scrimmages.

**Impact on Student-Athlete's Time:** Less missed class time.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* While it appears the issue of missed class time associated with informal practice scrimmages is more prevalent in men's basketball than in

women's basketball, there have been some reported instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions and, as a result, missed class. The original legislation was adopted with the intent that scrimmages would occur in close proximity to the institution and, therefore, the cabinet believes women's basketball would benefit from being included in this legislation.

*Women's Basketball Issues Committee:* The committee supports the proposal. While it appears the issue of missed class time associated with informal practice scrimmages is more prevalent in men's basketball than in women's, there have been some reported instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions and, as a result, missed class. The original legislation was adopted with the intent that scrimmages would occur in close proximity to the institution and, therefore, the committee believes women's basketball would benefit from being included in this legislation.

#### **History:**

Jun 13, 2008 Submit Submitted for consideration.

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

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

Aug 18, 2008 Women's Basketball Issues Committee, Recommends Modification  
Recommends that the proposal be modified to include women's basketball.

Sep 17, 2008 Championships/Sports Management Cabinet, Modified the Proposal Proposal  
modified to include women's basketball.

#### **No. 2008-50 PLAYING AND PRACTICE SEASONS — WOMEN'S BASKETBALL — FIRST CONTEST EXCEPTIONS AND ANNUAL EXEMPTIONS — FOREIGN TEAM IN U.S. AND USA BASKETBALL CLUB**

**Intent:** In women's basketball, to eliminate the exception to the first contest date and the annual exemptions for exhibition contests against club members of USA Basketball and foreign teams in the U.S.

#### **A. Bylaws:** Amend 17.5.3, as follows:

17.5.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in basketball prior to the second Friday of November (see Figure 17-2).

17.5.3.1 Exceptions. The following basketball contests (games or scrimmages) are permitted prior to the first contest dates specified under Bylaw 17.5.3:

[17.5.3.1-(a) unchanged.]

(b) *USA Basketball, Foreign-Team and Non-NCAA Division I Four-Year Collegiate Institution Games.* In women's basketball, the two basketball games exempted per Bylaws 17.5.5.3-(g), 17.5.5.3-(h) and 17.5.5.3-(i) may be played after the date on which an institution may commence on-court preseason practice (see Bylaw 17.5.2). In men's basketball, the two basketball games **Contests** exempted per Bylaw 17.5.5.3-(ig) may be played after the date on which an institution may commence on-court preseason practice (see Bylaw 17.5.2).

**B. Bylaws:** Amend 17.5.5.3, as follows:

17.5.5.3 Annual Exemptions. The following basketball contests each year may be exempted from a member institution's maximum number of contests: [17.5.5.3-(a) through 17.5.5.3-(f) unchanged.]

(g) *Foreign Team in U.S. — Women's Basketball.* An exhibition contest against a foreign team in the United States played in the arena in which the member institution regularly plays its home contests. An institution may play two exhibition contests against a foreign team in the United States during any year in which it does not use an exemption set forth in Bylaws 17.5.5.3-(h), 17.5.5.3-(i), or 17.5.5.3-(j), or may play one exhibition contest against a foreign team in the United States and either one exhibition contest against a "club" member of USA Basketball, one exhibition contest against a four-year collegiate institution (other than a NCAA Division I institution) or one practice scrimmage as defined in Bylaw 17.5.5.3-(j);

(h) *USA Basketball Club — Women's Basketball.* An exhibition contest against a "club" member of USA Basketball played in the arena in which the member institution regularly plays its home contests. An institution may play two exhibition contests against a "club" member of USA Basketball during any year in which it does not use an exemption set forth in Bylaw 17.5.5.3-(g), 17.5.5.3-(i) or 17.5.5.3-(j), or may play one exhibition contest against a "club" member of USA Basketball and either one exhibition contest against a foreign team in the United States, one exhibition contest against a four-year collegiate institution (other than an NCAA Division I institution) or one practice scrimmage as defined in Bylaw 17.5.5.3-(j).

(ig) *Exhibition Against a Non-NCAA Division I Four-Year Collegiate Institution.* An exhibition contest against a four-year collegiate institution (other than a NCAA Division I institution) played in the arena in which the member institution regularly plays its home contests. In women's basketball, an institution may play two exhibition contests against a non-NCAA Division I four-year collegiate institution during any year in which it does not use an exemption set forth in Bylaws 17.5.5.3-(g), 17.5.5.3-(h) or 17.5.5.3-(j), or may play one exhibition contest against a non-NCAA Division I four-year collegiate institution and either one exhibition contest against a foreign team in the United States or one practice scrimmage as defined in Bylaw 17.5.5.3-(j). In men's basketball, an **An** institution may play two exhibition contests against a non-NCAA Division I four-year collegiate institution during any year in which it does not use the exemption set forth in Bylaw 17.5.5.3-(jh), or may play one exhibition contest against a non-NCAA Division I four-year collegiate institution and one practice scrimmage as defined in Bylaw 17.5.5.3-(jh); and,

(j) Practice Scrimmage. An informal practice scrimmage with outside competition, provided it is conducted in privacy without official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. *In women's basketball, an institution may play two practice scrimmages during any year it does not use an exemption set forth in Bylaw 17.5.5.3-(g), 17.5.5.3-(h) or 17.5.5.3-(i), or may play one practice scrimmage and either one exhibition contest against a foreign team in the United States, one exhibition contest against a "club" member of USA Basketball or one exhibition contest against a four-year collegiate institution (other than a NCAA Division I institution).* *In men's basketball, an institution may play two practice scrimmages during any year it does not use an exemption set forth in Bylaw 17.5.5.3-(ig), or may play one practice scrimmage and one exhibition contest against a non-NCAA Division I four-year collegiate institution.*

**Source:** Big East Conference.

**Effective Date:** August 1, 2009; contracts signed before August 15, 2008 may be honored.

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Currently, in women's basketball, institutions are permitted to schedule preseason exhibition contests against noncollegiate club teams. Many of these club teams are directly associated with junior club teams populated by recruitable prospective student-athletes. These contests have become intertwined with access to recruits who play on noncollegiate teams. There is concern that these games create a relationship between institutions and club teams that result in an unfair recruiting advantages. Limiting exhibition games to contests against four-year collegiate institutions fosters a healthier competitive environment for collegiate teams and eliminates potential recruiting advantages. Finally, this same legislative change was adopted from men's basketball in 2004.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

*Women's Basketball Issues Committee:* The committee supports the proposal. The committee noted that many USA Basketball club teams or foreign teams are associated with junior teams, which include prospective student-athletes. As a result, exhibition contests with such teams have become intertwined with access to prospective student-athletes who play on noncollegiate teams, which is detrimental for the long term health and well-being of the game.

**History:**

Jul 02, 2008 Submit Submitted for consideration.

Aug 18, 2008 Women's Basketball Issues Committee, Recommends Approval

No. 2008-51 PLAYING AND PRACTICE SEASONS — PRESEASON PRACTICE — CROSS COUNTRY, FIELD HOCKEY, WOMEN'S RUGBY, SOCCER, WOMEN'S VOLLEYBALL AND MEN'S WATER POLO

**Intent:** In cross country, field hockey, women's rugby, soccer and men's water polo, to specify that an institution shall not commence practice sessions before 16 days prior to the date on which the first permissible contest or date of competition may occur; further, in women's volleyball, to specify that an institution shall not commence practice sessions before 20 days prior to the date on which the first permissible contest may occur.

**A. Bylaws:** Amend 17.7.2, as follows:

17.7.2 Preseason Practice. A member institution shall not commence practice sessions in cross country *prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest* **before 16 days prior to the date on which the first permissible date of competition may occur.**

**B. Bylaws:** Amend 17.10.2, as follows:

17.10.2 Preseason Practice. A member institution shall not commence practice sessions in field hockey *prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest* **before 16 days prior to the date on which the first permissible contest may occur.**

**C. Bylaws:** Amend 17.18.2, as follows:

17.18.2 Preseason Practice. A member institution shall not commence practice sessions in women's rugby *prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest* **before 16 days prior to the date on which the first permissible contest may occur.**

**D. Bylaws:** Amend 17.20.2, as follows:

17.20.2 Preseason Practice. A member institution shall not commence practice sessions in soccer *prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest* **before 16 days prior to the date on which the first permissible contest may occur.**

**E. Bylaws:** Amend 17.28.2, as follows:

17.28.2 Preseason Practice — Women. A member institution shall not commence practice sessions in women's volleyball *prior to the date that permits a maximum of 29 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest (excluding the early alumni match) or September 1, whichever is later. If the first scheduled contest occurs before September 1, the institution shall count back one practice unit for each day (excluding Sundays) from September 1 through the date of the first scheduled contest. Thereafter, the institution shall apply the formula as prescribed in Bylaw 17.02.11 before 20 days prior to the date on which the first permissible contest may occur (excluding the early alumni match).* An institution may not begin practice in its segment in which the NCAA championship is not conducted until January 1.

**F. Bylaws:** Amend 17.29.2, as follows:

17.29.2 Preseason Practice.

(a) Men. A member institution shall not commence practice sessions in men's water polo *prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest***before 16 days prior to the date on which the first permissible date of competition may occur.**

[17.29.2-(b) unchanged.]

**Source:** West Coast Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The current practice unit calculation for fall sports results in institutions beginning preseason practice on different days. This proposal identifies a consistent time period of practice days prior to the date on which the first permissible contest or date of competition may occur for each fall sport except football. One result of this proposal would be greater predictability and consistency since the preseason practice period would always be the same length. The proposal would allow programs to maintain a consistent preseason training program and period of time for preseason practice from season to season. It would also result in fiscal equity among institutions. Student-athletes would report to campus at approximately the same time they do under current legislation. Finally, the proposal would eliminate the complicated and time-consuming formula that is necessary to calculate each institution's first permissible practice date annually.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet opposes the proposal. The cabinet noted that the proposal may lead to increased costs for the relevant sports.

*Men's Soccer Committee:* The committee opposes the proposal.

## History:

Jul 14, 2008 Submit Submitted for consideration.

Sep 05, 2008 Men's Soccer Committee, Recommends Defeat

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat

### No. 2008-52 PLAYING AND PRACTICE SEASONS — FOOTBALL — PRESEASON PRACTICE — LIMIT ON NUMBER OF PARTICIPANTS — REPLACEMENT OF STUDENT-ATHLETE DUE TO INJURY OR ILLNESS

**Intent:** In football, to specify that a student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice.

#### A. **Bylaws:** Amend 17.11.2.1.2, as follows:

[Federated provision, FBS only]

17.11.2.1.2 Limit on Number of Participants — Bowl Subdivision. In bowl subdivision football, there shall be a limit of 105 student-athletes who may engage in practice activities prior to the institution's first day of classes or the institution's first contest, whichever occurs earlier.

[17.11.2.1.2.1 unchanged.]

**17.11.2.1.2.2 Replacement of Student-Athlete Due to Injury or Illness. A student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's 105-participation preseason practice limitation.**

[17.11.2.1.2.2 renumbered as 17.11.2.1.2.3 unchanged.]

#### B. **Bylaws:** Amend 17.11.2.1.3, as follows:

[Federated provision, FCS only]

17.11.2.1.3 Limit on Number of Participants — Championship Subdivision. In championship subdivision football, there shall be a limit of 90 student-athletes who may engage in practice activities prior to the institution's first day of classes or the institution's first contest, whichever occurs earlier.

[17.11.2.1.3.1 through 17.11.2.1.3.3 unchanged.]

**17.11.2.1.3.4 Replacement of Student-Athlete Due to Injury or Illness.** A student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice.

**Source:** Southeastern Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Current legislation limits the number of student-athletes who may participate in and receive expenses related to preseason practice activities. In addition, current legislation does not allow an injured or ill student-athlete to be replaced in the limit on preseason participants. This proposal would permit replacement of a student-athlete who sustains an injury or illness that prevents further participation in preseason practice. For the student-athlete to be replaced, he must immediately cease participation in all athletically related activities and may not resume participation in athletically related activities prior to the institution's first day of classes or first contest, whichever occurs first. The replaced student-athlete would not be permitted to return to practice for the remainder of the preseason-practice period; however, football programs that lose student-athletes to injuries or illnesses would be able to maintain a consistent number of preseason practice participants.

**Estimated Budget Impact:** Preseason practice expenses for student-athletes who replace injured or ill student-athletes.

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

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet supports the proposal.

*Championships/Sports Management Cabinet:* The cabinet opposes the proposal.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat

Sep 19, 2008 Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Approval

**No. 2008-53 PLAYING AND PRACTICE SEASONS — GOLF — MAXIMUM CONTEST LIMITATIONS — DETERMINATION OF DATE OF COMPETITION**

**Intent:** In golf, to eliminate the provision by which an institution is considered to have used a date of competition if one or more student-athletes participate on behalf of the institution on a particular date.



**Bylaws:** Amend 17.12.5.1, as follows:

17.12.5.1 Maximum Limitations — Institutional. A member shall limit its total playing schedule with outside competition in golf during the permissible golf playing season to 24 dates of competition, except for those dates of competition excluded under Bylaws 17.12.5.2 and 17.12.5.3 (see Bylaw 20.9.4.3 for minimum contests and participants requirements).

[17.12.5.1.1 unchanged.]

*17.12.5.1.2 Determination of Date of Competition. A member institution shall be considered to have used a date of competition in golf if one or more student-athletes participate on behalf of the institution on a particular date.*

[17.12.5.1.3 through 17.12.5.1.4 renumbered as 17.12.5.1.2 through 17.12.5.1.3 unchanged.]

**Source:** Big 12 Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Currently, if one or more student-athletes participate in a golf event, it constitutes an institutional date of competition. As a result, institutions have created junior varsity programs with teams carrying enough student-athletes to fill two or more teams. Pursuant to current legislation and interpretations, student-athletes competing as individuals trigger a varsity date of competition if 50 percent or more of the student-athletes participating in the event compete "primarily on the varsity level" (defined as playing in 50 percent or more of a team's varsity contest). Applying and tracking this standard has created substantial confusion and has made scheduling and planning difficult. Although this proposal does not remove these interpretations for those institutions that want to conduct a junior varsity and/or a freshman squad, it gives institutions flexibility without creating competitive advantages. Finally, each student-athlete is limited to 24 dates of competition and there is no increase in missed class time or additional dates of competition for any individual.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet opposes the proposal. The cabinet discussed supporting the proposal if the minimum number of student-athletes would be reduced from five to three.

**History:**

Jul 14, 2008 Submit Submitted for consideration.

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat

No. 2008-54 PLAYING AND PRACTICE SEASONS — GOLF — ANNUAL EXEMPTIONS —  
HAWAII OR ALASKA

**Intent:** In golf, to specify that any dates of competition in Hawaii or Alaska either against or under the sponsorship of an active Division I member located in Hawaii or Alaska, by a member located outside the area in question are exempted from the maximum number of dates of competition.

**Bylaws:** Amend 17.12.5.2, as follows:

17.12.5.2 Annual Exemptions. The maximum number of dates of competition in golf shall exclude the following:

[17.12.5.2-(a) through 17.13.5.2-(e) unchanged.]

(f) Hawaii or Alaska. Any dates of competition in golf in Hawaii or Alaska, respectively, **either against or under the sponsorship of** an active Division I member located in Hawaii or Alaska, by a member located outside the area in question;

[17.12.5.2-(g) through 17.13.5.2-(k) unchanged.]

**Source:** Western Athletic Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The current legislation applies only to dual golf competition against an active Division I member located in Hawaii or Alaska; however, intercollegiate golf is typically played in a tournament format with more than two teams competing against each other. Therefore, the current exception is not practical. This proposal would extend the same exemption that is currently available in other sports to golf. Furthermore, this proposal provides a greater incentive for member institutions located outside of Hawaii and Alaska to schedule competition in those states, despite the geographical distance, which further supports the original intent of the legislation.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

**History:**

Jul 01, 2008 Submit Submitted for consideration.

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Approval

No. 2008-55 PLAYING AND PRACTICE SEASONS — WOMEN'S SOCCER — FIRST CONTEST  
OR DATE OF COMPETITION — 12-WEEK SEASON

**Intent:** In women's soccer, to specify that an institution shall not play its first contest or engage in its first date of competition (game) with outside competition prior to the 12th weekend prior to the start of the women's soccer championship.

**Bylaws:** Amend 17.20.3, as follows:

17.20.3 First Contest or Date of Competition. A member institution shall not play its first contest or engage in its first date of competition (game) with outside competition in soccer prior to the following dates:

(a) Women's Soccer — The Friday prior to the 11th **12th** weekend *[or 12th weekend in years in which the date of the first permissible contest in men's soccer results in 12 weeks between that date and the start of the NCAA Division I Men's Soccer Championship (e.g., 2008, 2012, 2013, 2014)]* prior to the start of the NCAA Division I Women's Soccer Championship (see Figure 17-2), except that an alumni contest may be played the previous weekend.

[17.20.3-(b) unchanged.]

**Source:** Atlantic Coast Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The first contest date in men's soccer was amended in 2007, resulting in a 12-week season in five of the next 11 years: 2007, 2008, 2012, 2013 and 2014. The first contest date in women's soccer was amended in 2008 in order to give women's soccer the same 12 weeks between the first contest and the start of the championship in the same years as men's soccer. For scheduling purposes, it is more beneficial in women's soccer to have a consistent 12-week season every year. This change does not result in additional time demands on student-athletes because the total playing season in women's soccer would continue to be limited to 132 days.

**Estimated Budget Impact:** Increase in expenses for one additional week during those years in which the season would have been 11 weeks.

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

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

**History:**

Jul 09, 2008 Submit Submitted for consideration.

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Approval

No. 2008-56 PLAYING AND PRACTICE SEASONS — TENNIS — MAXIMUM NUMBER OF DATES OF COMPETITION — INDIVIDUAL SINGLES OR DOUBLES TOURNAMENT LIMITATIONS — NUMBER OF PARTICIPANTS

**Intent:** In tennis, to increase from three to four the number of student-athletes who may participate in an individual singles or doubles tournament without counting the event as one of the institution's dates of competition.

**Bylaws:** Amend 17.26.5, as follows:

17.26.5 Number of Dates of Competition.

17.26.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in tennis during the permissible tennis playing season to 25 dates of competition (including not more than seven individual singles and/or doubles tournaments that are counted as single dates of competition), except for those dates of competition excluded under Bylaws 17.26.5.3 and 17.26.5.4. (See Bylaw 20.9.4.3 for minimum contests and participants requirements.)

[17.26.5.1.1 unchanged.]

17.26.5.1.2 Individual Singles or Doubles Tournament Limitations — Institutional. An individual singles or doubles tournament that does not include any team scoring or the recognition of a team champion shall count as a single date of competition (not to exceed the maximum number of tournaments noted in Bylaw 17.26.5.1) for those institutions that have more than *three* **four** student-athletes competing therein, regardless of the number of days during which tournament competition takes place.

[Remainder of 17.26.5 unchanged.]

**Source:** NCAA Division I Championships/Competition Cabinet (Playing and Practice Seasons Subcommittee).

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** This proposal would permit institutions to send two doubles teams to such an individual singles or doubles tournament without using an institutional date of competition. Under the current limit of three student-athletes, one student-athlete is not able to participate in doubles competition at such a tournament. The additional student-athlete will not result in additional missed class time or an increase to the number of dates of competition for individual student-athletes because participation in tournaments would still count against the individual student-athlete's maximum dates of competition. Even though an additional student-athlete would be able to travel to a particular individual singles or doubles tournament, that student-athlete would presumably be traveling to the same number of total events throughout the playing season under the current rule.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

**History:**

Jun 24, 2008 Submit Submitted for consideration.

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

**No. 2008-57 PLAYING AND PRACTICE SEASONS — TRACK AND FIELD — SAFETY EXCEPTION — HURDLES AND STEEPLECHASE**

**Intent:** To specify that a coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in jumping hurdles or the jumping element of the steeplechase.

**Bylaws:** Amend 17.27.7, as follows:

17.27.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in field events, **jumping hurdles or the jumping element of the steeplechase**. The coach may provide safety or skill instruction but may not conduct the individual's workouts.

**Source:** Big 12 Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** When the legislation establishing the safety exception was adopted in 1991, it included fencing, gymnastics, rifle, skiing, swimming and diving, the field events of track and field and water polo. Since then, the exception has been added for archery, equestrian, rowing, synchronized swimming and wrestling. Extending the application of the safety exception to the hurdles and the steeplechase is consistent with the original intent of the safety exception legislation, which was to allow a coach to provide safety instruction to student-athletes while participating in voluntary workouts in sports that include elements that pose risks of bodily harm. Considering the physical demands and risks that are involved in the hurdles and the steeplechase, it is appropriate for a coach to provide safety supervision. In addition, these specific track events include a substantial degree of technique that is imperative in avoiding accidents and preventing injuries. It is important that a coach is available to spot and provide skill instruction in order to ensure the student-athlete's safety and well-being.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete's Time:** Voluntary activities.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet took no position on the proposal.

**History:**

Jun 26, 2008 Submit Submitted for consideration.

Sep 17, 2008 Championships/Sports Management Cabinet, No Formal Position

**No. 2008-74 PLAYING AND PRACTICE SEASONS — BASEBALL — FIRST CONTEST —  
CHAMPIONSHIP SEGMENT — ALUMNI CONTEST**

**Intent:** In baseball, to permit an alumni contest to be conducted the weekend prior to the first permissible contest date of the championship segment.

**Bylaws:** Amend 17.4.3, as follows:

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

[17.4.3-(a) unchanged.]

(b) Championship Segment. The Friday in February that is 13 weeks before the Friday immediately preceding Memorial Day (see Figure 17-2), **except that an alumni contest may be played the previous weekend (Saturday-Sunday).**

**Source:** Big West Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The recent changes to the playing and practice season legislation essentially eliminated the opportunity for an alumni contest to be played in the championship segment. Alumni contests must now be played in the fall or during the first week of a condensed schedule. Many professional baseball players are not available for alumni contests in the fall segment. Allowing one contest the weekend prior to the start of the championship segment will allow more alumni to participate in these contests. Many institutions use these contests as fundraising opportunities, which have lost opportunities with the adoption of the new legislation. Earlier start dates for a single alumni contest already exist in other sports.

**Estimated Budget Impact:** Potential for additional revenue.

**Impact on Student-Athlete's Time:** Minimal.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet took no position on the proposal.

**History:**

Jun 23, 2008 Submit Submitted for consideration.

### **Championships and Postseason Football**

#### **No. 2008-58 CHAMPIONSHIPS AND POSTSEASON FOOTBALL — CRITERIA FOR ESTABLISHMENT OR CONTINUATION OF CHAMPIONSHIPS — MINIMUM SPONSORSHIP FOR CHAMPIONSHIPS — WOMEN'S SPORTS**

**Intent:** To specify that a National Collegiate Championship or a division championship may be established in a women's sport if at least 40 institutions sponsor the sport.

**Bylaws:** Amend 18.2.4, as follows:

**18.2.4 Minimum Sponsorship for Championships Established During 1994-95 or Later.**

**18.2.4.1 Men's Sports.** A National Collegiate Championship or a division championship may be established **in a men's sport** *during the 1994-95 academic year or thereafter* if at least 50 institutions sponsor the sport.

**18.2.4.12 Exceptions for Women's Sports During the 1994-95 through 2008-09 Academic Years.** A National Collegiate Championship or division championship may be established *during the 1994-95 through 2008-09 academic years* in a women's sport *in which the Association does not already conduct a championship* if at least 40 institutions sponsor the sport.

[18.2.4.2 renumbered as 18.2.4.3, unchanged.]

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

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Championships and Postseason Football

**Rationale:** The current legislation was developed to promote gender equity by providing a slightly lower threshold of institutions sponsoring the sport for the establishment of new women's championships. The initial legislation outlined 1994-95 through 1998-99 as a specified time period that the threshold of 40 institutions was necessary in order for the Association to establish a new women's championship. The legislation was later extended to 2003-04 and then to 2008-09. As the emerging sports program has evolved beyond its initial 10-year-period with additional sports being added and the ongoing development of existing championships, including bracket expansion, there continues to be a need to permit the establishment of new championships if at least 40 institutions sponsor a sport. Removal of the specified time periods will eliminate the need for additional legislative action to extend this provision. The expansion of men's championship opportunities makes it prudent to retain the overall principle that 40 institutions are necessary in order for a women's championship be established to ensure gender equity in NCAA championship and other postseason opportunities for men and women. Also, institutions that are in the process

of adding women's sports have more viable options as the number of women's championship sports increase.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete's Time:** Increased championship participation opportunities for female student-athletes.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet took no position on the proposal.

**History:**

Jul 14, 2008 Submit Submitted for consideration.

Jul 14, 2008 Committee on Women's Athletics, Recommends Approval

Jul 30, 2008 Management Council Administrative Committee, Sponsored

Sep 17, 2008 Championships/Sports Management Cabinet, No Formal Position

**Division Membership**

No. 2008-59 DIVISION MEMBERSHIP — DEFINITIONS AND APPLICATIONS — EMERGING SPORTS FOR WOMEN — ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL AND SAND VOLLEYBALL

**Intent:** To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).

**A. Bylaws:** Amend 11.7.4, as follows:

11.7.4 Limitations on Number of Coaches and Off-Campus Recruiters. There shall be a limit on the number of coaches who may be employed by an institution and who may contact or evaluate prospective student-athletes off-campus at any one time in each sport as follows:

Sport	Limit on Number of Coaches	Limit on Off-Campus Recruiters
<i>Archery, Women</i>	2	2
<i>Badminton, Women</i>	2	2
<i>Synchronized Swimming, Women</i>	2	2
<i>Team Handball, Women</i>	2	2

[All other sports unchanged.]

**B. Bylaws:** Amend 14.1.8.1.6, as follows:



14.1.8.1.6 Waiver — United States Olympic Committee/National Governing Body. A student with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies or a former student-athlete may participate on a regular basis in organized practice sessions, provided the following conditions are met:

[14.1.8.1.6-(a) unchanged.]

(b) In the case of former student-athlete, the practice sessions involve an individual sport, **or** rowing *or* *synchronized swimming*;

[14.1.8.1.7-(c) through 14.1.8.1.7-(g) unchanged.]

**C. Bylaws:** Amend 15.5.3.1.2, as follows:

15.5.3.1.2 Women's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in the following women's sports:

Archery	5	Synchronized Swimming	5
Badminton	6	Team Handball	10

[All other sports unchanged.]

**D. Bylaws:** Amend 17.02.12, as follows:

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

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

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

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

[Remainder of 17.02.12 unchanged.]

**E. Bylaws:** Amend 17.02.12, as follows:

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

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

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

*Synchronized Swimming, Women's*  
*Team Handball, Women's*

[All other sports unchanged.]

17.02.12.2 Individual Sports. The following are classified as individual sports for purposes of this bylaw:

*Archery, Women's*  
*Badminton, Women's*

[All other sports unchanged.]

[Remainder of 17.02.12 unchanged.]

**F. Bylaws:** Amend 17.2, as follows:

*17.2 ARCHERY, WOMEN'S. Regulations for computing the archery playing season are set forth in Bylaw 17.1. (See Figures 17-1 and 17-2.)*

*17.2.1 Length of Playing Season. The length of an institution's playing season in archery shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.*

*17.2.2 Preseason Practice. A member institution shall not commence practice sessions in archery prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

*17.2.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in archery prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

*17.2.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in archery by the conclusion of the national governing body championship in archery.*

*17.2.5 Number of Dates of Competition.*

*17.2.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in archery during the institution's archery playing season to 15 dates of competition (games and scrimmages), except for those dates of competition excluded under Bylaws 17.2.5.3 and 17.2.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants requirements).*

*17.2.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in archery in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.31), the institution may not engage in such in-season foreign competition more than once every four years.*

*17.2.5.2 Maximum Limitations — Student-Athlete. An individual student-athlete may participate in each academic year in 15 dates of competition (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution).*

*17.2.5.3 Annual Exemptions. The maximum number of dates of competition in archery shall exclude the following:*

*(a) United States Intercollegiate Championships. Competition in the U.S. Intercollegiate Archery Championships;*

*(b) United States Indoor Championships. Competition in the U.S. Indoor Archery Championships;*

*(c) Conference Championship. Competition in one conference championship meet in archery;*

*(d) National Governing Body Championship. Competition in the archery national governing body championship;*

*(e) Alumni Meet. One date of competition each year against an alumni team of the institution;*

*(f) Foreign Team in U.S. One date of competition each year with a foreign opponent in the United States;*

*(g) Hawaii, Alaska, Puerto Rico. Any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;*

*(h) Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and*

*(i) Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in archery conducted for the purpose of raising funds for charitable organizations, provided:*

- (1) The student-athletes do not miss classes as a result of the participation;*
- (2) The involvement of the student-athletes has the approval of the institution's athletics director; and*
- (3) The activity takes place within a 30-mile radius of the institution's main campus.*

*17.2.5.4 Once-in-Four-Years Exemption — Foreign Tour. The dates of competition on a foreign tour shall be excluded from the maximum number of dates of competition, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).*

*17.2.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season pursuant to Bylaw 17.2.1, except as permitted in Bylaws 17.1.6.2 and 17.1.6.2.2.*

*17.2.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport.*

*17.2.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete.*

*17.2.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses archery equipment. The coach may provide safety or skill instruction but cannot conduct the individual's workouts.*

*17.2.8 Campus and Clinics. There are no limits on the number of student-athletes in archery who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.*

*17.2.9 Other Restrictions.*

*17.2.9.1 Noncollegiate, Amateur Competition.*

*17.2.9.1.1 During Academic Year. A student-athlete in archery who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate competition shall be ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions).*

*17.2.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog.*

*17.2.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.2.9.1.1.1).*

*17.2.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.32.*

*17.2.9.1.2.2 Olympic and National Team Development Program.*

*Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:*

- (a) The national governing body (NGB) conducts and administers the developmental program;*
- (b) The NGB selects coaches involved in the developmental program; and*
- (c) The NGB or the selected coaches select the involved participants.*

**G. Bylaws:** Amend 17.3, as follows:

*17.3 BADMINTON, WOMEN'S. Regulations for computing the badminton playing season are set forth in Bylaw 17.1. (See Figures 17-1 and 17-2.)*

*17.3.1 Length of Playing Season. The length of an institution's playing season in badminton shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.*

*17.3.2 Preseason Practice. A member institution shall not commence practice sessions in badminton prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

*17.3.3 End of Regular Season. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in badminton prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

*17.3.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in badminton by the conclusion of the national governing body championship in badminton.*

*17.3.5 Number of Dates of Competition.*

*17.3.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in badminton during the institution's badminton playing season to 15 dates of competition (games and scrimmages) (including not more than three tournaments that are counted as single dates of competition), except for those dates of competition excluded under Bylaws 17.3.5.3 and 17.3.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants).*

*17.3.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in badminton in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.32), the institution may not engage in such in-season foreign competition more than once every four years.*

*17.3.5.2 Maximum Limitations — Student-Athlete. An individual student-athlete may participate in each academic year in 15 dates of competition in badminton (including not more than three tournaments that are counted as single dates of competition) (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution).*

*17.3.5.3 Annual Exemptions.*

*The maximum number of dates of competition in badminton shall exclude the following:*

- (a) Conference Championship. Competition in one conference championship meet in badminton;*
- (b) National Governing Body Championship. Competition in the badminton national governing body championship;*
- (c) Alumni Match. One date of competition each year against an alumni team of the institution;*
- (d) Foreign Team in U.S. One date of competition each year with a foreign opponent in the United States;*

*(e) Hawaii, Alaska, Puerto Rico. Any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;*

*(f) Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and*

*(g) Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in badminton conducted for the purpose of raising funds for charitable organizations, provided:*

*(1) The student-athletes do not miss classes as a result of the participation;*

*(2) The involvement of the student-athletes has the approval of the institution's athletics director; and*

*(3) The activity takes place within a 30-mile radius of the institution's main campus.*

*17.3.5.4 Once-In-Four-Years Exemption — Foreign Tour. The dates of competition on a foreign tour shall be excluded from the maximum number of dates of competition, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).*

*17.3.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season pursuant to Bylaw 17.3.1, except as permitted in Bylaws 17.1.6.2. and 17.1.6.2.2.*

*17.3.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport.*

*17.3.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete.*

*17.3.7 Camps and Clinics. There are no limits on the number of student-athletes in badminton who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.*

*17.3.8 Other Restrictions.*

*17.3.8.1 Noncollegiate, Amateur Competition.*

*17.3.8.1.1 During Academic Year.*

*17.3.8.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur team (competition on an outside team permitted only during the summer, except as provided in Bylaw (17.3.8.1.1.1)).*

*17.3.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.32.*

*17.3.8.1.2.2 Olympic and National Team Development Program.*

*There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:*

*(a) The national governing body (NGB) conducts and administers the developmental program;*

*(b) The NGB selects coaches involved in the developmental program; and*

*(c) The NGB or the selected coaches select the involved participants.*

*17.3.8.2 Equipment Issue, Squad Pictures. No limitations.*

**H. Bylaws:** Amend 17.24, as follows:

*17.24 SYNCHRONIZED SWIMMING, WOMEN'S. Regulations for computing the synchronized swimming playing season are set forth in Bylaw 17.1. (See Figures 17-1 and 17-2.)*

*17.24.1 Length of Playing Season. The length of an institution's playing season in synchronized swimming shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.*

*17.24.2 Preseason Practice. A member institution shall not commence practice sessions in synchronized swimming prior to September 7 or the institution's first day of classes, whichever is earlier.*

*17.24.3 First Contest Date. A member institution shall not play its first contest (game or scrimmage) with outside competition in synchronized swimming prior to September 7 or the institution's first day of classes, whichever is earlier.*

*17.24.4 End of Regular Season. A member institution shall conclude all practice and competition (games and scrimmages) in synchronized swimming by the last day of final exams for the regular academic year at the institution.*



#### *17.24.5 Number of Dates of Competition.*

*17.24.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in synchronized swimming during the institution's synchronized swimming playing season to 15 dates of competition (meets and scrimmages), except for those dates of competition excluded under Bylaws 17.24.5.3 and 17.24.5.4.*

*17.24.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in synchronized swimming in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.32), the institution may not engage in such in-season foreign competition more than once every four years.*

*17.24.5.2 Maximum Limitations — Student-Athlete. An individual student-athlete may participate in each academic year in not more than 15 dates of competition in synchronized swimming (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution).*

*17.24.5.3 Annual Exemptions. The maximum number of dates of competition in synchronized swimming shall exclude the following:*

- (a) Conference Championship. Competition in one conference championship meet;*
- (b) National Governing Body Championship Competition. Competition in the national governing body championship;*
- (c) Alumni Meet. One date of competition each year against an alumni team of the institution;*
- (d) Foreign Team in United States. One date of competition each year with a foreign opponent in the United States;*
- (e) Hawaii, Alaska, Puerto Rico. Any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member institution located outside the area in question;*
- (f) Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and*
- (g) Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in synchronized swimming conducted for the purpose of raising funds for charitable organizations, provided:*

- (1) The student-athletes do not miss classes as a result of the participation;*
- (2) The involvement of the student-athletes has the approval of the institution's athletics director; and*
- (3) The activity takes place within a 30-mile radius of the institution's main campus.*

*17.24.5.4 Once-in-Four-Years Exemption — Foreign Tour. An institution may exempt the dates of competition on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).*

*17.24.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.24.1 except as permitted in Bylaws 17.1.6.2 and 17.1.6.2.2.*

*17.24.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport.*

*17.24.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in synchronized swimming. The coach may provide safety or skill instruction but may not conduct the individual's workouts.*

*17.24.8 Camps and Clinics. There are no limits on the number of student-athletes in synchronized swimming who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.*

*17.24.9 Other Restrictions.*

*17.24.9.1 Noncollegiate, Amateur Competition.*

*17.24.9.1.1 During Academic Year. A student-athlete in synchronized swimming who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate competition shall be ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions).*

*17.24.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog.*

*17.24.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate synchronized swimming who may practice or compete out of season on an outside, amateur synchronized swimming team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.24.9.1.1.1).*

*17.24.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.32.*

*17.24.9.1.2.2 Olympic and National Team Development Program.*

*There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:*

- (a) The national governing body (NGB) conducts and administers the developmental program;*
- (b) The NGB selects coaches involved in the developmental program; and*
- (c) The NGB or the selected coaches select the involved participants.*

*17.24.9.2 Equipment Issue, Squad Pictures. No limitations.*

**I. Bylaws:** Amend 17.25, as follows:

*17.25 TEAM HANDBALL, WOMEN'S. Regulations for computing the team handball playing season are set forth in Bylaw 17.1. (See Figures 17-1 and 17-2.)*

*17.25.1 Length of Playing Season. The length of an institution's playing season in team handball shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.*

*17.25.2 Preseason Practice. A member institution shall not commence practice sessions in team handball prior to September 7 or the institution's first day of classes, whichever is earlier.*

*17.25.3 First Contest Date. A member institution shall not play its first contest (game or scrimmage) with outside competition in team handball prior to September 7 or the institution's first day of classes, whichever is earlier.*

*17.25.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in team handball by the conclusion of the national governing body team handball championship.*

#### *17.25.5 Number of Dates of Competition.*

*17.25.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in team handball during the institution's playing season to 20 dates of competition (meets and scrimmages) (including not more than three tournaments that are counted as single dates of competition), except for those contests excluded under Bylaws 17.25.5.3 and 17.25.5.4.*

*17.25.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in team handball in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.32), the institution may not engage in such in-season foreign competition more than once every four years.*

*17.25.5.2 Maximum Limitations — Student-Athlete. An individual student-athlete may participate in each academic year in 20 dates of competition in team handball (including not more than three tournaments that are counted as single dates of competition) (this limitation includes those dates of competition in which the student represents the institution in accordance with 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution).*

*17.25.5.3 Annual Exemptions. The maximum number of dates of competition shall exclude the following:*

- (a) Conference Championship. Competition in one conference championship meet;*
- (b) National Governing Body Championship Competition. Competition in the national governing body championship;*
- (c) Alumni Meet. One date of competition each year against an alumni team of the institution;*
- (d) Foreign Team in U.S. One date of competition each year with a foreign opponent in the United States;*
- (e) Hawaii, Alaska, Puerto Rico. Any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member institution located outside the area in question; and*
- (f) Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and*
- (g) Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in team handball conducted for the purpose of raising funds for charitable organizations, provided:*

- (1) The student-athletes do not miss classes as a result of the participation;*
- (2) The involvement of the student-athletes has the approval of the institution's athletics director; and*
- (3) The activity takes place within a 30-mile radius of the institution's main campus.*

*17.25.4 Once-in-Four-Years Exemption — Foreign Tour. An institution may exempt the dates of competition on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).*

*17.25.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.25.1 except, as permitted in Bylaws 17.1.6.2 and 17.1.6.2.2.*

*17.25.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport.*

*17.25.7 Camps and Clinics. There are no limits on the number of student-athletes in team handball who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.*

*17.25.8 Other Restrictions.*

*17.25.8.1 Noncollegiate, Amateur Competition.*

*17.25.8.1.1 During Academic Year. A student-athlete in team handball who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate competition shall be ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions).*

*17.25.8.1.1.1 Vacation Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog.*

*17.25.8.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate team handball who may practice or compete out of season on an outside, amateur team handball team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.25.8.1.1.1).*

*17.25.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.32.*

*17.25.8.1.2.3 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:*

*(a) The national governing body (NGB) conducts and administers the developmental program;*

*(b) The NGB selects coaches involved in the developmental program; and*

*(c) The NGB or the selected coaches select the involved participants.*

*17.25.8.2 Equipment Issue, Squad Pictures. No limitations.*

**J. Bylaws:** Amend 20.02.5, as follows:

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

(a) Team Sports: team handball, rugby, **sand volleyball** and synchronized swimming; and  
[20.02.5-(b) unchanged.]

[Remainder of 20.02.5 unchanged.]

**K. Bylaws:** Amend 20.02.5, as follows:

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

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

(b) Individual Sports: *archery, badminton, equestrian and squash.*

[Remainder of 20.02.5 unchanged.]

**L. Bylaws:** Amend 20.9.4.3, as follows:

20.9.4.3 Minimum Contests and Participants Requirements for Sports Sponsorship.. In each sport, the institution's team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contests requirement. The following minimums are applicable:

Team Sports	Minimum Contests	Individual Sports	Minimum Contests	Minimum Participants
<i>Women's Synchronized Swimming</i>	8	<i>Women's Archery</i>	5	5
<i>Women's Team Handball</i>	10	<i>Women's Badminton</i>	8	6

[All other sports unchanged.]

(Note: The minimum-contest requirements set forth in Bylaws 20.9.4.3.1 through 20.9.4.3.7 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaws 14 and 17.)

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

**Effective Date:** August 1, 2009, for the removal of archery, badminton, synchronized swimming and team handball; August 1, 2010 for the addition of sand volleyball.

**Category:** Amendment

**Topical Area:** Division Membership

**Rationale:** There is wide-spread support for sand volleyball to be added as an emerging sport for women, including support from institutions and governing bodies. Data indicates that over 200,000 females ages 6-17 play sand volleyball and over 60 percent play only sand volleyball. Also, there were over 40 teams from NCAA institutions competing in sand volleyball tournaments in spring 2008. It is expected that the addition of sand volleyball will produce a significant increase in participation opportunities for women. The delayed effective date for sand volleyball will provide the divisions time to develop the necessary regulations. NCAA regulations require that emerging sports gain championship status within 10 years or show steady progress toward that goal. Four sports on the original list, (archery, badminton, synchronized swimming and team handball) have seen minimal sponsorship growth over the past 14 years. In July 2007, the institutions, conferences and national governing bodies supporting these four sports were notified that they needed to provide a minimum of 10 commitment letters from institutions by July 2008 and that failure to meet that request would result in a recommendation for their removal from the list. None of the four sports were able to meet this requirement.

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

**Impact on Student-Athlete's Time:** Dependent on institutional sponsorship.

**Position Statement(s)**

*Administration Cabinet:* The cabinet supports the proposal.

*Championships/Sports Management Cabinet:* The cabinet opposes the proposal. The cabinet expressed concern about the uncertainty surrounding proposed regulations for playing and practice seasons and financial aid. The cabinet would be interested in further discussion when additional detail regarding sand volleyball is developed.

**History:**

Jul 14, 2008 Submit Submitted for consideration.

Jul 14, 2008 Committee on Women's Athletics, Recommends Approval

Jul 30, 2008 Management Council Administrative Committee, Sponsored

Sep 11, 2008 Administration Cabinet, Recommends Approval

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Defeat

No. 2008-60 DIVISION MEMBERSHIP — PROVISIONAL MEMBERSHIP PROCESS AND  
REQUESTING RECLASSIFICATION — INSTITUTIONS SUBJECT TO ACADEMIC  
PERFORMANCE PROGRAM PENALTIES

**Intent:** To specify that the NCAA Division I Administration Cabinet may deny an institution's advancement to active Division I membership for any Division II institution seeking reclassification to Division I or any provisional member seeking active Division I status, if any of the institution's sport programs are subject to penalties pursuant to the NCAA Division I Academic Performance Program.

**A. Bylaws:** Amend 20.3, as follows:

20.3 PROVISIONAL MEMBERSHIP

20.3.1 Provisional Membership Process. A provisional member shall be eligible to apply for active membership only after the successful completion of specified requirements set forth in this bylaw. **The Administration Cabinet may deny referral of a provisional member to the Leadership Council for election to active membership if any of the institution's sport programs are subject to penalties pursuant to the Division I Academic Performance Program.**

[Remainder of 20.3 unchanged.]

**B. Bylaws:** Amend 20.5.2, as follows:

20.5.2 Requesting Reclassification.

[20.5.2.1 unchanged.]



20.5.2.2 Compliance with Criteria. If the member has met all applicable membership criteria of this article for the division to which it intends to transfer and has complied for the four years preceding June 1 with all other requirements set forth in this bylaw, the member shall be transferred to the new division effective the September 1 that the institution selects as its effective date. **However, the Administration Cabinet may deny referral of a reclassifying institution to the Leadership Council for advancement to active Division I status if any of the institution's sport programs are subject to penalties pursuant to the Division I Academic Performance Program.**

[Remainder of 20.5 unchanged.]

**Source:** NCAA Division I Management Council (Membership Subcommittee).

**Effective Date:** August 1, 2009; applicable to institutions in the provisional or reclassifying processes as of August 1 2009, and those beginning either process on or after August 1, 2009.

**Category:** Amendment

**Topical Area:** Division Membership

**Rationale:** Pursuant to the policy established by the NCAA Division I Committee on Academic Performance, institutions that are transitioning to Division I are required to submit data pursuant to the Division I Academic Performance Program policies and procedures beginning with the year the institution is required to comply with Division I legislation (year one for reclassifying members reclassifying from Division II to Division I and year two for provisional members). However, the NCAA Division I Academic Progress Rate of these institutions' teams currently is not taken into consideration when determining whether such institutions should be advanced to active Division I status. At the conclusion of the required membership transition period, the institution will have submitted multiple years of academic data and will be subject to potential penalties for failure to meet the appropriate academic benchmarks. The academic performance of an institution transitioning to Division I is an appropriate tool for determining its eligibility for election to Division I status. This proposal would provide authority to the Administration Cabinet to carefully review the circumstances regarding any institution that is subject to any academic performance program penalty at the conclusion of the transitioning period and determine if an institution should be approved for advancement to active Division I status.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal. The cabinet believes that academic considerations should be part of the membership process and that potential Division I members should be prepared to meet the same academic standards as existing Division I members.

**History:**

Apr 13, 2008 Submit Submitted for consideration.

Apr 13, 2008 Management Council Membership Subcommittee, Recommends Approval

Apr 14, 2008 Management Council, Sponsored

**No. 2008-63 DIVISION MEMBERSHIP — MEMBERSHIP REQUIREMENTS — MINIMUM PARTICIPANTS REQUIREMENTS FOR SPORTS SPONSORSHIP — TRACK AND FIELD — MULTI-DAY MEETS**

**Intent:** In track and field, to specify that if the number of student-athletes participating in a multi-day meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants required for sports sponsorship and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements.

**Bylaws:** Amend 20.9.4.3, as follows:

20.9.4.3 Minimum Contests and Participants Requirements for Sports Sponsorship. In each sport, the institution's team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contests requirement. The following minimums are applicable:

[Minimum requirements unchanged.]

[20.9.4.3.1 through 20.9.4.3.3 unchanged.]

20.9.4.3.4 Individual Sports — One or More Sites. In the individual sports, if the minimum number of student-athletes participating on one or more teams, at one or more sites, on behalf of the institution on the same day equals or exceeds the minimum number of participants per Bylaw 20.9.4.3, an institution may use the competition as a contest in meeting the minimum-contest requirements (see Bylaw 17.02.6.1).

**20.9.4.3.4.1 Exception — Multi-Day Meets — Track and Field.** In track and field, if the number of student-athletes participating in a multi-day meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants per Bylaw 20.9.4.3 and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements.

[20.9.4.3.5 through 20.9.4.3.8 unchanged.]

**Source:** Big East Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Division Membership

**Rationale:** In track and field, many meets are conducted over the course of two days for a variety of reasons, including facility availability, weather, hours of daylight, large field sizes and the safety of

involved student-athletes. Currently, in the case of a multi-day meet, 14 student-athletes must compete on each day of the meet in order for the meet to count toward the institution's minimum number of contests for the purpose of sport sponsorship. As a result, in many instances involving multi-day meets, coaches are forced to make roster and travel decisions that are not based on competitiveness or the student-athlete's well-being, but on satisfying the requirement that 14 student-athletes participate each day. This proposal would help assure that student-athletes will no longer be asked to compete in meets based solely on the day that an event is contested and that coaches will not be required to transport an unnecessarily high number of student-athletes. Further, institutions will not be penalized for choosing to attend two-day rather than single-day meets.

**Estimated Budget Impact:** Potential savings to the institution from traveling with fewer student-athletes.

**Impact on Student-Athlete's Time:** Potential for fewer student-athletes being required to travel.

**Position Statement(s)**

*Administration Cabinet:* The cabinet took no position on the proposal citing uncertainty about the true impact of the proposal and potential unintended consequences related to maximum dates of competition as set forth in NCAA Bylaw 17.27.5.

**History:**

Jul 02, 2008 Submit Submitted for consideration.

Sep 11, 2008 Administration Cabinet, No Formal Position

**No. 2008-64 DIVISION MEMBERSHIP — MEMBERSHIP REQUIREMENTS — FOOTBALL BOWL SUBDIVISION REQUIREMENTS — WAIVERS**

**Intent:** To specify that the members of the NCAA Division I Administration Cabinet representing NCAA Division I Football Bowl Subdivision (FBS) conferences, by a two-thirds majority of those members present and voting, may grant waivers of the FBS membership requirements.

**Bylaws:** Amend 20.9.7.6, as follows:

[Federated provision, FBS only.]

**20.9.7.6 Waivers.** *There shall be no waivers* **The members of the Administration Cabinet representing Football Bowl Subdivision conferences, by a two-thirds majority of those members present and voting, may grant waivers of the Football Bowl Subdivision membership requirements set forth in Bylaw 20.9.7.1 through 20.9.7.4.**

**Source:** Conference USA.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Division Membership

**Rationale:** The membership cannot anticipate the array of circumstances an institution may encounter that would prevent it from meeting the FBS membership requirements, particularly in the area of athletics aid. Currently, the opportunity to request a waiver of those requirements does not exist. For example, a number of public institutions with very low tuition costs are unable to expend at least four million dollars on grants-in-aid even though they fully fund the required minimum number of sports for sports sponsorship. In addition, the maximum number of grants-in-aid some institutions are able to offer during the academic year is very close to the required minimum of 200. In that regard, institutions should have the opportunity to petition for relief of the membership requirements for situations that are beyond the control of the institution or for situations in which consideration of the totality of the circumstances would indicate that relief should be granted.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Administration Cabinet:* The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the NCAA Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the membership moratorium.

*Championships/Sports Management Cabinet:* The cabinet took no position on the proposal.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 11, 2008 Administration Cabinet, No Formal Position

Sep 17, 2008 Championships/Sports Management Cabinet, No Formal Position

**Committees**

No. 2008-61 COMMITTEES — DIVISION I CABINETS AND COMMITTEES — WOMEN'S SOCCER COMMITTEE — COMPOSITION — REGIONS

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

**Bylaws:** Amend 21.7.6.5.5.3.20, as follows:

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

**Source:** NCAA Division I Championships/Competition Cabinet.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Committees

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

**Estimated Budget Impact:** None.

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

#### **Position Statement(s)**

#### **History:**

Jun 24, 2008 Submit Submitted for consideration.

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

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

#### **No. 2008-62 COMMITTEES — COMMITTEES REPORTING TO BOARD OF DIRECTORS — DIVISION I PRESIDENTIAL ADVISORY GROUP — DUTIES — LEGISLATIVE ISSUES**

**Intent:** To specify that members of the NCAA Division I Presidential Advisory Group who represent Football Championship Subdivision conferences shall have the authority to act on behalf of the Football Championship Subdivision members of the Board of Directors on legislative issues that relate to championship subdivision football, subject to review by the full Board of Directors.

**Bylaws:** Amend 21.7.9.1, as follows:

21.7.9.1 Division I Presidential Advisory Group.

[21.7.9.1.1 through 21.7.9.1.2 unchanged.]

21.7.9.1.3 Duties. The Division I Presidential Advisory Group shall advise and provide input to the seven members of the committee who serve on the Board of Directors. **Members of the**

**Presidential Advisory Group who represent Football Championship Subdivision conferences shall have the authority to act on behalf of the Football Championship Subdivision members of the Board of Directors on legislative issues that relate to championship subdivision football, subject to review by the full Board of Directors.**

**Source:** NCAA Division I Management Council (Governance Subcommittee).

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Committees

**Rationale:** Given the strategic importance football plays at NCAA Division I Football Championship Subdivision (FCS) institutions, it is important that all FCS conferences have an equal voice in the decision oversight process related to FCS-specific legislation. This proposed change is consistent with the manner in which Football Bowl Subdivision conference representatives are permitted to vote on a legislative issue involving bowl subdivision football that is considered by the Board of Directors. Discussions and decisions related to championship subdivision football legislative matters would occur during the Presidential Advisory Group meetings.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

**History:**

Apr 13, 2008 Submit Submitted for consideration.

Apr 13, 2008 Management Council Governance Subcommittee, Recommends Approval

Apr 14, 2008 Management Council, Sponsored

### **Administrative Regulations**

No. 2008-65 ADMINISTRATIVE REGULATIONS — FOREIGN TOURS AND COMPETITION —  
TIMING OF TOUR — PROHIBITION DURING ACADEMIC YEAR LABOR DAY  
VACATION PERIOD

**Intent:** To specify that an institution shall not participate in a foreign tour that occurs in conjunction with a Labor Day academic year vacation period.

**Administrative:** Amend 30.7.8, as follows:

30.7.8 Timing of Tour. A tour may only be scheduled during the summer-vacation period between the institution's spring and fall terms or during *any other an academic year* vacation period (**other than a Labor Day vacation period**) published in the institution's official catalog. All travel to and from the foreign country must take place during such a vacation period. However, if the team crosses the international date line during the tour, the change of date will be disregarded and the equivalent time as measured in the United States will be used to determine the institution's vacation period.

[30.7.8.1 unchanged.]

**Source:** NCAA Division I Management Council (Administrative Review Subcommittee).

**Effective Date:** August 1, 2009; however, institutions may honor a contract beyond this date if a contract for participation was signed before April 14, 2008.

**Category:** Amendment

**Topical Area:** Administrative Regulations

**Rationale:** Currently, an institution may participate in a foreign tour during Labor Day weekend provided it recognizes Labor Day as a vacation period. Institutions that do not recognize Labor Day or only recognize it for institutional staff and administration (e.g., not extended to students and professors) have sought NCAA Division I Management Council Administrative Review Subcommittee (now NCAA Division I Legislative Council Subcommittee for Legislative Relief) waivers in order to participate in tours. Eleven requests from men's basketball programs have been submitted since July 2005. Relief has been provided to those institutions that recognize Labor Day in some manner (e.g., administrative day for staff and administration). The intent of a foreign tour is to provide student-athletes with additional cultural and educational opportunities. However, competitive equity concerns have been raised. Those concerns relate to the fact that institutions are allowed ten days of practice before the start of the tour and that freshmen student-athletes may participate on such tours if the institution's academic year has begun. This legislation would not apply to institutions for which Labor Day occurs during the summer vacation period before the start of the regular academic year (e.g., quarter institutions). The current legislation does not permit incoming freshman to participate in summer foreign tours. Therefore, this proposal promotes competitive equity as it relates to freshman participation.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete's Time:** May impact the timing and duration of foreign tours.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

**History:**

Apr 13, 2008 Submit Submitted for consideration.

Apr 13, 2008 Administrative Review Subcommittee, Recommends Approval

Apr 14, 2008 Management Council, Sponsored

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Approval

No. 2008-69 ADMINISTRATIVE REGULATIONS — SUMMER BASKETBALL LEAGUES AND CERTIFIED BASKETBALL EVENTS — ADDITIONAL CRITERIA — APPROVAL OF EVENT AND LEAGUE OPERATORS — BASKETBALL

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

**A. Administrative:** Amend 30.14, as follows:

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

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

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

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

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

**B. Administrative:** Amend 30.15, as follows:

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

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

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

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

**C. Administrative:** Amend 30.16, as follows:



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

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

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

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

**D. Administrative:** Amend 30.17, as follows:

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

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

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

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

**Source:** NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Administrative Regulations

**Rationale:** Current legislation requires that an individual involved in coaching activities at an NCAA certified event must have been approved in accordance with guidelines established by the basketball certification staff. No such requirement exists for operators of these events. There have been recent situations involving operators of events who have engaged in questionable activities, yet still were able to operate a certified event. In one case, the participants and the event site involved with the operator were victims of fraud. These types of activities potentially could be avoided if the requirement of a background check is extended to event operators. This proposal is

being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing legislation or proposed legislation.

**Estimated Budget Impact:** Minimal additional costs for background checks.

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

**Position Statement(s)**

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

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

**History:**

Jun 13, 2008 Submit Submitted for consideration.

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

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

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

Aug 18, 2008 Women's Basketball Issues Committee, Recommends Modification  
Recommends that the proposal be modified to include women's basketball.

Sep 17, 2008 Championships/Sports Management Cabinet, Modified the Proposal Proposal  
modified to include women's basketball.

**Executive Regulations**

No. 2008-70 EXECUTIVE REGULATIONS — SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION — AUTOMATIC QUALIFICATION — ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL — MULTISPORT CONFERENCE — DEFINITION OF CORE INSTITUTION

**Intent:** In sports other than men's basketball, to specify that for the purposes of multisport conference eligibility for automatic qualification in a particular sport, a core institution is an institution that has been an active member of Division I during the eight preceding years or an institution that has sponsored the sport at the Division I level the eight preceding years.

**Administrative:** Amend 31.3.4.4, as follows:

31.3.4.4 Additional Requirements Sports Other Than Men's Basketball.

31.3.4.4.1 Multi-Sport Conference. To be considered eligible for automatic qualification in a particular sport, a multi-sport member conference must include six core institutions that satisfy continuity-of-membership. For the purposes of this legislation, core refers to an institution that has been an active member of Division I the eight preceding years **or has sponsored the sport at the Division I level the eight preceding years.** Further, the continuity-of-membership requirement shall be met only if a minimum of six core institutions have conducted conference competition together in Division I the preceding two years in the applicable sport. There shall be no exceptions to the two-year waiting period. Any new member added to a member conference that satisfies the continuity of membership requirements shall be immediately eligible to represent the conference as the automatic qualifier.

[Remainder of 31.3.4.4 unchanged.]

**Source:** Mid-American Conference.

**Effective Date:** Immediate (for the 2009-10 academic year championships).

**Category:** Amendment

**Topical Area:** Executive Regulations

**Rationale:** Currently, there are many sports sponsored at the Division I level by non-Division I institutions, which have shown a commitment to the sports, but are not eligible for an automatic qualification. In addition, there are sports programs that are unable to secure membership in a conference principally due to geographic location. There are at least ten to twelve sport programs that participate without access to an automatic qualification (at-large with limited RPI scheduling possibilities). This situation has contributed to institutions dropping sports because they cannot find a conference to assist with the difficulties of scheduling and because of the lack of access to an automatic qualification due to the small number of at-large bids. This proposal would help encourage conferences to consider adding such institutions as members for a particular sport.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Administration Cabinet:* The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the membership moratorium.

*Championships/Sports Management Cabinet:* The cabinet took no position on the proposal.

#### **History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 11, 2008 Administration Cabinet, No Formal Position

Sep 17, 2008 Championships/Sports Management Cabinet, No Formal Position

#### **No. 2008-71 EXECUTIVE REGULATIONS — SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION — AUTOMATIC QUALIFICATION — ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL — MULTISPORT CONFERENCE — EXCEPTION — MEMBER THAT HAS SPONSORED THE SPORT AT THE DIVISION I LEVEL THE EIGHT PRECEDING YEARS**

**Intent:** In sports other than men's basketball, to specify that a multisport conference that falls below six core members may be considered for automatic qualification in that sport, provided the conference adds an institution to its membership (for a total of at least six members) that has sponsored the sport for the preceding eight years at the Division I level and at least six institutions (including the added institution) have conducted conference competition together at the Division I level in the sport the preceding two years.

**Administrative:** Amend 31.3.4.4, as follows:

##### **31.3.4.4 Additional Requirements, Sports Other Than Men's Basketball.**

**31.3.4.4.1 Multi-Sport Conference.** To be considered eligible for automatic qualification in a particular sport, a multi-sport member conference must include six core institutions that satisfy continuity-of-membership. For the purposes of this legislation, core refers to an institution that has been an active member of Division I the eight preceding years. Further, the continuity-of-membership requirement shall be met only if a minimum of six core institutions have conducted conference competition together in Division I the preceding two years in the applicable sport. There shall be no exceptions to the two-year waiting period. Any new member added to a member conference that satisfies the continuity-of-membership requirements shall be immediately eligible to represent the conference as the automatic qualifier.

**31.3.4.4.1.1 Exception — Newly Added Conference Sport.** A multi-sport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided the conference includes at least six active NCAA Division I institutions that have conducted conference competition together at the Division I level in the sport the preceding two years and the sport is sponsored by less than 50 percent of the Division I membership.

**31.3.4.4.1.2 Exception — Member that has Sponsored the Sport at the Division I Level the Eight Preceding Years.** A multi-sport conference that falls below six core members may be considered for automatic qualification in that sport, provided the conference adds an institution to its membership (for a total of at least six members) that has sponsored the sport the eight preceding years at the Division I level and at least six institutions (including the added institution) have conducted conference competition together at the Division I level in the sport the preceding two years.

[Remainder of 31.3.4.4 unchanged.]

**Source:** Mid-American Conference.

**Effective Date:** Immediate (for the 2009-10 academic year championships).

**Category:** Amendment

**Topical Area:** Executive Regulations

**Rationale:** Currently, there are many sports sponsored at the Division I level by non-Division I institutions, which have shown a commitment to the sports, but are not eligible for an automatic qualification. In addition, there are sports programs that are unable to become members of conferences principally due to geographic location. This situation has led to institutions dropping some sports because they cannot find a conference to assist with the difficulties of scheduling and because of the lack of access to an automatic qualification due to the small number of at-large bids. This proposal would help encourage conferences to consider adding such institutions as members for a particular sport.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Administration Cabinet:* The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the membership moratorium.

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 11, 2008 Administration Cabinet, No Formal Position

Sep 17, 2008 Championships/Sports Management Cabinet, Recommends Approval

No. 2008-72 EXECUTIVE REGULATIONS — SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION — AUTOMATIC QUALIFICATION — ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL — MULTISPORT CONFERENCE — EXCEPTION — SPORTS SPONSORSHIP

**Intent:** In sports other than men's basketball, to specify that a multisport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided at least six institutions have conducted conference competition together at the Division I level for the preceding two years and the sport is sponsored by less than 65 percent of the Division I membership.

**Administrative:** Amend 31.3.4.4, as follows:

31.3.4.4 Additional Requirements, Sports Other Than Men's Basketball.

31.3.4.4.1 Multi-Sport Conference. To be considered eligible for automatic qualification in a particular sport, a multi-sport member conference must include six core institutions that satisfy continuity-of-membership. For the purposes of this legislation, core refers to an institution that has been an active member of Division I the eight preceding years. Further, the continuity-of-membership requirement shall be met only if a minimum of six core institutions have conducted conference competition together in Division I the preceding two years in the applicable sport. There shall be no exceptions to the two-year waiting period. Any new member added to a member conference that satisfies the continuity-of-membership requirements shall be immediately eligible to represent the conference as the automatic qualifier.

31.3.4.4.1.1 Exception. A multi-sport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided the conference includes at least six active NCAA Division I institutions that have conducted conference competition together at the Division I level in the sport the preceding two years and the sport is sponsored by less than 50 ~~65~~ percent of the Division I membership.

[Remainder of 31.3.4.4 unchanged.]

**Source:** Mid-American Conference.

**Effective Date:** Immediate (for the 2009-10 academic year championships).

**Category:** Amendment

**Topical Area:** Executive Regulations

**Rationale:** Five men's sports for which NCAA championships are conducted are sponsored by at least 80 percent of the Division I membership. There is a distinct drop off to 60 percent for men's soccer. A great disparity exists between sponsorship of men's soccer and the sponsorship of sports such as baseball and men's basketball, which are sports that have particularly high percentages of sponsorship at member institutions. This proposal recognizes and accounts for the sponsorship percentages in order to facilitate the addition of sports that are currently sponsored by less than 65 percent of the membership as conference-sponsored sports.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

*Administration Cabinet:* The cabinet took no position and recommended that the Division I Legislative Council refer the issue to the Division I Leadership Council to be considered as part of its broader discussion of Division I membership issues during the membership moratorium.

*Championships/Sports Management Cabinet:* The cabinet took no position on the proposal.

**History:**

Jul 15, 2008 Submit Submitted for consideration.

Sep 11, 2008 Administration Cabinet, No Formal Position

Sep 17, 2008 Championships/Sports Management Cabinet, No Formal Position

No. 2008-73 EXECUTIVE REGULATIONS — NATIONAL STATISTICS PROGRAM

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

**Administrative:** Amend 31.9, as follows:

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

*31.9.1 General Policies.*

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

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

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

*31.9.1.4 Countable Opponents. Only contests against varsity intercollegiate teams of four-year, degree-granting institutions shall be included in individual and team statistics, won-lost record and coaching records. Contests against service teams, professional teams, semiprofessional teams, amateur teams, two-year colleges and club teams are specifically excluded. Further, only contests against varsity intercollegiate teams of four-year, degree-granting institutions that play a majority of their contests in that sport against varsity intercollegiate teams (per Constitution 3.2.4.5) of United States four-year, degree-granting institutions shall be tabulated for inclusion in such statistics (and counted for purposes of team selection for an NCAA championship per Bylaw 31.3.3.1).*

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

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

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

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

*31.9.1.8 Statistics of Ineligible Student-Athletes.*

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



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

#### *31.9.2 Baseball and Softball Statistics.*

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

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

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

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

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

#### *31.9.4 Football Statistics.*

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

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

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

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

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

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

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

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

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

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

*31.9.5.2 "No Contest" Declaration. There is no forfeit of a contest until all participating teams are present and the referee or other appropriate contest official has assumed jurisdiction in accordance with applicable playing rules. When a team does not appear (e.g., due to weather conditions, accidents, breakdown of vehicles, illness or catastrophic causes), a forfeit is not recorded. An institution shall not, for statistical purposes, declare a forfeit for nonfulfillment of a contract. Such instances shall be considered as "no contest." In circumstances involving institutions from the same conference, the league office has the option to declare a forfeit win and loss for conference-standing purposes only but this does not change an institution's overall win-loss record.*

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

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

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

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

*(b) It is not required that similar action be taken in regard to the individual records and performances of other players (teammates and opponents) who participated in contests during the period in which the player participated while ineligible;*

*(c) While neither the forfeiting institution nor the national office has the authority to require opponents receiving those forfeits to alter their season records, the forfeiting institution should actively encourage its opponents to do so; and*

*(d) These same conditions shall be applicable to the records of a conference. Neither the institution nor the national office has the authority to require a conference to alter its records. However, the institution should actively encourage such a result.*

#### *31.9.6 Career Records.*

*31.9.6.1 Co-head Coaches. In the event that an institution designates a co-head-coaching system, the won-lost records of both coaches for each season that they co-head coaches, are to be included in each coach's total career record. In such instances, both coaches' career records shall be denoted by an asterisk and a footnote [e.g., includes 40-20 record as a co-head coach with (name of other coach) during the years indicated].*

*31.9.6.2 Division Classification. For career record purposes, a player's statistics are recognized by the Association only for the years that the individual's college was an active member of the Association. In the event an individual's college changed divisions while a member, career statistics for the individual are credited only in the division in which he or she actually competed each year.*

*31.9.6.3 Collegiate Record Category. In the above-mentioned case where an individual's college changed divisions while a member, the player's full career statistics are to be entered in the collegiate record category.*

*31.9.6.4 Determination of Head Coach at an Institution. In order for a coach to be credited with wins, losses or ties, that individual must be designated as the institution's head coach for the entire sports season. Individuals serving on an advisory or preseason basis may not be credited with the wins, losses, or ties. If the head coach is not present at a contest due to illness of other unexpected circumstances, or otherwise is unable to complete the sports season, it is up to the institution to determine whether the win, loss or tie for that contest(s) shall be credited to the head coach or to an interim or assistant coach, as determined by the institution prior to the contest(s).*

**Source:** NCAA Division I Championships/Competition Cabinet.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Executive Regulations

**Rationale:** Removing the policies and procedures of the national statistics program from the legislative process while having the Championships/Sports Management Cabinet continue to oversee and approve changes will eliminate the current bureaucracy and confusion in the process. This action also will help ensure the statistics program is applied consistently across all three divisions of the Association. The national statistics program policies and procedures are already provided to the membership via the NCAA Web site. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

**Estimated Budget Impact:** None.

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

**Position Statement(s)**

**History:**

Jun 24, 2008 Submit Submitted for consideration.

Jun 25, 2008 Championships/Competition Cabinet, Sponsored

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

**NCAA Division I 2008-09 Legislative Cycle Proposals**  
**Points to Consider**

**Proposal Number: 2008-9**

**Title:** NCAA MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL --  
CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- OPERATING AND  
CAPITAL FINANCIAL DATA REPORT

- Establishes the requirement to submit financial information from which the "dashboard indicators" are derived.
- Combines the new requirement with the current financial report requirement in NCAA Constitution 6.2.3.

**Proposal Number: 2008-10**

**Title:** PERSONNEL -- DEFINITIONS AND APPLICATIONS -- MINORITY GRADUATE  
ASSISTANT COACH -- CHAMPIONSHIP SUBDIVISION FOOTBALL

- Would establish a legislative framework that would help address diversity in NCAA Football Championship Subdivision (FCS) coaching positions.
- Is this the correct first step to establish such a program?
  - Budgetary issues.
    - Would require approval through NCAA budget process.
    - Additional administrative costs.
  - First develop details of such a program and policies and procedures.
    - Minority Opportunities and Interests Committee.
- Possible competitive equity concerns.
  - Only one coach per conference.
- Gender-equity concerns.

**Proposal Number: 2008-11**

**Title:** PERSONNEL -- LIMITATIONS ON THE DUTIES OF COACHES --  
NONCOACHING ACTIVITIES -- EXCEPTION -- STUDENT MANAGER --  
BASEBALL

- Coaches could provide more instruction to student-athletes.
- Would the legislation lead to a proliferation in the number of student managers?
  - Consider in conjunction with the squad size limitation.
- Would it be better to examine whether current rules allow for the appropriate number of coaches?
- Would such a concept apply to other sports?
- Appropriate effective date?

**Proposal Number:** 2008-12

**Title:** PERSONNEL -- LIMITATIONS ON NUMBER OF OFF-CAMPUS RECRUITERS AT ANY ONE TIME -- EXCEPTION -- WOMEN'S BASKETBALL -- JULY EVALUATION PERIODS

- Would provide for flexibility and possible cost savings in travel expenses.
- Could the concept be expanded to other times and other sports?

**Proposal Number:** 2008-13

**Title:** AMATEURISM -- EXCEPTION FOR PRIZE MONEY FOR STUDENT-ATHLETES -- OUTSIDE THE PLAYING SEASON DURING AN OFFICIAL VACATION PERIOD -- INDIVIDUAL SPORTS

- Intended to allow student-athletes in individual sports to receive money to cover the same expenses that are often provided in team sports.
- Model is already in place for pre-enrollment.
- Is this a reasonable exception or does it begin to erode the amateurism standard?

**Proposal Number:** 2008-14

**Title:** RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE STUDENT-ATHLETE -- ENROLLMENT AND ATTENDANCE IN SUMMER CLASSES PRIOR TO INITIAL FULL-TIME ENROLLMENT

- Intended to allow for limited benefits and limited exceptions to contact restrictions.
- Possible competitive equity concerns.
  - Administrative costs related to encouraging more prospective student-athletes to attend summer school.

**Proposal Number:** 2008-15

**Title:** RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE STUDENT-ATHLETE -- INSTITUTIONAL ORIENTATION SESSION

- Intended to allow for limited benefits and limited exceptions to contact restrictions for a limited period of time and to a limited population.
- How common is it for institutions to conduct orientation sessions within 14 days of the opening day of classes?

**Proposal Number:** 2008-16

**Title:** RECRUITING -- CONTACTS AND EVALUATIONS -- CONTACTABLE INDIVIDUALS -- STUDENT-ATHLETE WITHDRAWN FROM FOUR-YEAR COLLEGE -- EXCEPTION -- OFFICIAL CHURCH MISSION

- Intended to protect the student-athlete's original institution from tampering by other institutions and protect the student-athlete from distractions.
- Why is the proposal limited in application to student-athletes who signed National Letters of Intent?

**Proposal Number:** 2008-17

**Title:** RECRUITING -- CONTACTS AND EVALUATIONS -- PERMISSIBLE RECRUITERS -- BOWL SUBDIVISION FOOTBALL -- HEAD COACH RESTRICTIONS -- SPRING EVALUATION PERIOD -- OTHER OFF-CAMPUS ACTIVITIES

- Further defines the activities in which head coaches may not participate during the spring evaluation period.
- Could general language be used to address the listed items and others?

**Proposal Number:** 2008-18

**Title:** RECRUITING -- TELEPHONE CALLS INITIATED BY A PROSPECTIVE STUDENT-ATHLETE AT HER OWN EXPENSE -- WOMEN'S LACROSSE

- Intended to address perceived intrusions in the lives of prospects.
- Potentially difficult to monitor.

**Proposal Number:** 2008-19

**Title:** RECRUITING -- CONTACTS AND EVALUATIONS -- FOOTBALL -- ONE CONTACT WITH JUNIORS OR SENIORS -- SPRING EVALUATION PERIOD

- Designed to allow coaches to make earlier more accurate assessments of a prospective student-athlete's ability to succeed academically and assimilate culturally in a collegiate environment.
- Legislation has previously allowed for contact with high school juniors.

**Proposal Number:** 2008-20

**Title:** RECRUITING -- FOOTBALL EVALUATIONS -- SCHOLASTIC AND NONSCHOLASTIC ACTIVITIES -- EVENTS ORGANIZED AND CONDUCTED BY SCHOLASTIC ATHLETICS GOVERNANCE BODIES -- OTHER EVALUATION EVENTS

- Seeks to permit coaches' attendance at coaching clinics, all-star game practices and competitions that are solely conducted and organized by a scholastic athletics governing body.

- Precludes attendance at recruiting events (other than the permissible live events) in which information (e.g., athletics or academic credentials, highlight or combine video) related to prospective student-athletes is presented or otherwise made available.
- Would the legislation permit attendance at an event if a scholastic athletics governing body were to contract with a third party (e.g., recruiting or scouting service) to conduct the event?

**Proposal Number:** 2008-21

**Title:** RECRUITING -- ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS -- REPORTS AND NOTIFICATION -- ELIGIBILITY CENTER

- Seeks to centralize distribution of required reports and information.
- Currently, institution specific information would only be triggered by an institutional request list.
  - Such a request may occur late in the process.
  - Alternative would be to require prospective student-athletes to list potential institutions on registration; however, registration may come late in the process, as well.

**Proposal Number:** 2008-22

**Title:** RECRUITING -- PRINTED RECRUITING MATERIALS -- INSTITUTIONAL POSTCARDS

- Designed to alleviate questions regarding what constitutes a postcard and what constitutes a note card for recruiting purposes.
- Does not eliminate the option of sending a blank postcard issued by the U.S. postal service to a prospective student-athlete as general correspondence.

**Proposal Number:** 2008-23

**Title:** RECRUITING -- RECRUITING MATERIALS -- ELECTRONIC TRANSMISSIONS -- AFTER NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT

- Seeks consistent application of the exception to all prospective student-athletes who have demonstrated a commitment to attend the institution.
- How common is it to submit room or tuition deposits to more than one school?
- When are these deposits generally due and how does that relate to when written offers of admission or financial aid are sent?



**Proposal Number: 2008-24**

**Title:** RECRUITING -- RECRUITING MATERIALS -- OTHER RECRUITING MATERIALS POSTED TO INSTITUTION'S WEB SITE

- Intended to provide prospective student-athletes with greater access to additional information.
- Institutions would not be limited to sending items that are on the list of permissible recruiting materials.
- Could increase costs.

**Proposal Number: 2008-25**

**Title:** RECRUITING -- OFFICIAL VISIT AND LETTER OF INTENT PROGRAMS -- REQUIREMENTS FOR OFFICIAL VISIT AND OFFERS OF ATHLETICALLY RELATED FINANCIAL AID -- COMPLETION OF AMATEURISM CERTIFICATION QUESTIONNAIRE

- Would assist the NCAA Eligibility Center in beginning the process of certifying the amateur status prospective student-athletes at an earlier date.
- Would help ease case volume leading up to and after the start of the academic year when competition is pending.

**Proposal Number: 2008-26**

**Title:** RECRUITING -- OFFICIAL VISIT -- MEALS ON OFFICIAL VISIT -- MEALS AT AIRPORT OR BUS OR TRAIN STATION

- Seeks flexibility in providing meals to prospective student-athletes.
- Should application be limited to departure delays?

**Proposal Number: 2008-27**

**Title:** RECRUITING -- UNOFFICIAL VISIT -- HOUSING -- LODGING IN DORMITORIES -- ADDITIONAL RESTRICTION -- WOMEN'S LACROSSE

- Rationale cites issues of maturity.
  - Are high school seniors significantly more mature than juniors?
- May a coach make arrangement with a student manager or other students?

**Proposal Number: 2008-28**

**Title:** RECRUITING -- FINANCIAL AID AGREEMENTS -- OFFERS OF AID BEFORE JULY 1 FOLLOWING JUNIOR YEAR -- WOMEN'S LACROSSE

- Seeks to take the pressure and "fear" approach out of recruiting.

- Prospective student-athletes should have time to make informed decisions.
- What constitutes "accepting" a commitment from a prospect?

**Proposal Number:** 2008-29

**Title:** RECRUITING -- TRYOUTS -- EXCEPTIONS -- VOLUNTARY SUMMER CONDITIONING -- SPORTS OTHER THAN FOOTBALL AND BASKETBALL

- Would extend the legislation currently available only to football and basketball to incoming student-athletes in all other sports.
- Could require additional staffing and resources in the summer.

**Proposal Number:** 2008-30

**Title:** RECRUITING -- SPORTS CAMPS AND CLINICS -- EMPLOYMENT AT CAMP OR CLINIC -- HIGH SCHOOL, PREPARATORY-SCHOOL TWO-YEAR COLLEGE COACHES OR OTHER INDIVIDUALS INVOLVED WITH PROSPECTIVE STUDENT-ATHLETES -- EMPLOYMENT AS SPEAKER -- BASKETBALL

- Designed to preclude honorariums as recruiting inducements.
- Applies to specified individuals even if they are employed as camp counselors.
- Applies to any institutional camp or clinic, including coaching clinics and those that only include individuals who have not reached the ninth grade.

**Proposal Number:** 2008-31

**Title:** RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING SERVICES -- VIDEO SERVICES

- Intended to allow flexibility in viewing video at various locations.
- Would this legislation lead to a proliferation of video recruiting events?

**Proposal Number:** 2008-32

**Title:** ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES

- Designed to clarify issues related to nontraditional courses and full-time enrollment.
- Does "regular interaction with the instructor" need to be further defined?

**Proposal Number:** 2008-33

**Title:** ELIGIBILITY -- SEASONS OF COMPETITION -- FIVE-YEAR RULE -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- DELAYED ENROLLMENT -- WOMEN'S VOLLEYBALL

- Would add women's volleyball to the current rule applicable to tennis and swimming and diving.
- Addresses issues related to delayed enrollment and participation in elite competition.

**Proposal Number:** 2008-34

**Title:** ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- CORE CURRICULUM TIME LIMITATION -- STUDENTS WITH EDUCATION IMPACTING DISABILITIES

- Allows for a reasonable accommodation in a reasonable amount of time.
- Issues related to the receipt of athletically related financial aid may be unresolved.
  - Proposal currently uses the same language as is currently used in the core-course time limitation for students without education impacting disabilities.
- Would a delayed effective date be beneficial?

**Proposal Number:** 2008-35

**Title:** ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE -- NONTRADITIONAL COURSES

- Designed to address issues related to the use of nontraditional courses for progress-toward-degree requirements.
- Does "regular interaction with the instructor" need to be further defined?
- Should the standards for courses offered from two-year colleges be consistent with those offered by four-year colleges?

**Proposal Number:** 2008-36

**Title:** ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- INTERNATIONAL COMPETITION WAIVER -- USE OF CREDITS EARNED

- Would make the application consistent with that of the medical absence waiver and the missed term exception.

**Proposal Number:** 2008-37

**Title:** ELIGIBILITY -- TRANSFER REGULATIONS -- EXCEPTIONS FOR TRANSFERS FROM FOUR-YEAR COLLEGES -- CHURCH MISSION

- Intent is to discourage or prohibit recruitment of student-athletes who are serving church missions.

- Proposal No. 2008-16 would preclude contact by other institutions without permission from student-athlete's first institution.
- Are both proposals necessary?
- Should flexibility be provided to a student-athlete who wishes to transfer after at least one year of missionary service?

**Proposal Number: 2008-38**

**Title:** ELIGIBILITY -- TRANSFER REGULATIONS -- FOUR-YEAR COLLEGE TRANSFERS -- COMPETITION AND RECEIPT OF ATHLETICALLY RELATED FINANCIAL AID IN YEAR OF TRANSFER -- TENNIS

- Designed to address participation at two institutions in the same year and the difficulty in replacing a student-athlete who transfers at midyear.
- Should consideration be given to applying the same rule to wrestling or golf?
- Does the effective date need to be delayed?

**Proposal Number: 2008-39**

**Title:** ELIGIBILITY -- OUTSIDE COMPETITION, EFFECTS ON ELIGIBILITY -- EXCEPTION -- CONFERENCE ALL-STAR COMPETITION AGAINST U.S. NATIONAL TEAM -- WOMEN'S ICE HOCKEY

- Would codify a waiver that was granted for such competition related to the 2006 Winter Olympics.
- Possible concerns related to missed class time.

**Proposal Number: 2008-40**

**Title:** FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- WOMEN'S VOLLEYBALL

- In 2004, legislation was recommended to increase the institutional grant-in-aid limitation in women's volleyball from 12 to 13 to reflect the addition of the "libero" position.
  - Rationale cites continued empirical support for the increase.
    - Increase in squad sizes and high school participation.
- Potential competitive equity concerns.
- Budget impact.

**Proposal Number: 2008-41**

**Title:** FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- BASEBALL

- Intended to allow flexibility, further reduce the likelihood of transfer and provide additional opportunities for student-athletes.
- Potential competitive equity concerns.
- Budget impact.

**Proposal Number:** 2008-42

**Title:** AWARDS, BENEFITS AND EXPENSES -- COMPLIMENTARY ADMISSIONS AND TICKET BENEFITS -- POSTSEASON EVENTS

- Seeks to simplify and bring consistency to the application of the complimentary admissions legislation.
- Is the application to postseason events too broad?
- Should six complimentary admissions be provided for all competition (e.g., regular season, postseason)?

**Proposal Number:** 2008-43

**Title:** AWARDS, BENEFITS AND EXPENSES -- HOUSING AND MEALS -- FRUIT, NUTS AND BAGELS

- Designed to help address nutritional concerns for student-athletes.
- Food has generally been considered to be an element of financial aid.
- Concerns related to additions to the specific items.
  - Other food items that include fruit or nuts.
  - Toppings and the like for bagels.
- Potential budget impact.

**Proposal Number:** 2008-44

**Title:** AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- DEPARTURE/RETURN EXPENSE RESTRICTIONS -- EXCEPTIONS -- TRAVEL FOLLOWING CHAMPIONSHIPS EVENTS AND POSTSEASON FOOTBALL GAMES

- Reasonable that student-athletes will stay in the locale after competition during a vacation period.
- Current legislation provides an exception for regular-season competition that takes place during the institution's official vacation period during the academic year and between terms.

**Proposal Number:** 2008-45

**Title:** PLAYING AND PRACTICE SEASONS -- GENERAL REGULATIONS -- SKILL INSTRUCTION -- SPORTS OTHER THAN FOOTBALL -- CONCURRENT SESSIONS

- Intended to allow for flexibility and efficiency without compromising the original intent of the legislation.
- May need to define "facility."
  - Temporary partitions would not create separate "facilities."
  - Application to different areas of an outdoor "facility."

**Proposal Number:** 2008-46

**Title:** PLAYING AND PRACTICE SEASONS -- BASEBALL -- PRESEASON PRACTICE AND FIRST CONTEST -- CHAMPIONSHIP SEGMENT

- Designed to provide flexibility with scheduling, which would reduce missed class time and would allow more time for student-athletes to fulfill academic requirements.
  - Extends practice by approximately one week and provides one additional week for contests.
- If Proposal No. 2008-47 is adopted, will the reduction in championship segment contests eliminate the need for the additional scheduling flexibility?

**Proposal Number:** 2008-47

**Title:** PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52 DURING THE CHAMPIONSHIP SEGMENT AND FOUR DURING THE NONCHAMPIONSHIP SEGMENT

- Intent is to reduce academic hardships placed on student-athletes in the spring while maintaining an overall 56-game schedule.
- Participation in competition in the nonchampionship segment counts as a season of competition.

**Proposal Number:** 2008-48

**Title:** PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52

- Would reduce the maximum permissible number of contests by four.
- Seeks to reduce the hardships placed on baseball programs generally and student-athletes and coaches specifically.

**Proposal Number:** 2008-49

**Title:** PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST CONTEST -- EXCEPTIONS -- INFORMAL PRACTICE SCRIMMAGES -- NO MISSED CLASS TIME

- Practice scrimmages originally were designed to permit institutions in close proximity to engage in an informal type of practice session.
- Should the same principle apply to exhibition contests against non-Division I four-year institutions?

**Proposal Number:** 2008-50

**Title:** PLAYING AND PRACTICE SEASONS -- WOMEN'S BASKETBALL -- FIRST CONTEST EXCEPTIONS AND ANNUAL EXEMPTIONS -- FOREIGN TEAM IN U.S. AND USA BASKETBALL CLUB

- Intent is to eliminate the recruiting link with competition against foreign and club teams.
- The teams may not include prospective student-athletes, but many are directly associated with junior teams that include prospects.
- Would make the rule consistent with men's basketball.

**Proposal Number:** 2008-51

**Title:** PLAYING AND PRACTICE SEASONS -- PRESEASON PRACTICE -- CROSS COUNTRY, FIELD HOCKEY, WOMEN'S RUGBY, SOCCER, WOMEN'S VOLLEYBALL AND MEN'S WATER POLO

- Designed to provide consistency and eliminate the need to apply a formula.
- An institution that delays its first contest would be able to practice more than those that start on the first permissible date.
  - Resulting in additional expenses in such circumstances.

**Proposal Number:** 2008-52

**Title:** PLAYING AND PRACTICE SEASONS -- FOOTBALL -- PRESEASON PRACTICE -- LIMIT ON NUMBER OF PARTICIPANTS -- REPLACEMENT OF STUDENT-ATHLETE DUE TO INJURY OR ILLNESS

- Would allow for a consistent number of student-athletes participating in preseason practice, regardless of injuries or illnesses.
- The current legislation focuses on the number of student-athletes who may receive preseason expenses.
  - Assumption is that injured student-athletes would continue to receive expenses.

**Proposal Number:** 2008-53

**Title:** PLAYING AND PRACTICE SEASONS -- GOLF -- MAXIMUM CONTEST LIMITATIONS -- DETERMINATION OF DATE OF COMPETITION

- Intent is to provide flexibility in scheduling and planning related to subvarsity teams without creating competitive advantages.
- If the proposal were adopted, a date of competition would only be counted if five or more student-athletes participate.
  - If four student-athletes participate in a tournament, the tournament counts toward championship selection.
  - Should the number be more than one, but less than five?
- When it was adopted, the current rule was seen as "necessary to prevent talent-laden teams from scoring well in events by sending enough players to be well represented, but not enough to be counted as a team date."

**Proposal Number:** 2008-54

**Title:** PLAYING AND PRACTICE SEASONS -- GOLF -- ANNUAL EXEMPTIONS -- HAWAII OR ALASKA

- Seeks to expand the exemption to tournaments that include multiple institutions, which is the standard golf competition format.
- Supports the intent of the exemption, which is to encourage institutions to travel to compete against institutions located in Hawaii or Alaska.

**Proposal Number:** 2008-55

**Title:** PLAYING AND PRACTICE SEASONS -- WOMEN'S SOCCER -- FIRST CONTEST OR DATE OF COMPETITION -- 12-WEEK SEASON

- Designed to establish a consistent 12-week season.
- Playing and practice season remains limited to 132 days, including the championship and nonchampionship segments.
- Current legislation has only been effective since August 1, 2008.

**Proposal Number:** 2008-56

**Title:** PLAYING AND PRACTICE SEASONS -- TENNIS -- MAXIMUM NUMBER OF DATES OF COMPETITION -- INDIVIDUAL SINGLES OR DOUBLES TOURNAMENT LIMITATIONS -- NUMBER OF PARTICIPANTS

- Designed to allow two doubles teams to participate in a tournament without counting an institutional date of competition.
- Would not increase missed class time or expenses.



**Proposal Number:** 2008-57

**Title:** PLAYING AND PRACTICE SEASONS -- TRACK AND FIELD -- SAFETY EXCEPTION -- HURDLES AND STEEPLECHASE

- Would allow for safety or skill instruction during voluntary workouts while engaging in potentially dangerous activities.
- Application limited to the jumping elements. It does not apply to running or starting elements.

**Proposal Number:** 2008-58

**Title:** CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CRITERIA FOR ESTABLISHMENT OR CONTINUATION OF CHAMPIONSHIPS -- MINIMUM SPONSORSHIP FOR CHAMPIONSHIPS -- WOMEN'S SPORTS

- Intent is to continue to promote gender equity in allowing equal championship opportunities for men and women.
- Original exception has been extended two times.

**Proposal Number:** 2008-59

**Title:** DIVISION MEMBERSHIP -- DEFINITIONS AND APPLICATIONS -- EMERGING SPORTS FOR WOMEN -- ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL AND SAND VOLLEYBALL

- Data shows increasing interest in sand volleyball by females ages six to 17.
- Over 40 NCAA institutions competed in sand volleyball tournaments in the 2008 spring.
- Goal of emerging sports for women program is to increase female participation and move sports toward NCAA championship status.
  - Sports being eliminated have seen minimal or no sponsorship growth since added to the list 14 years ago.
- Is there any detrimental impact to the Olympic movement?
  - United States Olympic Committee submitted a letter expressing support for the NCAA Committee on Women's Athletics' recommendations.
- Institutions still may offer the sports at the varsity level, even if they are not on the NCAA emerging sports for women list.
  - May still count participants for gender-equity purposes.

**Proposal Number:** 2008-60

**Title:** DIVISION MEMBERSHIP -- PROVISIONAL MEMBERSHIP PROCESS AND REQUESTING RECLASSIFICATION -- INSTITUTIONS SUBJECT TO ACADEMIC PERFORMANCE PROGRAM PENALTIES

- Seeks to establish academic performance of an institution transitioning to Division I as a factor in determining its eligibility for election to Division I status.
- Requirement to meet minimum academic standards relates to providing an appropriate student-athlete experience.

**Proposal Number:** 2008-61

**Title:** COMMITTEES -- DIVISION I CABINETS AND COMMITTEES -- WOMEN'S SOCCER COMMITTEE -- COMPOSITION -- REGIONS

- Recommended as noncontroversial legislation.
- Makes composition consistent with that of the NCAA Division I Men's Soccer Committee and reduces the number of teams for regional advisory committees to evaluate.

**Proposal Number:** 2008-62

**Title:** COMMITTEES -- COMMITTEES REPORTING TO BOARD OF DIRECTORS -- DIVISION I PRESIDENTIAL ADVISORY GROUP -- DUTIES -- LEGISLATIVE ISSUES

- Designed to give all FCS conferences an equal voice as it relates to FCS legislation that the NCAA Division I Board of Directors considers.
- Some significance may be lost under the revised legislative process.
  - The Board is not required to review every proposal.

**Proposal Number:** 2008-63

**Title:** DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS -- MINIMUM PARTICIPANTS REQUIREMENTS FOR SPORTS SPONSORSHIP -- TRACK AND FIELD -- MULTIDAY MEETS

- Addresses concerns related to meet organization.
- Provides greater flexibility in roster and travel decisions.
- Does it dilute the intent of the minimum contest requirements if the minimum number required for a single day meet are not required to be present on at least one day of multiday meet?
- Does it discourage scheduling dual meets?
- Possible unintended consequences as it relates to the application of NCAA Bylaw 17 maximum contest limitations.

**Proposal Number:** 2008-64

**Title:** DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS -- FOOTBALL BOWL SUBDIVISION REQUIREMENTS -- WAIVERS

- Provides flexibility to address unique circumstances that result in failure to meet NCAA Football Bowl Subdivision requirements.
- Provides flexibility for public schools that may have difficulty meeting the financial aid requirements, even if 16 sports are fully funded.
- Does it compromise intent of original legislation?
- Would an institution rely on the option of seeking a waiver rather than making the necessary financial commitments to meet subdivisional standards?
- Could the waiver be narrower in scope?
- Is the proposal ripe for discussion during the moratorium?

**Proposal Number:** 2008-65

**Title:** ADMINISTRATIVE REGULATIONS -- FOREIGN TOURS AND COMPETITION -- TIMING OF TOUR -- PROHIBITION DURING ACADEMIC YEAR LABOR DAY VACATION PERIOD

- Intended to address differences in academic calendars and in the recognition of Labor Day as a vacation period.
- Quarter institutions could still participate in a tour, but incoming freshmen may not participate. Semester institutions could not participate in a tour if the academic year has begun.

**Proposal Number:** 2008-66

**Title:** ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- FOOTBALL -- DEAD PERIOD

- Designed to provide coaches, particularly assistant coaches, with down time before training camp and the football season.
- Would essentially force coaches to spend time away from campus.
  - May be difficult for prospects to know time periods selected by institution.
- Potential impact on scheduling institutional camps.

**Proposal Number:** 2008-67

**Title:** ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- SOFTBALL -- CONTACT PERIOD AUGUST 1 THROUGH THE DAY PRIOR TO THANKSGIVING DAY

- Seeks to expand fall contact period.
  - Would ease stress on prospective student-athletes and missed class time created by a truncated period.
- Current legislation has only been effective since August 1, 2007.

**Proposal Number:** 2008-68

**Title:** ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- WOMEN'S LACROSSE -- FALL EVALUATIONS

- Designed to allow younger prospective student-athletes to participate in fall sports and other activities in September and October and still have the opportunity to be evaluated by college coaches.
- Is the traditional lacrosse season consistently in the spring?
  - Should the legislation apply only to nonscholastic activities?
- Difficult to determine/verify whether all participants are seniors.

**Proposal Number:** 2008-69

**Title:** ADMINISTRATIVE REGULATIONS -- SUMMER BASKETBALL LEAGUES AND CERTIFIED BASKETBALL EVENTS -- ADDITIONAL CRITERIA -- APPROVAL OF EVENT AND LEAGUE OPERATORS -- BASKETBALL

- Recommended as noncontroversial legislation.
- Addresses concerns that current regulations (e.g., background checks) apply only to coaches and not event operators.
- Consistent with the overall purpose of event certification.
- Provides some safeguards for participants and event sites regarding viability of the event.

**Proposal Number:** 2008-70

**Title:** EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION -- ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- DEFINITION OF CORE INSTITUTION

- Provides greater flexibility for multisport conferences in meeting automatic qualification eligibility requirements in sports other than men's basketball.
- Would encourage conferences to offer conference membership to institutions without previous conference affiliations.
  - Potentially reduces concerns related to institutions dropping nonrevenue sports due to scheduling difficulties and reduced opportunities for championship access.
- Potentially dilutes original intent of legislation designed to reward multisport conferences with active Division I institutions, not non-Division I institutions sponsoring a Division I sport.
- Potentially encourages additional multidivisional reclassification.
- Is the proposal ripe for discussion during the moratorium?

**Proposal Number:** 2008-71

**Title:** EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION -- ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- EXCEPTION -- MEMBER THAT HAS SPONSORED THE SPORT AT THE DIVISION I LEVEL THE EIGHT PRECEDING YEARS

- Provides greater flexibility for multisport conferences in meeting automatic qualification eligibility requirements in sports other than men's basketball (not as flexible as Proposal No. 2008-70).
- Would encourage conferences to offer conference membership to institutions without previous conference affiliations.
  - Potentially reduces concerns related to institutions dropping nonrevenue sports due to scheduling difficulties and reduced opportunities for championship access.
- Potentially dilutes original intent of legislation designed to reward multisport conferences with active Division I institutions, not non-Division I institutions sponsoring a Division I sport.
- Potentially encourages greater multidivisional reclassification.
- Is the proposal ripe for discussion during the moratorium?

**Proposal Number:** 2008-72

**Title:** EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION -- ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- EXCEPTION -- SPORTS SPONSORSHIP

- Provides greater flexibility for multisport conferences in meeting automatic qualification eligibility requirements in sports other than men's basketball (Current rules provide an exception for sports not sponsored by a majority of the Division I membership.)
- Would encourage conferences to offer conference membership to institutions without previous conference affiliations.
  - Potentially reduces concerns related to institutions dropping nonrevenue sports due to scheduling difficulties and reduced opportunities for championship access.
- Potentially dilutes original intent of legislation designed to reward multisport conferences with active Division I institutions, not non-Division I institutions sponsoring a Division I sport. Potentially encourages greater multidivisional reclassification.
- Is the proposal ripe for discussion during the moratorium?

**Proposal Number:** 2008-73

**Title:** EXECUTIVE REGULATIONS -- NATIONAL STATISTICS PROGRAM

- Recommended as noncontroversial legislation.
- Will eliminate the current bureaucracy and confusion in the process.

**Proposal Number:** 2008-74

**Title:** PLAYING AND PRACTICE SEASONS -- BASEBALL -- FIRST CONTEST --  
CHAMPIONSHIP SEGMENT -- ALUMNI CONTEST

- Intent is to provide more flexibility to conduct an alumni contest in the spring.
  - Compacted championship segment.
  - Former student-athletes unavailable in fall.
- Similar to other sports.
  - Field hockey, soccer, women's volleyball.

**2008-09 NCAA Division I Legislative Proposals**  
**Question and Answer Document**

This document contains questions and answers to assist the NCAA membership in its understanding of select proposals in the 2008-09 legislative cycle.

**Proposal No. 2008-9 NCAA Membership and Championships and Postseason Football – Conditions and Obligations of Membership – Operating and Capital Financial Data Report**

**Question:** Does this proposal establish a deadline for the submission of the financial data to the NCAA?

**Answer:** No. However, the financial data must be submitted annually to the NCAA in accordance with the financial reporting policies and procedures, which currently includes a January 15 deadline.

**Proposal No. 2008-11 Personnel – Limitations on the Duties of Coaches – Noncoaching Activities – Exception – Student Manager – Baseball**

**Question:** What is a fungo?

**Answer:** In baseball practice sessions, a ball tossed into the air by the batter to be hit to a fielder as it comes back down.

**Proposal No. 2008-15 Recruiting – Definitions and Applications – Prospective Student-Athlete – Institutional Orientation Session**

**Question:** If adopted, how would this legislation apply to institutions that do not conduct orientation sessions or conduct orientation sessions earlier than 14 days before the start of the regular academic year?

**Answer:** If an institution does not conduct orientation sessions or does not conduct such sessions earlier than 14 days before the start of the regular academic year, prospective student-athletes who have not otherwise triggered student-athlete status would be subject to all the rules applicable to prospective student-athletes.

**Proposal No. 2008-17 Recruiting – Contacts and Evaluations – Permissible Recruiters – Bowl Subdivision Football – Head Coach Restrictions – Spring Evaluation Period – Other Off-Campus Activities**

**Question:** Does this proposal place restrictions on a head football coach's participation in all off-campus institutional coaching clinics?

**Answer:** Yes. The proposal applies to both institutional and noninstitutional off-campus coaching clinics.

**Proposal No. 2008-20 Recruiting – Football Evaluations – Scholastic and Nonscholastic Activities – Events Organized and Conducted By Scholastic Athletics Governance Bodies – Other Evaluations Events**

**Question:** What types of live events would coaches be permitted to attend under this proposal?

**Answer:** Coaches are currently permitted to evaluate at regularly scheduled high school, preparatory school and two-year college contests and practices and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur. If adopted, Proposal No. 2008-20 would allow football coaches to attend events organized and conducted by a scholastic athletics governing body (e.g., state high school athletics association, two-year college athletics association) that involve prospective student-athletes from different high schools, preparatory schools and two-year colleges, such as all-star games, clinics, and jamborees.

**Proposal No. 2008-21 Recruiting – Admissions and Graduation Data, Banned Drug List and Initial-Eligibility Standards – Reports and Notification – Eligibility Center**

**Question:** Why does this proposal have a delayed effective date of August 1, 2010?

**Answer:** The delayed effective date provides the NCAA Eligibility Center necessary time to adequately prepare for the additional responsibilities.

**Proposal No. 2008-22 Recruiting – Printed Recruiting Materials – Institutional Postcards**

**Question:** Is it permissible to include multiple logos on one side of the postcard?

**Answer:** No. Each postcard may include the institution's name and either a single institutional logo or a single athletics logo on one side and handwritten information on the opposite side.

**Question:** How does the proposal apply to postcards that are not rectangular in shape?

**Answer:** Regardless of the shape of the postcard, it must fit within the area of a rectangle that measures 4 ¼ x 6 inches.



**Question:** If an institution wishes to mail a postcard in an envelope, what restrictions would apply?

**Answer:** A card mailed to a prospect in an envelope would be considered to be an institutional note card and would be subject to the restrictions on such cards and the envelopes in which they are mailed.

**Question:** May the postcard include a preprinted return address? May address labels be used for the return address and addressee?

**Answer:** Yes. The postcard may include a preprinted return address and address labels may be used.

**Proposal No. 2008-25 Recruiting – Official Visit and Letter of Intent Programs – Requirements for Official Visit and Offers of Athletically Related Financial Aid – Completion of Amateurism Certification Questionnaire**

**Question:** What does "complete" mean for purposes of this proposal? Must the amateurism certification questionnaire be submitted to the Eligibility Center in order to be considered complete?

**Answer:** Yes. The intent of the proposal is to allow the Eligibility Center to begin the amateurism certification process earlier for prospective student-athletes and to help with case volume leading up to the start of the academic year. Therefore, in order for the legislation to have its intended effect, all of the primary questions on the Web-based questionnaire would have to be answered and submitted to the Eligibility Center before the institution may provide an official visit or a written offer of athletically related financial aid.

**Proposal No. 2008-30 Recruiting – Sports Camps and Clinics – Employment at Camp or Clinic – High School, Preparatory-School, Two-Year College Coaches or Other Individuals Involved with Prospective Student-Athletes – Basketball**

**Question:** May a prospective student-athlete's high school basketball coach be a speaker at an institutional camp or clinic on a volunteer basis?

**Answer:** No. An individual who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball may not be employed (either on a salaried or a volunteer basis) as a speaker.

**Question:** Does this proposal only apply to institutional camps or clinics in which prospective student-athletes participate?

**Answer:** No. The legislation would apply to any institutional basketball camp or clinic regardless of whether prospective student-athletes participate, including a coaches clinic.

**Question:** If a prospective student-athlete's coach is employed at an institution's camp or clinic as a camp counselor, may he or she also serve as a speaker and receive additional compensation beyond the going rate for a camp counselor?

**Answer:** No. A camp counselor may only perform speaking duties that are normally associated with camp counselor duties (e.g., skill instruction) and may only receive compensation for performing such duties that is commensurate with the going rate for camp counselors of like teaching ability and camp experience (see Bylaw 13.12.2.2).

**Proposal No. 2008-38 Eligibility – Transfer Regulations – Four-Year College Transfers – Competition and Receipt of Athletically Related Financial Aid in Year of Transfer**

**Question:** Does this proposal apply to a four-year college transfer who enrolls at the certifying institution as a full-time student after the conclusion of the second quarter of the academic year?

**Answer:** Yes.

**Proposal No. 2008-45 Playing and Practice Seasons – General Regulations – Skill Instruction – Sports Other than Football – Concurrent Session**

**Question:** How does this proposal apply to skill-related instruction that occurs at outdoor locations? For example, would it be permissible for multiple groups of four softball student-athletes to engage in skill-related instruction with a coach on separate softball fields?

**Answer:** The proposal would allow four student-athletes from the same team to be involved in skill-related instruction with their coaches at the same time in separate facilities. Therefore, if separate softball fields were considered to be separate facilities, separate groups of four student-athletes could participate in skill-related instruction at the same time on the separate fields.

**Proposal No. 2008-47 Playing and Practice Seasons – Baseball – Maximum Number of Contests – 52 during the Championship Segment and Four during the Nonchampionship Segment**

**Question:** If an institution does not compete in four contests during the nonchampionship segment, may those contests be added to the contest limit during the championship segment for a total of 56 games during that same academic year?

**Answer:** No. If adopted, the institution's baseball team would be limited to 52 contests during the championship segment and four contests during the nonchampionship segment.

**Question:** If a baseball student-athlete were to suffer an injury during the nonchampionship segment, would the four nonchampionship segment contests be considered in the calculation of the hardship waiver?

**Answer:** No. Only scheduled or completed competition during the championship segment is countable in calculating both the number of contests in which the student-athlete has participated and the number of scheduled or completed contests during that season.

**Proposal No. 2008-51 Playing and Practice Seasons – Preseason Practice – Cross Country, Field Hockey, Women's Rugby, Soccer, Women's Volleyball and Men's Water Polo**

**Question:** If adopted, what would be the first permissible practice date in the specified sports?

**Answer:** The first permissible practice dates for 2009-2013 in the specified sports would be as follows:

Cross Country		
Year	Practice	Competition
2009	August 16	September 1
2010	August 16	September 1
2011	August 16	September 1
2012	August 15	August 31
2013	August 14	August 30

Cross Country, Women's Rugby, Men's Soccer		
Year	Practice	Competition
2009	August 16	September 1
2010	August 16	September 1
2011	August 16	September 1
2012	August 15	August 31
2013	August 14	August 30

Women's Soccer		
Year	Practice	Competition
2009	August 12	August 28
2010	August 11	August 27
2011	August 10	August 26
2012	August 8	August 24
2013	August 7	August 23

Women's Field Hockey		
Year	Practice	Competition
2009	August 12	August 28
2010	August 11	August 27
2011	August 10	August 26
2012	August 8	August 24
2013	August 14	August 30

Men's Water Polo		
Year	Practice	Competition
2009	August 20	September 5
2010	August 19	September 4
2011	August 18	September 3
2012	August 16	September 1
2013	August 22	September 7

Women's Volleyball		
Year	Practice	Competition
2009	August 8	August 28
2010	August 7	August 27
2011	August 6	August 26
2012	August 4	August 24
2013	August 11	August 31

**Proposal No. 2008-52 Playing and Practice Seasons – Football – Preseason Practice – Limit on Number of Participants – Replacement of Student-Athlete Due to Injury or Illness**

**Question:** Prior to replacing an injured or ill football student-athlete, is the institution required to obtain appropriate medical documentation from licensed medical personnel related to the student-athlete's injury or illness?

**Answer:** No. However, the injured or ill student-athlete must immediately stop participation in all athletically related activities and may not resume participation until the institution's first day of classes or first contest, whichever is earlier.

**Proposal No. 2008-53 Playing and Practice Seasons – Golf – Maximum Contest Limitations – Determination of Date of Competition**

**Question:** If this proposal is adopted, how many participants would be required to trigger an institutional date of competition?

**Answer:** Five.

**Proposal No. 2008-54 Playing and Practice Seasons – Golf – Annual Exemptions – Hawaii or Alaska**

**Question:** If adopted, would an institution located within the 48 contiguous states be permitted to exempt dates of competition against other institutions located within the 48 contiguous states that take place in Hawaii or Alaska in a tournament conducted by an institution located in Hawaii or Alaska?

**Answer:** Yes. Dates of competition either against or under the sponsorship of an active Division I member located in Hawaii or Alaska by an institution located within the 48 contiguous states could be exempted.

**Proposal No. 2008-57 Playing and Practice Seasons – Track and Field – Safety Exception – Hurdles and Steeplechase**

**Question:** Would this proposal permit a coach to be present during voluntary individual workouts when a track student-athlete is engaging in the starting element hurdles or the running element of the steeplechase?

**Answer:** No. A coach could only be present while the student-athlete engages in jumping hurdles or the jumping element of the steeplechase.

**2008-59 Division Membership – Definitions and Applications – Emerging Sports for Women – Archery, Badminton, Synchronized Swimming, Team Handball and Sand Volleyball**

**Question:** What is the NCAA emerging sport for women program?

**Answer:** The NCAA Committee on Women's Athletics is charged with identifying and managing progress of emerging sports for women. An emerging sport is a women's sport recognized by the NCAA that is intended to help schools provide more athletics opportunities for women and help that sport achieve NCAA championship status. Additional information about the NCAA emerging sport for women program, including the policies and procedures, is located through [www.ncaa.org/gender\\_equity](http://www.ncaa.org/gender_equity).

When the NCAA adopted the recommendations of the NCAA Gender-Equity Task Force in 1994, one of the recommendations was the creation of the list of emerging sports for women. Nine sports were on that first list. In the past 14 years, some have become championship sports (rowing, ice hockey, water polo and bowling), while others have been added to the list. NCAA bylaws require that emerging sports must gain championship status (minimum 40 varsity NCAA programs) within 10 years or show steady progress toward that goal to remain on the list. Institutions are allowed to use emerging sports to help meet the NCAA membership minimum sports-sponsorship requirements and, in Divisions I and II, minimum financial aid requirements. Any sport, with proper, documented support, can self-identify as an emerging sport and begin the process to be part of the emerging sport for women program.

**Question:** Why are the specific four sports being recommended to be removed from the emerging sport for women list?

**Answer:** The Committee on Women's Athletics has proposed removal of several sports and recommended the addition of sports to the legislative list. In the summer of 2007, the Committee on Women's Athletics identified several sports and notified the associated national governing body and conferences that the sport had passed the 10-year time limit for reaching championship-level sponsorship (minimum 40 varsity programs nationally). They were notified that they needed a minimum of 10 letters of commitment (the minimum required for a sport to petition to be added to the list) from NCAA institutional chancellors/presidents and their directors of athletics by July 2008. Failure to achieve that sponsorship would result in proposals to remove the sport from the emerging sport category. Archery, badminton, synchronized swimming and team handball received such letters, and all were unable to find 10 schools committed to varsity programs for the sport. The Committee on Women's

Athletics received no commitment letters from archery, badminton and team handball. The Committee on Women's Athletics received six commitment letters from institutional chancellors/presidents and athletics directors for synchronized swimming.

**Question:** How many institutions currently sponsor archery, badminton, team handball or synchronized swimming?

**Answer:** The historical sponsorship data for these specific sports is as follows:

Year	Number of Schools Sponsoring as Varsity Sport			
	Archery	Badminton	Team Handball	Synchronized Swimming
2001	3	3	0	9
2002	3	4	0	9
2003	3	4	0	8
2004	3	3	0	8
2005	3	3	0	8
2006	2	3	0	8
2007	1	2	0	8
2008	1	2	0	8

**Question:** If archery, badminton, team handball and synchronized swimming are removed from the NCAA emerging sport for women list, may an institution still offer the sport as varsity?

**Answer:** Yes. If the proposal is adopted and the four identified sports are no longer considered an emerging sport for women, an institution may still elect to conduct the sport as a varsity sport.

**Question:** If archery, badminton, team handball and synchronized swimming are removed from the NCAA emerging sport for women list, may an institution still use any of those sports to meet its membership requirements?

**Answer:** Yes. Per NCAA Bylaw 20.9.4.1, an institution may submit a waiver to request approval to designate one sport involving all-male or mixed teams of males and females and one

sport involving all-female teams to meet the division sports-sponsorship criteria. The waiver may be filed for sports that the Association does not offer a championship or is identified as an emerging sport for women.

**Question:** If archery, badminton, team handball and synchronized swimming are removed from the NCAA emerging sport for women list but an institution still offers the sport at the varsity level, may the participants still be counted for gender-equity purposes?

**Answer:** Yes.

**Question:** In the future, if interest or participation increases, may archery, badminton, team handball or synchronized swimming request reconsideration for inclusion on the emerging sport for women list?

**Answer:** Yes. If a sport is removed from the list, 12 months after being removed from the list by a vote of the membership, the sport may submit a new request to the Committee on Women's Athletics to be added back on the list. Such a request must include 15 commitment letters signed by chancellors/presidents and athletics directors in addition to the same documentation required for any sport requesting to be initially added to the list. Each division must take legislative action to add or remove a sport to/from the emerging sports for women list.

**Question:** Why is sand volleyball being recommended to be added to the emerging sport for women list?

**Answer:** The Committee on Woman's Athletics received a request in July 2008 to add sand volleyball to the emerging sport for women list. That request included extensive data about the sport and participants, 12 university commitment letters [University of Denver, University of Tennessee, Knoxville, University of Nebraska, Lincoln, Florida Gulf Coast University, University of California-Davis, California State University-Fullerton, Florida Atlantic University, St. Leo University, Rollins College, Stetson University, Florida Southern University, University of New Orleans], support from conference offices [Sun Belt Conference, Pacific West Conference, California Collegiate Athletic Association Conference], USA Volleyball and the United States Olympic Committee. The Committee on Women's Athletics is requesting that the Association add the sport to the list of emerging sports for women. The recommendation to add sand volleyball to the list includes the effective date August 1, 2010, to give each division time to develop the necessary regulations and rules for the sport.

**Question:** What was the relevant information about sand volleyball reviewed by the Committee on Women's Athletics?



- Answer:**
1. According to the 2007 report by the Sporting Goods Manufacturers Association (SGMA), 589,000 Americans were frequent sand volleyball participants in 2006. Of that total, 325,000 (55.1 percent) are female and 118,000 are under the age of 24.<sup>1</sup> Of the 491,000 sand volleyball players under age 18, 221,184 are female, 63 percent do not play indoor volleyball, and 32,654 identify themselves as frequent participants. In a 2008 participation report, SGMA showed that sand volleyball had increased by 35 percent among core participants since 2006.<sup>2</sup> This compared with only a 2.3 percent increase in the court game.
  2. The United States Olympic Committee, USA Volleyball (national governing body), and the Association of Volleyball Professional (domestic pro league) support sand volleyball as an emerging sport and are sponsoring programs and initiatives to assist with the growth of the sport.
  3. Beach volleyball has been an Olympic Sport since 1996. Since its introduction in Atlanta, the sport has increased in popularity with each Olympic cycle. In the 2004 Athens Games, beach volleyball was the fourth most popular spectator sport and garnered the highest television rating of any Olympic sport. The success and popularity of the sport continued in Beijing. NBC featured beach volleyball in the prime time window with Olympic stalwarts swimming, gymnastics and track and field. Ratings for the 2008 Olympics were up 20 percent from 2004. The United States won gold medals in both the women's and the men's competitions and all tickets were sold months in advance. There have been professional opportunities for women in beach volleyball in the United States for over 20 years.
  4. Fifty percent of Division I campuses currently have sand volleyball courts for student recreational use and adding courts is relatively affordable.
  5. Participation in national governing body sponsored youth beach volleyball tournaments increased by 35 percent in 2007 and is on pace to jump by 60 percent this summer. Collegiate participation in sand events increased from eight doubles teams in 2007 to over 150 doubles teams from 45 NCAA institutions in 2008.
  6. In January 2007, the USA volleyball board of directors voted to restructure to more accurately reflect the emergence of beach volleyball as a discipline with equivalent stature to the indoor games. The resultant 16 member board will be split

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<sup>1</sup> USA Sports participation Study: Beach Volleyball, Sporting Goods Manufacturers Association, Insight 07.

<sup>2</sup> SGMA 2008 Sports and Fitness Participation Report

with equal representation from the indoor and the beach disciplines. USA volleyball also hired three full-time staff members to manage elite and junior beach development and beach coaching education. This focus by the national governing body on beach volleyball will help speed the growth of the collegiate game.

7. High school participation in volleyball continues to climb, increasing by over 30,000 girls in the last 10 years. Further, the number of girls engaged in "club volleyball," a training option for the more serious athlete has increased by 50,000 girls in the last five years. During this same five-year window collegiate participation opportunities grew by only 628 roster spots due to the fact that 95 percent of NCAA institutions already sponsor indoor volleyball teams

**Question:** If sand volleyball is added to the emerging sports for women list, when will the other regulations (e.g., playing and practice seasons, minimum contests, financial aid, playing rules) be developed?

**Answer:** In both Divisions I and II, NCAA Constitution 3.2.4.5.2 outlines the timetable that governs the application of legislation to emerging sports for women. The timetable applies beginning with the year the Association first identifies a sport as an emerging sport. The part of the proposal relating to sand volleyball being added to the emerging sport for women list has an August 1, 2010, effective date. Therefore, the August 1, 2010, effective date will allow the Divisions I and II governance structure(s) to develop the necessary legislation that will govern sand volleyball if an institution chooses to offer it as a varsity sport beginning August 1, 2010. If the proposal to add sand volleyball to the emerging sport for women list is adopted, during the spring and summer 2009, the appropriate divisional committees will work to develop the sport specific legislation and present that to the membership for consideration so it is in place by August 1, 2010.

**Question:** Are there any ideas about the sand volleyball playing rules?

**Answer:** With regard to playing rules, early concepts regarding sport playing rules include insuring appropriate uniform attire and team doubles format for competitions, similar to tennis. Such a format would develop team scoring for a competitive event based on participation by five doubles teams per school or a minimum 10 student-athletes, playing within their own flight.

**Question:** Would indoor volleyball players participate in sand volleyball and how would such participants be counted for gender-equity purposes?

**Answer:** It is anticipated that at least at the inception volleyball would have many participants eager to compete in the indoor and sand versions. Sand volleyball may lend itself to

participation and significant contribution to team success by smaller student-athletes.<sup>3</sup> Given the participation data in youth volleyball and international competition, specialization in either indoor or sand volleyball may become the norm.

Participants in both indoor volleyball and sand volleyball would be counted as multisport participants for gender-equity purposes, such as indoor and outdoor track participants are counted. As noted, NCAA financial aid regulations related to multisport participants will be developed for legislative consideration at a later date.

**Proposal No. 2008-66 Administrative Regulations – Recruiting Calendars – Football – Dead Period**

**Question:** Once an institution has designated its two weeks for the dead period, may the weeks be changed?

**Answer:** Yes, provided the designated weeks have not yet begun and the new week designation is filed in the office of the athletics director.

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<sup>3</sup> A comparison of 2008 D-I AVCA women's indoor volleyball All-Americans and AVP beach volleyball tour Top 30 female money winners shows the average height of sand players is two inches less than the indoor players and 47% of the beach competitors are less than six feet tall (compared to only 33% of the indoor players).

# 2008-09 NCAA Division I Proposal Review Chart

## Feedback Received from the National Association of Academic Advisors for Athletics

**Note:** The National Association of Academic Advisors for Athletics (N4A) Legislative Services Committee reviewed the proposals below and offered additional comments at the committee's discretion. While the committee is authorized to provide legislative feedback on behalf of the Association, the positions outlined in the chart below do not reflect a majority vote of the entire N4A membership.

Proposal Number	Title	Position	Additional Comments (If Any)
2008-21	RECRUITING -- ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS -- REPORTS AND NOTIFICATION -- ELIGIBILITY CENTER	Support	
2008-32	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS -- FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES	Support	
2008-34	ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- CORE CURRICULUM TIME LIMITATION -- STUDENTS WITH EDUCATION IMPACTING DISABILITIES	Support	

Proposal Number	Title	Position	Additional Comments (If Any)
2008-35	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE -- NONTRADITIONAL COURSES	Oppose	Do not support as presently stated (concern of academic fraud). Would also like to clarify is enrollment in the course within the 'offering' institution's enrollment period or the certifying institution's enrollment period. The organization would be more comfortable with this proposal if it were in conjunction with the certifying institution's enrollment period. In addition, there is concern how an institution would/could monitor and provide academic support for the courses students take at another institution. The organization is supportive of clearly defining 'nontraditional' classes. Finally, how would this affect courses at two-year institutions?
2008-36	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- INTERNATIONAL COMPETITION WAIVER -- USE OF CREDITS EARNED	Support	
2008-46	PLAYING AND PRACTICE SEASONS -- BASEBALL -- PRESEASON PRACTICE AND FIRST CONTEST -- CHAMPIONSHIP SEGMENT	Support	

Proposal Number	Title	Position	Additional Comments (If Any)
2008-47	PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52 DURING THE CHAMPIONSHIP SEGMENT AND FOUR DURING THE NONCHAMPIONSHIP SEGMENT	Oppose	Would need to put no missed class time in this one, but prefer 2008-46.
2008-48	PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52 DURING THE CHAMPIONSHIP SEGMENT	Support	
2008-49	PLAYING AND PRACTICE SEASONS -- MEN'S BASKETBALL -- FIRST CONTEST - EXCEPTIONS -- INFORMAL PRACTICE SCRIMMAGES -- NO MISSED CLASS TIME	Support	



September 26, 2008

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NCAA

P.O. Box 6222

Indianapolis, Indiana 46206-6222

Dear NCAA Legislative Council:

In an effort to provide an avenue for the compliance professionals around the country to have input on legislative issues and assist the NCAA Legislative Council in its review of the 2008-2009 legislative proposals, the National Associate for Athletics Compliance (NAAC) established the Legislation & Governance Committee in summer 2008. This Committee is comprised of compliance professionals from 11 Division I institutions and conferences with representation from the Football Bowl Subdivision, Football Championship Subdivision and Division I-AAA. Brad Hostetter from the NCAA Membership Services Staff also serves on the Committee (Attachment A).

The Committee consists of two subcommittees, the Legislation Subcommittee and the Interpretations Subcommittee. One charge of the Legislation Subcommittee is to obtain input from the NAAC membership on legislative proposals and provide that input to the appropriate governance entities involved in the legislative process. Rather than overwhelm the Legislative Council with comments on all of the 2008-09 legislative proposals, the Subcommittee decided to prioritize them and provide more thorough and thoughtful comments on selected proposals. After reviewing all of the 2008-09 proposals over the last month, the Subcommittee identified 13 proposals it believed warranted NAAC input. The Subcommittee then used NAAC Connections, an interactive Web site, as a vehicle to solicit NAAC membership feedback on those 13 proposals.

After considering membership feedback and the input of the full Legislation & Governance Committee, the Subcommittee prepared the enclosed document containing NAAC's comments (Attachment B). In some cases, we indicated whether NAAC supports a particular proposal or not. In other cases, we simply offered general comments or ideas for possible modifications.

I certainly hope you find the enclosed information valuable in your review of the legislative proposals. Please note that the NAAC Legislation & Governance Committee would welcome the opportunity to act as a resource for the Legislative Council and the Cabinets on any other legislative proposals or future legislative issues that may arise.

On behalf of NAAC, I would like to thank you for taking the time to consider our comments and perspectives. If you have questions about the enclosed document, please do not hesitate to contact me.

Sincerely,

John Morris

NAAC Legislation & Governance Committee Chair

cc: NAAC Board of Directors  
NAAC Legislation & Governance Committee

24651 Detroit Road • Westlake, Ohio 44145 • Phone 440-892-4000 • Fax 440-892-4007  
www.naaccompliance.com

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**National Association for Athletics Compliance  
Legislation & Governance Committee  
*Objectives and Members***

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### **Legislation & Governance Committee Objectives**

To provide a voice for the NAAC membership in matters related to NCAA legislation and governance by:

- Soliciting input from the NAAC membership on nationally significant legislative issues.
- Providing input to the appropriate governance entities and/or taking a formal position on nationally significant legislative proposals.
- Introducing legislative proposals on behalf of NAAC.
- Establishing relationships with coaches associations and other entities and encouraging them to seek NAAC input before proposing their own legislation.
- Seeking new interpretations (or clarifications/refinements) of existing interpretations from ILT and LRIC.
- Providing input to ILT and LRIC on interpretive issues on behalf of NAAC (in a manner similar to that of the CCACA).

### **Legislation & Governance Committee Members**

<b>Name</b>	<b>Institution</b>	<b>Conference</b>	<b>Division</b>	<b>Subcommittee Appointment</b>
Arens, Sarah	Stanford University	PAC-10	FBS/BCS	Interpretations
Fagg, Jon	University of Arkansas	SEC	FBS/BCS	Interpretations
Squire, Ryan	Bowling Green State	MAC	FBS/ non-BCS	Interpretations
Peacock, Chris	University of Illinois	Big Ten	FBS/BCS	Interpretations/ Chair
Bechtold, Camie	Montana State University	Big Sky	FCS	Legislation
Brennan, Kyle	University of Utah	MWC	FBS/ non-BCS	Legislation
Lee, Michelle	North Carolina State University	ACC	FBS/BCS	Legislation
Strahl, Shannon	Gonzaga University	WCC	IAAA	Legislation
Smith, Lori	University of Texas	Big 12	FBS/BCS	Legislation/ Chair
Hostetter, Brad	NCAA	N/A	N/A	Legislation/ Interpretations
Morris, John*	University of Washington	PAC-10	FBS/BCS	Legislation/ Interpretations
* Legislation/Governance Committee Chair				



April 22, 2008

Mr. Kyle Kallander  
Commissioner  
Big South Conference  
7233 Pineville-Matthews Road; Suite 100  
Charlotte, North Carolina 28226

Dear Kyle:

This is to inform you that during its April 14 meeting, the NCAA Division I Management Council, on the recommendation of the NCAA Division I Management Council Membership Subcommittee, used its authority pursuant to NCAA Bylaw 20.2.3.5 to grant a waiver of the Division I men's basketball scheduling requirements set forth in Bylaw 20.9.6.1 for the following Big South Conference members:

- Charleston Southern University;
- Coastal Carolina University;
- High Point University;
- Liberty University;
- University of North Carolina, Asheville; and
- Virginia Military Institute.

Based on the information submitted by the conference office, the above-mentioned institutions, at one time or another, did not meet the scheduling requirements that Division I institutions play no more than four men's basketball contests a season against institutions that are not members of Division I during the 2004-05 , 2005-06 or 2006-07 academic years. The subcommittee noted that failure to meet the scheduling requirements resulted from a misunderstanding that the current rule applies to preseason scrimmages and exhibitions, even though such contests are not included in the institution's maximum contest limitations. The subcommittee also noted that the penalty for failure to meet the scheduling requirements was placement in the "restricted membership" category, a penalty that results in the institution's ineligibility to participate in the NCAA Division I Men's Basketball Championship. The Management Council agreed that

inasmuch as Division I institutions are now permitted to play and exempt preseason scrimmages and/or exhibition contests against non-Division I collegiate institutions from the maximum contest limitations and due to the somewhat harsh consequences, it was appropriate to approve a one-time waiver of the men's basketball scheduling requirements limited to the years in question. Please note that the Management Council urged the conference take appropriate steps to ensure that the institutions meet the applicable scheduling requirements in the future and that any future requests for waivers related to the men's basketball scheduling requirements would likely not be approved.

I hope this information is helpful. Please contact me if you have any questions or concerns.

Sincerely,

Stephen A. Mallonee  
Managing Director of Membership Services/  
Division I Governance Liaison

SAM:dfb

# 2008-09 Legislative Proposals NAAC Comments/Positions for NCAA Legislative Council Review

Attachment B

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Personnel	2008-11	PERSONNEL -- LIMITATIONS ON THE DUTIES OF COACHES -- NONCOACHING ACTIVITIES -- EXCEPTION -- STUDENT MANAGER -- BASEBALL	Pacific-10 Conference.	In baseball, to specify that a student manager may be involved in on-field activities (e.g., catching in the bullpen, pitching batting practice, hitting fungos, shagging balls) without counting in the institution's coaching limitations, provided the student manager participates in the activities within five years of his or her initial full-time collegiate enrollment and does not provide instruction to student-athletes or engage in other coaching activities.	Immediate	<p>NAAC is currently not taking a position on Proposal 2008-11 at this time, yet would like to forward the following comments for consideration:</p> <ul style="list-style-type: none"> <li>Consideration should be given to extending the proposal to all sports and not limiting it to baseball inasmuch as this is an apparent issue in all sports and it is reasonable that there be consistency in the application across the board.</li> <li>Consistent with the 12/04/06 Educational Column, Item Ref. 1 (Attachment C), this proposal should be revised to clarify that student managers are required to perform traditional managerial functions (e.g., run clock at practice, fill water bottles, laundry, etc.) in addition to on-field activities.</li> <li>If adopted, would this proposal eliminate the ability for student managers not within the five-year period to perform any on-field activities although they are also performing normal managerial functions consistent with the 12/04/06 Educational Column?</li> <li>Will the student managers be required to meet full-time enrollment provisions similar to student-athletes (must be enrolled full-time unless in all needs to graduate or qualifies for Education Impacting Disabilities accommodations) in order to serve in this capacity?</li> <li>Evaluate what measures may be put in place to prevent baseball teams from switching "student managers" to "student-athletes" or vice versa. This will be especially important in light of the upcoming roster limits for baseball.</li> </ul>

Updated: 8/21/08

Source: NCAA Website

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Personnel	2008-12	PERSONNEL -- LIMITATIONS ON NUMBER OF OFF-CAMPUS RECRUITERS AT ANY ONE TIME -- EXCEPTION -- WOMEN'S BASKETBALL -- JULY EVALUATION PERIODS	Big East Conference.	In women's basketball, to specify that during the July evaluation periods, a coach replaced for the purpose of off-campus recruiting activities is not required to return to the institution's campus before engaging in additional recruiting activities, provided no more than three coaches engage in off-campus recruiting activities each day.	Immediate	<p>NAAC generally supports Proposal 2008-12, but forwards the following comments for consideration:</p> <ul style="list-style-type: none"> <li>• Include men's basketball.</li> </ul> <p>NAAC would also like to recommend that the Legislative Council and/or the Leadership Council direct the Recruiting and Athletics Personnel Issues Cabinet to evaluate/research whether this regulation may be deregulated by permitting all countable coaches to be out recruiting at one time. NAAC is willing to assist in any way deemed appropriate to research this recommendation.</p>
Amateurism	2008-13	AMATEURISM -- EXCEPTION FOR PRIZE MONEY FOR STUDENT- ATHLETES -- OUTSIDE THE PLAYING SEASON DURING AN OFFICIAL VACATION PERIOD -- INDIVIDUAL SPORTS	Pacific-10 Conference.	In individual sports, to permit a student-athlete to accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during any official vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event.	Immediate	<p>NAAC generally supports Proposal 2008-13, but forwards the following comments for consideration:</p> <ul style="list-style-type: none"> <li>• It should be evaluated how permitting this would impact the student-athletes in applying the sports' governing body regulations for amateurs. For instance, will the student-athlete's acceptance of prize money subsequently cause him or her to be deemed a professional under that sport's governing body regulations?</li> </ul>

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Recruiting	2008-15	RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE STUDENT- ATHLETE -- INSTITUTIONAL ORIENTATION SESSION	Southeastern Conference.	To specify that a prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to a required institutional orientation session with 14 calendar days prior to the opening day of classes of a regular academic year term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the required orientation.	Immediate	<p>NAAC supports the concept of Proposal 2008-15, but not the proposal as it currently stands. NAAC forwards the following comments for consideration and possible amendment:</p> <ul style="list-style-type: none"> <li>• There are concerns with where the incoming prospects will be housed when arriving. Will they stay with current student-athletes and paying the going rate for lodging, what are they doing during this time period?</li> <li>• Not all institution's have a "required" institutional orientation so this may provide advantages for those institutions that do have such. It seems reasonable to consider allowing a period of time prior to the first day of classes rather than tying it to a required institutional orientation.</li> <li>• The 14-day period seems too long and a shorter time period such as 7 calendar days seems more reasonable.</li> <li>• As many proposals are opening up similar provisions to non-scholarship student-athletes that have accepted an offer of admission or submitted a tuition/housing deposit, it seems reasonable to include those individuals in this application as well for purposes of consistency in the application of the regulations.</li> </ul>

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Recruiting	2008-18	RECRUITING -- TELEPHONE CALLS INITIATED BY A PROSPECTIVE STUDENT- ATHLETE AT HER OWN EXPENSE -- WOMEN'S LACROSSE	Ivy Group.	In women's lacrosse, to specify that an institutional coaching staff member may receive telephone calls placed by a prospective student-athlete at her own expense before July 1 following her junior year in high school, provided the coaching staff member does not request that the a prospective student-athlete call at a specific time or otherwise prearrange the telephone call; further; to specify that telephone calls placed after July 1 following the prospective student-athlete's junior year in high school may be prearranged.	August 01, 2009	<p>NAAC is currently not taking a position on Proposal 2008-18 at this time, yet would like to forward the following comments for consideration:</p> <ul style="list-style-type: none"> <li>• The early commitment issues are prevalent in most sports so it would be appropriate to consider regulations to address this issue in all sports.</li> <li>• NAAC questions whether this regulation will factually address the issue.</li> <li>• NAAC has concerns with the ability to monitor and enforce these regulations.</li> </ul>

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Recruiting	2008-19	RECRUITING -- CONTACTS AND EVALUATIONS -- FOOTBALL -- ONE CONTACT WITH JUNIORS OR SENIORS -- SPRING EVALUATION PERIOD	Big Ten Conference.	In football, to specify that during the spring evaluation period, an institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athletes in their junior year) at the prospective student-athlete's educational institution; further, to specify that an institution may use an additional evaluation in conjunction with the contact.	Immediate	<p><b>NAAC generally supports Proposal 2008-19, but forwards the following comments for consideration:</b></p> <ul style="list-style-type: none"> <li>Is the third opportunity to visit the school absolutely necessary? Seems the opportunity to have the contact is most important to enhancing the coaching staff's assessment of the character and academic qualifications of the prospect and adding an additional evaluation on top of a contact may have additional implications such as: <ul style="list-style-type: none"> <li>A third opportunity to visit may put schools with small recruiting budgets at a disadvantage due to an inability financially to take a third visit.</li> <li>The third opportunity to visit may provide an additional opportunity for the likelihood of impermissible contacts ("bumps") with prospects of all ages. By allowing an additional evaluation visit to campus but only one contact, the bump violations this proposal seeks to address are more likely to continue.</li> </ul> </li> <li>NAAC would more strongly support the proposal if the additional evaluation opportunity was removed and the current limit on evaluations remains.</li> </ul>

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Recruiting	2008-24	RECRUITING -- RECRUITING MATERIALS -- OTHER RECRUITING MATERIALS POSTED TO INSTITUTION'S WEB SITE	Atlantic Coast Conference.	To permit an institution to print and provide other recruiting information that is posted on its Web site to prospective student-athletes via regular mail as attachments to general correspondence or during any permissible on- or off-campus contact.	Immediate	<p><b>NAAC generally supports Proposal 2008-24, but forwards the following comments for consideration:</b></p> <ul style="list-style-type: none"> <li>• Would this proposal also permit such materials to be faxed or emailed in addition to being sent via regular mail? <i>Based on conversations with the sponsor, the intent was to allow such to occur. Thus, the text of the bylaw should be modified to incorporate fax and email.</i></li> <li>• How would the provisions of Bylaw 13.4.1.1-(a) apply, which currently limits attachments to general correspondence to those items not created for a recruiting purpose? This proposal appears to get around that provision by allowing institutions to post information created for a recruiting purpose on their Web site and subsequently print and provide to prospects on white paper in black ink.</li> </ul> <p><b>NAAC would also like to recommend that the Legislative Council and/or the Leadership Council direct the Recruiting and Athletics Personnel Issues Cabinet to consider deregulation of the recruiting materials regulations in the future. This area is becoming over-regulated and both compliance staffs and the NCAA spend significant amounts of time interpreting these regulations when their time could be spent addressing more significant issues. NAAC would welcome the opportunity to assist the Cabinet in the development of the deregulation concepts.</b></p>

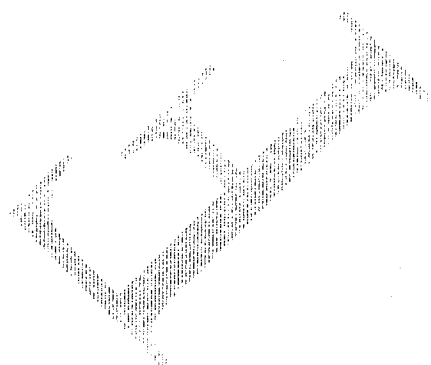


Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Recruiting	2008-28	RECRUITING -- FINANCIAL AID AGREEMENTS -- OFFERS OF AID BEFORE JULY 1 FOLLOWING JUNIOR YEAR -- WOMEN'S LACROSSE	Ivy Group.	In women's lacrosse, to specify that an institution shall not offer (or indicate that it will or may offer), orally or in writing, athletically related financial aid, other institutional financial aid or admissions assistance before July 1 following the prospective student-athlete's junior year in high school; further, to specify that an institution shall not accept any commitment from a prospective student-athlete before July 1 following the prospective student-athlete's junior year in high school.	August 01, 2009	<b>NAAC is currently not taking a position on Proposal 2008-28 at this time, yet would like to forward the following comments for consideration:</b> <ul style="list-style-type: none"> <li>• The early commitment issues are prevalent in most sports so it would be appropriate to consider regulations to address this issue in all sports.</li> <li>• NAAC questions whether this regulation will factually address the issue.</li> <li>• NAAC has concerns with the ability to monitor and enforce these regulations.</li> </ul>
Recruiting	2008-29	RECRUITING -- TRYOUTS -- EXCEPTIONS -- VOLUNTARY SUMMER CONDITIONING -- SPORTS OTHER THAN FOOTBALL AND BASKETBALL	Southeastern Conference.	In sports other than football and basketball, to specify that a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieval basis), provided he or she is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution.	Immediate	<b>NAAC generally supports Proposal 2008-29, but forwards the following comments for consideration:</b> <ul style="list-style-type: none"> <li>• The Legislative Council should evaluate current regulations for football and basketball and consider a consistent application for all sports.</li> <li>• Currently regulations are confusing for strength and conditioning staffs to decipher what is/is not permissible for various prospects and bringing consistency will aide in eliminating this confusion.</li> </ul>

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Eligibility	2008-38	ELIGIBILITY -- TRANSFER REGULATIONS -- FOUR-YEAR COLLEGE TRANSFERS -- COMPETITION AND RECEIPT OF ATHLETICALLY RELATED FINANCIAL AID IN YEAR OF TRANSFER -- TENNIS	NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Continuing Eligibility).	In tennis, to specify that a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year and received athletically related financial aid during the same academic year from the previous four-year institution.	August 01, 2010	<p><b>NAAC is currently not taking a position on Proposal 2008-38 at this time, yet would like to forward the following comments for consideration:</b></p> <ul style="list-style-type: none"> <li>• Include other sports with the same issues as described in the rationale statement.</li> <li>• Sports NAAC identify as such are wrestling and golf, but it should be explored with other individual sports whether they too would want to be included to eliminate the need for the exact proposal for other sports in following years.</li> <li>• Is this proposal really necessary since institution's have the ability to deny the use of the one-time transfer exception preventing the student-athlete from competing at the second institution?</li> </ul>

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Playing and Practice Seasons	2008-45	PLAYING AND PRACTICE SEASONS -- GENERAL REGULATIONS -- SKILL INSTRUCTION -- SPORTS OTHER THAN FOOTBALL -- CONCURRENT SESSIONS	Big 12 Conference.	In sports other than football, to specify that prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any one facility.	Immediate	<p>NAAC generally supports Proposal 2008-45, but forwards the following comments for consideration:</p> <ul style="list-style-type: none"> <li>Clarification regarding what constitutes one facility is necessary? <ul style="list-style-type: none"> <li>Does a curtain separating one facility constitute two facilities?</li> <li>Does a batting cage located in the baseball field constitute a separate facility?</li> <li>What about indoor and outdoor tennis courts separated by a glass wall?</li> </ul> </li> <li>NOTE: The sponsor communicated that if one can see or hear more than one group simultaneously that would not be a separate facility (e.g. curtain dividing a gym, glass wall separating indoor and outdoor courts). If a coach could easily walk back and forth from group to group, it would not be a separate facility (e.g. batting cage inside or just outside the fence, two basketball courts in same building with permanent wall as divider). If it's two different buildings then it is a separate facility.</li> </ul> <p>Based on this clarification from the sponsor, it appears that the above situations would not be permitted with the adoption of this proposal.</p> <p><b>Additionally, NAAC would like to note that it is possible the adoption of this proposal may put institutions with limited facility space at a disadvantage although in general the concept makes sense.</b></p>

Topical Area	Proposal Number	Title	Source	Intent	Effective Date	Amendment Suggestions and/or Proposal Comments
Playing and Practice Seasons	2008-52	PLAYING AND PRACTICE SEASONS -- FOOTBALL -- PRESEASON PRACTICE -- LIMIT ON NUMBER OF PARTICIPANTS -- REPLACEMENT OF STUDENT-ATHLETE DUE TO INJURY OR ILLNESS	Southeastern Conference.	In football, to specify that a student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice.	Immediate	<p><b>NAAC generally supports Proposal 2008-52, but forwards the following comments for consideration:</b></p> <ul style="list-style-type: none"> <li>Recommend modifying the text of Bylaw 17.11.2.1.2.2 by adding the following from the rationale statement of the proposal to ensure the application of the bylaw is clear: "The replaced student-athlete would not be permitted to return to practice for the remainder of the preseason-practice period."</li> <li>Clarification regarding whether institutions may continue to provide room and board to the injured student-athlete for the remainder of the preseason practice.</li> <li>Clarification regarding whether the injured player may participate in other countable athletically-related activities (e.g., film review) that do not count as a countable "practice opportunity?"</li> </ul>
Playing and Practice Seasons	2008-53	PLAYING AND PRACTICE SEASONS -- GOLF -- MAXIMUM CONTEST LIMITATIONS -- DETERMINATION OF DATE OF COMPETITION	Big 12 Conference.	In golf, to eliminate the provision by which an institution is considered to have used a date of competition if one or more student-athletes participate on behalf of the institution on a particular date.	August 01, 2009	<p><b>NAAC generally supports Proposal 2008-53, but forwards the following comments for consideration:</b></p> <ul style="list-style-type: none"> <li>Is using the five participants from the sports sponsorship requirements necessary when four provide a qualifying team score? It may be necessary to reevaluate the limitation that constitutes an institutional date of competition for purposes of Bylaw 17.</li> <li>NAAC supports the change from the current rule to ease the confusion on how the JV issues are monitored in golf and bring more consistency across the country.</li> </ul>



## **Educational Column -NCAA Division I Bylaw 11.7 - Limitations on the Number and Duties of Coaches - Participation of Noncoaching Staff Members in Practice (I)**

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**Date Issued:** Dec 04, 2006

**Type:** Ed. Column

**Item Ref:** 1

### **Interpretation:**

NCAA Division I institutions should note that any individual who participates in any manner in the coaching of a sport in practice, games or organized activities directly related to that sport must be counted as a coach as stipulated in the limitations for that sport in NCAA Division I Bylaw 11.7. In addition to competitive equity, the intent of the coaching limitations is to restrict the actual coaching of student-athletes to those individuals who are identified as coaches. Other athletics department staff members, including managers and noncoaching staff members with sport-specific responsibilities (e.g., administrative assistants, directors of operations), do not have to be identified as coaches provided they do not engage in any on- or off-field coaching activities and are not involved in recruiting activities.

### Managers

The former NCAA Interpretations Committee clarified during its February 11, 1993 meeting that it is not permissible to hire a manager to perform only on-court or on-field activities (e.g., ball shagging, bounce-passing drills, throw batting practice). Nonstudent managers may not perform any on-court or on-field duties that could be considered coaching without counting in the coaching limitations stipulated in Bylaw 11.7. Student managers may perform limited on-court or on-field activities provided they also perform traditional managerial functions (e.g., run clock at practice, laundry, fill water bottles). Finally, under no circumstances can a manager provide skill instruction without being counted in the coaching limitations.

### Noncoaching Staff Members with Sport-Specific Responsibilities

These individuals may not perform any on-court or on-field duties that could be considered coaching (e.g., ball shagging, bounce-passing drills, throw batting practice) without counting in the coaching limitations stipulated in Bylaw 11. For example, if a director of softball operations throws batting practice, the director of softball operations must be counted toward the coaching limitations in Bylaw 11 even if no skill instruction is provided. While noncoaching staff members with sport-specific responsibilities should not be involved in any manner with practice activities, it is permissible for these individuals to observe practice without having to count toward the coaching limitations.

[References: Bylaw 11.7 (limitations on the number and duties of coaches), official interpretation (reference: 2/11/93, Item No. 9), and the 2004 Hot Topic #2]

---

### **See Also:**

2004 Hot Topic #2

Associated Bylaws

┐ 11.7 LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES

Memorandum

To: Steve Mallonee

From: Tubby Smith, President  
Jim Haney, Executive Director  
Reggie Minton, Deputy Executive Director

Date: October 16, 2008

Re: Proposal 2008-30

The NABC Board of Directors is very concerned about any fees paid to prospective student-athletes' coaches or other individuals associated with prospective student-athletes. The NABC Board is in support of 2008-30 but recommends that the Legislative Council consider sponsoring a broader alternative to Proposal 2008-30.

In addition to the prohibition against employment as speakers/presenters at institutional camps and clinics, the alternative would prohibit prospects' coaches (and other individuals associated with prospects) from being employed (hired or compensated) as speakers or presenters or attendees at any institutional athletically related functions/activities (including booster clubs, consultants to collegiate coaching staffs).

The Board believes this broader prohibition is necessary to address other means cash can be directed to prospects' coaches. On some occasions the instigator of the employment and cash payment is the college coach. The purpose is to gain greater access to prospects these individuals influence and favor with these individuals in the recruitment of those prospects these individuals control. There are instances where the college coaches need to be protected from scholastic/nonscholastic coaches (and others associated with the prospect) who look to leverage access to the prospects they control by offering themselves to be employed at the camp, clinic, booster club, etc. In exchange for the employment and associated cash payment the prospects' coaches provide access to the college coaches to recruit the prospects these scholastic/nonscholastic coaches control.

The NABC Board of Directors thanks you for your consideration of the alternative to Proposal 2008-30.

....In a nutshell, the NABC Board is concerned about any fees paid to prospects' coaches for speaking /presenting, whether it is part of camp/clinic or non-camp/clinic setting, including institutional booster clubs. The proposal as currently drafted only prohibits fees for speaking as part of a camp or clinic. The Recruiting and Personnel Issues could request that the sponsors modify the proposal or in the event they don't, could elect to sponsor their own alternative proposal...If they are not inclined to do so, I can relay to the NABC that they would need to get a conference to sponsor an alternative or request the LGC to do so. Thanks gang..Let me know if I can be of further assistance.

Here is the update from the NABC board RE: 2008-30.

- Prohibition against serving as speaker would apply to all camps/clinics (e.g., include coaching clinics)
- PSA coaches and other individuals associated with PSAs as a result of PSAs participation in basketball would be prohibited from serving as speakers at camps/clinics even if the individual is employed as a camp counselor.

Also, the NABC Board recommended/suggested that the current proposal be broadened to include the following prohibitions:

- Institutional booster clubs hiring above mentioned individuals from serving as speakers at events; and
- Institutional coaches hiring above mentioned individuals to teach sport-related skills to institutional coaches.

Not sure if the new recommendations could be incorporated into the existing proposal, but if recruiting cabinet supports the concept they could oppose the current proposal and propose an alternative that would be more board to encompass these latest suggestions, correct?

Steve, included you to ensure my take on our earlier conversation is correct. Specifically, regarding employment by booster clubs, I assume that would include any activity or event sponsored or conducted by the booster club?

Just a reminder that you were planning to provide me a letter regarding the NABC Board's recommendation to modify Proposal No.2008-30 to also prohibit employment of prospects' coaches as a speaker/consultant in other non-camp/clinic activities that are athletic in nature such as speaking at booster clubs or providing consulting services to the coaching staff. .. out meeting is Monday and we need to copy materials later this week to be handed out at the meeting..If we can get something by the end of the day on Thursday, that would be great.



**Division I Meetings**  
**2009 Annual Convention Meeting Schedule**

	Wednesday January 14		Thursday, January 15			Friday, January 16		Saturday, January 17		
7:30		Conference Meetings 7:30 a.m.–7 p.m.	Legislative Council (LGC) (8 – 11:30 a.m.)		Conference Meetings (8:30 a.m.– 3:30 p.m.)	Joint SAAC/LDC/LGC Breakfast (8 – 9:30 a.m.)		Joint SAAC/BOD Breakfast (8 – 9:30 a.m.)		
8										
8:30										
9			LDC/CCA (10 – 11:30 a.m.)	Assn-wide Programming (9:30 – 11a.m.)		DI Issues Forum (9:30 – 11:30 a.m.)	Conference Meetings (8:30 a.m.– 3:30 p.m.)	Board of Directors Meeting (9:30 a.m. – 5 p.m.)		
9:30									Assn-wide Programming (11:15 – 12:15)	
10										
10:30			LGC/LDC/CCA Luncheon (11:30 a.m. – 1 p.m.)			BOD/LDC/LGC Luncheon (11:30 a.m. – 1 p.m.)		Luncheon /BOD (12 - 1 p.m.)		
11										
11:30										
Noon			Leadership Council (LDC) (1 – 3:30 p.m.)	Assn-wide Programming (1:30 – 3 p.m.)		DI Legislative Forum (1 – 3:30 p.m.)  Override vote (3 p.m.)		Board of Directors Meeting continues  ↓		
12:30										
1	Legislative Council (LGC) (1-7 p.m.)	Opening Business Session (4 – 5:30 p.m.)			Communication and Coordination Committee Meeting/Reception (4 – 6 p.m.)				Executive Committee Meeting (5:30 – 8 p.m.)	
1:30										
2										
2:30			Delegates Reception and Honors Celebration (6 – 10 p.m.)							
3										
3:30										
4										
4:30										
5										
5:30										
6										
6:30										
7						President’s Reception (7:30 – 9 p.m.)				
7:30										
8										
8:30										
9										
10										

Meetings either DI LGC/LDC Councils should attend.

Additional Association-wide events.

Meetings DI Board of Directors would be interested in attending.

**Override Period (BD April 2008 meeting)**  
**Override Requests for Proposal No. 2007-30-C**

2007-30-C RECRUITING — CONTACTS AND EVALUATIONS — MEN'S BASKETBALL EVALUATIONS —

APRIL CONTACT PERIOD

Override Requests Received: 62

Detailed Listing of Overrides:

American University

Baylor University

Boise State University - The financial burden it will place on Mid Major and smaller schools. Mid Major and smaller schools that are not located in larger metropolitan areas will have little chance now to see prospects and compete in recruiting. Some schools will always have an advantage with money or location in recruiting, but this change will move the advantage to another level. Being able to see numerous players at one time and with limited expenses has been a big plus for a lot of schools. Many schools are still recruiting for the current class in the spring and need those tournaments and days out to locate, find visit and finish our recruiting. Right now after high school and junior college tournaments there are few, if any, high school, prep school, or junior college regularly scheduled events for us to go see. With the dead period at the Final Four, the dead period around the signing date and no scheduled events, there won't be anyone for us to see. It will force us to take prospects we know less about, have had very little contact with and thus increasing the chance the players transferring. We know individuals are always looking at ways to cut back on the AAU influence but consider this: We do not go out on Fridays to try and keep the tournament to a minimum of days, but this has not worked. The tournaments get bigger every year. Some of the biggest tournaments even occur during quiet periods. The tournaments are going to be run regardless.

Boston College

Clemson University - Clemson University requests the override of 2007-30-C. It is our belief that the rule would do more to empower AAU coaches than lessen the importance of non-scholastic events for high school players. AAU tournaments are very popular with high school players and will continue to thrive with or without college coaches in attendance. If college coaches cannot evaluate the talent first hand at these AAU events, they would have to rely on the AAU coaches for feedback on the players. This

would give AAU coaches more input and influence over high school players, thus having the opposite effect intended by the legislation.

Colonial Athletic Association - 11 institutions:

Hofstra University.

College of William & Mary.

Drexel University.

Virginia Commonwealth University.

George Mason University.

Georgia State University.

James Madison University.

Old Dominion University.

UNC Wilmington.

Towson University.

University of Delaware - Comment: The number of student-athletes that transfer is up significantly and will continue to rise with limited access to potential student-athletes.

Colorado State University - This puts our coaches at a disadvantage financially. It is more advantageous to see several prospects in one area as opposed to seeing a few at several different high schools. It is not cost efficient to have to travel to several schools to evaluate prospects when they can be seen in one place.

Duke University

Duquesne University

Eastern Kentucky University - Eliminating the April evaluation period would have a negative effect on programs at our level. Financially, it would place an enormous burden on our program. We would need to spend more money on travel (hotels, gas, meals, etc.) to evaluate players. It would also be a disadvantage to programs like ours who need to evaluate a lot of players. Attending events on weekends allows us to see a lot of players in one location in a short period of time. Finally, the development of the players in our program, on the floor and off, would be hindered. Without these events our coaching staff would need to spend more time away from campus.

Florida State University - Florida State University is in support of the override. Florida State University's basketball staff believes that this would allow for more evaluations of prospective student-athletes in a cost effective

manner at the nonscholastic events. In addition, it will allow the coaches to make better informed recruiting decisions about the prospective student-athletes, which could possibly minimize the potential of transfers of these prospects. Finally, it would allow the head coach more time to better evaluate the prospective student-athletes, since they are not able to get out during the other recruiting periods due to their pre-season and in-season obligations.

George Washington University

Georgetown University

Georgia Institute of Technology - Georgia Tech is in favor of the override for the following reasons:

1. Cost savings. Allowing coaches to evaluate at nonscholastic events will allow coaches to be more accurate in their evaluations of prospective men's basketball student-athletes. This helps by seeing prospective student-athletes participate against better talent. By attending the large non-scholastic events coaches can evaluate several prospects at the same time and save money by evaluating so many prospects in one place at one-time.
2. Would allow more time on campus with student-athletes during the academic year. Without the April evaluation period for nonscholastic events, coaches will have to spend more time away from campus and their student-athletes during the academic year.
3. This opportunity could assist coaches with making better decisions and hopefully diminish transfers. Allowing coaches to evaluate the top prospective student-athletes competing against the top prospects in the country will help eliminate student-athletes from transferring. Coaches and prospects will have a better understanding of the talent and playing time at their institutions.
4. The Rationale given in the proposal is false, because the top prospective student-athletes are traveling and competing in tournaments during the month of April and May. These tournaments are packed with the best prospective student-athletes from across the country. These prospective student-athletes are leaving campuses to attend these events. Eliminating college coaches from attendance will not deter prospective student-athletes from participating in these events.

Lafayette College

Metro Atlantic Athletic Conference - 10 institutions - Override requests submitted on behalf of all MAAC schools:

Canisius College

Fairfield University

Iona College

Loyola College

Manhattan College

Marist College

Niagara University

Rider University

Saint Peter's College

Siena College

Morehead State University

Murray State University - Too restrictive on evaluations at live athletics activities.

New Mexico State University

North Carolina State University - Our basketball coaches prefer the current legislation and the ability to attend those nonscholastic events.

Northern Illinois University - cost saving for a mid-major by allowing coaches to see a large number of prospects at the same time in one location.

Oklahoma State University - Our institution would favor allowing all countable coaches to recruit at nonscholastic events during one weekend in April.

Providence College - This is a proposal that we would like to submit an override vote for. We are not in favor of the proposal.

Saint Joseph's University

St. John's University (New York)

Syracuse University

Texas A&M University, College Station

U.S. Air Force Academy - It is important for our men's basketball coaches to be able to attend nonscholastic events during the month of April since we don't offer athletics aid and can't 'sign' anybody to a binding agreement comparable to the NLI. We can maximize our recruiting efforts by attending events that involve numerous athletes from a number of schools rather than being limited to attending only scholastic events.

University of Akron - This proposal will diminish opportunities for coaches to make more informed decisions regarding prospects. It also limits the ability of coaches to evaluate a large number of prospects at one time which will cost institutions more money due to increased travel to different locations to see a prospect compete. Finally, it will further necessitate coaches recruiting off-campus during their competition season thereby taking away from time with current student-athletes.

University of California, Los Angeles

University of Colorado, Boulder - This proposal penalizes coaches who are beginning new jobs and hurts their recruiting efforts as they try and build their programs.

University of Hawaii, Manoa

University of Idaho

University of Illinois, Champaign

University of Miami (Florida)

University of North Carolina, Chapel Hill

University of Pittsburgh

University of Richmond

University of Virginia

Utah State University

Virginia Polytechnic Institute & State University

Xavier University

Youngstown State University - This proposal significantly disadvantages Division I institutions who do not have the financial resources to visit multiple high schools for evaluations and contacts. Eliminating events where multiple prospects are able to be evaluated at one time would eliminate a critical recruiting component for mid-major institutions.

**Proposal Number:** 2007-30-C

**Title:** RECRUITING -- CONTACTS AND EVALUATIONS -- MEN'S BASKETBALL  
EVALUATIONS -- APRIL CONTACT PERIOD

**Intent:** To specify that evaluations of live athletics activities during the April contact period shall be limited to regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur; further, to amend the April contact period to begin at noon on the first Thursday following the Men's Basketball Championship and continue through seven days following the initial date for the spring signing of the National Letter of Intent.

**A. Bylaws:** Amend 13.1.8.8, as follows:

13.1.8.8 Basketball Evaluations.

(a) Men's Basketball. In men's basketball, each institution is limited to 130 recruiting-person days (see Bylaw 13.02.7) during recruiting periods (contact and evaluation periods) that occur during the academic year.

(1) Fall Contact Period. Evaluations at sites other than a prospective student-athlete's educational institution are prohibited during the fall contact period. Evaluations of live athletics activities shall be limited to regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur.

(2) Academic Year Evaluation Period. Evaluations of live athletics activities during the academic year evaluation period shall be limited to regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur.

(3) March **and April** Contact Periods. Evaluations of live athletics activities during the March **and April** contact periods shall be limited to regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur. Evaluations at nonscholastic events are prohibited during *this* **these** periods.

(4) *April Contact Period.*

*(i) Evaluations at Nonscholastic Events. Evaluations at nonscholastic events during the April contact period are limited to events that are approved, sanctioned, sponsored or conducted by the applicable state high school, preparatory school or two-year college association, National Federation of High School Associations or the National Junior College Athletic Association. Coaching staff members may only attend such an event on Saturday and/or Sunday, and not on any weekend during which the PSAT, SAT, PLAN or ACT national standardized tests are administered, regardless of where the event occurs. If an approved nonscholastic event occurs at a high school, preparatory school or two-year college, it is not necessary to have a contact with a prospective student-athlete who attends the educational institution.*

*(ii) Evaluations at a Prospective Student-Athlete's Educational Institution (Other Than Nonscholastic Events). Evaluations of live athletics activities at a prospective student-athlete's educational institution shall be limited to regularly scheduled preparatory school or two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur, and only in conjunction with an off-campus contact.*

[13.1.8.8-(a)-(5) through 13.1.8.8-(a)-(6) renumbered as 13.1.8.8-(a)-(4) through 13.1.8.8-(a)-(5), unchanged.]

**B. Administrative:** Amend 30.10.1, as follows:

30.10.1 Basketball, Men's. The following recruiting periods shall apply to men's basketball:

[30.10.1-(a) through 30.10.1-(d) unchanged.]

**(e) April 1 through the Wednesday immediately prior to the NCAA Quiet Division I Men's Basketball Championship game: Period**

**(f) The Thursday immediately prior to the NCAA Division I Men's Basketball Championship game to noon on the Thursday immediately after the game: Dead Period**

**(eg) The month of April Noon on the Thursday immediately after the NCAA Division I Men's Basketball Championship game through seven days following the initial date for the spring signing of the National Letter of Intent [except for (1) and (2) below]: Contact Period**

*(1) Thursday prior to the NCAA Division I Men's Basketball Championship game to Thursday noon after the game: Dead Period*



(21) Monday through Thursday of the week that includes the initial date for the spring signing of the Dead Period National Letter of Intent:

**(f) May 1 The eighth day after the initial date for the spring signing of the National Letter of Intent** through Quiet Period July 5 [except for (1) below]:

[30.10.1-(g) through 30.10.1-(l) relettered as 30.10.1-(i) through 30.10.1-(n), unchanged.]

**Source:** NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee).

**Effective Date:** August 1, 2008

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Concern has been expressed about the proliferation of nonscholastic events conducted during the April contact period and the resulting consequences to the well being of the prospective student-athletes who travel all over the country to participate in such events. Historically, the April contact period was increased in an effort to accommodate a change in the legislation to permit off-campus, in-person contacts with junior prospective student-athletes. The legislation to permit contacts with junior prospective student-athletes has been rescinded and the scholastic organizations have not provided necessary leadership with regard to the oversight of the nonscholastic events. The committee has been monitoring the merits of the April contact period for quite some time. Accordingly, this recommendation is intended to address concerns about the significant amount of class time missed by prospective student-athletes during key academic time periods in order to accommodate travel to and from events, the disruption to the relationship between NCAA Division I basketball coaches and their own student-athletes during a critical academic time period and the increasing role of outside influences during the April contact period. The proposed modification of the length of the contact period is designed to reinstate the previous contact period that existed prior to the change in legislation that permitted contacts with junior prospective student-athletes.

**Budget Impact:** Potential reduction in recruiting costs.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Academics/Eligibility/Compliance Cabinet:* The cabinet agrees with the sponsor's rationale statement and notes the support of the NCAA Division I Men's Basketball Issues Committee for this proposal. The cabinet prefers Proposal No. 2007-30-C over Proposal No. 2007-30-B.

**History**

*Oct 24, 2007:* Submit; Submitted for consideration as an alternative to Proposal No 2007-30-A.

*Jan 13, 2008:* Mgmt Council 1st Review, Forwarded for Membership Comment

*Jan 15, 2008:* Comment Period; Start of Comment Period

*Feb 13, 2008:* Academics/Eligibility/Compliance Cabinet, Recommends Approval

*Mar 14, 2008:* Comment Period; End of Comment Period; (Official Comment Totals: Support = 7, Oppose = 5, Abstain = 0)

*Apr 14, 2008:* Mgmt Council 2nd Review, Approved

*Apr 24, 2008:* Board Consideration, Adopted

*Apr 25, 2008:* Adopted, Override Period; Start of Override Period

*Jun 23, 2008:* Adopted, Override Period; End of Override Period; (Number of Override Request = 62)

*Jun 23, 2008:* Board Review; Based on the number of override requests received, the Board of Directors will review its action on the proposal at its August 2008 meeting.

*Aug 07, 2008:* Board Review; Upheld adoption. Override vote by Division I membership will occur during the Division I Business Session at the 2009 NCAA Convention.

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

**ACTION ITEM.**

- **Legislative Item - Request for Action by the NCAA Division I Board of Directors.**
  - **NCAA Proposal No. 2008-75 Eligibility -- Freshmen Academic Requirements -- Eligibility for Financial Aid, Practice and Competition -- Qualifier -- Exception - - Early Academic Certification -- Submission of Transcript [Attachment A]**
    - (1) Recommendation. The NCAA Division I Legislative Council recommends that the Board of Directors sponsor Proposal No. 2008-75 into the current 2008-09 legislative cycle.
    - (2) Effective Date. August 1, 2009.
    - (3) Rationale. Proposal No. 2008-75 was sponsored by the NCAA Division I Academic Cabinet and recommended to the Legislative Council for adoption as noncontroversial legislation. The Legislative Council defeated a motion to consider the proposal as noncontroversial legislation; however, the Legislative Council agreed that the proposal merits consideration by the membership in the 2008-09 legislative cycle. The Legislative Council recognizes the vital importance of collecting the academic data on the final transcripts of prospective student-athletes who meet the early academic certification exception and that at the time the exception was adopted, there was an understanding that a process would be developed to ensure the collection of final transcripts. By including the proposal in the regular legislative cycle, issues related to the potential burden on institutions and specificity of application of the proposal may be fully vetted without delaying its potential implementation.
    - (4) Estimated Budget Impact. None to minimal, as institutions generally receive a final high school transcript for admissions purposes.
    - (5) Student-Athlete Impact. None.

**INFORMATIONAL ITEMS.**

**1. Legislative Actions.**

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

[Note: Per NCAA Constitution 5.3.2.2.4.1, legislation adopted by the Legislative Council shall be subject to possible review by the Board of Directors at its next meeting. At its discretion, the Board of Directors may ratify, amend or defeat legislation adopted by the Legislative Council.]

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

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

- a. The Legislative Council approved minutes from the following 2008 Teleconference Nos. 4, 6, 7, 9, 10, 11, 14 and 17 as distributed.
- b. The council used its authority pursuant to Constitution 5.4.1.1 to reverse a previously approved official interpretation and issue the following official interpretation:

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

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

3. **Report of the NCAA Division I Men's Basketball Academic Enhancement Group.** The Legislative Council received a report and discussed the continuing work of the Men's Basketball Academic Enhancement Group. The Legislative Council recommends that the Board of Directors allow the final recommendations and proposals presented by the working group to be fully reviewed through the governance structure and legislative process, including feedback from the NCAA Division I Student-Athlete Advisory Committee. It was noted that the NCAA Division I Women's Basketball Issues Committee is working on an academic access model involving both summer school attendance and access for women's basketball student-athletes on initial enrollment at the certifying institution. The Legislative Council noted that the same process for review recommended for the men's basketball recommendations and proposals should apply to any women's basketball recommendations or proposals.
4. **Legislative Council Policies and Operating Procedures.** The Legislative Council approved formal policies and operating procedures to provide direction and clarity regarding council authority, individual member responsibilities, operational procedures, governance reporting structures and related guidelines. The Legislative Council did not approve specific deadlines for submission of materials, except for legislated deadlines. The Legislative Council directed the staff to establish deadlines as close to the scheduled meetings as logistically possible and to include provisions in the policies and procedures by which flexibility may be used to address additional issues as circumstances require. In addition, the Legislative Council recommended that information related to the legislative sunset provision be included in the policies and procedures.
5. **Future Meeting Dates.**
  - a. January 14-15, 2009, in conjunction with the NCAA Convention, Washington, D.C.
  - b. April 20-21; Indianapolis.
  - c. October 19-20; Indianapolis.

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

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

**Proposal No. 2008-75**

ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION -- QUALIFIER -- EXCEPTION -- EARLY ACADEMIC CERTIFICATION -- SUBMISSION OF TRANSCRIPT

**Intent:** To specify that if a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment; further, to specify that a violation of this provision shall be considered an institutional violation, however, the student-athlete's eligibility shall not be affected.

**Bylaws:** Amend 14.3.1, as follows:

14.3.1 Eligibility for Financial Aid, Practice and Competition. A student-athlete who enrolls in a member institution as an entering freshman with no previous full-time college attendance shall meet the following academic requirements, as certified by the NCAA Eligibility Center, as approved by the Executive Committee, and any applicable institutional and conference regulations, to be considered a qualifier and thus be eligible for financial aid, practice and competition during the first academic year in residence.

[14.3.1.1 unchanged.]

14.3.1.1.1 Exception -- Early Academic Certification. A student-athlete shall be certified as a qualifier, provided he or she has achieved the following academic criteria:

[14.3.1.1.1-(a) through 14.3.1.1.1-(b) unchanged.]

**14.3.1.1.1.1 Submission of Final Transcript.** If a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission of his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment.

**14.3.1.1.1.1.1 Effect of Violation.** A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected.

[Remainder of 14.3.1 unchanged.]

**Source:** NCAA Division I Academics Cabinet.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Current legislation permits an individual to be certified as a qualifier based on core courses, grades and test score through six semesters of high school. In these circumstances, the individual is not required to submit a final high school transcript to the NCAA Eligibility Center. For the current academic year, the Eligibility Center has not received final transcripts from approximately 40 percent of the individuals who were certified as early academic qualifiers. These missing transcripts represent a significant gap in academic data available to the NCAA research staff, which is vital for future policy decisions. Without such data, the ongoing review of initial-eligibility and progress-toward-degree rules (e.g., the impact of the increase from 14 to 16 core courses) is threatened. In addition, since the submission of a final transcript is not necessary for certification of initial eligibility pursuant to the early certification exception, a transcript could be official or unofficial and will be accepted in any form (e.g., copy, fax). Finally, it is recommended that the Eligibility Center Web site is updated to provide clear information to institutions regarding the final transcripts that are required to be submitted.

**Budget Impact:** None to minimal, as institutions generally receive a final high school transcript for admissions purposes.

**Impact on S-A's Time:** None.

**History**

*Sep 08, 2008:* Submit; Submitted for consideration.

*Sep 09, 2008:* Academics Cabinet, Recommends Approval as Noncontroversial Legislation

*Sep 09, 2008:* Academics Cabinet, Sponsored

*Oct 17, 2008:* Leg Council Init Review; Not Supported as Noncontroversial Legislation

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

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



Proposal Number	Title	Source	Effective Date	Intent	LGC Action
2008-75	ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION -- QUALIFIER -- EXCEPTION -- EARLY ACADEMIC CERTIFICATION -- SUBMISSION OF TRANSCRIPT	NCAA Division I Academics Cabinet.	August 1, 2009	To specify that if a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment; further, to specify that a violation of this provision shall be considered an institutional violation, however, the student-athlete's eligibility shall not be affected.	Not supported as noncontroversial legislation.  Recommended that the NCAA Board of Directors sponsor the proposal into the 2008-09 legislative cycle.
2008-76	RECRUITING -- TRYOUTS AND SPORTS CAMPS AND CLINICS -- DEFINITION OF PROSPECTIVE STUDENT-ATHLETE -- MEN'S BASKETBALL	NCAA Division I Championships/Sports Management Cabinet (Men's Basketball Issues Committee).	Immediate	In men's basketball, for purposes of the tryout rule and the regulations related to camps and clinics, to specify that a prospective student-athlete is an individual who has started classes for the seventh grade.	Tabled consideration of the proposal until January 2009.

**ATTACHMENT C**

[illegible]

**NCAA Division I Legislative Council**

**Actions, Preliminary Positions, Points to Consider, Comments and Mootnicity Implications Related to 2008-09 Legislative Cycle Proposals**

This attachment describes the details of the Legislative Council's actions, preliminary positions, points to consider and comments, along with any mootnicity issues, related to legislation scheduled for initial consideration in January 2009.

Please note that a position of preliminary support for a proposal reflects that the council supported the sponsor's rationale statement and any additional rationale for support expressed in the position statements for the particular proposal. Further, a position of preliminary opposition reflects that it is likely the council agreed with opposition expressed in position statements for the particular proposal. If no preliminary position is noted for a particular proposal, the council took no position, but noted comments and points for membership consideration in preparation for the council's initial formal review of the legislation in January 2009.

Please note that the NCAA Division I Official Notice will be available on the NCAA Web site by November 15, 2008. The Official Notice will include all of the 2008-09 legislative cycle proposals that are to be initially considered in January 2009.

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>	<b>Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues</b>
2008-9	NCAA MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- OPERATING AND CAPITAL FINANCIAL DATA REPORT	To specify that an institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis, as specified, as a condition and obligation of membership and in order to be eligible to enter a team or individual in NCAA championship competition.	Preliminary support.

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-10	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- MINORITY GRADUATE ASSISTANT COACH -- CHAMPIONSHIP SUBDIVISION FOOTBALL	To establish a program by which a minority graduate assistant coach position is awarded annually to each NCAA Division I Football Championship Subdivision (FCS) conference and to establish the parameters of the program and position, as specified.	<ul style="list-style-type: none"> <li>Noted general support for the concept, but noted several concerns with the details, including: <ul style="list-style-type: none"> <li>Potential legal issues;</li> <li>Budgetary issues, including broad implications of such a program to Division I generally;</li> <li>Potential competitive equity issues.</li> </ul> </li> <li>Suggested tabling the proposal pending additional review and study.</li> </ul> <p>(Following the Legislative Council meeting, the proposal was withdrawn by the sponsor.)</p>
2008-11	PERSONNEL -- LIMITATIONS ON THE DUTIES OF COACHES - - NONCOACHING ACTIVITIES -- EXCEPTION -- STUDENT MANAGER -- BASEBALL	In baseball, to specify that up to four student managers may be involved in on-field activities (e.g., catching in the bullpen, pitching batting practice, hitting fungoes, shagging balls) without counting in the institution's coaching limitations, provided the student managers participate in the activities within five years of their initial full-time collegiate enrollment and do not provide instruction to student-athletes or engage in other coaching activities; further, to specify that a student-manager shall not be eligible for varsity intercollegiate competition in the same year in which the individual serves as a manager.	Preliminary opposition.

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-12	PERSONNEL -- LIMITATIONS ON NUMBER OF OFF-CAMPUS RECRUITERS AT ANY ONE TIME -- EXCEPTION -- BASKETBALL -- JULY EVALUATION PERIODS	In basketball, to specify that during the July evaluation periods, a coach replaced for the purpose of off-campus recruiting activities is not required to return to the institution's campus before engaging in additional recruiting activities, provided no more than three coaches engage in off-campus recruiting activities each day.	<ul style="list-style-type: none"> <li>• Noted a possible travel cost savings if a coach is not required to return to campus, but that additional costs may be incurred to have four coaches away from campus at all times during the evaluation periods.</li> <li>• Concept could be expanded beyond the summer and to other sports.</li> <li>• Concern expressed related to monitoring and a potential conflict with a desired increase in summer access to incoming prospective student-athletes.</li> </ul>
2008-13	AMATEURISM -- EXCEPTION FOR PRIZE MONEY FOR STUDENT-ATHLETES -- OUTSIDE THE PLAYING SEASON DURING AN OFFICIAL VACATION PERIOD -- INDIVIDUAL SPORTS	In individual sports, to permit a student-athlete to accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during any official vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event.	<ul style="list-style-type: none"> <li>• Potential to cause a proliferation of open events, including events on an institution's campus, which would present possible recruiting advantages.</li> <li>• Consider restricting application to summer only.</li> <li>• Although the proposal only covers expenses, does it reflect a change in the amateurism philosophy?</li> <li>• Currently permissible to receive actual and necessary expenses from a team or the sponsor of the open event.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-14	RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE STUDENT-ATHLETE -- ENROLLMENT AND ATTENDANCE IN SUMMER CLASSES PRIOR TO INITIAL FULL-TIME ENROLLMENT	To specify that an individual shall no longer be considered a prospective student-athlete for purposes of the contact limitations in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 at the point in which he or she officially registers and enrolls and attends classes in an institution's summer term prior to initial full-time enrollment.	Preliminary support.
2008-15	RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE STUDENT-ATHLETE -- INSTITUTIONAL ORIENTATION SESSION	To specify that a recruited prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport or for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to a required institutional orientation session within 14 calendar days prior to the opening day of classes of a regular academic year term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the required orientation.	<ul style="list-style-type: none"> <li>• Is the legislation necessary?</li> <li>• Expressed concern related to differing institutional approaches to orientation sessions and potential advantages. <ul style="list-style-type: none"> <li>○ Required vs. optional or none.</li> <li>○ Sessions throughout the summer vs. immediately before fall term.</li> </ul> </li> <li>• May assist with issues related to room and board for international student-athletes prior to the beginning of the term. <ul style="list-style-type: none"> <li>○ Alternative legislation should be tailored to address such issues.</li> </ul> </li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-16	RECRUITING -- CONTACTS AND EVALUATIONS -- CONTACTABLE INDIVIDUALS - - STUDENT-ATHLETE WITHDRAWN FROM FOUR-YEAR COLLEGE -- EXCEPTION -- OFFICIAL CHURCH MISSION	To specify that an institution shall not contact a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed a National Letter of Intent (NLI) and attended the institution (with which he or she signed the NLI) as a full-time student; further, to specify that if such a student-athlete has completed his or her official church mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution.	Preliminary support.
2008-17	RECRUITING -- CONTACTS AND EVALUATIONS -- PERMISSIBLE RECRUITERS -- BOWL SUBDIVISION FOOTBALL -- HEAD COACH RESTRICTIONS -- SPRING EVALUATION PERIOD -- OTHER OFF-CAMPUS ACTIVITIES	In bowl subdivision football, to specify that the head coach shall not participate in an off-campus coaching clinic, visit a prospective student-athlete's educational institution for any reason or meet with a prospective student-athlete's coach at an off-campus location during the April 15 through May 31 evaluation period.	Preliminary support.

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-18	RECRUITING -- TELEPHONE CALLS INITIATED BY A PROSPECTIVE STUDENT-ATHLETE AT HER OWN EXPENSE -- WOMEN'S LACROSSE	In women's lacrosse, to specify that an institutional coaching staff member may receive telephone calls placed by a prospective student-athlete at her own expense before July 1 following her junior year in high school, provided the coaching staff member does not request that the a prospective student-athlete call at a specific time or otherwise prearrange the telephone call; further; to specify that telephone calls placed after July 1 following the prospective student-athlete's junior year in high school may be prearranged.	<p>Preliminary opposition.</p> <ul style="list-style-type: none"> <li>Agreed that the concept should be considered as part of the Leadership Council's examination of early recruitment and commitments.</li> </ul>
2008-19	RECRUITING -- CONTACTS AND EVALUATIONS -- FOOTBALL -- ONE CONTACT WITH JUNIORS OR SENIORS -- SPRING EVALUATION PERIOD	In football, to specify that during the spring evaluation period, an institution may make one in-person, off-campus contact per prospective student-athlete (including prospective student-athletes in their junior year) at the prospective student-athlete's educational institution; further, to specify that an institution may use an additional evaluation in conjunction with the contact.	<ul style="list-style-type: none"> <li>Expressed concern regarding potential of increased costs, increased time spent in recruiting and increased recruiting pressures. <ul style="list-style-type: none"> <li>Pressures involved with contacts are greater than those related to evaluations.</li> </ul> </li> <li>Potential significant intrusion on prospective student-athletes during class time.</li> </ul>



Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-20-A	RECRUITING -- FOOTBALL EVALUATIONS -- SCHOLASTIC AND NONSCHOLASTIC ACTIVITIES -- EVENTS ORGANIZED AND CONDUCTED BY SCHOLASTIC ATHLETICS GOVERNANCE BODIES -- OTHER EVALUATION EVENTS	In football, to specify that live athletics evaluations are permissible at events organized and conducted solely by a scholastic athletics governing body (e.g., state high school athletics association, junior college athletics association); further, to specify that institutional staff members shall not attend a recruiting event in which information (e.g., athletics or academic credentials, highlight video) related to prospective student-athletes is presented or otherwise made available.	<ul style="list-style-type: none"> <li>• Expressed concern regarding potential involvement or attempted influence of nonscholastic entities on events for which the organization and conduct would be solely limited to scholastic athletics governing bodies.</li> <li>• Sponsored an alternative proposal (2008-20-B) that does not include the provision to allow evaluations at events organized and conducted solely by a scholastic athletics governing body, but maintains the provision that would preclude institutional staff members from attending a recruiting event in which information (e.g., athletics or academic credentials, highlight video) related to prospective student-athletes is presented or otherwise made available.               <ul style="list-style-type: none"> <li>○ Adoption of Proposal No. 2008-20-A would render Proposal No. 2008-20-B moot.</li> </ul> </li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-21	RECRUITING -- ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS -- REPORTS AND NOTIFICATION -- ELIGIBILITY CENTER	To specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data, academic progress rate and graduation success rate to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list; further, to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center.	<ul style="list-style-type: none"> <li>• Noted the potential to reduce the administrative burden on institutions.</li> <li>• Expressed concern related to the potential administrative burden on the NCAA Eligibility Center.</li> <li>• Noted that the provision of institution-specific information may occur too late in the recruiting process.</li> <li>• Noted concern expressed by the Committee on Competitive Safeguards and Medical Aspects of Sports that it is important that institutions are educated and should be responsible for educating prospective student-athletes regarding banned drugs and nutritional supplements.</li> </ul>
2008-22	RECRUITING -- PRINTED RECRUITING MATERIALS -- INSTITUTIONAL POSTCARDS	To specify that an institutional postcard may be provided to a prospective student-athlete, his or her parents or legal guardians, his or her coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved, provided its dimensions do not exceed 4 1/4 by 6 inches, it contains only the institution's name and logo or an athletics logo on one side when produced and it includes only handwritten information, (e.g., words, illustrations) on the opposite side when provided to a prospective student-athlete.	<ul style="list-style-type: none"> <li>• Suggestion made to potentially include some of the issues addressed in the proposal question and answer document in the language of the proposal. <ul style="list-style-type: none"> <li>○ Additional details help clarify application.</li> </ul> </li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-23	RECRUITING -- RECRUITING MATERIALS -- ELECTRONIC TRANSMISSIONS -- AFTER NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT	To specify that after the calendar day on which a prospective student-athlete signs a National Letter of Intent (NLI), signs an institution's written offer of admission and/or financial aid, or submits a room or tuition deposit in response to the institution's written offer of admission, there shall be no limit on the forms of electronically transmitted correspondence sent by the institution with which the prospective student-athlete has committed.	<p>Preliminary opposition as currently drafted.</p> <ul style="list-style-type: none"> <li>• Anticipate sponsor modification.</li> <li>• Suggested modification would specify that a prospective student-athlete who does not sign a National Letter of Intent (NLI) must submit a tuition or room deposit and to establish a date (e.g., late NLI signing period) on which the exception may begin to apply.</li> </ul>
2008-24	RECRUITING -- RECRUITING MATERIALS -- OTHER RECRUITING MATERIALS POSTED TO INSTITUTION'S WEB SITE	To permit an institution to print and provide other recruiting information that is posted on its Web site to prospective student-athletes via regular mail as attachments to general correspondence or electronic mail, via facsimile or during any permissible on- or off-campus contact.	<ul style="list-style-type: none"> <li>• Sponsor indicated intent to modify the proposal to specify that general information (e.g., press release, competition schedule) posted to an institution's Web site may be printed and provided to prospective student-athletes. An institution may not post information created for recruiting purposes to its Web site.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-25-A	RECRUITING -- OFFICIAL VISIT AND LETTER OF INTENT PROGRAMS -- REQUIREMENTS FOR OFFICIAL VISIT AND OFFERS OF ATHLETICALLY RELATED FINANCIAL AID -- COMPLETION OF AMATEURISM CERTIFICATION QUESTIONNAIRE	To specify that a high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center before an institution may provide the prospective student-athlete an official visit; further, to specify that an institution shall not provide a high school, preparatory school or transfer prospective student-athlete a written offer of athletically related financial aid until he or she has completed the amateurism certification questionnaire with the Eligibility Center.	<ul style="list-style-type: none"> <li>• Would assist the Eligibility Center in beginning the process of certifying the amateur status prospective student-athletes at an earlier date, thus easing case volume leading up to and after the start of the academic year.</li> <li>• Places more responsibility on the institution, earlier in the process.</li> <li>• Enhancements to the process for completing the questionnaire are in progress.</li> <li>• Prospective student-athletes will be under the same ethical obligations.</li> <li>• Does not increase institutional culpability.</li> <li>• Adoption would render Proposal No. 2008-25-B moot.</li> </ul>
2008-25-B	RECRUITING -- LETTER OF INTENT PROGRAMS -- REQUIREMENTS FOR OFFERS OF ATHLETICALLY RELATED FINANCIAL AID -- COMPLETION OF AMATEURISM CERTIFICATION QUESTIONNAIRE	To specify that an institution shall not provide a high school, preparatory school or transfer (if applicable) prospective student-athlete a written offer of athletically related financial aid until he or she has completed the amateurism certification questionnaire administered by the NCAA Eligibility Center.	<ul style="list-style-type: none"> <li>• Presents less of a burden on institutions. <ul style="list-style-type: none"> <li>◦ More prospective student-athletes take official visits than are offered athletically related financial aid.</li> </ul> </li> <li>• Would be rendered moot by adoption of Proposal No. 2008-25-A.</li> </ul>
2008-26	RECRUITING -- OFFICIAL VISIT -- MEALS ON OFFICIAL VISIT -- MEALS AT AIRPORT OR BUS OR TRAIN STATION	To specify that meals may be provided to a prospective student-athlete on an official visit at the airport or bus or train station at the time of his or her arrival or departure.	Withdrawn by sponsor.

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-27	RECRUITING -- UNOFFICIAL VISIT -- HOUSING -- LODGING IN DORMITORIES -- ADDITIONAL RESTRICTION -- WOMEN'S LACROSSE	In women's lacrosse, to specify that an institution's athletics department staff member shall not arrange lodging for a prospective student-athlete on an unofficial visit in an enrolled student-athlete's residence (e.g., dormitory room, apartment) until August 1 following the prospective student-athlete's junior year in high school.	<p>Preliminary opposition.</p> <ul style="list-style-type: none"> <li>Agreed that the concept should be considered as part of the NCAA Division I Leadership Council's examination of early recruitment and commitments.</li> </ul>
2008-28	RECRUITING -- FINANCIAL AID AGREEMENTS -- OFFERS OF AID BEFORE JULY 1 FOLLOWING JUNIOR YEAR -- WOMEN'S LACROSSE	In women's lacrosse, to specify that an institution shall not offer (or indicate that it will or may offer), orally or in writing, athletically related financial aid, other institutional financial aid or admissions assistance before July 1 following the prospective student-athlete's junior year in high school; further, to specify that an institution shall not accept any commitment from a prospective student-athlete before July 1 following the prospective student-athlete's junior year in high school.	<p>Preliminary opposition.</p> <ul style="list-style-type: none"> <li>Agreed that the concept should be considered as part of the Leadership Council's examination of early recruitment and commitments.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-29	RECRUITING -- TRYOUTS -- EXCEPTIONS -- VOLUNTARY SUMMER CONDITIONING -- SPORTS OTHER THAN FOOTBALL AND BASKETBALL	In sports other than football and basketball, to specify that a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieval basis), provided he or she is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution.	<ul style="list-style-type: none"> <li>• Concern expressed that different standards would exist for football, basketball and all other sports. <ul style="list-style-type: none"> <li>○ Different standards were intentional based on history of legislation for football and basketball.</li> </ul> </li> <li>• Concern expressed related to need for additional staffing, pressure for summer enrollment and increased risk/liability issues.</li> <li>• Promotes greater equity among sports.</li> <li>• Provides structure for safety presence during workouts.</li> </ul>
2008-30-A	RECRUITING -- SPORTS CAMPS AND CLINICS -- EMPLOYMENT AT CAMP OR CLINIC -- HIGH SCHOOL, PREPARATORY-SCHOOL TWO-YEAR COLLEGE COACHES OR OTHER INDIVIDUALS INVOLVED WITH PROSPECTIVE STUDENT-ATHLETES -- EMPLOYMENT AS SPEAKER -- BASKETBALL	In basketball, to specify that an institution shall not employ (either on a salaried or a volunteer basis) a speaker in any basketball camp or clinic (including a coaches clinic or a camp or clinic involving nonprospects) who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball; further, to specify that such an individual may be employed as a camp counselor, but may not perform speaking duties other than those normally associated with camp counselor duties (e.g., skill instruction).	<ul style="list-style-type: none"> <li>• Similar concerns may exist for other sports.</li> <li>• Sponsored an alternative proposal (2008-30-B) to broaden the application and specify that an institution shall not employ (either on a salaried or a volunteer basis) an individual who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball as a speaker or presenter at any athletically related events or activities (e.g., booster club functions or as an outside consultant). <ul style="list-style-type: none"> <li>○ Adoption of Proposal No. 2008-30-B would render Proposal No. 2008-30-A moot.</li> </ul> </li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-31	RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING SERVICES -- VIDEO SERVICES	To eliminate the requirement that off-campus observation of a prospective student-athlete on a video that is made available by a scouting service be considered an evaluation activity subject to applicable evaluation regulations.	Withdrawn by sponsor.
2008-32	ELIGIBILITY -- GENERAL ELIGIBILITY REQUIREMENTS - - FULL-TIME ENROLLMENT -- REQUIREMENT FOR COMPETITION -- NONTRADITIONAL COURSES	To specify that enrollment in a nontraditional course (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) offered by the certifying institution may be used to satisfy the full-time enrollment requirement for competition, provided the specified conditions are met.	<ul style="list-style-type: none"> <li>• Sentiment expressed that institutional policy should govern full-time enrollment.</li> <li>• Flexibility could reduce missed class time and benefit teams for which significant travel is required.</li> <li>• Suggestion made that a limit on the number of courses that may be used may be appropriate.</li> <li>• Concern expressed related to potential for abuse.</li> <li>• Legislation would apply to cross-listed courses. <ul style="list-style-type: none"> <li>○ Courses offered at another institution, but recognized by the certifying institution as regular enrollment.</li> </ul> </li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-33	ELIGIBILITY -- SEASONS OF COMPETITION -- FIVE-YEAR RULE -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- DELAYED ENROLLMENT -- WOMEN'S VOLLEYBALL	In women's volleyball, to specify that a student-athlete who does not initially enroll full time in a collegiate institution within one year following the high school graduation date of the student-athlete's class and participates in organized events after the one-year period, shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.	Preliminary support.
2008-34	ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- CORE CURRICULUM TIME LIMITATION -- STUDENTS WITH EDUCATION IMPACTING DISABILITIES	To specify that if a prospective student-athlete with a diagnosed education-impacting disability graduates from high school within the core-curriculum time limitation, he or she may use up to three core courses completed after high school graduation to satisfy the core-curriculum or minimum grade-point average requirements, or both.	Preliminary support.



Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-35	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- REGULATIONS FOR ADMINISTRATION OF PROGRESS TOWARD DEGREE - - NONTRADITIONAL COURSES	To specify that nontraditional courses (e.g., distance-learning, correspondence, extension, Internet courses, independent study or any other course or credit that is not earned in a typical face-to-face classroom environment with regular contact hours between the instructor and the student) completed at a four-year institution other than the certifying institution, may be used to meet credit hour and percentage-of-degree requirements, provided the specified conditions are met.	<ul style="list-style-type: none"> <li>• Sentiment expressed that institutional policy should govern full-time enrollment.</li> <li>• Flexibility could reduce missed class time and benefit teams for which significant travel is required.</li> <li>• Suggestion made that a limit on the number of courses that may be used may be appropriate.</li> <li>• Concern expressed related to potential for abuse.</li> <li>• Legislation would apply to cross-listed courses. <ul style="list-style-type: none"> <li>○ Courses offered at another institution, but recognized by the certifying institution as regular enrollment.</li> </ul> </li> </ul>
2008-36	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- INTERNATIONAL COMPETITION WAIVER -- USE OF CREDITS EARNED	To specify that credits earned by a student during the term or terms to which an international competition waiver applies may be used to satisfy the 24/36 hour, percentage-of-degree and grade-point average progress-toward degree requirements.	Preliminary support.
2008-37	ELIGIBILITY -- TRANSFER REGULATIONS -- EXCEPTIONS FOR TRANSFERS FROM FOUR-YEAR COLLEGES -- CHURCH MISSION	To eliminate the church mission exception to the transfer residence requirement for transfers from four-year colleges.	Preliminary support.

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-38	ELIGIBILITY -- TRANSFER REGULATIONS -- FOUR-YEAR COLLEGE TRANSFERS -- COMPETITION AND RECEIPT OF ATHLETICALLY RELATED FINANCIAL AID IN YEAR OF TRANSFER -- TENNIS	In tennis, to specify that a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year and received athletically related financial aid during the same academic year from the previous four-year institution.	Preliminary support.
2008-39	ELIGIBILITY -- OUTSIDE COMPETITION, EFFECTS ON ELIGIBILITY -- EXCEPTION -- CONFERENCE ALL-STAR COMPETITION AGAINST U.S. NATIONAL TEAM -- WOMEN'S ICE HOCKEY	In women's ice hockey, to specify that a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for competition at the time of the competition.	Preliminary support.
2008-40	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- WOMEN'S VOLLEYBALL	In women's volleyball, to increase the maximum institutional grant-in-aid limitation from 12 to 13.	<ul style="list-style-type: none"> <li>Agreed that the concept should be considered as part of the NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet's examination of maximum institutional grant-in-aid limitations.</li> <li>Noted potential addition of sand volleyball may have an impact on the volleyball limit.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-41	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- BASEBALL	In baseball, to increase the annual limit on the value of financial aid awards (equivalencies) to counters from 11.7 to 14.	<ul style="list-style-type: none"> <li>Agreed that the concept should be considered as part of the Division I Awards, Benefits, Expenses and Financial Aid Cabinet's examination of maximum institutional grant-in-aid limitations.</li> <li>Sentiment expressed that significant changes were only recently made to the baseball financial aid regulations.</li> </ul>
2008-42	AWARDS, BENEFITS AND EXPENSES -- COMPLIMENTARY ADMISSIONS AND TICKET BENEFITS -- POSTSEASON EVENTS	To specify that an institution may provide each student-athlete who participates in or is a member of a team participating in a postseason event (e.g., conference championship, NCAA championship, National Invitation Tournament, bowl game) with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates.	Preliminary support.

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-43	AWARDS, BENEFITS AND EXPENSES -- HOUSING AND MEALS -- FRUIT, NUTS AND BAGELS	To specify that an institution may provide fruit, nuts and bagels to student-athletes at any time.	<ul style="list-style-type: none"> <li>• Overall potential for increased costs, but a possible practical savings or maintenance of supplement budget. <ul style="list-style-type: none"> <li>○ Cost could be shifted from supplements to fruit, nuts and bagels.</li> </ul> </li> <li>• Potential to provide better nutrition to student-athletes.</li> <li>• Is the legislation necessary? <ul style="list-style-type: none"> <li>○ Is the current meals and benefits legislation sufficient to meet the nutritional needs of student-athletes?</li> <li>○ Encourage responsible behavior of student-athletes and full use of current legislation.</li> </ul> </li> <li>• Potential recruiting advantage.</li> </ul>
2008-44	AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- DEPARTURE/RETURN EXPENSE RESTRICTIONS -- EXCEPTIONS -- TRAVEL FOLLOWING CHAMPIONSHIPS EVENTS AND POSTSEASON FOOTBALL GAMES	To specify that return transportation following contests in NCAA championship events, national governing body championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms are exempt from the requirement that a student-athlete remain no longer than 36 hours following the conclusion of the competition in order to receive actual and necessary expenses to return to campus.	Preliminary support.

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-45	PLAYING AND PRACTICE SEASONS -- GENERAL REGULATIONS -- SKILL INSTRUCTION -- SPORTS OTHER THAN FOOTBALL -- CONCURRENT SESSIONS	In sports other than football, to specify that prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any one facility.	<ul style="list-style-type: none"> <li>Concern expressed related to potential advantage for institutions with multiple facilities. <ul style="list-style-type: none"> <li>Coaches could devote more time to recruiting activities.</li> </ul> </li> </ul>
2008-46	PLAYING AND PRACTICE SEASONS -- BASEBALL -- PRESEASON PRACTICE AND FIRST CONTEST -- CHAMPIONSHIP SEGMENT	In baseball, to specify that in the championship segment, an institution shall not commence practice sessions prior to the Friday that is three weeks prior to the first permissible contest date for the championship segment and shall not play its first contest (game or scrimmage) with outside competition prior to the Friday in February that is 14 weeks before the Friday immediately preceding Memorial Day.	<ul style="list-style-type: none"> <li>Noted that the current legislation has only been in effect for one year. <ul style="list-style-type: none"> <li>Time may not be sufficient to fully evaluate impact and potential options within the current legislation.</li> <li>Change would erode compromise reached related to geographical realities.</li> </ul> </li> </ul>
2008-47	PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52 DURING THE CHAMPIONSHIP SEGMENT AND FOUR DURING THE NONCHAMPIONSHIP SEGMENT	In baseball, to specify that an institution shall limit its total playing schedule with outside competition during the institution's playing season to 52 contests (games and scrimmages) during the championship segment and four contests (games and scrimmages) during the nonchampionship segment.	Withdrawn by sponsor.
2008-48	PLAYING AND PRACTICE SEASONS -- BASEBALL -- MAXIMUM NUMBER OF CONTESTS -- 52	In baseball, to reduce the maximum number of contests from 56 to 52.	<ul style="list-style-type: none"> <li>Noted that the NCAA Division I Board of Directors has indicated intent to review the recently adopted baseball legislation after three years.</li> <li>Sentiment expressed that the issues may not have been fully reviewed prior to the adoption of the current legislation.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-49	PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST CONTEST -- EXCEPTIONS -- INFORMAL PRACTICE SCRIMMAGES -- NO MISSED CLASS TIME	In basketball, to specify that no class time shall be missed in conjunction with an informal practice scrimmage, including activities associated with such scrimmages (e.g., travel, pregame and postgame activities).	Preliminary support.
2008-50	PLAYING AND PRACTICE SEASONS -- WOMEN'S BASKETBALL -- FIRST CONTEST EXCEPTIONS AND ANNUAL EXEMPTIONS -- FOREIGN TEAM IN U.S. AND USA BASKETBALL CLUB	In women's basketball, to eliminate the exception to the first contest date and the annual exemptions for exhibition contests against club members of USA Basketball and foreign teams in the U.S.	Preliminary support.
2008-51	PLAYING AND PRACTICE SEASONS -- PRESEASON PRACTICE -- CROSS COUNTRY, FIELD HOCKEY, WOMEN'S RUGBY, SOCCER, WOMEN'S VOLLEYBALL AND MEN'S WATER POLO	In cross country, field hockey, women's rugby, soccer and men's water polo, to specify that an institution shall not commence practice sessions before 16 days prior to the date on which the first permissible contest or date of competition may occur; further, in women's volleyball, to specify that an institution shall not commence practice sessions before 20 days prior to the date on which the first permissible contest may occur.	<ul style="list-style-type: none"> <li>An institution that delays its first contest would be able to practice more than those that start on the first permissible date. <ul style="list-style-type: none"> <li>Resulting in additional expenses in such circumstances.</li> </ul> </li> <li>Some anecdotal indication that starting dates would be the same or very similar under the current legislation or the proposal.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-52	PLAYING AND PRACTICE SEASONS -- FOOTBALL -- PRESEASON PRACTICE -- LIMIT ON NUMBER OF PARTICIPANTS -- REPLACEMENT OF STUDENT-ATHLETE DUE TO INJURY OR ILLNESS	In football, to specify that a student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice.	<ul style="list-style-type: none"> <li>NCAA Division I Football Championship Subdivision Governance Committee expressed preliminary opposition. <ul style="list-style-type: none"> <li>Concern related to potential financial impact and potential abuse of the rule, in that it may result in "tryouts."</li> </ul> </li> <li>NCAA Football Bowl Subdivision <ul style="list-style-type: none"> <li>Suggestion to add clarifying language from rationale to text of the legislation.</li> <li>Noted that the preclusion of a replaced student-athlete from further participation in practice activities (including meetings and film review) should alleviate concern related to the nature of the injury or illness.</li> </ul> </li> </ul>
2008-53	PLAYING AND PRACTICE SEASONS -- GOLF -- MAXIMUM CONTEST LIMITATIONS -- DETERMINATION OF DATE OF COMPETITION	In golf, to specify that an institution is considered to have used a date of competition if five or more student-athletes participate on behalf of the institution or any number of student-athletes contribute to a team score on a particular date.	<ul style="list-style-type: none"> <li>May result in a potential competitive advantage and not fully address varsity and subvarsity issues.</li> <li>Sponsor indicated support of the American Golf Coaches Association.</li> </ul>
2008-54	PLAYING AND PRACTICE SEASONS -- GOLF -- ANNUAL EXEMPTIONS -- HAWAII OR ALASKA	In golf, to specify that the dates of competition for one tournament per year in Hawaii or Alaska either against or under the sponsorship of an active Division I member located in Hawaii or Alaska, by a member located outside the area in question are exempted from the maximum number of dates of competition.	Preliminary support.

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2008-55	PLAYING AND PRACTICE SEASONS -- WOMEN'S SOCCER -- FIRST CONTEST OR DATE OF COMPETITION -- 12-WEEK SEASON	In women's soccer, to specify that an institution shall not play its first contest or engage in its first date of competition (game) with outside competition prior to the 12th weekend prior to the start of the women's soccer championship.	<ul style="list-style-type: none"> <li>• Noted that the current legislation has only been in effect since August 1, 2008.</li> <li>• Is the legislation necessary? <ul style="list-style-type: none"> <li>○ Will men's soccer seek the same change next year?</li> </ul> </li> <li>• Legislation has changed frequently in recent years. <ul style="list-style-type: none"> <li>○ Changes were due to attempt to conduct the men's and women's championships on the same weekends, which did not succeed logistically.</li> </ul> </li> </ul>
2008-56	PLAYING AND PRACTICE SEASONS -- TENNIS -- MAXIMUM NUMBER OF DATES OF COMPETITION -- INDIVIDUAL SINGLES OR DOUBLES TOURNAMENT LIMITATIONS -- NUMBER OF PARTICIPANTS	In tennis, to increase from three to four the number of student-athletes who may participate in an individual singles or doubles tournament without counting the event as one of the institution's dates of competition.	Preliminary support.
2008-57	PLAYING AND PRACTICE SEASONS -- TRACK AND FIELD -- SAFETY EXCEPTION -- HURDLES AND STEEPLECHASE	To specify that a coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in jumping hurdles or the jumping element of the steeplechase.	<ul style="list-style-type: none"> <li>• Does a true safety issue exist for these events?</li> <li>• Would other events or sports seek for similar provisions (e.g., jumping elements of other sports).</li> </ul>



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2008-58	CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CRITERIA FOR ESTABLISHMENT OR CONTINUATION OF CHAMPIONSHIPS -- MINIMUM SPONSORSHIP FOR CHAMPIONSHIPS -- WOMEN'S SPORTS	To specify that a National Collegiate Championship or a division championship may be established in a women's sport if at least 40 institutions sponsor the sport.	Preliminary support.
2008-59	DIVISION MEMBERSHIP -- DEFINITIONS AND APPLICATIONS -- EMERGING SPORTS FOR WOMEN -- ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL AND SAND VOLLEYBALL	To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).	<ul style="list-style-type: none"> <li>• Sand volleyball has satisfied established criteria to be considered by the membership for inclusion on the list of emerging sports for women.</li> <li>• Addition of sand volleyball and the removal of the other sports will be addressed in separate votes.</li> <li>• Concern expressed related to the timing of implementation of sand volleyball and its impact on "indoor" volleyball (e.g., potential impact on the number of coaches/burden on coaches, impact on scholarships).</li> <li>• Concern with moving forward prior to other issues (e.g., playing and practice seasons, financial aid) being addressed or outlined.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-60	DIVISION MEMBERSHIP -- PROVISIONAL MEMBERSHIP PROCESS AND REQUESTING RECLASSIFICATION -- INSTITUTIONS SUBJECT TO ACADEMIC PERFORMANCE PROGRAM PENALTIES	To specify that the NCAA Division I Administration Cabinet may deny an institution's advancement to active Division I membership for any Division II institution seeking reclassification to Division I or any provisional member seeking active Division I status, if any of the institution's sport programs are subject to penalties pursuant to the NCAA Division I Academic Performance Program.	<ul style="list-style-type: none"> <li>Noted that language is intentionally vague to allow for flexibility in application.</li> <li>Noted that review authority currently exists. <ul style="list-style-type: none"> <li>Additional language would better protect against legal challenges.</li> </ul> </li> </ul>
2008-62	COMMITTEES -- COMMITTEES REPORTING TO BOARD OF DIRECTORS -- DIVISION I PRESIDENTIAL ADVISORY GROUP -- DUTIES -- LEGISLATIVE ISSUES	To specify that members of the NCAA Division I Presidential Advisory Group who represent Football Championship Subdivision conferences shall have the authority to act on behalf of the Football Championship Subdivision members of the Board of Directors on legislative issues that relate to championship subdivision football, subject to review by the full Board of Directors.	Preliminary support.
2008-63	DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS -- MINIMUM PARTICIPANTS REQUIREMENTS FOR SPORTS SPONSORSHIP -- TRACK AND FIELD -- MULTI-DAY MEETS	In track and field, to specify that if the number of student-athletes participating in a multi-day meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants required for sports sponsorship and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements.	<ul style="list-style-type: none"> <li>Possible unintended consequences as it relates to the application of NCAA Bylaw 17 maximum contest limitations.</li> <li>Noted that currently, in the case of a multiday meet, 14 student-athletes must compete only on at least one day of the meet in order for the meet to count toward the institution's minimum number of contests for the purpose of sport sponsorship.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-64	DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS -- FOOTBALL BOWL SUBDIVISION REQUIREMENTS -- WAIVERS	To specify that the members of the NCAA Division I Administration Cabinet representing NCAA Division I Football Bowl Subdivision (FBS) conferences, by a two-thirds majority of those members present and voting, may grant waivers of the FBS membership requirements.	Preliminary opposition.  <ul style="list-style-type: none"> <li>Agreed that the concept should be considered as part of the Leadership Council's broader examination of membership requirements during the membership moratorium.</li> </ul>
2008-65	ADMINISTRATIVE REGULATIONS -- FOREIGN TOURS AND COMPETITION -- TIMING OF TOUR -- PROHIBITION DURING ACADEMIC YEAR LABOR DAY VACATION PERIOD	To specify that an institution shall not participate in a foreign tour that occurs in conjunction with a Labor Day academic year vacation period.	Preliminary support.
2008-66	ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- FOOTBALL -- DEAD PERIOD	In football, to specify that an institution shall designate two weeks (not required to be consecutive) during the months of June and July as a dead period.	FCS: Preliminary opposition.  FBS: Preliminary opposition.
2008-67	ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- SOFTBALL -- CONTACT PERIOD AUGUST 1 THROUGH THE DAY PRIOR TO THANKSGIVING DAY	In softball, to establish a contact period from August 1 through the day prior to Thanksgiving Day.	<ul style="list-style-type: none"> <li>Noted that the current legislation has only been effective since August 1, 2007.</li> <li>Would ease stress on prospective student-athletes and missed class time created by a truncated period.</li> </ul>
2008-68	ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- WOMEN'S LACROSSE -- FALL EVALUATIONS	In women's lacrosse, to specify that during the fall contact period, evaluations of prospective student-athletes participating in lacrosse activities who have not started their senior year in high school are limited to the three weekends prior to Thanksgiving.	<ul style="list-style-type: none"> <li>Will likely be difficult to determine/verify whether all participants in the events are seniors.</li> <li>Sponsor indicated that the proposal likely will be modified to be similar to current men's lacrosse recruiting calendar.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-70	EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION - - ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- DEFINITION OF CORE INSTITUTION	In sports other than men's basketball, to specify that for the purposes of multisport conference eligibility for automatic qualification in a particular sport, a core institution is an institution that has been an active member of Division I during the eight preceding years or an institution that has sponsored the sport at the Division I level the eight preceding years.	<ul style="list-style-type: none"> <li>• Provides greater flexibility for multisport conferences in meeting automatic qualification eligibility requirements in sports other than men's basketball.</li> <li>• Potentially dilutes original intent of legislation designed to reward multisport conferences with active Division I institutions, not non-Division I institutions sponsoring a Division I sport.</li> <li>• Agreed that the concept should be considered as part of the Leadership Council's broader examination of membership requirements during the membership moratorium.</li> <li>• Adoption of Proposal No. 2008-70 would render Proposal Nos. 2008-71 and 2008-72 moot.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-71	EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION - -ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- EXCEPTION -- MEMBER THAT HAS SPONSORED THE SPORT AT THE DIVISION I LEVEL THE EIGHT PRECEDING YEARS	In sports other than men's basketball, to specify that a multisport conference that falls below six core members may be considered for automatic qualification in that sport, provided the conference adds an institution to its membership (for a total of at least six members) that has sponsored the sport for the preceding eight years at the Division I level and at least six institutions (including the added institution) have conducted conference competition together at the Division I level in the sport the preceding two years.	<ul style="list-style-type: none"> <li>• Provides greater flexibility for multisport conferences in meeting automatic qualification eligibility requirements in sports other than men's basketball (not as flexible as Proposal No. 2008-70).</li> <li>• Potentially dilutes original intent of legislation designed to reward multisport conferences with active Division I institutions, not non-Division I institutions sponsoring a Division I sport.</li> <li>• Agreed that the concept should be considered as part of the Leadership Council's broader examination of membership requirements during the membership moratorium.</li> <li>• Would be rendered moot by adoption of Proposal No. 2008-70.</li> </ul>

Proposal Number	Title	Intent	Actions/Preliminary Positions/Points to Consider/Comments/Mootnicity Issues
2008-72	EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- AUTOMATIC QUALIFICATION - ADDITIONAL REQUIREMENTS, SPORTS OTHER THAN MEN'S BASKETBALL -- MULTISPORT CONFERENCE -- EXCEPTION -- SPORTS SPONSORSHIP	In sports other than men's basketball, to specify that a multisport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided at least six institutions have conducted conference competition together at the Division I level for the preceding two years and the sport is sponsored by less than 65 percent of the Division I membership.	<ul style="list-style-type: none"> <li>Provides greater flexibility for multisport conferences in meeting automatic qualification eligibility requirements in sports other than men's basketball. (Current rules provide an exception for sports not sponsored by a majority of the Division I membership.)</li> <li>Potentially dilutes original intent of legislation designed to reward multisport conferences with active Division I institutions, not non-Division I institutions sponsoring a Division I sport.</li> <li>Agreed that the concept should be considered as part of the Leadership Council's broader examination of membership requirements during the membership moratorium.</li> <li>Would be rendered moot by adoption of Proposal No. 2008-70.</li> </ul>
2008-74	PLAYING AND PRACTICE SEASONS -- BASEBALL -- FIRST CONTEST -- CHAMPIONSHIP SEGMENT -- ALUMNI CONTEST	In baseball, to permit an alumni contest to be conducted the weekend prior to the first permissible contest date of the championship segment.	<ul style="list-style-type: none"> <li>Noted that alumni contests may currently be conducted in the fall.</li> <li>May be difficult for many alumni to participate in the fall.</li> <li>Noted that conditions may not be ideal in the early spring.</li> </ul>