



## Post-Presidential Retreat Updates December 19, 2011

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### Collegiate Model – Rules Working Group

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#### **Presentation to Board: April 2012**

Chair: James Barker, President  
Clemson University

Vice Chair: Steadman Upham, President  
University of Tulsa



Group Met  
**DEC 13**



Next Meeting  
**TBD**

*Direct questions and feedback to staff contact:  
Kevin Lennon, [klennon@ncaa.org](mailto:klennon@ncaa.org)*

### DEVELOPMENTS

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The Collegiate Model – Rules Working Group met on December 13 to continue its discussion regarding a new regulatory culture and review specific principle-based outcomes and operational bylaws. At the meeting, the group identified some over-arching principles, such as fairness, accountability and integrity, which will guide work within the individual bylaws.

The group identified a framework for a new approach to NCAA rules. Under this construct, all NCAA legislation must tie back to the NCAA enduring values of student-athlete success, the collegiate model, amateurism or equity and must support or advance a constitutional principle. The model will define specific principle-based outcomes in key bylaws, with accompanying operating bylaws that provide further guidance to assist with compliance. The operating bylaws are to be meaningful, enforceable and supportive of student success. Additional guidance will be provided by the national office, conferences and professional organizations. The group also continued its work on a redefined principle of competitive equity to better focus on issues of fairness.

In addition, the group decided to ask the Division I Board of Directors to place a moratorium on new legislation for the 2012-13 legislative cycle (unless part of the presidentially led reform agenda), as well as to ask the Legislative Council to table proposals in the 2011-12 cycle that could be impacted by the Working Group's efforts. In order to make the principles-based approach to the rule book successful, the group believes that suspending legislation in 2012-13 and tabling a large majority of the 78 proposals in the current cycle that could be related to the group's charge is necessary to allow the membership time to think more broadly about the rules and the rules-making process.

Going forward, the Working Group plans to solicit feedback from the membership – including the various committees, councils and cabinets in the Division I governance structure – in early 2012. While the group plans to work as efficiently and move as quickly as possible, the members believe that rewriting the rule book and creating a new regulatory approach requires a thoughtful process to produce quality work.

In addition to gathering feedback, members of the working group will work with identified thought leaders in each bylaw area to prepare completed drafts of principle-based outcomes and operating bylaws for the Working Group's review prior to wide circulation in early 2012.

The Working Group agreed there are broader issues related to institutional integrity and the NCAA regulatory culture that require the attention of each of our campuses, conferences and the NCAA.

The Working Group believes it is important for the NCAA to determine the need to regulate behaviors historically not considered within the scope of NCAA rules, and to discuss appropriate NCAA involvement even when behaviors may not be covered by NCAA rules. The working group encouraged NCAA leadership to consider how best to address issues of institutional integrity and the regulatory culture.

## EXISTING INFORMATION

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The Collegiate Model – Rules Working Group is charged with streamlining the Division I manual to place appropriate emphasis on rules that are significant, enforceable and contribute to student-athlete success. The group supports a new approach to the regulatory aspect of intercollegiate athletics that will ensure current and future legislation aligns with and addresses our enduring values.

The Working Group requested and received endorsement from the Division I Board of Directors at its October 27 meeting for a resolution that summarizes the concepts and direction for the working group as they do their part to transform intercollegiate athletics, driven by principle-based outcomes.

In addition, the group will meet jointly with the Collegiate Model – Enforcement Working Group in early 2012. Both working groups have voiced acknowledgment of the need for strong collaboration between their efforts.

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## Collegiate Model – Enforcement Working Group

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### **Presentation to Board: Beginning January 2012**

Chair: Edward Ray, President  
Oregon State University



Vice Chair: Nancy Zimpher, Chancellor  
State University of New York

*Direct questions and feedback to staff contact:*  
*Julie Roe Lach, [jroe@ncaa.org](mailto:jroe@ncaa.org)*

  
Group met  
**DEC 5-6 and  
16**

  
Next  
Teleconferences  
**DEC 19 and  
JAN 3**

## DEVELOPMENTS

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The Collegiate Model – Enforcement Working Group met on December 5-6 and teleconferenced on December 16 to more fully vet changes to the violation and penalty structures as well as significant changes to the Committee on Infractions (COI) process for serious violations. During the December 5-6 meeting, the group emphasized the need to clearly frame the problems and desired outcomes guiding their work (outlined below). The group intends to provide a narrative (outlining the problems and solutions) to the Board in January with some of the specific changes being considered.

## I. What is the problem?

- Risk/reward analysis undermines integrity. One factor is violators do not believe they will be caught. If they are, the penalty is not perceived as strong.
- Cases (enforcement) take too long.
- Cases (enforcement and student-athlete reinstatement) lack transparency.
- The expectations to achieve institutional control are not clearly defined and rewarded if attained.
- Campus leadership should be held accountable for the impact of bad actors on a campus' culture.
- Expectations of shared responsibility of upholding the enforcement model for conferences, institutions, the COI/Infractions Appeals Committee and national office need to be defined.
- Current violation structure does not provide enough flexibility.
- Current approach to penalties is not understood, sufficiently predictable or perceived as strong.

## II. What are we striving for (outcomes)?

- Strong penalties that are predictable deter the risk/reward analysis and address any unfair advantage.
- A much faster mode for processing violations that delivers expediency without compromising process integrity or fairness.
  - Clear metrics for every stage of processing a case.
- Clear understanding of what aspects of enforcement and student-athlete reinstatement cases can be more transparent, and corresponding transparency where appropriate.
- Clear definition of institutional control.
  - Rewards/incentives for effective compliance programs.
- Strengthened support for presidential leadership.
- Clear definition of shared responsibility and resulting expectations of individuals, institutions, conferences, and the national office.
- A new violation structure that appropriately categorizes the severity of infractions and allows for different levels of accountability for institutions and individuals.

## **Proposed Penalties**

The group reviewed research of penalties imposed in major infractions cases for the past five years and noted that there are six core penalties imposed in cases. Based on the membership's survey responses in September 2011, the first two penalties noted below are the most effective institutional penalties to deter violations. In terms of penalties imposed through a show cause order that impose restrictions on individuals, the membership's survey emphasized (and the group agreed) that suspension from coaching activities (including competition) has the most impact.

### Core Penalties

- Competition restrictions: Postseason, nonconference schedule, full schedule
- Financial penalty: Return revenue (tournament, bowl game, TV); fines
- Scholarship restrictions: Headcount sports (numbers or percent), equivalency sports (percent)
- Recruiting restrictions
- Show cause: length; components; option to censure president, athletic director, faculty athletics representative, etc.
- Probation (would have redefined requirements)

The group also reviewed mitigating and aggravating factors that would increase or decrease the severity of a case (and thus, corresponding penalties). Some of the members are convening again via

teleconference today to discuss the narrative, and the full group convenes January 3 to discuss the report to be submitted to the Division I Board of Directors in January.

## **EXISTING INFORMATION**

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On its November 13 teleconference, the Collegiate Model – Enforcement Working Group agreed to recommend a new violation structure to the Division I Board of Directors:

- Level I – The most egregious violations.
- Level II – Serious violations that currently border between major and secondary.
- Level III – Significant violations that warrant staff review.
- Level IV – Minor or technical violations.

### **Desired Outcomes of Working Group Efforts:**

- A new violation structure that appropriately categorizes the severity of infractions and allows for different levels of accountability for institutions and individuals.
- A much faster mode for processing violations that delivers expediency without compromising process integrity or fairness.
- Strong penalties that deter the risk/reward analysis and address any unfair advantage.
- Clear definition of shared responsibility and resulting expectations of individuals, institutions, conferences, and the national office.

Because changing the process of how rules are developed and enforced is the work of the Collegiate Model – Rules Working Group, the Collegiate Model – Enforcement Working Group will meet jointly with the Rules Working Group early in 2012. Both working groups have voiced acknowledgment of the need for strong collaboration between their efforts.

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## **Student-Athlete Well-Being Working Group**

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### **Presentation to Board: October 2011**

Chair: Sidney McPhee, President,  
Middle Tennessee State University

*Direct questions and feedback to staff contact:  
David Berst, dberst@ncaa.org*



Group  
Presented to  
Board  
**OCT 26-27**

## **DEVELOPMENTS**

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Since the Division I Board of Directors' October 27 action to approve the miscellaneous expense allowance for student-athletes, membership has provided significant feedback about this permissive legislation. As of today, the NCAA have received more than the required number of petitions for override of the miscellaneous allowance provisions and it is possible that the same may be the case for multi-year grants-in-aid. The feedback has centered on a delay of the effective date, competitive equity, application of the allowance for student-athletes in equivalency sports, and implications for Title IX. Because of the override petitions, the Board will review its October decision and determine a course of action in January.

The Student-Athlete Well-being Working Group will be provided a range of options for discussion in advance of the PAG conference call in January and the subsequent Board meeting. The views of those groups will be reported to the Board and options available to the Board for action will include:

1. Take no action, which then would result in an online override vote of all active members and conferences in Division I. A 5/8ths majority vote of those casting votes would be required to set aside the Board's legislation.
2. Modify, amend or adopt an alternative proposal (for example, delay the effective date or change the application for equivalency sports to a percentage of the miscellaneous expense allowance based on the percentage of the grant), which would subject this new proposal to a new 60-day override period following the Board meeting. Such a change in the legislation will make the override vote null and the modified legislation would have an additional 60-day period for additional membership feedback.
3. Rescind the Board's October legislation and return to the pre-October financial aid rules. This action would render the Board's legislation moot.

[Read more](#) about the issue and possible Board actions at [NCAA.org](http://NCAA.org).

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### Committee on Academic Performance (CAP)

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#### **Presentation to Board: October 2011**

Chair: Walter Harrison, President  
University of Hartford



Vice Chair: Roderick McDavis, President  
Ohio University



Group  
Presented to  
Board  
**OCT 26-27**

*Direct questions and feedback to staff contacts:*

*Kevin Lennon, [klennon@ncaa.org](mailto:klennon@ncaa.org)*

*Bernard Franklin, [bfranklin@ncaa.org](mailto:bfranklin@ncaa.org)*

### **DEVELOPMENTS**

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There are no developments at this time.

### **EXISTING INFORMATION**

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The Division I Board of Directors voted October 27 to adopt legislation implementing recommendations to improve the academic success of student-athletes. The NCAA Division I Committee on Academic Performance, and the Division I Academic Cabinet, created a package of proposals aimed at improving academic success. The package of proposals includes increased initial-eligibility standards, increased two-year college transfer standards, an increase of the penalty benchmark to 930, and amending the NCAA Division I Academic Performance Program to establish an academic standard of 930 for participation in the postseason.

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## Resource Allocation Working Group

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### **Presentation to Board: January 2012**

*Chair:* Michael Adams, President  
University of Georgia



*Vice Chair:* Ann Millner, President  
Weber State University

*Direct questions and feedback to staff contact:*  
*Kathleen McNeely, [kmcneely@ncaa.org](mailto:kmcneely@ncaa.org)*



  
No additional  
meetings are  
required.

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## DEVELOPMENTS

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The December 7 update remains current for the Resource Allocation Working Group.