A G E N D A

National Collegiate Athletic Association

Division III Management Council

Hilton Minneapolis
Minneapolis, Minnesota

July 21-22, 2008

1. Announcements.

2. Rosters, future meeting schedule and Division III newsletter.

3. Review of Summary and minutes.

   a. Summary of Spring 2008 Quarterly Meetings. (Approval)

   b. April 24, 2008, Executive Committee meeting. (Informational)

   c. April 16, May 14, May 23, and June 12, 2008, Administrative Committee actions. (Approval)

4. Committee/subcommittee reports.

   a. Association-wide committees.

      (1) Committee on Competitive Safeguards and Medical Aspects of Sports. [Supplement No. 1] (Charlie Wilson)

      (2) Honors Committee. [Supplement No. 2] (Tim Gleason)

      (3) Minority Opportunities and Interests Committee. [Supplement No. 3 will be distributed at the meeting] (Rudy Keeling)

      (4) Olympic Sports Liaison Committee. (Susan Chapman)

      (5) Postgraduate Scholarship Committee. [Supplement No. 4] (Rosalie Resch)

(6) Research Committee. (Stuart Gulley)

(7) Committee on Sportsmanship and Ethical Conduct. [Supplement No. 5] (Patty Epps)

(8) Walter Byers Scholarship Committee. [Supplement No. 6] (Jack Ohle)

(9) Committee on Women's Athletics. [Supplement No. 7 will be distributed at the meeting] (Lynn Oberbillig)

b. Division III joint Presidents Council/Management Council committees or subcommittees.

(1) Convention-Planning Subcommittee. [Supplement No. 8] (Tim Gleason)

(2) Strategic-Planning and Finance Committee. (Del Malloy)

(a) Division III budget. [Supplement No. 9a]
(b) 2007-08 Initiatives Executive Summary. [Supplement No. 9b]
(c) Division III Strategic Plan draft. [Supplement No. 9c]

c. Management Council subcommittees.

(1) Academic Issues Subcommittee. [Supplement No. 10] (Resch)

(2) Administrative Review Subcommittee. [Supplement No. 11] (Charlie Wilson)

(3) Playing and Practice Seasons Subcommittee. [Supplement No. 12] (Kay Whitley)

d. Division III committees.

(1) Championships Committee. [Supplement No. 13 will be distributed at the meeting] (Resch)

(2) Financial Aid Committee. [Supplement No. 14] (Lee McKinney)

(3) Committee on Infractions. [Supplement No. 15] (Rita Wiggs)

(4) Interpretations and Legislation Committee. [Supplement No. 16] (Dan Fulks)

(5) Membership Committee. [Supplement No. 17] (Kris Hall)

(6) Nominating Committee. (Keeling)

(7) Student-Athlete Advisory Committee. [Supplement No. 18 will be distributed at the meeting] (Kayla Hinkley and Chris Wolfe)

(8) Student-Athlete Reinstatement Committee. [Supplement No. 19] (Malloy)

5. Proposed legislation for the 2009 NCAA Convention.

a. Review of membership-sponsored legislation, if needed. [Supplement No. 20 will be distributed at the meeting]

b. Review of governance-sponsored legislation. [Supplement No. 21]

c. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1. [Supplement No. 22]

d. Review of administrative regulations adopted by the Management Council per Constitution 5.2.3.1. [Supplement No. 23]

e. Review of modifications of wording adopted by the Management Council per Constitution 5.4.1.1.1. [Supplement No. 24]

f. Review of incorporations of interpretations adopted by the Management Council per Constitution 5.4.1.1.1. [Supplement No. 25]

6. Chair and vice-chair elections. [Supplement No. 26]

7. Update on membership issues.

a. Virtual focus group on membership growth. [Supplement No. 27]

b. Feedback from town hall meetings. [Supplement No. 28]

c. Next steps.

8. Drug education and testing pilot update. [Supplement No. 29 will be distributed at the meeting]

9. Association-wide update and issues.

a. Governmental relations report. [Supplement No. 30]

b. Litigation update. [Supplement No. 31 will be distributed at the meeting]

10. Other Business.

a. Review common proposal forwarded from Division I Management Council. [Supplement No. 32]

b. Division III Management Council Policies and Procedures update. [Supplement No. 33]

11. Adjournment.

SUMMARY OF SUMMER 2008 QUARTERLY MEETINGS

The National Collegiate Athletic Association

Division III Management Council **July 21-22, 2008** **Minneapolis, MN**	**Division III Presidents Council** **August 7, 2008** **Indianapolis, IN**
PARTICIPANTS	
Susan Chapman, Worcester State College Patricia Epps, Franklin & Marshall College Daniel Fulks, Transylvania University Tim Gleason, Ohio Athletic Conference Stuart Gulley, LaGrange College Kristen Hall, Bard College Kayla Hinkley, student-athlete, University of New England Rudy Keeling, Emerson College Del Malloy, Salve Regina University *[chair]'* Lee McKinney, Fontbonne University Lynn Oberbillig, Smith College *[vice chair]* Garnett Purnell, Wittenberg University Joan Sitterly, State University College at Cortland Kay Whitley, Sul Ross State University Rita Wiggs, USA South Athletic Conference Charlie Wilson, Olivet College Christopher Wolf, Nebraska Wesleyan University	Livingston Alexander, University of Pittsburgh, Bradford Walter Bortz, Hampden-Sydney College John Fry, Franklin & Marshall College *[chair]* Pamela Gann, Claremont McKenna-Harvey Mudd-Scripps College James Harris, Widener University Catharine Hill, Vassar College David Joyce, Ripon College James Moseley, Franklin College John Nazarian, Rhode Island College Kathleen Owens, Gwynedd-Mercy College Morton Schapiro, Williams College Richard Torgerson, Luther College Paul Trible, Christopher Newport University *[vice chair]*
ABSENTEES	
Jack Ohle, Gustavus Adolphus College Rosalie Resch, University of Chicago	F. Gregory Campbell, Carthage College Richard Flynn, Springfield College Marcia Keizs, York College/CUNY
OTHER PARTICIPANTS	
Mark Bockelman, The Center for Drug Free Sport Elsa Cole, NCAA Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Jay Jones, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Delise O'Meally, NCAA Jeff Myers, NCAA Leah Nilsson, NCAA Andrea Wickerham, The Center for Drug Free Sport Mary Wilfert, NCAA	Myles Brand, NCAA Elsa Cole, NCAA Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Jay Jones, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Delise O'Meally, NCAA Jeff Myers, NCAA Leah Nilsson, NCAA Andrea Wickerham, The Center for Drug Free Sport Mary Wilfert, NCAA

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The meeting was called to order at 8:05 a.m. by the chair, Del Malloy. The chair welcomed Council members and guests from The Center for Drug Free Sport, Andrea Wickerham and Mark Bockelman.

Presidents Council. The meeting was called to order at 8 a.m. by the chair, President John Fry. President Fry welcomed a new member to the Council; David Joyce, president, Ripon College.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meeting – April 14-15, 2008.

Management Council. The Management Council approved the summary of its April 14-15, 2008 meeting, as presented.

Presidents Council. No action necessary.

b. Presidents Council Meeting – April 24, 2008.

Management Council. The Management Council reviewed the summary of the April 24 Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its April 24, 2008 meeting, as presented.

c. Executive Committee Meeting—April 24, 2008.

Management Council. The Management Council reviewed the minutes of the April 24 Executive Committee meeting. No action was necessary.

Presidents Council. The Presidents Council reviewed the minutes of the April 24 Executive Committee meeting. No action was necessary.

d. Administrative Committee Actions.

Management Council. The Management Council approved the minutes of the April 16, May 14, May 23, and June 12, 2008, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the April 16, May 14, May 23, and June 12, 2008, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

a. Association-Wide and Common Committees.

Staff Liaisons: **Klossner Wilfert**

Council Rep: Wilson

(1) Competitive Safeguards and Medical Aspects of Sports.

Management Council. The Management Council reviewed the committee's report. No formal action was taken.

Presidents Council. No action was necessary.

Staff Liaison: **Tufano**

Council Rep: Gleason

(2) Honors Committee.

Management Council. The Management Council approved the appointments of the following individuals to the Honors Committee:

(a) Robert Lawless, president emeritus, University of Tulsa, to serve in the newly-created position for a current or former chancellor or president of an NCAA institution. (Immediate appointment)

(b) Gene Washington, director of football operations, National Football League, to serve as one of the Honors Committee's three nationally distinguished citizens, replacing Calvin Hill whose term expires January 2009.

Presidents Council. No action was necessary.

Staff Liaisons: **Jackson, Castro, Holloman, Thompson**

Council Rep: Keeling

(3) Minority Opportunities and Interests Committee (MOIC).

(a) 2009 NCAA Convention Legislation – Constitution 3.2.4 – Conditions and Obligations of Membership.

Management Council. The Management Council referred back to the Minority Opportunity and Interests Committee (MOIC) its legislative recommendation to require institutions to submit annual data demonstrating that the athletics department follows institutional employment practices when filling open positions. MOIC recommended this annual submission be a condition and obligation of membership that would promote the fundamental values of fairness, diversity and equality. In its referral back to the committee, the Management Council requested that any future recommendation detail the specific information that is to be included in the annual submission as well as the individual on each campus responsible for submitting the information. Further, the Council requested that the committee respond to the benefits gained from annual reporting, noting that Division III has already required institutions to review these hiring practices on a five-year basis via inclusion of this topic in the division's Institutional Self-Study Guide.

Presidents Council. No action was necessary.

(b) Sudden Cardiac Arrest (SCA).

Management Council. The Council noted that the MOIC received a comprehensive review about the risks of SCA to student-athletes and coaches. 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. The purpose of the Close the Gap group is to reduce the disparity in health care services based on race, gender and socioeconomic status by raising awareness to aggressively attack SCA. MOIC will follow up with the NCAA Competitive Safeguards and Medical Aspects of Sports Committee (CSMAS) to determine if electrocardiograms (EKG) are recommended as part of the physical screening recommendations within the NCAA Sports Medicine Handbook. Also, MOIC wants to discuss additional preventive measures with CSMAS.

Presidents Council. No action was necessary.

(4) Olympic Sports Liaison Committee.

Staff Liaisons: Burrow, Calandro, Clarke, Rail

Council Rep: Chapman

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(5) Postgraduate Scholarship Committee.

Staff Liaison: Castro

Council Rep: Resch

Management Council. The Management Council reviewed the committee's report. No formal action was taken.

Presidents Council. No action was necessary.

(6) Committee on Sportsmanship and Ethical Conduct.

Staff Liaisons: Halpin, Roe

Council Rep: Epps

Management Council. The Management Council reviewed the committee's report. No formal action was taken.

Presidents Council. No action was necessary.

(7) Walter Byers Scholarship Committee.

Staff Liaisons: Kearns and Vicente

Council Rep: Ohle

Management Council. The Management Council reviewed the committee's report. No formal action was taken.

Presidents Council. No action was necessary.

(8) Committee on Women's Athletics.

Staff Liaisons: Ford, Holzman, Morrison

Council Rep: Oberbillig

(a) Noncontroversial Legislation-Postseason Events-Criteria for Establishment or Continuation of Championships-Exception for Women's Sports-Removal of Years.

Management Council. The Management Council adopted noncontroversial legislation to amend bylaw 18.2.4.1 to remove the specific calendar 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.

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 to 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.

Presidents Council. No action was necessary.

(b) 2009 NCAA Convention Legislation-Membership-Definitions and Applications-Emerging Sports for Women-Archery, Badminton, Synchronized Swimming and Team Handball.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2009 Convention 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).

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). 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 CWA 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.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2009 Convention.

(c) 2009 NCAA Convention Legislation – Membership – Definitions and Applications – Emerging Sports for Women – Sand Volleyball.

Management Council. The Management Council failed to recommend sponsorship of legislation for the 2009 Convention to add sand volleyball to the list of emerging sports for women. The Management Council reviewed the background data on sand volleyball and did not support its inclusion on the list of emerging sports for women at this time because of concerns regarding the expected cross over between the indoor and sand volleyball rosters, resulting in a playing season extension for volleyball; facility constraints, and the sport's historical exploitation of women.

Presidents Council. No action was necessary.

(d) 2009 NCAA Convention-Membership-Definitions and Applications-Emerging Sports for Women-Equestrian.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2009 Convention to add equestrian as an emerging sport for women.

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 included on the 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 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.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2009 Convention.

b. Division III Joint Presidents Council/Management Council Committees or Subcommittees.

(1) Convention-Planning Subcommittee.

Staff Liaisons: **Dutcher, Nilsson, Davey, Kresge**

Council Rep: Gleason

Management Council. The Management Council reviewed the committee's report noting the following:

(a) Senior Administrator with Athletics Oversight. The subcommittee endorsed hosting a best practices panel discussion for senior administrators with athletics oversight. Topics could include a focus on successful reporting relations and interaction with the faculty athletic representative (FAR). It was noted that staff should reach out to NASPA, the Division III Commissioners Association and other administrative entities to increase attendance of these senior administrators. Promotional materials could preview key issues to be discussed at Convention.

(b) Presidents Council Hosted Reception. The reception will occur from 5:30 to 6:30 p.m. on Friday, January 16, and all Division III presidents, chancellors and National Student-Athlete Advisory Committee members will be invited to attend.

(c) Chancellor/Presidents Luncheon and Forum. The focus of this lunch will be to review legislative proposals and membership growth issues from a presidential perspective.

(d) Academic and Athletic Expectations. The Council supports the development of a session or sessions that, as a follow-up to recent media reports about the expectations surrounding athletics scholarships, related educational experiences and recruiting, would present ways the NCAA can emphasize the importance of academics as a path to college access. A follow-up session could focus specifically on the Division III identity and expectations for and of prospects, student-athletes, athletics staff members and institutional administrators. Sessions could include representatives from the Washington, D.C., higher education community. Bill Pennington, author of the recent New York Times series on this topic, has expressed interest in participating.

(e) Honors Celebration. The Honors Celebration will have a new format for the 2009 Convention. The event will be held in a Washington D.C. museum honoring the First Amendment (the Newseum). It will include both a reception and a formal program to present the NCAA honorees to the membership. The honors presentation to the full membership will be limited to about 45 minutes, but honorees will attend a celebratory dinner with Dr. Brand prior to the presentation, and the story of each honoree will be highlighted through video and other

media on display at the Newseum. This event will replace both the former Honors Celebration and the former delegate's reception. NCAA sponsored entertainment is planned for the Friday evening time slot vacated as a result of this format change.

Presidents Council. No action was necessary.

(2) Strategic Planning and Finance Committee.

Staff Liaisons: **Dutcher, Nilsson Barnett, Worlock, Jones, Kresge**

Council Rep: Malloy

(a) 2007-08 Initiatives Executive Summary.

Management Council. The Management Council reviewed the Initiatives Executive Summary. No formal action was taken.

Presidents Council. No action was necessary.

(b) Division III Strategic Plan draft.

Management Council. The Management Council approved the draft Strategic Plan noting its new format for the 2008-10 biennium. The plan includes a clear articulation of Division III budget commitments and will be accompanied by a release of the division's first annual report at the 2009 Convention.

Presidents Council. The Presidents Council approved the Strategic Plan.

c. Management Council Subcommittees.

(1) Academic Issues Subcommitee.

Staff Liaisons: **Nesbitt**

Council Rep: Resch

- Noncontroversial Legislation – Education-Impacted Disabilities – NCAA Bylaws 14.02 (definitions and interpretations) and 14.1.8.2.2.1.3 (learning-disabled and handicapped student-athletes).

Management Council. The Management Council adopted noncontroversial legislation to amend bylaw 14.02 (definitions and interpretations) and 14.1.8.2.2.1.3 (learning-disabled and handicapped student-athletes) to replace the term "learning disability" with the term "education-impacted disability" and define an education-impacted disability as "a current impairment that has a substantial education impact on a student's academic performance".

The nomenclature in current legislation that references student-athletes whose documented disabilities require reasonable accommodations fails to take into account that circumstances often extend beyond the narrow characterization of "learning disabilities." Other handicapping conditions and disorders (e.g., sight or hearing

limitations, bipolar or physiological disorders, epilepsy or other conditions that require medication that can alter receptiveness to learning) can affect the educational performance of students. To this end, it is appropriate to broaden the focus of accommodation and waivers to include handicapping conditions and disorders that impact academic performance; furthermore, because of this change is one of nomenclature as opposed to substance, a noncontroversial change is appropriate.

Presidents Council. No action was necessary.

(2) Administrative Review Subcommittee.

Staff Liaisons: **Fuchs, Nesbitt**

Council Rep: Wilson

(a) Noncontroversial Legislation – Minimum Amount of Participation NCAA Bylaw 14.2.4.1 – Practice While Waiver is Pending.

Management Council. The Management Council adopted noncontroversial legislation to permit a student-athlete to practice, but not to compete, while the student-athletes' NCAA Division III Management Council Administrative Review Subcommittee waiver is pending at the staff level and/or the subcommittee level. Further, the Council referred this recommendation to the Academic Issues Subcommittee (AIS) to determine if a similar action is appropriate regarding the waivers considered by AIS.

Under the seasons of participation legislation, a student-athlete may not continue practicing with his or her team after the first contest of the traditional segment or the student-athlete would trigger the use of a season of participation. The standard processing time for an Administrative Review Subcommittee waiver request is approximately three weeks. When an Administrative Review Subcommittee waiver is submitted for a student-athlete to be permitted to compete, the student-athlete must make a difficult decision: (1) refrain from practicing with the team beyond the first contest date if he or she desires to preserve a season of participation (in the event the waiver request is denied); (2) take a chance and continue practicing with the team in anticipation that the waiver will be granted. In cases of student-athletes who refrain from practicing with the team and are subsequently granted a waiver, both safety and competitive issues could arise when the student-athlete returns to the team. Specifically, the student-athlete may not be in his or her best physical condition after not practicing with the team while the waiver is under consideration. The subcommittee is supportive of this revision because it believes student-athletes who are permitted to practice while a waiver is pending, will be less likely to sustain an injury during the season. The subcommittee notes this change mirrors the Division I and II initial-eligibility waiver process.

Presidents Council. No action was necessary.

(b) Graduate Student/Postbaccalaureate Participation (Bylaw 14.1.9).

Management Council. The Management Council approved revisions to the Management Council's April 2006 Guidelines for Waivers Involving Bylaw 14.1.9.

Presidents Council. No action was necessary.

(c) Rename the NCAA Division III Management Council Administrative Review Subcommittee the NCAA Division III Management Council Subcommittee for Legislative Relief (SLR, formerly ARS).

Management Council. The Management Council ratified the renaming of the NCAA Division III Management Council Administrative Review Subcommittee the NCAA Division III Management Council Subcommittee for Legislative Relief (SLR, formerly ARS).

This recommendation has already been approved in Division I. If approved in Division III, the Subcommittee for Legislative Relief would remain a free-standing committee. The subcommittee believes there is value in having consistency across all three divisions. Additionally, the name 'Subcommittee for Legislative Relief' helps clarify for the membership the charge of this waiver body.

Presidents Council. No action was necessary.

(d) Authority for Incidental Expense Waivers.

Management Council. The Management Council approved the recommendation to transition the authority for incidental expense waivers to the Subcommittee for Legislative Relief (SLR, formerly ARS).

Currently, the NCAA Division III Management Council Administrative Committee reviews all incidental waiver requests in Bylaw 16.12. This transition of authority will reduce bureaucracy and streamline processes by eliminating the need for institutions to determine if a Subcommittee for Legislative Relief waiver or an incidental expense waiver is the appropriate waiver to file. The Subcommittee for Legislative Relief currently has review authority for all other waiver requests involving Bylaw 16 (awards, benefits and expenses for enrolled student-athletes); therefore, this transition will ensure a consistent analysis of requests involving Bylaw 16. This change will also ensure timely decisions by eliminating the need to schedule an emergency meeting or conference call for the Management Council Administrative Committee. It is not anticipated that this change

would significantly increase the Subcommittee for Legislative Relief waiver volume (e.g., less than 10 per year). It should also be noted that the current list of previously-approved incidental expense waivers will still apply if this recommendation is approved.

Presidents Council. No action was necessary.

(3) Playing and Practice Seasons Subcommittee.

Staff Liaisons: Jones, Myers, Nesbitt

Council Rep: Whitley

(a) 2009 Convention Legislation-Bylaw 17._.4(b) (Playing and Practice Seasons-End of Regular Season)-Nontraditional Segment.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2009 Convention to modify Bylaws 17._.4(b) (End of Regular Season-Nontraditional Segment) for all sports with a fall nontraditional segment, by having the end of the fall nontraditional segment coincide with the beginning of final exams for the fall term.

Redefining the fall nontraditional segment would make it consistent with how the spring nontraditional segment is currently defined, as it is already linked to the academic calendar. Furthermore, changing the end of the fall non-traditional segment from the set date of October 30 to a date that coincides with the institution's academic calendar provides institutions on a quarter system with the same scheduling flexibility as those schools that are a semester system. Institutions on the quarter system start classes later in the fall resulting in a condensed timeframe to conduct a fall nontraditional segment. Bringing in student-athletes prior to the start of classes for the nontraditional segment is not a desirable alternative. The proposed change does not increase the overall week limitation for the playing season.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2009 Convention.

(b) Noncontroversial Legislation-Bylaw 17.1.6.1 (Playing and Practice Seasons-General Playing-Season Regulations-Required Days Off)-Multi-sport Student-Athletes.

Management Council. The Management Council adopted noncontroversial legislation specifying that Bylaw 17.1.6.1 (Required Days Off – All Sports) require a multi sport student-athlete to have a day off from athletically related activity even if the sports in which the student-athlete participates do not provide the same day off.

When the membership passed the day off requirement from athletically related activity set forth in Bylaw 17.1.6.1, discussion on the Convention floor at the time of the vote indicated that the requirement

was team specific and not individual specific. The context of that discussion however never addressed the effect on a multi-sport student-athlete with overlapping sports seasons. This proposal is intended to ensure that a multisport student-athlete gets one day off per week from all athletically related activity. For example, it would not be permissible for a student-athlete to practice six days for one sport and during the day off, practice for another sport.

Presidents Council. No action was necessary.

d. Division III Committees.

(1) Championships Committee.

(a) Countable In-Region Competition [NCAA Bylaw 31.3.3.2.2].

Staff Liaisons: Krah, Williams

Council Rep: Resch

Management Council. The Management Council adopted an administrative regulation to include conference competition as countable in-region competition.

The change supports the Division III philosophy that places priority on conference and regional competition. This change will eliminate the need for conferences with member institutions in different sport regions to request a waiver that allows conference competition to be counted as in-region. The NCAA Division III Championships Committee has historically supported such waivers when requested.

Presidents Council. No action was necessary.

(b) Misconduct [Bylaw 31.02.3].

Management Council. The Management Council adopted an administrative regulation to extend the window within which the definition of misconduct in an NCAA championship applies to be inclusive from the time the championship field is announced through the end of the championship.

Championships and the associated selection process are a focal point for the Association as they are a true celebration of the NCAA's mission and the student-athlete experience. Negative public comments critical toward the assigned sport committees regarding selection, bracketing, administration or other details associated with participation in championships can cast a negative light on the association, the volunteer committee members, the event and most importantly, the student-athlete experience. Additionally, such negative public comments have the potential to portray a negative image in all sports. The intent is not to serve as a gag order, but to address, at an earlier stage of championships, the same kind of egregious behavior that is

considered misconduct when it occurs en route to or during an NCAA championship. The legislation does not change the definition of misconduct. It extends the window within which the definition applies.

Presidents Council. No action was necessary.

(c) Ice Hockey-Preseason Practice [Bylaw 17.14.2].

Management Council. The Management Council agreed to sponsor legislation for the 2009 Convention to specify that a member institution shall not commence ice hockey practice sessions prior to October 15.

Implementation of a common practice start date will create an equal playing field for member institutions, as well as eliminate a potential competitive advantage for institutions able to start practice sessions earlier due to varying institutional calendars. Additionally, it will provide student-athletes appropriate time to adjust and prepare for fall academic responsibilities.

This recommendation was contingent on subsequent endorsement from the Women's Ice Hockey Committee and the Playing and Practice Seasons Subcommittee, which occurred prior to the Presidents Council meeting.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2009 Convention.

(d) National Statistics Program [Bylaw 31.9].

Management Council. The Management Council adopted an administrative regulation to remove Bylaw 31.9 (national statistics program) from the NCAA Manual.

The information and process currently defined in Bylaw 31.9 is actually defined policy and will continue to be available as a policy document. This will eliminate the need for future policy changes to go through the legislative process.

Presidents Council. No action was necessary.

(e) Countable In-Region Competition.

Management Council. The Management Council adopted in legislative format an administrative regulation to incorporate into the manual the previously approved championships policy defining in-region competition between teams that are located within 200 miles of each other.

The Championships Committee has applied this policy since the Presidents Council approved it in 2002.

Presidents Council. No action was necessary.

(f) Championship Bracket-Travel Guidelines-Pilot Program.

Management Council. The Management Council approved that the NCAA Division III Men's and Women's Basketball and Men's and Women's Soccer Committees be permitted to use the approved funding for one flight per championship based on the parameter that the flight may be used to allow geographically challenged institutions the opportunity to host. The funding for this pilot program was approved in April. The Council may reevaluate the program after one year; however, funding is allocated for two years.

The intent of this pilot program is to allow higher-seeded institutions the opportunity to host when the geographical guidelines would have normally not permitted this opportunity. It is not within the sports committees' purview to approve the additional flight for seeding purposes (i.e., to create a specific match-up based on seeding; to avoid a match-up based on seeding).

Presidents Council. No action was necessary.

(2) Financial Aid Committee.

Staff Liaisons: **Hartung, Myers, Nesbitt**

Council Rep: McKinney

- Financial Aid Reporting Process Policies and Procedures - Expedited Review Process.

Management Council. The Management Council approved a change to the Financial Aid Reporting Process Policies and Procedures. This change would reduce the caseload of the NCAA Division III Financial Aid Committee, as well as avoid any undue anxiety for the Division III member institutions. The expedited review would permit a subcommittee of the committee to review cases that trigger a Level I review but were reviewed and approved in a previous financial aid reporting cycle. The subcommittee may approve a case if it determines the institution triggered a Level I review for the same reason(s) the committee subsequently approved the case in a previous reporting cycle. The institutions which are approved via the expedited process are notified in the same manner and schedule as institutions that did not trigger a Level I review. Based on previous reporting cycles, it is estimated that implementation of the expedited review process would reduce the committee's Level I reviews by 25 percent.

Presidents Council. No action was necessary.

(3) Committee on Infractions

Staff Liaisons: **Cooper, Elworth**

Council Rep: Wiggs

(a) Amend Bylaw 32.3.9 – Interview Record.

Management Council. The Management Council ratified an enforcement policy and procedure to allow the enforcement staff to provide a copy of the interview summary from a non-recorded interview to the individual interviewed and his/her counsel.

The recommended changes would facilitate obtaining an interviewee's signed affirmation of the accuracy of the interview summary of a non-recorded interview. With this change, the staff would be able to send an electronic copy of the summary to the interviewee for review, and discuss any changes over the telephone. Otherwise, as currently required, the staff must travel to the interviewee in order for him/her to review, make changes and sign.

Further, once the interviewee signs the summary, the enforcement staff would provide a signed copy of the summary to the interviewee and his/her counsel. The provision of the signed copy is similar to the current treatment of interviewees of recorded interviews since they may receive a copy of the digital recording (and transcript when applicable) of the recorded interview. In all instances of providing any record related to an interview (e.g., summary, recording), the enforcement staff requires the interviewee and his/her counsel to execute a confidentiality agreement as a condition of receiving the record.

Presidents Council. No action was necessary.

(b) Amend Bylaw 32.7.1.4.3 – Penalties Not Approved.

Management Council. The Management Council ratified an enforcement policy and procedure 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.

In order to pursue the summary disposition process, the institution, enforcement staff and participating involved individuals must agree to findings as set forth in the summary disposition report. Also included in the summary disposition report are proposed penalties submitted by the institution and an acknowledgement by the involved individuals that a show-cause order may be imposed. If the Committee on Infractions rejects the agreed-upon findings, the hearing process set forth in Bylaws 32.8 and 32.9 is followed. If the Committee on Infractions

accepts the agreed-upon findings submitted by the parties but seeks to impose additional penalties against the institution or a show-cause order against an involved individual, the institution and/or involved individual may request an expedited hearing. Because the committee has already accepted the findings as previously agreed to by the parties, the Committee on Infractions should only be required to address the imposition of penalties during an expedited hearing.

Presidents Council. No action was necessary.

(c) Amend Bylaw 32.8.8.4 – Voting Requirements.

Management Council. The Management Council ratified an enforcement policy and procedure to correct Bylaw 32.8.8.4 to reflect that the Division III Committee on Infractions consists of five members rather than eight.

Presidents Council. No action was necessary.

(4) Interpretations and Legislation Committee. (ILC)

Staff Liaisons:
Jones
Myers

Council Rep:
Fulks

(a) Noncontroversial Legislation – NCAA Constitution 5.4.1.2 (Interpretation Process).

Management Council. The Management Council adopted noncontroversial legislation in NCAA Constitution 5.4.1.2 (interpretation process) to specify that a staff interpretation that has been reviewed and approved by the committee shall be binding on all institutions upon publication to the membership.

Currently, when the NCAA membership services staff issues an interpretation (staff determination); it is only binding on the institution that requested the interpretation and other institutions that become aware of it. Staff confirmations are not considered true interpretations under the legislation because they simply confirm the application of the legislation in question. There has been concern expressed that the current procedure punishes the conscientious institutions that request interpretations and permits all other institutions to continue to act contrary to an interpretation of which they are not aware. This change in policy was previously endorsed as policy by the committee during its January 2008 meeting. This noncontroversial amendment codifies that policy change. The committee reviews all Division III staff interpretations as a matter of course and will continue to do so in the future. If the committee disagrees with a staff determination, it can amend or reverse the interpretation. In addition, an institution may request that the committee review a staff determination if it disagrees with the staff.

In its consideration of this proposal, the Management Council requested that ILC engage in a review of all staff interpretations published prior to this action to determine if the interpretations should be binding on all institutions. This review may be conducted over a period of several meetings.

Presidents Council. No action was necessary.

(b) Incorporation of Official Interpretation – Contact with a Prospective Student-Athlete during a Tournament or on an Extended Road-Trip.

Management Council. The Management Council adopted an incorporation into the manual of the following official interpretation:

"Contact with a Prospective Student-Athlete during a Tournament or on an Extended Road-Trip (III). The committee confirmed that it is permissible for an institution's coach to contact a prospective student-athlete who is competing in a tournament that is not conducted on consecutive days, and who subsequently will return to compete in the remainder of the tournament, provided the prospective student-athlete has been released by the appropriate institutional authority and the contact occurs on a day in which there is no further competition. Further, in the case of an extended road trip, the membership services staff determined that a member institution's coach is permitted to contact a prospective student-athlete at the conclusion of a competition and prior to the commencement of travel to the team's next competition provided the prospective student-athlete has been released by the appropriate institutional authority and departs the dressing and meeting facility. [References: NCAA Division III Bylaws 13.02.1 (competition site) and 13.1.4.2 (practice or competition site); a 01/30/91 staff interpretation, item a, which has been archived; a 03/09/94 staff interpretation, item a, which has been archived and a 05/03/06 staff interpretation, item a, which has been archived.]"

This interpretation elevates a previously issued staff interpretation to the official interpretation level and further incorporates that language into the Manual. The interpretation clarifies the application of the recruiting contact legislation with respect to multiple day tournaments. Because of the frequent nature of such events, the interpretation warrants inclusion in the Manual.

Presidents Council. No action was necessary.

(c) Official Interpretation – Institution Providing Atheltics Medical Insurance Coverage to Student-Athletes.

Management Council. The Management Council approved the following official interpretation:

"Institution Providing Athletics Medical Insurance Coverage to Student-Athletes (III). The committee confirmed that an institution may finance athletics medical insurance coverage for student-athletes even if the same coverage is not financed for students generally. [References: Constitutions 3.2.4.8 (certification of insurance coverage) and 3.2.4.8.1 (source of insurance) and 2000 Proposal No. 74.]"

This interpretation provides clarification to a growing number of questions that the NCAA staff is receiving on an institution's ability to provide insurance for a student-athlete.

Presidents Council. No action was necessary.

(d) Official Interpretation – Alumni Contest During Nontraditional Segment.

Management Council. The Management Council approved the following official interpretation:

"Alumni Contest During Nontraditional Segment (III). The committee confirmed that in the sports of baseball, field hockey, lacrosse, soccer and women's volleyball an institution may conduct an exempted alumni contest during the nontraditional segment in addition to the one permissible date of competition. The institution may exempt one alumni contest per academic year and may conduct that exempted contest during either the traditional or nontraditional segment. When the institution conducts the exempted alumni contest during the nontraditional segment, that contest shall count as one of the 16 permissible days of athletically related activity. [References: Bylaws 17._.5.3.2 (alumni game) and 17.1.10.4 (nontraditional segment length - baseball, field hockey, lacrosse, soccer, softball and women's volleyball]"

This interpretation provides clarification on the application of the alumni contest exception during the nontraditional segment.

Presidents Council. No action was necessary.

(e) Official Interpretation – Minimum Participants in Multiple Singles or Doubles Tennis Tournaments on the Same Date.

Management Council. The Management Council approved the following official interpretation:

"Minimum Participants in Multiple Singles or Doubles Tennis Tournaments on the Same Date (III). The committee determined that, in tennis, if three or more student-athletes represent an institution in singles or doubles tournaments that do not include any team scoring or

the recognition of a team champion at different sites on the same date, the institution must count an institutional date of competition for that date. For example, if two student-athletes participate in Singles Tournament A (no team scoring, no team champion) and a different student-athlete participates in Singles Tournament B (no team scoring, no team champion) on the same day, the institution must count an institutional date of competition for that day. [References: NCAA Division III Bylaws 17.02.6 (date of competition, countable, institutional), 17.02.6.1 (required minimum number of student-athletes) and 17.26.5.1.2 (individual singles or doubles tournament limitations -- institutional)]"

A similar version of this interpretation was previously issued by the NCAA Division I Legislative Review/Interpretations Committee and was reviewed by the Division III Interpretations and Legislation Committee. The committee feels that this interpretation is beneficial for Division III institutions because it provides clarification on the application of the tennis tournament limitations legislation for Division III.

Presidents Council. No action was necessary.

(f) Substantive Review of Support Services Legislation.

Management Council. The Management Council referred to SAAC ILC's review of support services legislation. The Council requests that the SAAC consider whether or not the division should adopt a proposal to allow institutions to provide SAAC-sponsored programs to student-athletes when the same programs are not available to the general student body.

Presidents Council. No action was necessary.

(5) Membership Committee.

Staff Liaison: **Davey,**

Council Rep: Hall

(a) Provisional Member Annual Reports – Active Membership.

Management Council. The Management Council approved the committee's recommendation to grant the following institutions active Division III membership:

i. Bethany Lutheran College.
ii. Crown College.
iii. University of Maine at Presque Isle.
iv. Mount Aloysius College.
v. Northwestern College.
vi. Penn State Berks.

vii. Purchase College.
viii. Salem College.

Presidents Council. The Presidents Council approved the Management Council's recommendation.

(b) Provisional Member Annual Reports – Final Year.

Management Council. The Management Council approved the committee's recommendation that Mount Mary College should be moved into its final year of provisional membership.

During the committee's June 2007 meeting, it recommended that Mount Mary College be advanced with significant conditions. Conditions included two years of full compliance with NCAA legislation (the institution would have a fifth year within its Division III provisional process), a fall campus visit, no further appeals requests and an enhanced relationship with the institution's committee mentor. Mount Mary College repeated the third year of provisional membership in 2006-07 and failed to meet the sports sponsorship requirements as set forth in Constitution 3.6.1.4 (five-sport/three-season requirement) and Bylaw 20.11.3.3 (minimum contests and participants requirements for sports sponsorship. In its 2007 review, the committee noted the new leadership in the athletic department, increased compliance systems and good-faith effort in recommending the institution be afforded additional time in the provisional process.

Presidents Council. The Presidents Council approved the Management Council's recommendation to move Mount Mary College into its final year of provisional membership.

(c) Provisional Member Annual Reports – Fourth Year of Provisional Membership.

Management Council. The Management Council approved the committee's recommendation that the following institutions be moved into their fourth year of Division III provisional membership:

i. Mitchell College.
ii. Presentation College.

Presidents Council. The Presidents Council approved the Management Council's recommendation.

(d) Provisional Member Annual Reports – Third Year of Provisional Membership.

Management Council. The Management Council approved the committee's recommendation that the following institutions should be moved forward into their third year of provisional membership:

i. Lancaster Bible College.
ii. La Sierra University.
iii. Lyndon State College.
iv. Saint Vincent College.
v. SUNY at Morrisville.

Presidents Council. The Presidents Council approved the Management Council's recommendation.

(e) Provisional Member Annual Reports – Second Year of Provisional Membership.

Management Council. The Management Council approved the committee's recommendation that the following institutions should be moved into the second year of Division III provisional membership:

i. Franciscan University Stuebenville.
ii. Geneva College.
iii. Penn State Harrisburg.
iv. St. Joseph's College, New York.

The committee had serious concerns with Franciscan University, Stuebenville's scheduling, planning and organization. The committee made note of these concerns in its communication to the institution. The committee expects to see more organization and better planning during the institution's second provisional year.

Presidents Council. The Presidents Council approved the Management Council's recommendation.

(f) Reclassifying Member Annual Reports – Active Membership.

Management Council. The Management Council approved the committee's recommendation to grant University of Minnesota, Morris active Division III membership.

Presidents Council. The Presidents Council approved the Management Council's recommendation.

(g) Provisional Member Annual Reports – Second Year of Reclassifying Membership.

Management Council. The Management Council approved the committee's recommendation that Birmingham-Southern College be moved into the second year of reclassifying membership.

Presidents Council. The Presidents Council approved the Management Council's recommendation that Birmingham Southern College be moved into the second year of reclassifying membership.

(h) Provisional Member Annual Reports – Repeat of First Year of Provisional Membership.

Management Council. The Management Council approved the committee's recommendation that Spalding University repeat the first year of Division III provisional membership for failure to meet the sports sponsorship requirements as set forth Bylaw 20.11.3 (sports sponsorship). The committee noted significant concerns with sports sponsorship, specifically the number of sports sponsored for both men and women.

Presidents Council. The Presidents Council approved the Management Council's recommendation that Spalding University repeat the first year of Division III provisional membership.

(i) Provisional Member Annual Reports – Repeat of Third Year of Provisional Membership.

Management Council. The Management Council approved the committee's recommendation that North Central University repeat the third year of Division III provisional membership for failure to meet the sports sponsorship requirements as set forth in Bylaws 20.11.3 (sports sponsorship) and 20.11.3.5 (minimum contests and participants requirements for sports sponsorship). Specifically, the committee noted the institution is deficient one sport for females.

The committee considered a waiver for the sport of softball. The institution competed in 18 contests, leaving it six contests deficient in meeting the required 24 contest minimum. The institution's softball team was scheduled to compete in 34 contests prior to the beginning of the season. The committee noted the nature of the sport and conditions, yet the institution did not exhaust all scheduling options. The committee further noted that the institution must consider which sports it sponsors to meet sports sponsorship requirements given regional weather conditions and scheduling difficulties.

Presidents Council. The Presidents Council approved the Management Council's recommendation that North Central University repeat the third year of Division III provisional membership.

(j) Lyndon State College – Four-Year Provision – Waiver Request per NCAA Bylaw 20.3.3.1.1 (general).

Management Council. The Management Council denied Lyndon State College a waiver to accelerate the four-year Division III provisional process.

Based on its review of Lyndon State College's annual report and preliminary program assessment, the committee deemed that the institution did not satisfy all components of 20.3.3.1.1. Specifically, the committee cited that Lyndon State College's coaching job descriptions do not include NCAA compliance related responsibilities and the faculty athletic representative (FAR) is not included in areas of review in the program assessment.

Presidents Council. No action was necessary.

(k) Saint Vincent College – Four-Year Provision – Waiver Request per NCAA Bylaw 20.3.3.1.1 (general).

Management Council. The Management Council denied Saint Vincent College a waiver to accelerate the four-year Division III provisional process.

Based on its review of Saint Vincent College's annual report and preliminary program assessment, the committee deemed that the institution did not satisfy all components of 20.3.3.1.1. Specifically, the committee noted that Saint Vincent College awarded athletically related financial aid during the provisional process.

Presidents Council. No action was necessary.

(l) SUNY at Morrisville – Four-Year Provision – Waiver Request per NCAA Bylaw 20.3.3.1.1 (general).

Management Council. The Management Council denied SUNY at Morrisville a waiver to accelerate the four-year Division III provisional process.

Based on its review of SUNY at Morrisville's annual report and preliminary program assessment, the committee deemed that the institution did not satisfy all components of 20.3.3.1.1. Specifically, the committee cited concern about the institution not having anyone outside of athletics designated to assist with certification of eligibility.

[NOTE: The Membership Committee reconsidered this case on a subsequent teleconference and recommended that SUNY at Morrisville be granted the waiver to accelerate the four year provisional membership process.]

Presidents Council. No action was necessary.

(m) Conference Membership Requests.

Management Council. The Management Council approved that the Midwest Collegiate Hockey Association, the New England Collegiate Conference and the Upper Midwest Athletic Conference be granted member conference status.

On its review of conference applications, the committee agreed that each conference met all constitutional requirements for active membership. The Midwest Collegiate Hockey Association is a single sport conference and the New England Collegiate Conference and Upper Midwest Athletic Conference are multi-sport conferences.

Presidents Council. The Presidents Council approved that the Midwest Collegiate Hockey Association, the New England Collegiate Conference and the Upper Midwest Athletic Conference be granted member conference status.

(n) Finlandia University Waiver Request per NCAA Bylaw 20.11.3.5.9.1 (Minimum Contests and Participants) and Bylaw 20.11.3.5.9.2 (Minimum Contests).

Management Council. The Management Council placed Finlandia University on probation for the 2008-09 academic year.

The institution did not satisfy sports sponsorship requirements for the 2006-07 or the 2007-08 academic years. Both instances of noncompliance were discovered during 2007-08; thus, the recommended penalty for the institution is probationary status. The institution appealed the Membership Committee's April recommendation that it be placed on probation for failure to meet 2006-07 sport sponsorship requirements, as discovered by the Membership Committee's sport sponsorship audit. Institutional arguments were centered on geographic isolation and lack of conference affiliation. While that appeal was pending, the institution discovered it would not meet sports sponsorship minimums for 2007-08. It submitted a waiver for the 2007-08 requirements, again focusing its argument on geographic challenges (related to both weather and scheduling) and lack of conference affiliation.

Regarding both years of noncompliance, the Membership Committee expressed its concern that numerous Division III institutions are geographically challenged and the institution's rationale is not compelling enough to grant relief of the sports sponsorship requirements. The committee also noted there are myriad ways an institution may achieve compliance with sports sponsorship requirements; the institution should consider more creative means of scheduling and seek to avoid gaps in future schedules. Committee concern was also raised regarding the lack of an action plan. There was no indication that problems raised by the institution would be resolved in the future and the committee noted the problems will likely persist.

Presidents Council. The Presidents Council approved the Management Council's recommendation to place Finlandia University on probation for the 2008-09 academic year.

(o) College of New Rochelle Waiver Request per Bylaw 20.11.3.6.1 (Male-Female Enrollment Ratio Waiver).

Management Council. The Management Council granted the College of New Rochelle a three-year waiver of the requirement to sponsor five sports for males per Bylaw 20.11.3.6.1, but denied its request to waive 2007-08 sports sponsorship requirements for females per Bylaw 20.11.3.5.9 and therefore placed the institution on probation for 2008-09.

Regarding the waiver to sponsor five sports for males, New Rochelle cited its commitment and mission to maintain its status as a women's college. New Rochelle has a college of nursing and a college of arts and sciences. While it is legally obligated to admit males to its nursing program, it is not required to do so in the arts and sciences college. As a result, the institution, while attempting to maintain its status as a women's college, technically has undergraduate males enrolled in its nursing program. The institution noted it has approximately 600 female undergraduates and 11 male undergraduates, which the committee deemed worthy of granting a waiver of male sports sponsorship requirements. New Rochelle will be obligated to reapply for a waiver at the end of the three-year period so that the committee may reassess its enrollment profile.

Related to the waiver to sponsor five sports for females, the committee did not accept the institution's arguments related to injuries and a lack of institutional facilities. The institution did not meet contest requirements in ether softball or basketball. It was noted that the institution relies on city facilities; however, by only scheduling the minimum number of required contests, it left itself short of the requirements in light of event cancellations and inadequate rosters.

Presidents Council. The Presidents Council approved the Management Council's recommendation to grant the College of New Rochelle a three-year waiver of the requirement to sponsor five sports for males, but to deny its request to waive 2007-08 sports sponsorship requirements for females and therefore place the institution on probation for 2008-09.

(p) MacMurray College Waiver Request per Bylaw 20.11.3.5.9.1 (Minimum Contests and Participants).

Management Council. The Management Council denied MacMurray College's sports sponsorship waiver request and consequently placed the institution on probation for the 2008-09 academic year.

Based on its review of MacMurray College's sports sponsorship waiver request and its denial of the request, the NCAA Division III Membership Committee agreed that MacMurray should be placed on probation for the 2008-09 academic year for failure to comply with the sports sponsorship requirements for the 2007-08 academic year per NCAA Bylaw 20.11.3.5 (minimum contests and participants requirements for sports sponsorship). MacMurray College is deficient two sports in meeting sports sponsorship requirements per NCAA Bylaw 20.11.3 for the 2007-08 academic year. The institution suspended several of its teams immediately prior to the 2007-08 academic year as a result of low enrollment and a major infractions case. Despite these suspensions, the committee noted the institution has a commitment to offer a variety of sports, institutions typically face challenges such as low enrollment and the institution did not exhaust all avenues in its attempt to meet sports sponsorship requirements.

Presidents Council. The Presidents Council approved the Management Council's recommendation to deny MacMurray College's sports sponsorship waiver request and consequently place the institution on probation for the 2008-09 academic year.

(q) National Association of Division III Athletics Administrators (NADIIIAA) Summer Forum.

Management Council. The Management Council approved the recommendation that the NADIIIAA summer forum be hosted in conjunction with the NCAA Regional Rules Seminars annually.

NADIIIAA desires to host its summer forum in conjunction with NCAA Regional Rules Seminars annually. Currently, NADIIIAA rotates its summer forum to coincide with NACDA and Regional Rules during alternate years. The committee noted the summer forum's increased attendance when the forum is held in conjunction with

seminars, largely attributed to the once-in-three years Regional Rules attendance requirement.

Presidents Council. No action was necessary.

(6) Nominating Committee.

Staff Liaison: Tufano

Council Rep: Keeling

(a) Membership Committee appointment.

Management Council. The Management Council approved the appointment of Shana Levine, associate director of athletics, Washington and Lee University, to the Division III Membership Committee, replacing Caitlin Collier, effective immediately.

Presidents Council. No action was necessary.

(b) Eligibility of a sports information director for committee positions designated for athletics administrators.

Management Council. The Management Council expressed its position regarding Bylaw 21.9.1.4.2, composition requirements for sports committees, that sports information directors do not meet the requirement of a full-time administrator. Sports information directors remain eligible to serve in committee positions not designated for full-time administrators. This position is consistent with views expressed by the Championships Committee on its July teleconference and shall be communicated to both the Championships and Nominating Committees.

Presidents Council. No action was necessary.

(7) Student-Athlete Advisory Committee.

Staff Liaisons: MacInnis Davey

Council Rep: Snell Wolf

(a) 2009 Convention Legislation – Sports Safety Training.

Management Council. The Management Council recommended the Presidents Council co-sponsor the New England Women's and Men's Athletic Conference's proposed legislation for the 2009 Convention to require all head coaches be certified in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

Legislation requiring first aid and CPR/AED certification strongly supports the Division III philosophy statement, specifically the prong regarding student-athlete safety and well-being. A survey of NCAA deaths claims since 1992 reports 60 nonvehicle related deaths have been due to heart-related conditions and 83 percent of all deaths occurred during practice or conditioning. The committee

feels as though the safety and well-being of student-athletes should be of utmost concern.

The Student-Athlete Advisory Committee (SAAC) first noted that its recommendation for co-sponsorship is contingent on this proposal including a requirement that head coaches be familiar with and trained on the institution's emergency activation plan and policies. During the Management Council's review of this recommendation, a member of the sponsoring conference noted that the emergency plan activation requirement was omitted from the proposal in an effort to avoid interpretive debate on the Convention floor that may inhibit adoption of the proposal. With that information, the SAAC representative supported cosponsorship of the proposal as drafted by the conference.

Presidents Council. The Presidents Council agreed to sponsor legislation for the 2009 Convention.

(b) Championships bench sizes.

Management Council. The Management Council recommended the Championships and Sports Committees to reconsider the proposal to permit greater flexibility with championships bench sizes. The SAAC noted that current bench size limitations are not consistently enforced and student-athletes benefit from the experience of being in the bench area during a championship.

If the Championships and Sports Committees still object to the proposal to allow greater flexibility in championships bench sizes, they should review current limits on a sports specific basis to consider expansion where appropriate.

Presidents Council. No action was necessary.

(8) Student-Athlete Reinstatement Committee.

Staff Liaisons: Groddy, Teixeira

Council Rep: Malloy

(a) NCAA Division III Bylaw 14.2.3.5 10-Semester/15-Quarter Extension Request.

Management Council. The Management Council adopted noncontroversial legislation to modify NCAA Bylaw 14.2.3.5 to eliminate the existing 30 consecutive-calendar day limitation for practice once an institution has filed a 10-semester/15-quarter extension waiver request.

The proposed change would enable a student-athlete to practice during the period that the extension waiver request is pending with

NCAA student-athlete reinstatement staff or NCAA Division III Committee on Student-Athlete Reinstatement without concern regarding the length of time the extension waiver request is pending. In addition, the committee on student-athlete reinstatement recommends consideration of an editorial revision to incorporate within Bylaw 30.6.1 language indicating permissibility of continued practice once an extension waiver has been filed by an institution.

As written, Bylaw 14.2.3.5 permits a student-athlete to practice after an institution has filed a 10-semester/15-quarter extension waiver request for a 30 consecutive-calendar day window which generally provides sufficient time to resolve most requests. However, the committee and student-athlete reinstatement staff does not have authority to waive this 30-day limitation and in a small number of circumstances, the time period for a final decision may extend beyond the 30 days. As a result, a student-athlete must discontinue practice activities pending final determination of the extension waiver request. Based on student-athlete well-being, the institution must submit a waiver request to allow continued practice and because, on limited occasions, practice beyond 30 consecutive-calendar days after expiration of the 10-semester/15-quarter period of eligibility will arise, the committee believes a legislated limitation is not necessary to prevent possible abuse of practice opportunity and, unnecessarily penalizes the student-athlete.

As for inclusion within Bylaw 30.6.1, the language permitting practice by a student-athlete after submission of an extension waiver is consistently overlooked by the institution, given its location in Bylaw 14.2.3.5. Since the legislation speaks to the permissibility of a student-athlete practicing after an institution has filed a 10-semester/15-quarter extension request, it is appropriate to include similar language within Bylaw 30.6.1.

Presidents Council. No action was necessary.

(b) NCAA Division III Bylaw 14.2.5.2.2 Medical Documentation.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 14.2.5.2.2 to indicate that chiropractor records cannot be considered medical documentation for purposes of hardship legislation.

Consistent with existing legislation and interpretations in NCAA Division I, the committee does not believe that the requirement for medical documentation from a physician can be satisfied solely by

treatment records from a chiropractor given the legislation requires treatment by a medical doctor.

Presidents Council. No action was necessary.

4. PROPOSED LEGISLATION FOR THE 2009 CONVENTION.

Staff Liaisons: Dutcher, Nilsson, Jones, Myers, Davey

a. Membership Sponsored Legislation.

[NOTE: The Management Council reviewed all proposals noting that five out of eight proposals are not properly sponsored. The deadline to obtain co-sponsorship is September 1.]

CSMAS Staff Liaisons: Klossner, Wilfert

Council Rep: Wilson

(1) Personnel-Conduct of Athletics Personnel-Sports-Safety Training.
Management Council. The Management Council cosponsored the proposal and forwarded it to the Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS) for additional comment.

Presidents Council. The Presidents Council approved the Management Council's recommendation for cosponsorship and committee comment.

ILC Staff Liaisons: Jones, Myers

Council Rep: Fulks

(2) Recruiting – Tryouts – Tryout Exceptions – Faculty Usage by Outside Organization.

Management Council. The Management Council reviewed the membership sponsored proposal and forwarded it to the Interpretations and Legislative Committee (ILC) to recommend an official position.

Presidents Council. The Presidents Council approved the committee referral.

ILC Staff Liaisons: Jones, Myers

Council Rep: Fuilks

(3) Recruiting – Tryout Exceptions – Use of Facilities for Activities Related to a Nonsponsored Sport.

Management Council. The Management Council reviewed the membership sponsored proposal and forwarded it to the ILC to recommend an official position.

Presidents Council. The Presidents Council approved the committee referral.

ILC Staff Liaisons: Jones Myers Council Rep: Fulks

SAAC Staff Liaisons: MacInnis, Davey Council Reps: Snell and Wolf

PPS Staff Liaisons: Jones, Myers, Nesbitt Council Rep: Whitley

(4) Eligibility – Criteria for Determining Season of Eligibility – Minimum **Amount of Participation – Competition During the Nontraditional Segment – Baseball, Field Hockey, Lacrosse, Soccer, Softball and Women's Volleyball.**

Management Council. The Management Council reviewed the membership sponsored proposal and forwarded it to the ILC, Student-Athlete Advisory

Committee (SAAC) and Playing and Practice Seasons Subcommittee (PPS) for recommendations on an official position.

Presidents Council. The Presidents Council approved the committee referral.

SAAC Staff Liaisons:
MacInnis, Davey
Council Reps:
Snell and Wolf

PPS Staff Liaisons:
Jones, Myers, Nesbitt
Council Rep:
Whitley

(5) Playing and Practice Seasons – Required Days Off – All Sports – Conference and Postseason Tournaments.

Management Council. The Management Council reviewed the membership sponsored proposal and forwarded it to the SAAC and PPS for recommendations on an official position.

Presidents Council. The Presidents Council approved the committee referral.

SAAC Staff Liaisons:
MacInnis, Davey
Council Reps:
Snell and Wolf

PPS Staff Liaisons:
Jones, Myers, Nesbitt
Council Rep:
Whitley

(6) Playing and Practice Seasons – Preseason Practice – Traditional Segment – Cross Country, Field Hockey, Golf, Rugby, Soccer, Tennis and Women's Volleyball.

Management Council. The Management Council reviewed the membership sponsored proposal and forwarded it to the SAAC and PPS for recommendations on an official position.

Presidents Council. The Presidents Council approved the committee referral.

PPS Staff Liaisons:
Jones, Myers, Nesbitt
Council Rep:
Whitley

CSMAS Staff Liaisons:
Klossner, Wilfert
Council Rep:
Wilson

SAAC Staff Liaisons:
MacInnis, Davey
Council Reps:
Snell and Wolf

(7) Playing and Practice Seasons – Football – Preseason Practice – Five-Day Acclimatization Period – Walk-Throughs.

Management Council. The Management Council reviewed the membership sponsored proposal and forwarded it to PPS, CSMAS and SAAC for recommendations for an official position.

Presidents Council. The Presidents Council approved the committee referral.

(8) Executive Regulations – Selection of Teams and Individuals for Championships Participation – Selection Criteria – Access to Data Throughout Season.

Management Council. The Management Council reviewed the membership sponsored proposal and forwarded it to the Championships sport committees for recommendation for an official position.

Presidents Council. The Presidents Council approved the committee referral.

b. Governance-Structure Sponsored Legislation.

(1) Playing and Practice Seasons – Foreign Tours – Sanctioned Outside-Team Tours.

ILC Staff Liaisons: Jones, Myers

Council Rep: Fuilks

Management Council. The Management Council reviewed in legislative format a proposal to establish limits on the number of student-athletes from the same member institution who may participate on an outside team tour without requiring the tour to be certified as an institutional tour, as specified.

The Council referred the legislative draft of the proposal back to the ILC to determine if the proposal should reference involvement of a coach as the trigger to count the four towards the once-in-three year limitation.

Presidents Council. No action was necessary.

(2) Playing and Practice Seasons – Athletically Related Activities – Specific Workout Programs.

Management Council. The Management Council approved in legislative format a proposal to specify that an institutional staff member may design a voluntary individual-specific workout program for a student-athlete, but may not conduct the individual's workout outside the declared playing season.

Presidents Council. No action was necessary.

c. Noncontroversial Legislation.

(1) NC-7 – NCAA Membership – Provisional Membership – Election Procedures – Application – Deadlines.

Management Council. The Management Council adopted in legislative format the proposal to create a consistent deadline for the provisional and reclassifying application submission of May 15.

Presidents Council. No action was necessary.

(2) NC-8 – Amateurism – Use of Agents – Scholarship Agent.

Management Council. The Management Council adopted in legislative format a proposal to eliminate the legislation related to scholarship agents.

Presidents Council. No action was necessary.

(3) NC-9 – Eligibility – Hardship Waiver – Criteria for Administration of Hardship Waiver – NCAA Regional Cross Country Meet.

Management Council. The Management Council adopted in legislative format the proposal to specify that for purposes of applying the hardship waiver, the NCAA regional cross country meet may be counted as one date of competition in determining the institution's scheduled or completed dates of

competition, provided no qualifying standards exist for participation in the meet.

Presidents Council. No action was necessary.

(4) NC-10 – Eligibility – Transfer Regulations – Exchange Student Exception.

Management Council. The Management Council adopted in legislative format the proposal to specify that a foreign exchange student or other exchange student may qualify for an exception to the one-year transfer residence requirement, provided he or she is enrolled in the certifying institution for a specified period of time as an exchange student participating in a formal and established educational exchange program recognized by the institution's academic authorities.

Presidents Council. No action was necessary.

(5) NC-11 – Awards, Benefits and Expenses – Expenses Provided by the Institution for Practice and Competition – Other Competition.

Management Council. The Management Council adopted in legislative format the proposal to permit an institution to provide actual and necessary expenses related to a student-athlete's participation in one national team tryout competition event per academic year (or in the following summer) from which participants are selected for the team that will participate in the Olympic Games, Pan American Games, World Championships, World Cup, World Youth Championships or World University Games.

Presidents Council. No action was necessary.

(6) NC-12 – Awards, Benefits and Expenses – Special Achievement Awards – Conference Student-Athlete of the Year and Conference Academic Scholar-Athlete of the Year Awards.

Management Council. The Management Council adopted in legislative format the proposal to establish a value for a conference student-athlete of the year award and a conference scholar-athlete of the year award to one male and one female student-athlete each year, respectively, as specified; further, to include a conference as a permissible awarding agency that may provide an award to a student-athlete for special attainments or contribution to a conference team's season.

Presidents Council. No action was necessary.

(7) NC-13 – Playing and Practice Seasons – General Regulations for Computing Playing Seasons – Redefining a Week During a Segment or Between Segments of the Playing Season.

Management Council. The Management Council adopted in legislative format the proposal to permit an institution to redefine its week during a segment of the playing season following any period of seven consecutive days that includes a vacation, final-examination period or holiday period during which no athletically related activities occur and between segments of the playing season, provided the institution divides its practice and playing season into two distinct segments.

Presidents Council. No action was necessary.

d. Administrative Regulations.

- **ADM-2 - Executive Regulations – Selection of Teams for Championships Participation – Team Sports Championship Selection – 50 Percent Requirement – Waiver Deadline.**

Management Council. The Management Council adopted in legislative format to revise the deadline for submitting a request to waive the championships eligibility requirement of playing at least 50 percent of an institution's contests against in-region opponents from one year in advance of the championship to not later than December 31 of the year prior to the championship.

Presidents Council. No action was necessary.

e. Modification of Wording.

- **M-5 - Personnel – Division III Rules Test – Annual Requirement – Effect of Failure to Administer on Annual Basis.**

Management Council. The Management Council adopted in legislative format the proposal to specify that violations of the Division III Rules Test annual requirement shall be treated as an institutional violation.

Presidents Council. No action was necessary.

f. Incorporations of Interpretations.

- **I-1 – Recruiting – Contacts and Evaluations – Contact by Coach Employed in Admissions Office.**

Management Council. The Management Council approved the proposal in legislative format.

Presidents Council. No action was necessary.

6. CHAIR AND VICE-CHAIR ELECTIONS.

Management Council. The Management Council elected Lynn Oberbillig, director of athletics, Smith College, as chair for the 2009-2010 term and Daniel Fulks, faculty athletic representative, Transylvania University as vice-chair.

Presidents Council. The Presidents Council approved the Management Council's recommendation.

7. UPDATE ON MEMBERSHIP ISSUES.

Management Council. The Management Council reviewed the feedback from the Town Hall meetings and the previous quarter's virtual focus group communication. The Management Council was updated on the Presidents Council's plan to draft a series of white papers outlining the eight issues for future consideration by the governance structure, including the presentation of these draft papers to the Presidents and Chancellors Advisory Group in advance of the Presidents Council meeting.

Presidents Council. The Presidents Council reviewed the feedback from the Town Hall meetings, the previous quarter's virtual focus group communication, and the Presidents and Chancellor's Advisory Group meeting (attached). Based on this review, the Presidents Council agreed to revise the white papers for an early September membership distribution, followed by an October review by the Presidents Council preparation for the 2009 Convention.

8. DRUG EDUCATION AND TESTING PILOT.

Management Council. The Management Council received a report on the Drug Education and Testing Pilot. No action was necessary.

The Management Council received a presentation on the preliminary results of the first year of the Drug Education and Testing Pilot. Information from the Pilot's pre and post test surveys were not included in this report. The Council recommended that year two of the pilot include confirmation testing of samples that screen positive for anabolic steroids. The Council noted that a full report of year one pilot findings will be forwarded to the membership this fall.

The Council expressed interest in a future initiative to provide education and a campus needs assessment on student-athlete nutrition. The Council requested a proposal on this topic for its October meeting.

Presidents Council. The Presidents Council received a report on the Drug Education and Testing Pilot. The Council noted that a final report to the membership is scheduled to be distributed this fall and approved the Management Council's recommendation that year two of the pilot include confirmation testing for anabolic steroid positive screens.

9. ASSOCIATION-WIDE UPDATE AND ISSUES.

a. Government Relations Report.

Management Council. The Management Council accepted the Government Relations Report. No action was necessary.

Presidents Council. The Presidents Council accepted the Government Relations Report. No action was necessary.

b. Litigation Update.

Management Council. The Management Council accepted the litigation update. No action was necessary.

Presidents Council. The Presidents Council accepted the litigation update. No action was necessary.

10. OTHER BUSINESS.

a. Composition of the Committee on Women's Athletics.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 21.2.10.1 (composition) to eliminate the requirement that one of the six Division I members of the Committee on Women's Athletics (CWA) must also be a member of the Division I Management Council.

Bylaw 20.2.10.1 is a common provision, which is a regulation that applies to more than one of the divisions in the Association (see Constitution 5.02.1.2). As such, a common provision shall be adopted by each of the applicable divisions, acting separately to the divisional legislative process, and must be approved by all applicable divisions to be effective. This legislative recommendation was adopted by the Division I Board of Directors in April 2008. As previously noted, since Bylaw 21.2.10.1 is a common provision, if Divisions II and III do not adopt the same legislative change, the action taken by Division I would be nullified.

This change is needed because under the new Division I governance structure, there will no longer be a Management Council, and the Committee on Women's Athletics will instead report to the Leadership Council. To assist with a high level of

communication between the Leadership Council and the Committee on Women's Athletics, the Leadership Council will name a formal liaison to the committee.

Presidents Council. No action was necessary.

b. Division III Management Council Policies and Procedures.

Management Council. The Management Council approved a revision to its policies and procedures to clarify procedures for Convention debate on occasions where the Management Council's position on a membership-sponsored proposal differs from the Presidents Council's position. In these cases, the Management Council shall not express statements of opposition or support and the committees in the governance structure will be encouraged to share positions when they are consistent with the position of the Presidents Council.

Presidents Council. No action was necessary.

11. ADJOURNMENT.

Management Council. The Management Council meeting adjourned at 10:31 a.m.

Presidents Council. The Presidents Council meeting adjourned at 11:22 a.m.