R E V I S E D

A G E N D A

National Collegiate Athletic Association

Division III Management Council

NCAA National Office
Indianapolis, Indiana

April 20-21, 2009

1. Announcements.

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

3. Review of Summary and minutes.

   a. Summary of Winter 2009 Quarterly Meetings. (Approval)

   b. January 17, 2009, Executive Committee meeting. (Informational)

   c. January 29, February 9, February 23, March 9, March 26, and March 30, 2009 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] (Kris Hall)

      (2) Honors Committee. (Bill Klika)

      (3) Minority Opportunities and Interests Committee. [Supplement No. 2] (Rudy Keeling)

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

(5) Postgraduate Scholarship Committee. [Supplement No. 3] (Chapman)

(6) Research Committee. (Stuart Gulley)

(7) Committee on Sportsmanship and Ethical Conduct. (Fredina Ingold)

(8) Walter Byers Scholarship Committee. (Jack Ohle)

(9) Committee on Women's Athletics. [Supplement No. 4] (Lynn Oberbillig)

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

(1) Convention-Planning Subcommittee. [Supplement No. 5] (Ingold)

(2) Strategic-Planning and Finance Committee. [Supplement No. 6] (Oberbillig)

c. Management Council subcommittees.

(1) Academic Issues Subcommittee. [Supplement No. 7] (Hall)

(2) Subcommittee for Legislative Relief. [Supplement No. 8] (Chapman)

(3) Playing and Practice Seasons Subcommittee. [Supplement No. 9 to be distributed at the meeting] (TBD)

d. Division III committees.

(1) Championships Committee. [Supplement No. 10] (Jeff Martinez)

(2) Financial Aid Committee. [Supplement No. 11] (Lee McKinney)

(3) Committee on Infractions. [Supplement No. 12] (Secondary Violations report from Chris Strobel) (Mary Jo Gunning)

(4) Interpretations and Legislation Committee. [Supplement No. 13] (Dan Fulks)

(5) Membership Committee. [Supplement No. 14] (Hall)

(6) Nominating Committee. [Supplement No. 15] (Keeling)

(7) Student-Athlete Advisory Committee. [Supplement No. 16] (Leah Kareti)

(8) Student-Athlete Reinstatement Committee. [Supplement No. 17] (Gunning)

5. Proposed legislation for the 2010 NCAA Convention.

a. Review of governance-sponsored legislation. [Supplement No. 18]

b. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1. [Supplement No. 19]

c. Review of administrative regulations approved by the Management Council per Constitution 5.4.1.1.1. [Supplement No. 20]

6. Litigation update. [Supplement No. 21 will be distributed at the meeting]

7. Association-wide update and issues.

a. Governmental relations report. [Supplement No. 22]

b. 2008-09 committee meeting requests. [Supplement No. 23]

c. NCAA's Best Practices: Achieving Excellence through Diversity and Inclusion Brochure.

d. Review Staff Travel and Meeting Policy Change Memo. [Supplement No. 24]

8. Timelines for upcoming policy discussions.

a. Division III identity initiative. [Supplement No. 25]

b. Academic reporting. [Supplement No. 26 will be distributed at the meeting]

c. Drug education and testing. [Supplement No. 27]

9. Virtual Focus Group communication. [Supplement No. 28]

10. Other Business.

- Method of appointment for Sport Committee Members. [Supplement No. 29]

11. Adjournment.

SUMMARY OF SPRING 2009 QUARTERLY MEETINGS
The National Collegiate Athletic Association

Division III Management Council **April 20-21, 2009** **Indianapolis, IN**	**Division III Presidents Council** **April 30, 2009** **Indianapolis, IN**
PARTICIPANTS	
Kitty Baldridge, Gallaudet University Susan Chapman, Worcester State College Daniel Fulks, Transylvania University [*vice chair*] Stuart Gulley, LaGrange College Mary Jo Gunning, Marywood University Kristen Hall, Bard College Fredina Ingold, Pennsylvania State University, Altoona Rudy Keeling, Eastern College Athletic Conference Bill Klika, Fairleigh Dickinson University, Florham Chris Martin, College Conference of Illinois & Wisconsin Jeff Martinez, University of Redlands Lee McKinney, Fontbonne University Lynn Oberbillig, Smith College *[chair]* Garnett Purnell, Wittenberg University Charlyn Robert, Nichols College Joan Sitterly, State University College at Cortland Erin Wojtkun, Christopher Newport University	Livingston Alexander, University of Pittsburgh, Bradford Kendall Baker, Ohio Northern University F. Gregory Campbell, Carthage College Daniel Fulks, Transylvania University *[vice chair of Management Council]* Pamela Gann, Claremont McKenna-Harvey Mudd-Scripps Colleges James Harris, Widener University *[vice chair]* David Joyce, Ripon College Marcia Keizs, York College/CUNY Lynn Oberbillig, Smith College *[chair of Management Council]* Kathleen Owens, Gwynedd-Mercy College James Schmotter, Western Connecticut State University Ron Thomas, University of Puget Sound Paul Trible, Christopher Newport University *[chair]*
ABSENTEES	
Jack Ohle, Gustavus Adolphus College Isaac Stein, Student-Athlete Advisory Committee	James Bultman, Hope College Catharine Hill, Vassar College Morton Schapiro, Williams College
OTHER PARTICIPANTS	
Elsa Cole, NCAA Joni Comstock, NCAA Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Eric Hartung, NCAA Marquette Jamison, NCAA Jay Jones, NCAA Leah Nilsson Kareti, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Delise O'Meally, NCAA Jeff Myers, NCAA John Williams, NCAA	Myles Brand, NCAA Joni Comstock, NCAA Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Jeff Jacobs, Relish Jay Jones, NCAA Leah Nilsson Kareti, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Delise O'Meally, NCAA Jeff Myers, NCAA John Williams, NCAA

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The meeting was called to order at 8:05 a.m. by the chair, Lynn Oberbillig. The chair welcomed Council members and Erin Wojtkun, the new Council representative from the Student-Athlete Advisory Committee (SAAC). She acknowledged that the meeting was President Stuart Gulley's last due to his leaving college administration.

Presidents Council. The meeting was called to order at 8:05 a.m. by the chair, President Paul Trible. The chair welcomed Council members, acknowledging the first meeting of Presidents Baker, Schmotter and Thomas.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meeting – January 14 and January 17, 2009.

Management Council. The Management Council approved the summary of its January 14 and January 17, 2009 meetings, as presented.

Presidents Council. No action necessary.

b. Presidents Council Meeting – January 15, 2009.

Management Council. The Management Council reviewed the summary of the January 15 Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its January 15, 2009 meeting, as presented.

c. Executive Committee Meeting—January 17, 2009.

Management Council. The Management Council reviewed the minutes of the January 17 Executive Committee meeting. No action was necessary.

Presidents Council. The Presidents Council reviewed the minutes of the January 17 Executive Committee meeting. No action was necessary.

d. Administrative Committee Actions.

Management Council. The Management Council approved the minutes of the January 29, February 9, February 23, March 9, March 26 and March 30, 2009, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the January 29, February 9, February 23, March 9, March 26 and March 30, 2009, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

a. Association-Wide and Common Committees.

Staff Liaisons: **Klossner Wilfert**

Council Rep: Hall

(1) Competitive Safeguards and Medical Aspects of Sports.

- 2010 NCAA Convention – NCAA Bylaws 11.1.2 and 30.5.

Management Council. The Management Council acknowledged that a recommendation to sponsor legislation for the 2010 Convention to amend NCAA Bylaws 11.1.2 (responsibility for violations of NCAA regulations) and 30.5 (drug testing program) to hold athletics staff to the same level of accountability to which student-athletes are held pertaining to knowledge of NCAA banned substances had been withdrawn based on Division I's lack of support for the current recommendation. The Division I Championships Cabinet deemed the recommendation too broad in its inclusion of all athletics staff and encouraged the committee to discuss limiting the scope of the recommendation to include only those athletics staff that interact with student-athletes on such issues (e.g., coaches, sports medicine staff)

Presidents Council. No action was necessary.

Staff Liaison: **Tufano**

Council Rep: Klika

(2) Honors Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: **Arthur, Bracken, Thompson**

Council Rep: Keeling

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

Management Council. The Management Council reviewed the committee's report noting the need to educate the membership regarding the time commitment and specific duties associated with committee service in an effort to increase the available pool of racial/ethnic minorities and females. No formal action was taken.

Presidents Council. No action was necessary.

Staff Liaisons: **Burrow, Calandro, Perez**

Council Rep: Chapman

(4) Olympic Sports Liaison Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaison: Strum

Council Rep: Chapman

(5) Postgraduate Scholarship Committee.

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

Presidents Council. No action was necessary.

Staff Liaison: Bracken

Council Rep: Gulley

(6) Research Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: Halpin, Newman, Roe

Council Rep: Ingold

(7) Committee on Sportsmanship and Ethical Conduct.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaison: Vicente

Council Rep: Ohle

(8) Walter Byers Scholarship Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: Ford, Holzman, Morrison

Council Rep: Oberbillig

(9) Committee on Women's Athletics.

Management Council. The Management Council reviewed the committee's report and engaged in a related discussion about the role of Senior Woman Administrators (SWAs) on Division III campuses. The Council noted that the SWA designation includes an expectation for administrative responsibility. The Council referred to CWA a request that it produce a best practices guide for the duties that could be assumed by an individual holding the SWA designation to ensure meaningful involvement in athletics management issues. On production of such a guide, the Membership Committee should incorporate the issues identified by the guide into the Division III ISSG.

Finally, the Council suggested that the NCAA's Office of Gender Initiatives update the NCAA's SWA brochure, and that the Convention-Planning Subcommittee and NADIIIAA consider a future panel discussion focused on ways in which different administrative models may be successfully implemented to involve SWAs in athletics management issues.

Presidents Council. No action was necessary.

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

Staff Liaisons: Dutcher, Kareti, Davey, Kresge

Council Reps: Ingold, Gregory Owens, McKinney, Robert, Sitterly Woitkun

(1) Convention-Planning Subcommittee.

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

Presidents Council. No action was necessary.

Staff Liaisons: Dutcher, Kareti Barnett, Worlock, Jones, Kresge

Council Reps: Oberbillig, Baker, Harris, Joyce, Schmotter, Fulks, Klika, Martin, Ohle, Stein

(2) Strategic Planning and Finance Committee.

(a) Championship Budget Requests.

Management Council. The Management Council approved the use of inflationary monies totaling $422,214 to fund championship budget requests for 2009-10. The championship budget requests include $120,214 to increase championships per diem by $2 in all sports to $80; $241,000 to fund an increase in the number of non-student-athletes in the championships travel party and enhance the student-athlete experience; $31,000 to increase squad size for men's cross country and $30,000 to increase squad size for women's cross country from 7 to 8, which completes AQ enhancements for individual/team sports.

Note that this championships budget request does not include any new base budget initiatives; it requests only inflationary funds to maintain the current championships program or fund previously approved policies. Additionally, $31,000 of existing championships funding was reallocated to better account for expenses within specific championships.

Presidents Council. The Presidents Council approved the use of inflationary monies totaling $422,214 to fund championship budget requests for 2009-10 and the reallocation of $31,000 in championships funding.

(b) Non-championship Budget Requests.

Management Council. The Management Council approved the use of $100,000 for implementation of the Division III Identity Initiative in 2009-10.

The Strategic Planning and Finance Committee approved funding for this significant project, which originated as part of the division's long term growth management strategy and is further described conceptually in White Paper No. 2. 2009-10 funds will be reallocated from the Division's Drug Education and Testing Pilot account, which will

not be used for testing in 2009-10, while the 2007-08 and 2008-09 pilot results are analyzed.

Presidents Council. The Presidents Council approved the the use of $100,000 for implementation of the Division III Identity Initiative in 2009-10.

(c) Division III Drug Education.

Management Council. The Management Council approved a recommendation to continue to fund enhanced drug education efforts during the 2009-10 "gap year" between the end of the Drug Education and Testing Pilot and any potential action based on pilot findings.

With the pilot activities ending at the close of the 2008-09 academic year, data and analyses of the experiences of the participating institutions will be presented in a report to Division III in September 2009. The Committee on Competitive Safeguards and Medical Aspects of Sports recommended the continuation of funding drug-education activities during the review of the report to emphasize and provide support for the educational aspect of drug-use deterrence, and to sustain the momentum of the pilot activities. All Division III institutions will be provided with the drug-education checklist in preparation for 2009-10, which, when completed and submitted at the end of that year, would return to the institution an enhancement check.

Presidents Council. The Presidents Council approved funding for enhanced drug education efforts during the 2009-10 "gap year" between the end of the Drug Education and Testing Pilot and any potential action based on pilot findings.

(d) Division III Strategic Initiatives Conference Grant Program.

Management Council. The Management Council approved the 2009-10 allocations [Attachment A] and proposed timeline [Attachment B] for the Strategic Initiatives Conference Grant Program noting that actual distributions are contingent on conference membership as of September 1, 2009.

Presidents Council. The Presidents Council approved the 2009-10 allocations and proposed timeline for the Strategic Initiatives Conference Grant Program.

(e) Approved Tier One Events for Senior Woman Administrators (SWA).

Management Council. The Management Council approved the addition of the NCAA Gender Equity Forum and the NCAA Women's Leadership Symposium to the list of preapproved events for SWA

professional development in Tier One of the Strategic Initiatives Conference Grant Program.

Historically, the SWA enhancement funds in Tier One have been targeted to support the NACWAA Convention, but conferences have been permitted to support SWA attendance at other events (e.g., NCAA Convention, NCAA Regional Rules Seminars). Noting the scheduling challenges experienced by SWAs and the strong curriculum of both the Gender Equity Forum and Women's Leadership Symposium, the committee determined that it would be beneficial to use grant funds to support attendance at these events.

Presidents Council. The Presidents Council approved the addition of the NCAA Gender Equity Forum and the NCAA Women's Leadership Symposium to the list of preapproved events for SWA professional development in Tier One of the Strategic Initiatives Conference Grant Program.

c. Management Council subcommittees.

Staff Liaisons: Davey, Nesbitt

Council Reps: Hall, Ingold, Martinez

(1) Academic Issues Subcommittee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: Fuchs, Nesbitt

Council Reps: Chapman, Martin, Purnell, Robert, Sitterly

(2) Subcommittee for Legislative Relief.

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

Presidents Council. No action was necessary.

(3) Playing and Practice Seasons Subcommittee.

Staff Liaisons: Jones, Myers,

Council Reps: Martin, Chapman, Klika, McKinney, Oberbillig, Purnell, Wojtkun

(a) 2010 NCAA Convention Legislation – Playing and Practice Seasons Subcommittee – First Contest or Date of Competition - Exceptions – Alumni Game.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2010 NCAA Convention to permit the exempted alumni contest in all sports that recognize the exemption, to occur at any time during the declared playing season.

Currently the exempted alumni contest may be played during the nontraditional segment or during the traditional segment on or after the first permissible contest date. In those sports which do not have a nontraditional segment, it is difficult to schedule an alumni contest

during the portion of the season in which competition may be conducted. The alumni contest is an important public relations event for institutions and for keeping alumni connected to the institution. Therefore, institutions should be afforded the maximum opportunity to conduct these events without lengthening the season. This proposal would not lengthen the season as the contest would still have to occur within the 18 or 19 week playing season. It would, however, provide institutions the opportunity to conduct the game during the preseason when schedules would be more amenable to conducting the exhibition. If institutions were previously not conducting the alumni contest and were able to do so as a result of this proposed change, they would incur both game expenses and revenues. If institutions were previously not conducting the alumni contest and were able to do so as a result of this proposed change, it would add a contest to the student-athlete's schedule.

Presidents Council. The Presidents Council will review the Management Council's recommendation at its August meeting.

(b) 2010 NCAA Convention Legislation – 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 – Alumni Contest.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2010 NCAA Convention to permit a student-athlete in the sports of baseball, field hockey, lacrosse, soccer, softball, and woman's volleyball to participate in both the one date of competition and an alumni contest during the nontraditional segment without using a season of participation.

As of August 1, 2009, student-athletes may participate in the one permissible date of competition during the nontraditional segment in the sports of baseball, field hockey, lacrosse, soccer, softball, and women's volleyball without using a season of participation. If institutions conduct an alumni contest in addition to the one date of competition, a student would use a season of participation if he/she competes in the alumni contest. This proposal would allow the student-athlete to participate in both the alumni contest and the one date of competition in the nontraditional segment without using a season of participation. The alumni contest would continue to count, as it does now, as one of the sixteen permissible days of athletically related activities. Alumni contests are conducted primarily for positive public relations and should not adversely affect a student-athlete's eligibility. Since the alumni contest counts as one of the sixteen

permissible days of athletically related activity it would not increase the length of the playing season. This proposal would allow student-athletes to participate in two days of competition during the nontraditional segment without using a season of participation.

Presidents Council. The Presidents Council will review at the Management Council's recommendation at its August meeting.

d. Division III Committees.

(1) Championships Committee.

(a) Bench Policy.

Staff Liaisons: Suscha, Williams

Council Reps: Martinez, Oberbillig, Sitterly

Management Council. The Management Council approved the committee's recommendation that the bench size consist of the travel party plus five (two medical staff are included in the five) for outdoor championships and the travel party plus three (two medical staff are included in the three) for indoor championships. Football will retain its current policy of 10 extra people (including two medical staff).

The committee wanted to provide more competitive equity among sports and also wanted to lessen the burden of some institutions that felt they had to allow non-participating student-athletes to travel. The committee noted a possible increase in the travel cost for institutions that choose to send additional people. The committee realized that not all student-athletes will have the opportunity to be on the sideline, but felt there needed to be a consistent number for all home and away institutions.

Presidents Council. No action was necessary.

(b) 2009 NCAA Convention Proposal No. 8 – Selection Criteria - Availability of Data Throughout Season.

Management Council. The Management Council received a report that the Championships Committee discussed the idea of making championships ranking and selection data available to the membership throughout the sports seasons, per 2009 Proposal No. 8, and endorsed the following concepts, each of which will be assessed for feasibility and reviewed for possible implementation by the committee at its June meeting.

- Explore with the NCAA information technology (IT) staff the possibility of updating the score-reporting system to notify schools/conferences when incorrect scores/dates/school names are entered into the system. There were reports that some national committee members are not diligent in making

needed changes and some calculations are incorrect at the time of rankings.

- All national committees with regional advisory committees (RAC) should have a call at the beginning of the season to have a training session for the score-reporting site. Also, the national committee members should provide training and mentoring for new committee members.
- The Championships Committee would like the sports committees to communicate better to the membership what information they are looking at more closely or weighting more during rankings/selections. This should be more consistent across-sports and especially between genders (i.e., men's and women's soccer).
- The committee discussed the opponents winning percentage (OWP) and the opponents' opponents winning percentage (OOWP). In a previous meeting, the committee told the sports committees they could weigh the OWP more than the OOWP but did not communicate a specific weighting formula. The committee concluded that for the remainder of the 2008-09 season, the sports committees can use whatever weight they like for the OWP and OOWP. For the 2009-10 season, the sports committees shall use a 2/3 and 1/3 split between OWP and OOWP.
- The committee would like to create an instructional video for coaches regarding regional rankings to increase transparency related to the ranking and selection process. This video would not be mandatory, but would be provided to educate coaches on the ranking and selection process. The 60 to 90 minute video would also instruct coaches to call their regional advisory committee representative if they have any questions. Concerns should go through the RAC and the regions' commissioners, and not the national office.
- The committee would like to have mock selections at respective coaches' conventions and regional rules seminars.
- The committee would like the NCAA IT staff to compile a list of all schools within 200 miles of each other for each region to help the coaches' better plan their schedules.
- There could be a Division III newsletter for the RAC and commissioners to better explain the score-reporting procedures.

Presidents Council. The Council noted that further discussions would occur with the sponsors of 2009 Proposal No. 8. No action was necessary.

(c) Sports Committee Appointments.

Management Council. The Management Council and Championships Committee approved recommendations for appointments to the following sports committees; all appointments will be effective immediately, unless otherwise noted:

- Division III Baseball Committee. Mideast region: Jeff Hetzer, head baseball coach, Thomas More College.
- Division III Men's Basketball Committee. Great Lakes region: Mike DeWitt, head men's basketball coach, Ohio Wesleyan University.
- Division III Women's Basketball Committee. Mid-Atlantic region: Keith Mondillo, director of athletics, Gwynedd-Mercy College.
- Division III Football Committee. North region: Timothy Gleason, commissioner, Ohio Athletic Conference. South region: Brad Bankston, commissioner, Old Dominion Athletic Conference.
- Division III Women's Golf Committee. East region: Sean Dove, head women's golf coach, Washington and Jefferson College.
- Division III Men's Ice Hockey Committee. Reappoint Michael McShane, head men's ice hockey coach, Norwich University.
- Division III Women's Ice Hockey Committee. Northern Collegiate Hockey Association: Steven Nelson, director of athletics, University of Wisconsin, Superior.
- Division III Men's Lacrosse Committee. South region: Steve Koudelka, head men's lacrosse coach/assistant director of athletics, Lynchburg College; and David Zazzaro, head men's lacrosse coach, Colorado College.
- Men's and Women's Skiing Committee. Reappoint Rogan Connell, head alpine skiing coach, Bates College.
- Division III Men's Soccer Committees. Grant one year term extension for Chris Apple, head men's soccer coach, University of Rochester. Appoint – Central region: Daniel Harris, director of athletics, Milwaukee School of Engineering.
- Division III Women's Soccer Committee. New England region: Jonathan Harper, commissioner, Little East Conference. South Atlantic region: Sean Sullivan, assistant dean for athletics, York College (Pennsylvania).
- Division III Softball Committee. Atlantic region: James David Hicks, head softball coach/assistant director of athletics, Rhodes College.

- Division III Men's and Women's Swimming and Diving Committee. Reappoint Anne Goodman-James, head men's and women's swimming coach, Colorado College.
- Division III Women's Tennis Committee. Central region: Michelle Allmendinger, head women's tennis coach/senior woman administrator, Hanover College.
- Division III Men's and Women's Track and Field Committee. Midwest region (men's interests): Chris Bayless, head men's and women's track and field/cross country coach, Ursinus College. New England region (women's interests): Jonathan Hird, head men's and women's cross country/assistant track coach, University of Massachusetts, Dartmouth.
- Division III Wrestling Committee. District 3: Gary Franke, head wrestling coach, Washington and Lee University.
- Playing Rules Oversight Panel. Tom Byrnes, commissioner, Capital Athletic Conference.
- Baseball Rules Committee. Joe Schaly, head baseball coach, Thiel College.
- Men's Basketball Rules Committee. Robert Passage, assistant director of athletics/head men's basketball coach, Kalamazoo College.
- Women's Basketball Rules Committee. Donald Mulhern, head women's basketball coach, University of Wisconsin, Superior.
- Men's and Women's Ice Hockey Rules Committee. Reappoint William Mandigo, head women's ice hockey coach, Middlebury College. Appoint Frank Millerick, director of athletics, Becker College (women's interests).
- Men's Lacrosse Rules Committee. Eugene McCabe, men's lacrosse coach/compliance coordinator, Washington and Lee University.
- Men's and Women's Soccer Rules Committee. Reappoint Les Poolman, director of athletics, Dickinson College.
- Softball Rules Committee. Reappoint Vickie Van Kleeck, head softball coach/senior woman administrator, Fer rum College. Appoint Ruth Kmak, head softball coach, University of Chicago.
- Division III Men's Basketball Committee. Atlantic region: Terence Small, commissioner, New Jersey Athletic Conference.
- Division III Women's Basketball Committee. West region: Robin Hamilton, associate director of athletics, University of Puget Sound.
- Division III Women's Lacrosse Committee. New York region: Susan Hoffman, associate director of athletics, College of Brockport, State University of New York.

- Division III Rowing Committee. New England region: Tessa Spillane, head crew coach, Wellesley College.
- Division III Women's Soccer Committee. East region: Aliceann Wilbur, head women's soccer coach, William Smith College.
- Division III Women's Tennis Committee. Immediate vacancy replacing George Kolb: Northeast region: Mindy Mangels, associate director of athletics, Wellesley College.
- Division III Women's Volleyball Committee. Great Lakes region: Kristen Smith, director of athletics, Kalamazoo College. New York region: Elise Cooper, head volleyball coach/operations assistant, Montclair State University.
- Women's Water Polo Committee. Tom Whittemore, head water polo coach, University of Redlands.
- Women's Volleyball Rules Committee. September 1, 2009, vacancy replacing Fran Vandermeer: Bonnie May, assistant director of athletics, Smith College.

[Note: The Management Council approved in concept noncontroversial legislation to grant the Championships Committee the authority to make final sports committee appointments based on the slate of nominations presented by the Nominating Committee. See Page No. 37]

Presidents Council. The Presidents Council approved the nominations and noted the related noncontroversial amendment adopted by the Management Council.

(d) Staff Presentation.

Management Council. Joni Comstock and John Williams presented to the Management Council on travel cost and capacity for 2008-09 championships and the Championships City Pilot initiative.

Division III fall and winter championships had no travel disruptions and commercial and charter flight availability was stable. Fall travel costs were down 2.2% from the previous year and winter costs were down 67% (using preliminary figures). Charter expenses were down 34% over the same period last year.

The staff reviewed the objectives of the Championships City Pilot, including:

- Present championships with a commitment to the core values of the NCAA and deliver with excellence and reliability;
- Provide a vehicle to advance the NCAA brand and further the NCAA mission and goals;

- Position NCAA championships for long-term financial sustainability by the Association and reduce direct costs to membership; and
- Foster mutually beneficial partnership between host institution community and NCAA.

The staff also reviewed the desired outcomes, of the pilot:

- Enhanced student-athlete experience;
- Enhanced financial investment to the NCAA championships by host communities;
- Reduced direct expenses to the NCAA and membership;
- Promotion of each championship to increase NCAA awareness and attendance in host communities;
- Initiate trial "Green" efforts at NCAA championships; and
- Promote mutually beneficial corporate, community and host institutional relationships.

The Management Council shared with staff its concern about the lack of governance structure involvement in planning the pilot, as well as the danger of taking Division III championships off of Division III campuses and out of areas that know and support the division.

The staff thanked the Council for its feedback, emphasizing that the initiative is a pilot, and the sports committees and championships committee retain the responsibility of designating host sites and institutions for future championships.

Presidents Council. The Presidents Council received the update on travel cost and capacity for 2008-09 championships and the Championships City Pilot initiative. No action was necessary.

(2) Financial Aid Committee.

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

Council Rep: McKinney

Management Council. The Management Council reviewed the committee's report and a summary of findings and review results for the years 2005-06 through 2008-09, which shall be released to the membership later this year. Related publicity should explain that a negative variance does not mean that student-athletes are being mistreated. No formal action was taken.

Presidents Council. The Presidents Council reviewed the summary of findings for the years 2005-06 through 2008-09. No action was necessary.

(3) Committee on Infractions.

Staff Liaisons: **Cooper, Elworth**

Council Rep: Gunning

Management Council. The committee had no formal report; however the Council was presented with statistics related to secondary cases for 2008. The Council requested that the summer Presidents Advisory Group meeting include a presentation about the positive nature of reporting secondary violations as an illustration of existing compliance systems and institutional control.

Presidents Council. No action was necessary.

(4) Interpretations and Legislation Committee. (ILC)

Staff Liaisons: **Jones Myers**

Council Rep: Fulks

(a) 2010 NCAA Convention Legislation – Prospective Student-Athlete Using Facilities Open to the Public When an Athletics Department Staff Member is Monitoring the Facility.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2010 NCAA Convention to amend the tryout legislation so that it would be permissible for an athletics department staff member, in the course of their institutional job responsibilities (e.g., lifeguard, facilities supervisor), to observe a prospective student-athlete using the institution's facilities that are open to the public without that observation being considered a tryout, provided the staff member is only providing safety monitoring and facility security and is not directing the prospective student-athlete's athletics activity. ILC recommends that the proposal be drafted as a second part to NCAA Division III Proposal No. 2010-1, which also addresses facility monitoring.

Current tryout legislation prohibits a prospective student-athlete visiting a member institution from participating in recreational activities if the activities are observed by members of the athletics department coaching staff. Similar to the already sponsored 2010 proposal dealing with facility monitoring of currently enrolled student-athletes, this proposal also deals with the reality on Division III campuses that athletics department staff members are often serving as monitors of facilities as a part of their employment obligations, and that current legislation is not reflective of the needs of the position of facility monitors and does not allow for those individuals to properly handle their job duties without a violation. The immediate effective date would allow institutions to take advantage of the change throughout the remainder of the 2010 academic year.

Presidents Council. The Presidents Council will review the Management Council's recommendation at its August meeting.

(b) Approval and Incorporation of Official Interpretation – Contact with Parents at Site of Prospective Student-Athlete's Practice or Competition.

Management Council. The Management Council approved the following official interpretation and approved in concept its incorporation into the NCAA Division III Manual:

"Contact with Parents at Site of Prospective Student-Athlete's Practice or Competition (III). The NCAA Division III Interpretations and Legislation Committee confirmed that a permissible recruiter may have recruiting contact with the relatives or guardian(s) of a contactable prospective student-athlete at the site of the prospective student-athlete's practice or competition, including during the conduct of a competition. [References: NCAA Division III Bylaws 13.1.1 (contactable prospective student-athletes) and 13.1.4.2 (practice or competition site) and staff interpretation (1/26/1994, item c)]"

The redraft and elevation of the staff interpretation [Reference: 1/26/1994, item c], will provide clarity for Division III institutions on a frequently asked question. The incorporation of the official interpretation into the Division III Manual is beneficial because of the frequency with which this question is being asked by Division III institutions.

Presidents Council. No action was necessary.

(c) Noncontroversial Legislation – NCAA Division III Bylaw 13.1.4.1 (Prospective Student-Athlete's Educational Institution).

Management Council. The Management Council approved in concept noncontroversial legislation to amend Bylaw 13.1.4.1 (prospective student-athlete's educational institution to clarify that contact with a student-athlete at a practice or competition site that is also the prospective student-athlete's educational institution that occurs after school hours is not subject to the restrictions set forth in Bylaw 13.1.4.1 and does not need the permission of the institution's executive officer.

Current legislation dealing with contact at a prospective student-athlete's educational institution does not clearly indicate whether permission from the institution's executive officer is needed if the contact is taking place after school hours. This noncontroversial amendment would clarify that permission for contact occurring at a prospective student-athlete's educational institution is only needed if the contact is occurring during the school day.

Presidents Council. No action was necessary.

(d) Noncontroversial Legislation – Meals Being Provided on Road Trips.

Management Council. The Management Council approved in concept noncontroversial legislation that allows representatives of athletics interests (including parents of student-athletes) to pay for or provide a team meal to a team outside of the locale of the institution, only if that meal is in connection with an away-from-home contest or en route to or from such a contest.

Under current Division III legislation all permissible expense provisions for road trips are based on the institution providing the expenses and it is therefore not permissible for parents of student-athletes or other representatives of athletics interests to provide meals on road trips that occur outside of the locale of the institution. Under current legislation, it would be permissible for parents of the student-athlete to make a donation to the athletics department and for the athletics department staff members to purchase the meal on a road trip; however, the parents or other representatives of athletics interests cannot pay for the meal themselves. This noncontroversial amendment would modify the legislation in order to allow for the practical need and desire for many Division III schools to allow parents of student-athletes to provide meals on road trips for student-athletes. Because the meal would be in connection with an away-from-home contest or en route to or from such a contest, there would continue to be institutional control in monitoring the amount of money given for the meals. This could save some institutions money if other individuals were willing to provide meals during a road trip.

Presidents Council. No action was necessary.

(e) Modification of Wording – Timing of Alumni Contest.

Management Council. The Management Council referred back to ILC its recommendation for a modification of wording to amend current Bylaws 14.2.4.1 (minimum amount of participation) and 17.4.5.3.2 (alumni game) regarding the application of the permissible timing of an alumni contest and the impact of participation in the alumni game to a student-athlete's use of a season of participation based on the adoption of Proposal No. 2009-6. In its referral, the Council requested that ILC issue an interpretation to outline the use of a season of participation resulting from alumni contests conducted in the nontraditional segment. This interpretation shall be an interim measure to explain the application of current rule, noting that there is expected to be a governance-sponsored proposal for the 2010 Convention to amend the legislation related to the alumni contest in the nontraditional segment.

Presidents Council. No action was necessary.

(f) Modification of Wording – Timing of Recruiting Legislation.

Management Council. The Management Council adopted in legislative format a modification of wording within Bylaw 13 (recruiting) to provide clarity regarding the current application of the permissible timing of recruiting activities.

This modification of wording will clarify the permissible timing of recruiting activities. Currently, the legislation is silent regarding when various aspects of the recruiting rules apply, because there are no restrictions within Division III.

Presidents Council. No action was necessary.

(g) Modification of Wording – Bylaws 16.1.3.1 (Cash or Equivalent) (Gift Certificates).

Management Council. The Management Council approved in concept a modification of wording within Bylaws 16.1.3.1 (cash or equivalent) and 16.1.3.2 (gift certificates) to clarify that gift cards that cannot be redeemed for cash are permissible for student-athletes to receive.

Long before the advent of plastic credit card style gift cards, all three NCAA Divisions prohibited gift certificates. The historical research for this prohibition reveals the rule was created because gift certificates at that time could typically be redeemed for cash after a small purchase. The rules also prohibited student-athletes from receiving any tangible items after enrollment unless they were properly personalized. The NCAA membership later changed the personalization rules as part of its deregulation effort to allow student-athletes to receive material items without having to be properly personalized in part to allow some of the new technology items that were being developed. In addition, the membership also changed the legislation to allow any type of gift certificate during the summer and when the student-athlete was not regularly enrolled during the academic year, as long as the amateur sports organizations' rules allow the receipt of the certificate. These modifications were designed to allow a student-athlete to receive any item as an award for participation in an event, subject to the established value limitations, provided it is not cash or a cash equivalent. In furthering this principle, the NCAA staff has stated that the modern plastic gift cards that can only be redeemed for actual tangible items within a specified store are permissible as awards and are not the same as the gift certificates prohibited within the legislation. This issue, and the questions received by the staff, are more prevalent in Division I situations like football bowl games.

However, the question also arises within Division III related most often to individual sports such as golf or cross country in which student-athletes win these awards while not representing the institution. This modification of wording will provide clarity of the application of these rules within the Manual.

Presidents Council. No action was necessary.

(h) Incorporation of Official Interpretation – Use of Service or Software that Converts Electronic Mail into a Text Message.

Management Council. The Management Council approved in concept the incorporation of the following official interpretation into the Division III Manual:

Use of Service or Software that Converts Electronic Mail into a Text Message (III). The NCAA Division III Interpretations and Legislation Committee determined that it is not permissible for institutional staff members to use a service or software that converts electronic mail (e.g., e-mail) sent by an institutional staff member into a text message when received by the prospective student-athlete. [References: Bylaw 13.02.9 (electronic transmissions) and Proposal No. 2008-4]

This incorporation of official interpretation: [Reference: 3/25/08, Item No. 12-c], into the Division III Manual will provide clarity on the impermissible use of software systems designed to send multiple text messages to prospective student-athletes.

Presidents Council. No action was necessary.

(i) Incorporation of Official Interpretation – Student-Managers and Student-Coaches Using a Season of Participation.

Management Council. The Management Council approved in concept the incorporation of the following official interpretation into the Division III Manual:

Student-Managers and Student-Coaches Using a Season of Participation (III). The NCAA Division III Interpretations and Legislation Committee confirmed that if a student-manager or a student-coach (regardless of gender or team) participates as a team member in practice or other physical activities during the timeframe set forth in Bylaw 14.2.4.1 (minimum amount of participation), the student would be charged with a season of participation. A student-coach or student-manager's role should be limited to performing coaching or managerial duties and not serving as a quasi team member under the guise of being a coach or a manager. [Reference: Bylaw 14.2.4.1

(minimum amount of participation) and official interpretation (8/13/08, Item No. 3)]

The incorporation of official interpretation: [Reference: (8/13/08, Item No. 4)] into the Division III Manual will provide clarity on the need to charge a season of participation against student-coaches or student-managers that are involved in practice activities. This interpretation and incorporation are designed to prevent schools from designating students as managers or coaches as a quasi 'redshirt'.

Presidents Council. No action was necessary.

(j) 2010 NCAA Convention Legislation- Deregulation of Tryout Exceptions.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2010 Convention to deregulate the tryout legislation. The program shall continue to specifically prohibit traditional tryouts, tryout events ("combines"), and varsity team competition against high school and preparatory school teams, while amending the following:

- Permit more coach and prospective student-athlete contact within the context of organized competition. The coach's participation with prospective student-athletes in organized competition would no longer be limited to participation in state, regional, national or international training programs. The 50-mile radius limitation on coaching prospects on a 'local sports club' should be eliminated.
- Further permit athletics staff involvement with events occurring on their campus. The deregulation would allow staff to promote an activity on the campus.
- Eliminate the prohibition on coaching AAU basketball.

The adoption of NCAA Division III Proposal Nos. 2009-10 and -11 further refined the Division III tryout legislation. Despite these two proposals, it remains the case that the majority of the tryout exceptions are largely a product of prefederation legislation focused on recruiting in Division I and do not speak to the current needs of Division III institutions and challenges in applying the current legislation on campus. This deregulation effort would clarify the application of the tryout legislation by simplifying the list of tryout exceptions and instead focusing more emphasis on the three types of tryout activities that are not permissible. Namely, the proposal emphasizes the continued prohibition on a traditional tryout in which prospective student-athletes demonstrate their athletic abilities at a coach's direction, combine events and varsity competition against high school or preparatory school teams. Other types of events that currently must

meet prescriptive guidelines under the list of exceptions would be deregulated to allow more institutional autonomy within the operation of the events. The proposal would also modify the local sports club exception such that the 50-mile radius limitation would be eliminated from that exception. It would also eliminate the prohibition on coaching AAU basketball as it no longer seems appropriate to single out this organization given the current nature and high volume of non-scholastic athletics opportunities available to prospects in all sports. The immediate effective date would allow institutions to begin applying the simplified legislation immediately on adoption.

Presidents Council. The Presidents Council will review the Management Council's recommendation at its August meeting.

(k) Official Interpretation – Eligibility for Foreign Tour if Ineligible During a Term of the Previous Academic Year.

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

Eligibility for Foreign Tour if Ineligible During a Term of the Previous Academic Year (III). The NCAA Division III Interpretations and Legislation Committee determined that a student-athlete who is eligible for any term during the previous academic year would be eligible to compete in the institution's foreign tour taken during the summer immediately following that same academic year. For example, if a student-athlete is eligible in the fall term, but not eligible in the spring term of the same academic year, the student-athlete would be eligible to compete in the institution's summer foreign tour taken during the summer after the conclusion of the preceding academic year. The committee noted that institutions have autonomy to exercise more stringent eligibility requirements if they chose to do so. [References: Bylaw 30.7.2 (eligibility of student-athletes) and staff interpretation (4/2/08, item a), which has been archived for Division III]

Presidents Council. No action was necessary.

(l) Official Interpretation – Organized Competition or Training Prior to Initial Collegiate Enrollment – Expected Date of Graduation – CEGEP.

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

Organized Competition or Training Prior to Initial Collegiate Enrollment – Expected Date of Graduation – CEGEP (III). The NCAA Division III Interpretations and Legislation Committee determined

that for purposes of identifying the expected date of high school graduation pursuant to the organized competition prior to initial collegiate enrollment legislation, the *College d'Enseignement General et Professional (CEGEP)* is a two-year program that a prospective student-athlete from Quebec, Canada, may complete after earning a *Diplome d'Etudes Secondaries (DES)*. Enrollment in the *CEGEP* will not constitute a delay of enrollment, provided the student-athlete enrolls in the *CEGEP* immediately after earning a *DES* and he or she earns a *Diplome d'Etudes Collegialles (DEC)* at the conclusion of the consecutive two-year program. [Reference: Bylaw 14.2.4.3 (participation in organized competition prior to initial collegiate enrolment)]

Presidents Council. No action was necessary.

(m) Official Interpretation – Definition of "Monitor."

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

Definition of "Monitor" (III). The NCAA Division III Interpretations and Legislation Committee determined that for purposes of the exception to athletically related activities for strength and conditional personnel, the term "monitor" includes observing and watching closely to ensure that student-athletes are provided a safe and controlled environment. Such personnel may demonstrate proper technique and give advice to ensure that the workout is taking place in a safe fashion. [Reference: Bylaw 17.02.1.1.1 (exceptions – athletically related activities)]

Presidents Council. No action was necessary.

(n) Official Interpretation – Printed Promotional Materials for Conference or NCAA Championships.

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

Printed Promotional Materials for Conference or NCAA Championships (III). The NCAA Division III Interpretations and Legislation Committee determined that a member institution or conference that is hosting any portion of a Division III conference or NCAA championship may send printed materials promoting the championship event (e.g., ticket application or promotional brochures, flyers or posters) to a high school or a two-year college coach or administrator, but not to specific prospective student-athletes, provided:

- The printed material includes only information relevant to the championship event;

- The printed material is available to the general public, including all high schools in the local area; and
- The printed material contains no information related to the institution's athletics program.

The committee noted that under such circumstances, such an item would not be considered a recruiting item. [References: Bylaw 13.4.1 (recruiting materials) and official interpretation (1/30/03, Item No. 16-a)], which has been archived.

Presidents Council. No action was necessary.

(o) Begin Formal Discussions Related to Concerns with Out-of-Season Athletically Related Activities.

Management Council. The Management Council referred to the Playing and Practice Seasons Subcommittee the task to begin discussions related to growing concerns with the legislation surrounding current out-of-season athletically related activities within Division III and how best to address the concerns. As a part of this referral, the ILC-discussed the current trends in strength and conditioning activities, the societal trends of specialization within a specific sport from a young age for student-athletes, and noted that to be competitive, a student-athlete must be engaged in year-round activities related to their sport.

The ILC feels that the Division III ideals are not that athletically related activities should not occur out-of-season, but that athletics should not interfere with a student-athlete's scholastic activities. The committee feels the legislation may not be reflective of the current realities and asked the Management Council to begin directing efforts within the governance structure to try to resolve these concerns. This topic is related to the work being done on the Division III identity as the division establishes itself as an alternative to the sports specialization culture.

Presidents Council. No action was necessary.

(5) Membership Committee.

Staff Liaison: Davey,

Council Rep: Hall

(a) Noncontroversial Legislation – Sports Sponsorship – Exception – Multiday Meets – Track and Field.

Management Council. The Management Council approved in concept noncontroversial legislation to amend NCAA Division III Bylaw 20.11.3.5.5 (individual sports – one or more sites) to specify that if the number of student-athletes participating in a multiday meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants required for sports

sponsorship and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirement.

In track and field, many meets are conducted over the course of two days for a variety of reasons, including facility availability, weather, hours of daylight, large field sizes and the safety of involved student-athletes. Currently, in the case of a multiday meet, 10 (indoor) or 12 (outdoor), student-athletes must compete on at least one day of the meet in order for the meet to count toward the institution's minimum number of contests for the purpose of sport sponsorship. As a result, in many instances involving multiday meets, coaches are forced to make roster and travel decisions that are not based on competitiveness or the student-athlete's well-being, but on satisfying the requirement that 10 or 12 student-athletes participate on at least one day. This proposal would help assure that student-athletes will no longer be asked to compete in meets based solely on the day that an event is contested and that coaches will not be required to transport an unnecessarily high number of student-athletes. Further, institutions will not be penalized for choosing to attend two-day rather than single-day meets.

Presidents Council. No action was necessary.

(b) Modification of Wording – Bylaw 20.3.2 (Provisional Membership – Class Size and Assignment).

Management Council. The Management Council approved in concept a modification of wording to Bylaw 20.3.2 (class size and assignment) to specify that an average of four institutions may be accepted to the provisional/reclassifying process each year.

Current legislation details that a maximum of four institutions may be accepted to the provisional/reclassifying process each year. The legislation also details a waiver process that allows for more than four institutions to be accepted in any given year. However, legislation does not specify that the NCAA Division III Membership Committee is responsible for ensuring an average of four institutions are accepted when using the waiver process. Rationale from NCAA Division III Proposal No. 2008-08 (waiver) notes that the committee must average four institutions annually; the recommended modification will further clarify the committee's responsibility and the language within the legislation.

Presidents Council. No action was necessary.

(c) Sports Sponsorship Audit Reviews – Recommendation for Probationary Status.

Management Council. The Management Council approved the committee's recommendation to place the following institutions on probation for the 2009-10 academic year:

- Johnson State College;
- Maine Maritime Academy;
- New York City College of Technology;
- Rust College; and
- State University of New York Maritime College.

Based on its review of the aforementioned institution's sports sponsorship materials and their failure to establish compliance with the minimum sports sponsorship criteria, the committee agreed that these institutions should be placed on probation for the 2009-10 academic year for failure to meet the sports sponsorship requirements for the 2007-08 academic year. Relief via sports sponsorship waivers were considered and denied for each institution.

The Council reviewed an appeal request from the State University of New York Maritime College. While the Council recognized the challenges faced by the institution, it determined that the Membership Committee's recommendation to deny the waiver request was warranted; the institution should have been able to meet sports sponsorship minimum based on existing infrastructure, had the institution been more focused on the minimums required to count sports for sponsorship purposes. The Council also noted that the institution's deficiency was discovered by the Membership Committee and was not self-reported by the institution. [See also item f on Page No. 26 for a related referral regarding a review of the penalty structure related to membership requirements.]

Presidents Council. The Presidents Council approved the Management Council's recommendation to place the above named institutions on probation for the 2009-10 academic year.

(d) Sports Sponsorship Audit Review – University of Pittsburgh, Greensburg Waiver Request per Bylaw 20.11.3.5.9.2 (Waivers – Minimum Contests).

Management Council. The Management Council approved the University of Pittsburgh, Greensburg's sports sponsorship waiver request per Bylaw 20.11.3.5.9.2 (waivers – minimum contests).

After reviewing materials submitted by Pittsburgh-Greensburg, the committee noted Pittsburgh-Greensburg's unforeseen circumstances

and attempts to schedule additional contests. Specifically, the institution's softball team was forced to cancel their spring break trip due to the head coach's health issues. The institution also conducted the minimum number of contests for the sport of softball, yet two of these participation opportunities were against two-year colleges and therefore not countable under the normal application of the legislation.

Presidents Council. No action was necessary.

(e) 2009 NCAA Convention Attendance – NCAA Division III Constitution 3.2.4.15 (Convention and Regional Rules Seminar Attendance) – Recommendation for Probation Status – Hartwick College.

Management Council. The Management Council denied the committee's recommendation to place Hartwick College on probation for the 2009-10 academic year. The Council reviewed the institution's information related to the waiver request and determined relief was warranted due to the unique economic climate and related elimination of several jobs on campus several days before the Convention.

Presidents Council. No action was necessary.

(f) 2009 NCAA Convention Attendance – NCAA Division III Constitution 3.2.4.15 (Convention and Regional Rules Seminar Attendance) – Recommendation for Probation Status – Louisiana College

Management Council. The Management Council approved the committee's recommendation to place Louisiana College on probation for the 2009-10 academic year.

Based on its review of the aforementioned institution's lack of attendance at the 2009 NCAA Convention and waiver submissions, the Membership Committee and Management Council agreed that this institution should be placed on probation for the 2009-10 academic year, per NCAA Division III Constitution 3.2.4.15. The Council concluded that adequate time existed for the institution to assign a substitute to attend the Convention when it became apparent that the health of the president might preclude his attendance and distinguished this case as one involving the circumstances of an individual and not an entire institution. Further, the circumstances were known a week prior to Convention when attendance of a substitute delegate could have been arranged.

As part of this discussion, the Management Council directed the Membership Committee to begin its review of the penalties associated with membership requirements. Under a previously existing penalty

structure, an institution's first failure to comply with any of the standards has resulted in a 10-year probation period, during which a second failure can result in restricted membership – an action that includes the loss of such membership benefits as access to championships and grant funds. A third violation during that period results in the institution being placed in corresponding membership. While this review was already slated to occur per White Paper No. 5, the Council recommended that discussion be expedited and offered the committee some suggestions about appropriate penalties and timeframes. The Council noted that differing penalties may be more appropriate for different transgressions. The Council also felt that a sliding scale of two to five years could be used to establish the varying penalties as deemed appropriate and should include the nature of any mitigating circumstances (e.g., whether the violation is self-reported or discovered via audit). To further inform its conversation, the Membership Committee should examine the penalties assessed by regional accrediting agencies.

Presidents Council. The Presidents Council approved the Management Council's recommendation to place Louisiana College on probation for the 2009-10 academic year and the related review of the penalty structure regarding membership requirements.

(g) Medgar Evers Waiver of Convention Attendance Requirement – Constitution 3.2.4.15 (Convention and Regional Rules Seminar Attendance).

Management Council. The Management Council approved the committee's recommendation to approve Medgar Evers' waiver request for Convention attendance per Constitution 3.2.4.15.

Based on its review of Medgar Evers' waiver request for Convention attendance, the committee agreed that the institution should be granted a waiver for failure to attend the 2009 Convention (Constitution 3.2.4.15) due to personal mitigating circumstances discovered on the day Convention travel was to commence.

Presidents Council. No action was necessary.

(h) Single-Sport Conference Application – Midwest Lacrosse Conference.

Management Council. The Management Council approved the Midwest Lacrosse Conference as an active Division III single-sport conference.

Midwest Lacrosse demonstrated presidential oversight, complete and detailed constitution and bylaws and has at least six active member institutions.

Presidents Council. No action was necessary.

(i) Massachusetts State College Athletic Conference – Sports Sponsorship Request – Bylaw 20.11.3 (sports sponsorship).

Management Council. The Management Council denied the Massachusetts State College Athletic Conference's (MASCAC) recommendation to delay the effective date of the previously adopted increase to minimum sports sponsorship requirements.

The Management Council and Membership Committee reviewed a letter from the MASCAC that detailed concern with the sports-sponsorship increase that will be effective August 1, 2010, for member institutions with undergraduate enrollment of 1,000 or more. The Massachusetts State College Athletic Conference Council of |Presidents recommended a two-year postponement of the six/six sports sponsorship requirement (Bylaw 20.11.3) from 2010 to 2012. The conference noted the financial strain this requirement places on institutions during these unprecedented financial times. The MASCAC council noted that the economic climate could improve by 2012 and make the requirement more suitable at that time. The Management Council and Membership Committee did not endorse this recommendation. The Council noted the importance of the tenet in the Division III Philosophy Statement calling for member schools to sponsor a broad-based athletics program. The Council also noted that institutions struggling to meet the new sports sponsorship requirement could apply for waiver relief on a case by case basis. [Note: See item j below for further information on review guidelines.]

Presidents Council. The Presidents Council approved the Management Council's recommendation to deny MASCAC's recommendation to delay the effective date of the previously adopted increase to minimum sports sponsorship requirements.

(j) Massachusetts College of Liberal Arts Waiver of Sports Sponsorship Requirements – Bylaw 20.11.3 (sports sponsorship) - Committee Guidance Requested.

Management Council. The Council reviewed the Membership Committee's request for guidance related to institutional sports-sponsorship waiver requests based on financial hardship.

The Membership Committee to date has not forwarded to NCAA Division III Management Council waiver recommendations of the increased sports sponsorship requirement based on financial hardship. The committee is unsure, given the national financial climate, how to proceed with sensitivity and fairness, and deliberate when such rationale is offered. Specifically, the committee reviewed a waiver request from the Massachusetts College of Liberal Arts seeking relief from the 2010 sports sponsorship requirement. The institutional will be required to sponsor six sports for males and six sports for females beginning in 2010-2011, but seeks to delay this requirement until the 2012-2013 academic year. This delay request would provide the institution two additional years to meet the new sports sponsorship requirements. The institution cited financial hardship in its request, and while the institution has demonstrated a plan to add men's tennis and women's lacrosse, the institution's recent required budget cuts have made implementation difficult. The committee noted this is the first sports sponsorship waiver request based on financial hardship and seeks guidance and insight from the Councils before its deliberations and formal recommendation.

Based on this request, the Management Council offered guidance to the Membership Committee related to sports-sponsorship waivers that cite financial challenges as mitigation for failure to meet sports-sponsorship requirements. The Membership Committee should favorably consider those institutions that are able to clearly demonstrate the financial hardship facing the institution and that present an acceptable plan to meet sports-sponsorship requirements in the future, including detailed timelines and the specific lists of sports to be sponsored by the institution. In these cases, the committee may waive sports sponsorship requirements for a reasonable period of years, but should avoid a long term or permanent exception.

Presidents Council. No action was necessary.

(k) Single-Sport Conference Application – Eastern Collegiate Football Conference.

Management Council. The Management Council approved the Eastern Collegiate Football Conference as an active Division III single-sport conference.

The Eastern Collegiate Football Conference has demonstrated presidential oversight, provided a complete and detailed constitution and bylaws and has at least six active member institutions.

Presidents Council. No action was necessary.

(6) Nominating Committee.

Staff Liaison: **Tufano**

Council Rep: Keeling

- **Committee Appointments.**

Management Council. The Management Council approved the following appointments:

- Lisa Sardina, faculty athletic representative, Pacific University (Oregon) to the Committee on Sportsmanship and Ethical Conduct. Term begins September 1, 2009.
- Lisa Marsh Ryerson, president, Wells College, to replace Stuart Gulley. Term begins May 1, 2009.

Presidents Council. The Presidents Council approved the Management Council's recommendations for committee appointments.

Staff Liaisons: **Davey, MacInnis Montgomery**

Council Reps: Stein Wojtkunf

(7) Student-Athlete Advisory Committee.

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

Presidents Council. No action was necessary.

(8) Student-Athlete Reinstatement Committee.

Staff Liaisons: **Groddy, Bandy**

Council Rep: Gunning

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

Management Council. The Management Council approved in concept 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 the 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 recommends consideration of an editorial revision to incorporate within the 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 staff do 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 with 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 it is currently located 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) Hardship Waiver Percentage Analysis.

Management Council. The Management Council acknowledged that the committee reviewed and considered application of NCAA Division I Bylaw 14.2.4.3.6.3 as it applies to hardship waivers for currently enrolled Division III student-athletes having transferred from a Division I or II institution. In Division I, current legislation allows calculation of percentage of scheduled contests or dates of competition for a transfer student-athlete based on the method most beneficial to the student-athlete. The current standard in Division III requires the calculation of the percentage of contests be based on the requirements applicable to the division from which the student-athlete transferred (and was injured), rather than the requirements of the division to which the student-athlete has transferred. The committee determined that application of the existing standard remains appropriate within context of the Division III philosophy, although the committee recommended additional discussion with the Division III Commissioners Association given that group's direct involvement with hardship waivers. The Management Council will forward this issue to the Division III Commissioners Association for its consideration.

Presidents Council. No action was necessary.

4. Proposed Legislation for the 2009 NCAA Convention.

- **Noncontroversial Legislation.**

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

a. NC-2010-3 – Awards, Benefits and Expenses – Benefits, Gifts and Services – Permissible – NCAA Research Studies – Exception.

Management Council. The Management Council approved in legislative format the proposal to permit a student-athlete to receive compensation from an institution for participating in a research study involving only student-athletes provided the study is initiated and conducted by a faculty member at an NCAA member institution and the study and compensation arrangements are approved by the institutional review board of the faculty member's institution.

Presidents Council. No action was necessary.

b. NC-2010-4 – NCAA Membership – Member Conference – Conditions and Obligations of Membership – Self-Study Report – Integrated Postsecondary Education Data System.

Management Council. The Management Council approved in legislative format the proposal to specify that, for sports sponsorship requirements, the rolling four-year average full-time undergraduate enrollment figure is determined using the Integrated Postsecondary Education Date System (IPEDS) rather than the Equity in Athletics Disclosure Act (EADA) form.

Presidents Council. No action was necessary.

c. NC-2010-5 – Committees – Division III Committees – Student-Athlete Advisory Committee – Composition – Representation from Independent Institutions.

Management Council. The Management Council approved in legislative format the proposal to decrease the number of Student-Athlete Advisory Committee members representing Division III independent institutions from two to one.

Presidents Council. No action was necessary.

5. Litigation Update.

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

Presidents Council. No action was necessary.

6. Division III Issues.

a. 2009-10 Committee Meeting Requests.

Management Council. The Management Council approved the Division III committee meeting requests for the 2009-10 year, granting the Championships Committee and Student-Athlete Advisory Committee the opportunity to conduct more than two in-person meetings in 2009-10.

Presidents Council. No action was necessary.

b. White Paper Timeline.

Presidents Council. The Presidents Council endorsed a revised timeline outlining the schedule on which each White Paper recommendation should be considered, as well as the committees assigned to act on each item.

c. Division III Identity Initiative.

Management Council. The Management Council received a summary of work completed to date and approved the draft timeline for the Division III Identity Initiative.

Presidents Council. The Presidents Council received a summary of work completed to date, approved the draft timeline for the Division III Identity Initiative and engaged in an identity exercise conducted by consultant Jeff Jacobs. The Council directed that future data collection efforts focus on ensuring racial diversity in the research sample.

d. Academic Reporting.

Management Council. The Management Council approved for 2010-11 the establishment of an academic reporting pilot related to student-athlete graduation rates. The division's philosophy statements calls for student-athlete academic performance to meet or exceed that of the overall student body, but the division has not defined academic success or how that goal should be measured. Division III institutions currently are not required to calculate or submit separate student-athlete graduation rates because they do not award athletics aid. The pilot will use data for the general student body, which already is collected for federal graduation rate calculations, and determine the additional burden, if any, of creating separate student-athlete rates. The end goal will not be punitive – there is no intent to establish minimum graduation rates or specific eligibility standards for the division, or to establish related penalties. The purpose of the program is to ensure that comparative graduation-rate data is available and relevant on each campus.

Presidents Council. The Presidents Council approved the Management Council's recommendation and requested that staff also explore whether a 2009-10 implementation would be feasible.

e. Presidential Leadership.

Presidents Council. The Presidents Council agreed to sponsor a proposal at the 2010 Convention to add to the Division III Philosophy Statement the expectation that presidents and chancellors shall perform a leadership role in the administration of intercollegiate athletics at the institutional, conference and national levels.

The Council also endorsed in concept a series of recommendations that would allow the Presidents Council and the broader community of Division III presidents to focus on more strategic issues, while empowering the Management Council to assume more leadership related to operational and administrative issues. The Council will review the following concepts in greater detail at the August Presidents Advisory Group (PAG) meeting. The proposals are targeted for a membership vote at the 2011 Convention.

Policy Changes Under Consideration:

(1) Establish a more focused 'presidential grouping' of proposals at each year's Convention. The current method for identifying the "presidential grouping" of proposals for the annual Convention is to place all proposals designated for 'roll call' vote within the "presidential grouping." Adjusting the focus of the presidential grouping so that the group would contain only those proposals with a presidential focus or those impacting the core principles and philosophies of Division III would have several benefits. This change in focus would allow Division III presidents to engage more intently upon select proposed changes and shift the presidential focus toward strategic questions and away from operational issues. This change would also allow for some directed educational efforts toward Division III presidents (e.g., the Presidents Council chair could do a video session of 'presidential proposals' each year) regarding the smaller group of changes impacting them. Long term, a more focused presidential grouping could also yield the possibility for further discussion on designating a specific time for presidential attendance and voting on these particular proposals at the Convention, which would improve presidential travel planning and allow Division III presidents to maximize the time that they would spend at Convention. The change could also lead to discussions about better options for presidential engagement, such as whether or not proposals within such a grouping would need an annual vote or if the voting could be done on a less frequent basis. It could also allow the development of possible voting alternatives such as remote, electronic, or proxy voting for presidents in certain years.

(2) Establish a group to vet concepts and proposals in order to determine whether they are of a nature warranting review by the Presidents Council. Establish guidelines for what this group would use in determining which items the Council would ultimately review. Also, allow this group to approve the final legislative drafts of proposals endorsed by the Presidents Council. Establishing a separate group to vet concepts and proposals for review by the Presidents Council would eliminate the Council's current practice of

reviewing all proposals and concepts and instead focus the Council's energies upon strategic initiatives and changes. Establishing objective review guidelines that focus on clear, fundamental tenets of the Division III Philosophy Statement would set the proper framework for identifying issues that warranted the Presidents Council's attention. Utilizing this group for approval of the draft legislative language for all proposals would also save time and make the Presidents Council's agenda more efficient.

(3) Establish standing Wednesday night planning session with the Presidents Council at each quarterly meeting. Currently, the Presidential Advisory Group meets for a planning session on the Wednesday night before the July Presidents Council meeting. This is a beneficial arrangement and should be maintained. Adding additional planning sessions for the Presidents Council prior to its other meetings would have value by allowing the group to focus on strategic concerns and key divisional issues during the planning discussion and therefore direct attention to working reports and other business items during the regular Thursday meetings.

Legislative Changes:

(1) Eliminate the need for the Presidents Council to serve as the sponsor for all of the governance-sponsored proposals going forward for Convention vote. Changing the sponsorship requirements of governance sponsored proposals would shift the Presidents Council focus to a more strategic role and allow the Management Council to develop and sponsor operational based legislation. This shift would have a positive impact for the meeting time of both Councils and would also provide a clear indication to the membership relative to the strategic or operational functions of a particular proposal. For proposals that were sponsored by the Management Council, legislated sponsorship guidelines for voting requirements at the Management Council level could be established (e.g., three-fourths of Management Council need to support the concept in order to sponsor legislation).

In addition, this change would allow the Management Council to both move proposals and state positions for those proposals during the business session at Convention, which would therefore focus the discussion on position papers and Convention preparation during the Presidents Council meeting to a minimal number of proposals. The Presidents Council would retain the ability to sponsor expedited legislation in the currently defined timeline for issues that might need more timely attention.

(2) Utilize the 'division dominant' legislative designation in order to establish and maintain important divisional concepts. Placing the division dominant status upon proposals or current legislative provisions which can be directly and objectively linked to the division's philosophy statement would better establish and maintain important divisional concepts by requiring a two-thirds majority vote of the membership in order for that legislation to be amended. An example of such usage would be that Bylaw 15.1, prohibiting

athletics aid, could be classified as division dominant because it directly links to subpart (b) of the division's philosophy statement. The authority to use this category of legislation is already in existence within the division's constitution; however, it has not been utilized by Division III in the past. It should be noted that changing existing legislative provisions to division dominant would require a two-thirds majority vote of the membership.

(3) Eliminate the 'noncontroversial' nomenclature currently used for certain Division III legislation. The nomenclature of 'noncontroversial' as a legislative category remains an inaccurate use of terminology. Reclassifying this type of legislation and section of the blue pages within the Official Notice as a 'consent package' or other more appropriate designation would better serve the Division III membership in its understanding and trust of the legislative process.

(4) Additional Senior Administrators with Athletics Oversight to the Management Council roster. The Council discussed the addition of two senior administrators with athletics oversight to the Management Council roster. Such individuals, along with the two current presidents, could broaden the prospective to legislative discussions, and could facilitate the exercise of greater legislative authority by the Management Council. The Council discussed the formation of a subcommittee to review legislation comprised of the two presidents that serve on the Management Council, two senior administrators with athletics oversight and two presidents from the Presidents Council.

(5) Presidential leadership at the conference level. The Council discussed requiring conferences to submit proof of active presidential leadership. Despite the current legislative requirement for presidential oversight, it appears that presidents may not actively lead some Division III conferences.

f. Drug Education and Testing Pilot Analysis Timeline.

Management Council. The Management Council reviewed the draft Drug Education and Testing Pilot Analysis Timeline. No action was necessary.

Presidents Council. No action was necessary.

g. Virtual Focus Group Communication.

Management Council. The Management Council reviewed the summary regarding Virtual Focus Group #15. The following are Council suggestions for possible future topics:

- Diversity and Committee Membership.
- Administrative responsibilities of Senior Woman Administrator (SWA).

Presidents Council. No action was necessary.

h. Method of Appointment for Sport Committee Members.

Management Council. The Management Council approved in concept noncontroversial legislation to grant the Championships Committee the authority to make final sports committee appointments based on the slate of nominations presented by the Nominating Committee. Such appointments would be reported to the Management Council as items of information so that the Council may monitor trends in the appointment process and issue appointment-related directives to the Championships Committee if deemed necessary.

Presidents Council. No action was necessary.

7. Association-wide Update and Issues.

a. Governmental Relations Report.

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

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

b. Staff Travel and Related Meeting Changes.

Management Council. The Management Council reviewed the staff travel policy and related changes to permissible committee expenses due to the current economic circumstances and the Executive Committee and national office goal to return greater funds directly to the membership. The Council expressed concern about the potential to discourage committee service if too many amenities are eliminated.

Presidents Council. No action was necessary.

c. Report from Office of Executive Vice President, Membership and Student-Athlete Affairs.

Management Council. The Management Council received a report from the director of membership and student-athlete affairs regarding the collaborative efforts between the NCAA and the NAIA to establish a programmatic relationship; and the audit of gender and diversity programs, which includes the review of 19 programs with a budget over $6,000,000. A draft report is due to the group in July.

Presidents Council. The Presidents Council received a report from the executive vice president and director of membership and student-athlete affairs, which included an update on a sports wagering policy, an update on the collaborative partnership between the NCAA and the NAIA and a preview of the Executive Committee meeting.

d. Other Business.

Presidents Council. The Presidents Council received a report on the NCAA's Gender Equity in College Coaching and Administration: Perceived Barriers Report and an update on the NCAA's emerging Sports for Women Program. No action was necessary.

8. ADJOURNMENT.

Management Council. The Management Council meeting adjourned at 11:37 a.m.

Presidents Council. The Presidents Council meeting adjourned at 12:45 p.m.