A G E N D A

National Collegiate Athletic Association

Division III Management Council

Gaylord National
Washington, D.C.

January 14, 2009

1. Announcements.

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

3. Review of Summary and minutes.

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

   b. October 30, 2008, Executive Committee meeting. (Informational)

   c. November 5, November 10, November 21 and December 5, 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 will be distributed at the meeting] (Charlie Wilson)

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

      (3) Minority Opportunities and Interests Committee. (Rudy Keeling)

      (4) Olympic Sports Liaison Committee. [Supplement No. 3] (Susan Chapman)

(5) Postgraduate Scholarship Committee. (Rosalie Resch)

(6) Research Committee. [Supplement No. 4] (Stuart Gulley)

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

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

(9) Committee on Women's Athletics. [Supplement No. 6] (Lynn Oberbillig)

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

(1) Convention-Planning Subcommittee. [Supplement No. 7] (Tim Gleason)

(2) Strategic-Planning and Finance Committee. [Supplement No. 8] (Del Malloy)

c. Management Council subcommittees.

(1) Academic Issues Subcommittee. [Supplement No. 9] (Resch)

(2) Playing and Practice Seasons Subcommittee. (Kay Whitley)

(3) Subcommittee for Legislative Relief. [Supplement No. 10] (Charlie Wilson)

d. Division III committees.

(1) Championships Committee. [Supplement No. 11] (Resch)

(2) Financial Aid Committee. [Supplement No. 12] (Lee McKinney)

(3) Committee on Infractions. [Supplement No. 13] (Mary Jo Gunning)

(4) Interpretations and Legislation Committee. [Supplement No. 14] (Dan Fulks)

(5) Membership Committee. [Supplement No. 15] (Kris Hall)

(6) Nominating Committee. (Keeling)

(7) Student-Athlete Advisory Committee. [Supplement No. 16] (Ashley Snell and Chris Wolfe)

(8) Student-Athlete Reinstatement Committee. (Whitley)

5. 2009 NCAA Convention.

a. Review of 2009 NCAA Convention Notice and program. [See 2009 NCAA Convention Official Notice and Program]

b. Legislative proposal question and answer guide. [Supplement No. 17]

c. Review of parliamentary and voting issues. [Supplement No. 18]

d. Review of speaker assignments and position papers. [Supplement No. 19]

e. Review of interpretations adopted by the Management Council. [Appendix B of 2009 NCAA Convention Official Notice]

f. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1. [Appendix C of 2009 NCAA Convention Official Notice]

g. Review of modifications of wording adopted by the Management Council per Constitution 5.4.1.1.1. [Appendix D of 2009 NCAA Convention Official Notice]

6. 2009 Convention logistics.

   - MC/PC/SAAC agenda update. [Supplement No. 20]

7. Proposed legislation for the 2010 Convention.

   a. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1. [Supplement No. 21]

   b. Review of administrative regulations approved by the Management Council per Constitution 5.2.3. [Supplement No. 22]

8. 2009 rosters and Association-wide/Division III committee/subcommittee assignments. [Supplement No. 23]

9. Membership communication.

   a. Conference/Independent meetings update. [Supplement No. 24]

   b. VFG Communication. [Supplement No. 25]

10. Association-wide update and issues.

    a. Governmental relations report. [Supplement No. 26]

    b. Litigation update. [Supplement No. 27 will be distributed at the meeting]

11. Other Business.

12. Adjournment.

SUMMARY OF WINTER 2009 QUARTERLY MEETINGS
The National Collegiate Athletic Association

Division III Management Council January 14, 2009 Washington, D.C.	Division III Presidents Council January 15, 2009 Washington, D.C.	Division III Management Council January 17, 2009 Washington, D.C.
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 Mary Jo Gunning, Marywood University Rudy Keeling, Eastern College Athletic Conference Del Malloy, New England Collegiate Conference *[chair]* Lynn Oberbillig, Smith College *[vice-chair]* Jack Ohle, Gustavus Adolphus College Garnett Purnell, Wittenberg University Rosy Resch, University of Chicago Joan Sitterly, State University College at Cortland Ashley Snell, Student-Athlete Advisory Committee Isaac Stein, Student-Athlete Advisory Committee Kay Whitley, Sul Ross State University Charlie Wilson, Olivet College	Livingston Alexander, University of Pittsburgh, Bradford Ken Baker, Ohio Northern University, observer Walter Bortz, Hampden-Sydney College James Bultman, Hope College, observer F. Gregory Campbell, Carthage College Richard Flynn, Springfield College John Fry, Franklin & Marshall College *[chair]* James Harris, Widener University Catharine Hill, Vassar College David Joyce, Ripon College Del Malloy, New England Collegiate Conference *[chair, Management Council]* James Moseley, Franklin College Lynn Oberbillig, Smith College *[vice-chair, Management Council]* Kathleen Owens, Gwynedd-Mercy College Morton Schapiro, Williams College James Schmotter, Western Connecticut State University, observer Richard Torgerson, Luther College Paul Trible, Christopher Newport University *[vice-chair]*	Susan Chapman, Worcester State College Daniel Fulks, Transylvania University 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 William Klika, Fairleigh Dickinson University, Florham Chris Martin, College Conference of Illinois & Wisconsin Jeff Martinez, University of Redlands Lynn Oberbillig, Smith College Jack Ohle, Gustavus Adolphus College Garnett Purnell, Wittenberg University Charlyn Robert, Nichols College Joan Sitterly, State University College at Cortland Ashley Snell, Student-Athlete Advisory Committee Isaac Stein, Student-Athlete Advisory Committee
ABSENTEES		
Lee McKinney, Fontbonne University	Pamela Gann, Claremont McKenna-Harvey Mudd-Scripps College Marcia Keizs, York College/CUNY	Kitty Baldridge, Gallaudet University Lee McKinney, Fontbonne University

OTHER PARTICIPANTS			
Elsa Cole, NCAA Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Brandy Hataway, NCAA Jay Jones, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Jeff Myers, NCAA Leah Nilsson, NCAA Delise O'Meally, NCAA		Jack Copeland, NCAA Dennis Cryder, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Brandy Hataway, NCAA Jay Jones, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Jeff Myers, NCAA Leah Nilsson, NCAA Delise O'Meally, NCAA JoJo Rinebold, NCAA John Williams, NCAA	Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Eric Hartung, NCAA Jay Jones, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Jeff Myers, NCAA Leah Nilsson, NCAA Stacey Preston, NCAA JoJo Rinebold, NCAA Damon Schoening, NCAA

1. WELCOME AND ANNOUNCEMENTS.

January 14 Management Council. The meeting was called to order at 8:04 a.m. by the chair, Del Malloy. The chair welcomed Council members and reviewed logistics for the meeting.

Presidents Council. The meeting was called to order at 11:36 a.m. by the chair, President John Fry. The chair welcomed Council members and reviewed logistics for the meeting.

January 17 Management Council. The meeting was called to order at 2:06 p.m. by the chair, Lynn Oberbilling. The chair welcomed all new Council members.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meeting – October 20-21, 2008.

January 14 Management Council. The Management Council approved the summary of its October 20-21, 2008, meeting, as presented.

Presidents Council. No action necessary.

b. Presidents Council Meeting – October 30, 2008.

January 14 Management Council. The Management Council reviewed the Summary of the October 30, 2008, Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its October 30, 2008, meeting, as presented.

c. Executive Committee Meeting—October 30, 2008.

January 14 Management Council. The Management Council reviewed the minutes of the October 30 Executive Committee meeting. No action was necessary.

Presidents Council. The Presidents Council reviewed the minutes of the October 30 Executive Committee meeting. No action was necessary.

d. Administrative Committee Actions.

January 14 Management Council. The Management Council approved the minutes of the November 5, November 10, November 21 and December 5, 2008, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the November 5, November 10, November 21 and December 5, 2008, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

a. Association-Wide and Common Committees.

(1) Competitive Safeguards and Medical Aspects of Sports.

Staff Liaisons:
Klossner
Wilfert

Council Rep:
Wilson

January 14 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(2) Honors Committee.

Staff Liaison:
Tufano

Council Rep:
Gleason

January 14 Management Council. The Council reviewed the committee's report noting the 2009 Theodore Roosevelt Award winner was Madeleine Albright, from Wellesley College, a Division III institution. No action was necessary.

Presidents Council. No action was necessary.

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

Staff Liaisons:
Arthur,
Bracken,
Thompson

Council Rep:
Keeling

January 14 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Burrow, Calandro, Perez

Council Rep: Chapman

(4) Olympic Sports Liaison Committee.

January 14 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison: Erickson

Council Rep: Resch

(5) Postgraduate Scholarship Committee.

January 14 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison: Bracken

Council Rep: Gulley

(6) Research Committee.

January 14 Management Council. The Management Council approved in concept non-controversial legislation to amend Bylaw 16.11.1.9 NCAA Research Studies to permit compensation of participants in institution-based student-athlete only research studies under the following conditions:

(a) The research study is initiated and conducted by a faculty member(s) at an NCAA member institution; and

(b) The study and compensation arrangements receive approval by the Institutional Review Board for the member institution whose faculty is conducting the study.

It has become commonplace for institutions to use student-athletes in studies specifically related to the conditions under which student-athletes participate in an attempt to gain more knowledge about the characteristics of athletics participation. Current NCAA legislation permits student-athletes to receive standard compensation for NCAA research studies, provided the compensation is consistent with compensation offered in studies involving nonathlete populations. Further, it is permissible for student-athletes to receive compensation for participation in studies that involve both student-athletes and nonathletes, provided they receive the same compensation. With the increase in oversight provided by Institutional Review Boards, which set the compensation independent of the researchers, it is no longer necessary to limit the ability to compensate student-athletes to NCAA studies only.

Presidents Council. No action was necessary.

(7) Committee on Sportsmanship and Ethical Conduct.

Staff Liaisons: Halpin, Newman, Roe

Council Rep: Epps

January 14 Management Council. The Council reviewed the committee's report noting the RESPECT Sportsmanship Initiative was released at the 2009 NCAA Convention. No action was necessary.

Presidents Council. No action was necessary.

(8) Walter Byers Scholarship Committee.

Staff Liaisons: Vicente

Council Rep: Ohle

January 14 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(9) Committee on Women's Athletics.

Staff Liaisons: Ford, Holzman, Morrison

Council Rep: Oberbillig

January 14 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

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

(1) Convention-Planning Subcommittee.

Staff Liaisons: Dutcher, Nilsson, Davey, Kresge

Council Reps: Gleason, Campbell. Fulks, Malloy, Oberbillig, Owens, Sitterly, Snell

January 14 Management Council. The Council reviewed the committee's report. No action was necessary.

The Council was briefed on the white paper Convention discussion format:

- Presidents Council meeting. The Presidents Council will review a draft of priorities and associated timetables for all recommendations included in the white papers.
- Chancellor/Presidents Issues Forum and Luncheon. The Division III presidents will review the white paper priorities and timelines during their luncheon. They will be asked to communicate this information to their conferences during meetings that afternoon.
- Business Session. The membership will receive a presentation on the white papers incorporating recommendations from both the Presidents Council and the Chancellor/Presidents luncheon.

Presidents Council. No action was necessary.

(2) Strategic Planning and Finance Committee.

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

Council Reps: Malloy Epps, Flynn, Gleason, Keeling,, Moseley, Oberbillig, Ohle, Trible, Whitley

January 14 Management Council. The Council reviewed the committee's report. No action was necessary.

In its review of updated Division III goals, the Council reflected on the goal to have at least one senior administrator to whom athletics reports, from each member conference, attend the annual NCAA Convention.

The Council asked the staff to consider pursuit of greater programming for these senior administrators, and also to think about the impact of such attendance on the faculty athletics representative (FAR) or the other institutional delegates. It is possible that greater involvement by this senior administrator could change the role of the FAR at the Convention for some institutions.

Also, in its review of the Conduct Foul Program, the Council requested that the Strategic Planning and Finance Committee engage in a comprehensive review of this program prior to the 2010-12 budget cycle to ensure that the program remains cost effective.

Presidents Council. No action was necessary.

c. Management Council Subcommittees.

(1) Academic Issues Subcommitee.

Staff Liaisons: Nesbitt

Council Reps: Resch, Hall, Chapman

January 14 Management Council. The Council reviewed the committee's report. No action was necessary.

The Council noted that, related to a previous request from the Management Council, the Academic Issues Subcommittee modified its template language for waiver approval notifications to confirm that a student-athlete who participants after being granted an academic issues waiver still triggers the use of a season of participation.

Presidents Council. No action was necessary.

(2) Playing and Practice Seasons Subcommittee.

Staff Liaisons: Jones, Myers, Nesbitt

Council Reps: Whitley, Malloy Purnell, McKinney, Resch, Snell

January 14 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Fuchs, Nesbitt

Council Reps: Wilson, Sitterly, Epps, Purnell, Chapman

(3) Subcommittee on Legislative Review.

January 14 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

d. Division III Committees.

(1) Championships Committee.

Staff Liaisons: Campbell, Williams

Council Reps: Resch, Malloy

January 14 Management Council. The Council reviewed the committee's report noting the following pertaining to travel cost management. No action was necessary.

The Championships Committee revisited the document regarding travel cost management/airline capacity as it relates to future NCAA championships travel cost, particularly tier three recommendations.

The Championships Committee noted that it already has a policy in place that addresses recommendation No. 5 (to establish a policy to limit the frequency of hosting championships at high-cost destinations). When reviewing sports committee bids, it is common practice to look at the future dates and sites chart to make sure that Division III is not sending two or more championships to high-cost destinations in the same year.

With regards to recommendation No. 6 (to exclude Wednesday through Sunday of the Thanksgiving week as game or travel days), the committee recently approved that men's and women's soccer would move its championship finals to the week after Thanksgiving. With this move, it left only football that will participate Thanksgiving weekend.

The committee also discussed recommendation No. 7, the proposal to impose a moratorium on any new bracket expansion. The committee will continue to allow bracket expansion through the current structure as it relates to the 1:6.5 access ratio, with the maximum bracket size set at 64 teams, but will not accept proposals from sports committees to increase bracket size for reasons other than membership growth or growth in sports sponsorship.

Presidents Council. The Council received an update on travel cost management from John Williams, Director of Division III Championships. No action was necessary.

Staff Liaisons: Hartung, Myers, Nesbitt

Council Rep: McKinney

(2) Financial Aid Committee.

January 14 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Cooper, Elworth

Council Rep: Gunning

(3) Committee on Infractions

January 14 Management Council. The Council ratified the following enforcement policy and procedure to specify that all involved individuals shall be provided pertinent portions of the institutional response to the notice of allegations:

> 32.6.2 Notice to Involved Individuals. The enforcement staff shall notify involved individuals (as defined in Bylaw 32.1.5) of the allegations in a notice of allegations in which they are named. A copy of the notification shall also be forwarded to the chancellor or president of the current institution of the involved individual. All involved individuals shall submit responses to the Committee on Infractions, and the institution under inquiry shall provide a copy of pertinent portions of its response to each involved individual *who will attend the Committee on Infractions' hearing* in the case. Involved individuals who have submitted a response must also share their response with the involved institutions or other involved individuals as necessary. Failure to submit a response may be viewed by the Committee on Infractions as an admission that the alleged violations occurred. The enforcement staff shall notify those involved individuals named in the notice of allegations who may be subject to the show cause requirements as outlined in Bylaw 19.5.2.2 if violations are found in which they are named.

An institution is currently required to provide copies of its response to the notice of allegations only to those involved individuals who will attend the infractions hearing. In some instances, an involved individual may not be able to make an informed decision about his/her attendance at the hearing until after he/she has read the institution's response. In practice, most institutions provide the response regardless of hearing attendance. The proposed modification seeks to codify that practice to ensure that all involved individuals have the opportunity to review the institution's response.

Presidents Council. No action was necessary.

Staff Liaisons: Jones, Myers, Fraser

Council Rep: Fulks

(4) Interpretations and Legislation Committee. (ILC)

(a) Interpretation – Withdrawal of Legislative Amendment Proposed by the Membership.

January 14 Management Council. The Management Council approved the following official interpretation:

Withdrawal of Legislative Amendment Proposed by the Membership (III). The NCAA Division III Interpretations and Legislation Committee determined that for the 2009 NCAA Convention, based on information that appeared in the sponsor modification mailing sent to all sponsors of proposals, properly sponsored amendments submitted by the membership may only be withdrawn by approval of all of the sponsors of the proposal. The committee determined that for years following the 2009 Convention, a properly sponsored amendment must maintain the minimum number of sponsors (at least 20 individual institutional sponsors or two conferences) for the proposal to be voted on by the membership. Additional sponsors may not be added to a proposal after the legislated deadline (September 1). [Reference: NCAA Division III Bylaw 5.3.5.3.1.1 (amendment proposed by membership.)]

This interpretation addresses a particular concern regarding a proposal for the 2009 Convention in which one of the two sponsoring conferences withdrew its support of the proposal. The committee felt the answer for 2009 must be permissive, given communication that was sent to legislative sponsors; however, the committee also felt that in the future, the minimum number of sponsors must continue to support the proposal in order for it to be voted by the membership.

Presidents Council. No action was necessary.

(b) Interpretation – Determining Whether a Sport is the Same or Different Than a Similar Sport.

January 14 Management Council. The Council archived an official interpretation (3/11/96, Item No. 2) and approved the following two official interpretations:

- Baseball and Softball are Separate Sports for Purposes of Amateurism and Outside Competition Legislation (III). The committee determined that baseball and softball are considered separate sports for purposes of amateurism and outside competition legislation. [References: NCAA Division III Bylaws 12.1.1 (amateur status), 12.1.2 (amateur status if professional in another sport), 14.7.1 (outside competition), official interpretation (3/11/96, Item No. 2) and staff interpretation (1/26/94, item a), which have been archived]

- Evaluating Sports to Determine Whether They are the Same or Different for Purposes of Applying NCAA Legislation (III). The committee determined when assessing whether a sport is the same or different from another sport, for purposes of applying NCAA legislation, the evaluation should include, but not be limited to the following criteria: playing rules, mechanics, skill set, equipment used and any legal precedent on the issue. [References: Bylaws 12.1.1 (amateur status), 12.1.2 (amateur status if professional in another sport) and 14.7.1 (outside competition)]

Based on a request from the NCAA Committee on Women's Athletics and the results of recent litigation regarding the sports of baseball and softball, the committee was asked to archive a 3/11/96 official interpretation stating that baseball and softball are the same sport, and to issue an interpretation clarifying the sports are indeed different. As a result of the request, the committee also felt it was beneficial to issue an additional interpretation providing guidance for the future on criteria that can be used when evaluating sports to determine whether they are the same or different sports for purposes of NCAA legislation.

Presidents Council. No action was necessary.

(c) Interpretation – Olympic Team Tryouts and the National Team Exception to the Outside Competition Regulation.

January 14 Management Council. The Council modified an official interpretation (2/1/07, Item No. 2) to read as follows:

Official National Team Tryouts and the National Team Exception to the Outside Competition Regulation (III). The committee determined that in order for a student-athlete to use the U.S. National Team exception to the outside competition regulations to participate as a member of an outside team in an official national team or junior national team tryout, the official tryout must be one in which athletes are directly selected to a national team or are required to participate in order to qualify for a subsequent event from which participants will be named to a national team or junior national team that will represent their nation in international competition. The exception is applicable to an official tryout that is structured as a series of events in which student-athletes must participate in each event (or at least one event in each level) of the series in order to be selected to the national team. The exception does not apply to events in which athletes are only identified for further evaluation at unrelated events for a future national team. For example, the exception applies to an official tryout in which student-athletes must participate in event A in order to participate in event B (or in one of the several events at the event A level in order to participate at the event B level), and participants in event B are selected to the national team that will participate in international competition; however, the exception does not apply to participation in event A if student-athletes are not selected to the national team or if participation in event A (or other events on the same level) is not required for participation in event B. An event still may qualify as an official tryout if the appropriate national governing body has established exemptions from participating in such an event based on objective standards (e.g., former Olympic medalists, current World Champion) by which a student-athlete who qualifies for such an exemption is not required to participate in that particular event (or level of events). [References: Bylaws 14.7.3.1-(d) (exceptions to outside competition regulations – national teams - and 30.8.1 (national team criteria) and official interpretation (2/1/07, Item No. 2) which has been archived]

At the request of the NCAA Olympic Sports Liaison Committee, this interpretation modified a previously approved official interpretation to specify that in order for a student-athlete to use the U.S. National Team exception to the outside competition regulations to participate as a member of an outside team in an official national team or junior national team tryout, the official tryout must be one in which student-athletes (as opposed to all athletes) are directly selected to a national team or are required to participate in order to qualify for a subsequent event from which participants will be named to a national team or junior national team that will represent their nation in international competition. The previous interpretation did not capture the reality that non-student-athletes are often selected to the U.S. National Team though certain exemptions. In addition, the committee recommends the interpretation be modified to specify an event still may qualify as an official tryout if the appropriate national governing body has established exemptions based on objective standards (e.g., former Olympic medalists, current World Champion) by which a student-athlete who qualifies for such an exemption is not required to participate in that particular event or level of events.

Presidents Council. No action was necessary.

(d) Referral of Convention Proposal No. 2009-12.

January 14 Management Council. The Council approved forwarding to the Presidents Council a recommendation to remove 2009 Convention Proposal No. 12 from consideration at the Convention and refer the issue back to various committees for further study. The committee noted it favors maintaining consistency in the end date for fall and spring nontraditional segments, but the end date should be further removed from final examinations.

The committee received information that the NCAA Division III Student-Athlete Advisory Committee (SAAC) and the Faculty Athletics Representative Association (FARA) had formally opposed NCAA Division III 2009 Convention Proposal No. 12 because of concerns with allowing nontraditional segments to extend until the start of the final examination periods. Similar to SAAC and FARA, the committee feels the ending date for both the fall and spring nontraditional segments should be further evaluated. While the committee appreciates the attempt to align the fall and spring end date and to allow more institutional autonomy for the nontraditional segment end date, the committee feels that the end date for both nontraditional segments should be further removed from the final examination period.

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

(5) Membership Committee.

Staff Liaison: Davey, Willett

Council Rep: Hall

(a) Use of the Integrated Postsecondary Education Data System (IPEDS) for Enrollment Calculation.

January 14 Management Council. The Council approved in concept noncontroversial legislation modifying NCAA Bylaw 20.11.3.3 (calculation of enrollment figures) to specify the rolling four-year average full-time undergraduate enrollment figure is determined using the Integrated Postsecondary Education Data System (IPEDS) rather than the Equity in Athletics Disclosure Act (EADA) form.

Single-gender institutions are not required to complete the EADA form and therefore, under the current legislation, it is unclear what enrollment figure these institutions must use to determine whether they are required to sponsor five or six sports per Bylaw 20.11.3 (sports sponsorship). Conversely, all but two Division III institutions enter information in the IPEDS. The NCAA Division III Membership Committee also noted the EADA form is part of the overarching IPEDS system. Using IPEDS to determine a rolling four-year average undergraduate enrollment figure would be more precise and the modification would result in legislation that extends to nearly all Division III institutions, eliminating the confusion caused to single-gender institutions by the current legislation.

Presidents Council. No action was necessary.

(b) Southern Vermont College Waiver Request.

January 14 Management Council. The Council approved the committee's denial of waiver requests from Southern Vermont College per NCAA Division III Bylaw 20.11.3.5.9.1 (minimum contests and participants) and 20.11.3.5.9.2 (minimum contests) for the 2004-05 and the 2007-08 academic years and consequently placed the institution on probation for the 2009-2010 academic year.

The Membership Committee noted the institution was deficient two teams for males in the 2004-05 academic year. The institution's deficiencies during 2004-05 also included noncompliance with the three team sport and one sport conducted in each sport season requirements. The committee considered the institution's low enrollment as well as athletics staffing issues, but noted many institutions face similar challenges and continue to meet sports sponsorship requirements.

The committee also considered the institution's failure to sponsor five sports for males and five sports for females during the 2007-08 academic year. The committee considered the institution's low enrollment, athletics staffing issues and lack of team depth, but, again, noted that other institutions face similar challenges and adhere to sports sponsorship requirements.

In its review, the committee noted the institution implemented measures that should ensure sports sponsorship requirements are met in the future.

Presidents Council. No action was necessary.

(6) Nominating Committee.

Staff Liaison: Tufano

Council Rep: Keeling

January 14 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(7) Student-Athlete Advisory Committee.

Staff Liaisons: MacInnis, Davey, Montgomery

Council Rep: Snell, Stein

January 14 Management Council. The Council approved in concept noncontroversial legislation modifying NCAA Bylaw 21.9.6.10.1 (composition) to specify that representation of Division III independent institutions on the Student-Athlete Advisory Committee (SAAC) should consist of one student-athlete rather than at least two.

Division III institutions' conference affiliations have increased, while Division III independent institutions have decreased. The proposed amendment allows for more proportional committee representation.

Presidents Council. No action was necessary.

(8) Student-Athlete Reinstatement Committee.

Staff Liaisons: Groddy

Council Rep: Whitley

January 14 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

4. 2009 NCAA CONVENTION LEGISLATION.

a. Review of 2009 NCAA Convention Notice and program.

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

January 14 Management Council. The Management Council reviewed the Convention Notice and program noting a change to 2009 NCAA Convention Division III Proposal No. 4, which appeared in the program on Page No. 6. The Council also noted that the 2009 Official Notice contains rationale language for all "blue page" proposals. No action was necessary.

Presidents Council. No action was necessary.

b. Legislative proposal question and answer guide.

January 14 Management Council. The Council reviewed the Legislative Q & A document noting that an updated version was included with the delegate's registration packet. No action was necessary.

Presidents Council. No action was necessary.

c. Review of parliamentary and voting issues.

January 14 Management Council. The Council approved the parliamentary and voting issues document. [See Attachment B]

Presidents Council. The Council approved the parliamentary and voting issues document.

d. Review of speaker assignments and position papers.

January 14 Management Council. The Council reviewed the speaker assignments and position papers and took action on the following proposals:

Proposal No. 7 – Division Membership – Definitions and Applications – Emerging Sports for Women – Removal of Archery, Badminton, Synchronized Swimming, Team Handball from List of Emerging Sports for Women and Addition of Equestrian to List of Emerging Sports for Women. The Management Council recommended withdrawal of sections C and I of the proposal, dealing with the addition of the sport of equestrian to the emerging sports for women list to the Presidents Council.

The Council reviewed letters from both the U.S. Olympic Committee and the community of Equestrian coaches from Division III institutions. The Council felt that the proposed addition of equestrian to the list of Division III emerging sports for women, in its current format, is not in the best interests of Division III student-athletes because it could lead to a possible decrease in varsity opportunities for female student-athletes.

Proposal No. 8 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Selection Criteria – Availability of Data Throughout Season. The Council noted that the Colonial States Athletic Conference had withdrawn its support for this proposal. As reported in an action item in the Interpretation and Legislation Committee report, the committee determined that for the 2009 Convention, based on information that appeared in the sponsor modification mailing sent to all sponsors of proposals, properly sponsored amendments submitted by the membership may only be withdrawn by approval of all of the sponsors of the proposal. The committee determined that for years following the 2009 Convention, a properly sponsored amendment must maintain the minimum number of sponsors (at least 20 individual institutional sponsors or two conferences) for the proposal to be voted upon by the membership. Additional sponsors may not be added to a proposal after the legislated deadline (September 1). [Reference: NCAA Division III Bylaws 5.3.5.3.1.1 (amendment proposed by membership).]

Proposal No. 12 – Playing and Practice Seasons – End of Regular Season – All Sports with a Fall Nontraditional Segment. The Management Council recommended referring this proposal back for further study and examination. See pages 10-11 for additional information.

Presidents Council. The Council reviewed the speaker assignments and position papers and took action on the following proposals:

Proposal No. 7 – Division Membership – Definitions and Applications – Emerging Sports for Women – Removal of Archery, Badminton, Synchronized Swimming, Team Handball from List of Emerging Sports for Women and Addition of Equestrian to List of Emerging Sports for Women. The Presidents Council formally withdrew sections C and I of Proposal No. 7, and requested that a future meeting agenda include an update on the NCAA's emerging sports for women program.

Proposal No. 8 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Selection Criteria – Availability of Data Throughout Season. The Presidents Council accepted the ILC and Management Council's determination to allow this proposal to be considered at the Convention, based on prior communication to legislative sponsors.

Proposal No. 12 – Playing and Practice Seasons – End of Regular Season – All Sports with a Fall Nontraditional Segment. The Presidents Council referred this proposal back to the Playing and Practice Seasons Subcommittee, SAAC and ILC for further review.

e. Review of interpretations adopted by the Management Council.

January 14 Management Council. No action was necessary.

Presidents Council. No action was necessary.

f. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1.

January 14 Management Council. No action was necessary.

Presidents Council. No action was necessary.

g. Review of modifications of wording adopted by the Management Council per Constitution 5.4.1.1.1.

January 14 Management Council. No action was necessary.

Presidents Council. No action was necessary.

5. 2009 CONVENTION.

- **Logistics.**

January 14 Management Council. The Council reviewed the updated agenda for the joint meeting of the Management Council/Presidents Council and Student-Athlete Advisory Committee. No action was necessary.

Presidents Council. The Presidents Council reviewed the draft white papers priorities and associated timelines. The highest priority issues are presidential leadership and the Division III philosophy and identity.

Related to presidential leadership, the Council notes the importance of articulating the proper role of presidential leadership in the Division III Philosophy Statement. Several strategies to increase presidential involvement in Division III governance were discussed. The overarching theme is to ensure the presidential role becomes more strategic, while the athletics administration community assumes greater responsibility over operational issues. The role of the senior administrator with athletics oversight should be carefully examined as this community may be in the best position to determine which issues are strategic versus operational and to serve as a bridge between presidents and athletics administrators. One legislative tool to ensure greater strategic direction by Division III presidents could be to pursue use of the division dominant voting line, where presidents would define which Division III regulations are core to the philosophy and thus should require a two-thirds vote for amendment.

Related to the Division III philosophy and identity, the Council expressed its support of a division-wide identity initiative. NCAA Branding and Communication staff Dennis Cryder and Jo Jo Rienbold joined the Council for this discussion where the Council expressed its desire to expedite a comprehensive effort to better define, communicate and celebrate the unique and positive identity of Division III.

January 17 Management Council. The Council welcomed staff from NCAA Convention Management to its meeting. Discussion and suggestions regarding logistics were as follows:

- Signage and directional information were excellent.
- Hotel employees provided great customer service.
- Offer free lunch one day for the membership.
- Liked the decision to begin educational sessions at 9:30 a.m.
- Overflow hotel was very close to NCAA Convention headquarters – a positive.
- Student-athlete art exhibit was well received and an excellent touch to the overall Convention experience.
- Merchandise provided had more women's apparel; however, noted there was nothing Division III specific.
- Add children's apparel to the merchandise.
- Support of the NCAA's green initiative was well received.
- Honors/Delegates reception was a great idea in concept; however, didn't seem to be the best venue for the honorees or delegates.

- The video shown on the bus ride to the Newseum was well received.
- Delegate's badges were not checked before getting on bus or going to Newseum.
- Speaking privileges at business session was unclear due to an inconsistent use of the colored lanyards.
- Add fitness classes in the morning.
- Would like to see the 5k run included once again at part of Convention.
- Change the hours of the trade show to the evening so there is more opportunity to attend.
- Those involved with Super Shuttle at airport should be dressed in bright colored shirts to be more visible.
- The NCAA should attempt to reduce the registration costs, especially for presidents.
- DC Lights was a really nice event; but not greatly attended due to lack of knowledge by delegates.
- High room rates discouraged delegates from staying longer.
- Future name badges should use larger print for easier reading.
- Handout of Dr. Brand's State of the Association speech was appreciated.
- The opening business session should include a scrolling of the names of individuals included in the memorial resolutions list.

The Council then discussed the Convention in regard to the Division III sessions.

(a) Joint MC/PC/SAAC breakfast. The Council expressed appreciation for the opportunity to speak with the student-athletes and found the round table discussions valuable.

(b) Academics, Athletics, and Today's Sport Culture – Expectations and Realities. Panel was well prepared and excellent; however, with the round table set-up, the audience was expecting discussion.

(c) Chancellors/Presidents Forum and Luncheon. The luncheon was very well attended and diverse opinions were represented as discussion primarily concerned the white papers.

(d) Senior Administrator with Athletics Oversight Luncheon. The luncheon was very well attended and senior administrators enjoyed the opportunity to network with their peers regarding best practices for athletics management. The group also engaged in a discussion on the role of the president versus the role of senior administrator with athletics oversight in strategic and operational decision making. The group also endorsed the concept of launching a Division III identity effort.

(e) Conference Meetings. Several of the conference meetings were held in tight quarters and were hard to find. Commissioners prefer to be told beforehand when this will occur so they may adjust the format of the conference meeting.

(f) Presidents Council Hosted Reception. The reception was well attended by Division III presidents and the Student-Athlete Advisory Committee.

(g) Issues Forum. The membership criticized and/or was confused by the timing and content of the presentation regarding the Division II Financial Aid model. Staff noted that the schedule was limited by Mr. Mueller's commitment to Division II programming.

(h) Business Session. The membership appreciated the timing of voting and limited programming during the business session, as well as the preparation of educational videos and the Q & A document prior to Convention.

6. PROPOSED LEGISLATION FOR THE 2010 CONVENTION.

a. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1.

- **NC-2010-1 – NCAA Membership – Member Conference – Conditions and Obligations of Membership – Self-Study Report – Multi-Sport Conferences and Due Date**.

  January 14 Management Council. The Council approved in legislative format a proposal to specify that the Conference Self-Study Guide (CSSG) is only required of multi-sport conferences. Further, to align the CSSG due date in a similar manner to the Institutional Self-Study Guide (ISSG) legislation, which establishes a grace period for conferences failing to submit their CSSG.

  Presidents Council. No action was necessary.

- **NC-2010-2 – Division Membership – Provisional Membership and Change of Division Membership – Athletically Related Financial Aid Exception.**

  January 14 Management Council. The Council approved in legislative format a proposal to permit a provisional or reclassifying member that previously awarded athletically related financial aid to a student to continue to award athletically related financial aid to a student provided the student no longer participates in intercollegiate athletics.

  Presidents Council. No action was necessary.

- **NC-2010-3 – Playing and Practice Seasons – Athletically Related Activities – Exception for Facility Monitoring as Part of Normal Employment Arrangement**.

  January 14 Management Council. The Council recommended that the proposal to permit an institution's coaching staff member to observe nonorganized sport-specific activities, provided the coach observes these activities when the facility is available to all students and the coach is monitoring the facility as part of the employment duties the coach normal performs on campus be sponsored as a 2010 Convention proposal. Further, the Council issued a blanket waiver for institutions to continue to apply this standard until the 2010 Convention based on an educational column that was released

after the 2004 Convention. The action was based on feedback the staff received that this concept should not be deemed noncontroversial.

Presidents Council. The Presidents Council will review the legislative recommendation at its April meeting.

b. Review of administrative regulations approved by the Management Council per Constitution 5.2.3.

- **ADM-2010-1 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Criteria for Selection of Participants – Individual Sports That Select At-Large Championship Participants as Teams – 25 Percent In-region Requirement.**

  January 14 Management Council. The Council approved in legislative format a proposal to implement a 25 percent in-region requirement for individual sports that select at-large championship participants as teams (such as men's and women's golf and tennis).

  Presidents Council. No action was necessary.

7. ASSOCIATION-WIDE UPDATES AND OTHER BUSINESS.

a. 2009 rosters and Association-wide/Division III committee/subcommittee assignments.

January 14 Management Council. The Council reviewed the roster and Association-wide/Division III committee/subcommittee assignments. No action was necessary.

Presidents Council. The Council reviewed the roster and Association-wide/Division III committee/subcommittee assignments. No action was necessary.

January 17 Management Council. The Council reviewed the roster and Association-wide/Division III committee/subcommittee assignments. No action was necessary.

b. Membership Communication.

January 14 Management Council. The Council reviewed the comments noted from the conference meetings, as well as responses from the VFG communication on the economy's impact on travel. No action was necessary.

Presidents Council. No action was necessary.

c. Executive Committee update.

Presidents Council. Dr. Bernard Franklin updated the Presidents Council on the current Executive Committee agenda. He reviewed recent conversations between the NCAA and the National Association of Intercollegiate Athletics (NAIA), where the two organizations are seeking ways to establish programmatic collaboration in order to best serve the student-athletes in both Associations.

d. Litigation update.

January 14 Management Council. The Council reviewed the litigation report. No action was necessary.

Presidents Council. No action was necessary.

e. Division III Quarterly Newsletter.

January 14 Management Council. The Council reviewed distribution of the quarterly newsletter and discussed if it should continue to be mailed in hard copy to the top five at each Division III institution. The Council directed the staff to continue this practice at this time and to begin to e-mail the document. The issue should be readdressed in one year.

Presidents Council. No action was necessary.

8. ADJOURNMENT.

January 14 Management Council. The Management Council meeting adjourned at 2:55 p.m.

Presidents Council. The Presidents Council meeting adjourned at 2:57 p.m.

January 17 Management Council. The Post-Convention Management Council meeting adjourned at 3:58 p.m.