A G E N D A

National Collegiate Athletic Association

Division III Management Council

Westin Indianapolis
Indianapolis, Indiana

July 19-20, 2010

1. Welcome and announcements.

2. Roster, future meeting schedule and Monthly Updates.

3. Review of Summary and minutes.

   a. Summary of Spring 2010 Quarterly Meetings. (Approval)

   b. April 29, 2010, Executive Committee meeting. (Informational)

   c. April 19 and June 8, 2010, Administrative Committee actions. (Approval)

4. Review Division III Strategic Positioning Platform. [Supplement No. 1]

5. Committee/subcommittee reports.

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

      (1) Convention-Planning Subcommittee. [Supplement No. 2] (Fredina Ingold)

      (2) Strategic-Planning and Finance Committee. (Lynn Oberbillig)

         (a) Report of July teleconference. [Supplement No. 3a]

         (b) Division III budget.

            - 2009-10 budget-to actual. [Supplement No. 3b]
            - 2010-11 budget. [Supplement No. 3c]

- Division III six-year budget projection. [Supplement No. 3d]

(c) Division III Strategic Plan. [Supplement No. 3e]

b. Management Council subcommittees.

(1) Academic Issues Subcommittee. [Supplement No. 4] (Ingold)

(2) Subcommittee for Legislative Relief. [Supplement No. 5] (Sue Chapman)

(3) Playing and Practice Seasons Subcommittee. [Supplement No. 6] (Chris Martin)

c. Division III committees.

(1) Championships Committee. [Supplement No. 7] (Tim Downes)

(2) Financial Aid Committee. (Terry Rupert)

(3) Committee on Infractions. (Mary Jo Gunning)

(4) Infractions Appeals Committee. [Supplement No. 8)

(5) Membership Committee. [Supplement No. 9] (Charlie Robert)

(6) Nominating Committee. (Portia Lowe)

(7) Student-Athlete Advisory Committee. [Supplement No. 10 will be distributed at the meeting.] (Brooks Royer/Erin Wojtkun)

(8) Student-Athlete Reinstatement Committee. [Supplement No. 11] (Gunning)

(9) Interpretations and Legislative Committee. [Supplement No. 12] (Dan Fulks)

d. Association-wide committees.

(1) Committee on Competitive Safeguards and Medical Aspects of Sports. [Supplement No. 13] (Jeff Martinez)

(2) Honors Committee. (Bill Klika)

(3) Minority Opportunities and Interests Committee. (Stanton Ching)

(4) Olympic Sports Liaison Committee. (Chapman)

(5) Postgraduate Scholarship Committee. [Supplement No. 14] (Chapman)

(6) Research Committee. (Lisa Marsh Ryerson)

(7) Committee on Sportsmanship and Ethical Conduct. [Supplement No. 15] (Ingold)

(8) Walter Byers Scholarship Committee. [Supplement No. 16] (Chris Thomforde)

(9) Committee on Women's Athletics. [Supplement No. 17] (Oberbillig)

6. Chair and vice chair elections. [Supplement No. 18]

7. Division III Initiatives.

a. Division III Identity Initiative. [Supplement No. 19]

b. Presidential leadership. [Supplement No. 20]

c. Drug education and testing. [Supplement No. 21]

d. Academic reporting.

e. Virtual Focus Group communication. [Supplement No. 22]

8. Proposed Legislation for the 2011 Convention.

   a. Review of membership-sponsored legislation. [Supplement No. 23 will be distributed at the meeting.]

   b. Review of governance-sponsored legislation. [Supplement No. 24]

   c. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1. [Supplement No. 25]

   d. Review of administrative regulations approved by the Management Council per Constitution 5.4.1.1.1. [Supplement No. 26]

   e. Review of modifications of wording adopted by the Management Council per Constitution 5.4.1.1.1. [Supplement No. 27]

   f. Review of incorporations of interpretations adopted by the Management Council per Constitution 5.4.1.1.1. [Supplement No. 28]

9. Association-wide update and issues.

   a. Consider legislative proposal resulting from Executive Committee Concussion Policy. [Supplement No. 29]

   b. Litigation update. [Supplement No. 30 will be distributed at the meeting]

   c. Governmental relations report. [Supplement No. 31]

10. Other Business.

   - Change of conference membership and eligibility for Management Council and committee service. [Supplement No. 32]

11. Adjournment.

DIVISION III MANAGEMENT AND PRESIDENTS COUNCIL
SUMMER 2010 QUARTERLY SUMMARY
The National Collegiate Athletic Association

Division III Management Council **July 19-20, 2010** **Indianapolis, IN**	**Division III Presidents Council** **August 12, 2010** **Indianapolis, IN**
PARTICIPANTS	
Kitty Baldridge, Gallaudet University Susan Chapman, Worcester State College Stan Ching, Connecticut College Tim Downes, Emory University Daniel Fulks, Transylvania University Fredina Ingold, Pennsylvania State University, Altoona Bill Klika, Fairleigh Dickinson University, Florham Chris Martin, College Conference of Illinois & Wisconsin [*vice chair*] Jeff Martinez, University of Redlands Steve Nelson, University of Wisconsin, Superior Lynn Oberbillig, Smith College *[chair]* Charlie Robert, Nichols College Christopher (Brooks) Royer, Rhodes College Terry Rupert, Wilmington College (Ohio) Lisa Marsh Ryerson, Wells College Chris Thomforde, Moravian College Erin Wojtkun, Christopher Newport University	Livingston Alexander, University of Pittsburgh, Bradford Robert Antonucci, Fitchburg State College Ken Baker, Ohio Northern University Jim Bultman, Hope College [*vice chair*] James Harris, Widener University *[chair]* David Joyce, Ripon College Brian Levin-Stankevich, University of Wisconsin, Eau Claire Chris Martin, College Conference of Illinois & Wisconsin [*vice chair of Management Council*] Lynn Oberbillig, Smith College *[chair of Management Council]* Fred Ohles, Nebraska Wesleyan University Kathy Owens, Gwynedd-Mercy College Rosalind Reichard, Emory and Henry College Jim Schmotter, Western Connecticut State University Ron Thomas, University of Puget Sound
ABSENTEES	
Mary Jo Gunning, Marywood University [attended portions via teleconference] Portia Lowe, Lake Forest College	Catharine Hill, Vassar College Marcia Keizs, York College (CUNY) Jack Ohle, Gustavus Adolphus College
OTHER PARTICIPANTS	
Gary Brown, NCAA Elsa Cole, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Kiran Khan, Mills College, *incoming SAAC representative* Leah Kareti, NCAA, *recording secretary* David Klossner, NCAA Debbie Kresge, NCAA Jeff Myers, NCAA Jo Jo Reinbold, NCAA Wendy Walters, NCAA Mary Wilfert, NCAA	Gary Brown, NCAA Elsa Cole, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Mark Emmert, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Jim Isch, NCAA Leah Kareti, NCAA, *recording secretary* Debbie Kresge, NCAA Jeff Myers, NCAA Delise O'Meally, NCAA Wally Renfro, NCAA Jennifer Royer, NCAA Wendy Walters, NCAA

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The meeting was called to order at 8 a.m. by the chair, Lynn Oberbillig. The chair welcomed new Council members, Steve Nelson, University of Wisconsin, Superior and Kirin Khan, Mills College, who will be serving as one of the Student-Athlete Advisory Committee representatives immediately following this meeting.

Presidents Council. The meeting was called to order at 8:05 a.m. by the chair, President Jim Harris, who acknowledged the very productive meeting the Council had with its Advisory Group the previous evening.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meeting – April 12-13, 2010.

Management Council. The Management Council approved the summary of its April 12-13, 2010, meetings as presented.

Presidents Council. No action was necessary.

b. Presidents Council Meeting – April 29, 2010.

Management Council. The Management Council reviewed the summary of the April 29, 2010, Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its April 29, 2010, meeting as presented.

c. Executive Committee Meeting – April 29, 2010

Management Council. The Management Council reviewed the minutes of the April 29, 2010, Executive Committee meeting. No action was necessary.

Presidents Council. The Presidents Council reviewed the minutes of the April 29, 2010, Executive Committee meeting. No action was necessary.

d. Administrative Committee Actions.

Management Council. The Management Council approved the minutes of the April 19 and June 8, 2010, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the April 19 and June 8, 2010, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

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

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

Council Reps: Ingold, Levin-Stankevich, Nelson, Ohles, Robert, Wojtkun

(1) Convention-Planning Subcommittee.

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

(a) Convention survey results. Survey results identified several themes that could be covered at a future Convention: integration, sports information director (SID) involvement in identity activation and other issues, and rules education hot topics (such as fundraising, strength and conditioning, etc). The survey results expressed a desire for more specific Division III programming and a greater Division III emphasis in Association-Wide menu sessions.

(b) Division III Governance Sessions. The Council approved tentative agendas or formats for Division III Governance Sessions.

i. Division III Issues Forum.
- 2011 legislative proposals.
- Presidential leadership.
- Drug education and testing pilot.

ii. Presidents and Chancellor Luncheon and Forum.
- 2011 legislative proposals.
- Presidential leadership.
- Drug education and testing pilot.
- Identity activation.

iii. Senior Administrator with Athletics Oversight Luncheon and Forum.
- 2011 legislative proposals.
- Presidential leadership.
- Drug education and testing pilot.
- Identity activation.

iv. Presidents Council Hosted Reception.
- Invite all Division III presidents and the National Student-Athlete Advisory Committee (SAAC).

v. Division III Faculty Athletic Representative (FAR) Fellows Institute Reception.
- This is the inaugural event coinciding with the first year of the Division III FAR Fellows Institute pilot. Attendees will review progress made on projects and other issues since the October 2010 institute.

vi. Business Session.
- Voting – 2011 legislative proposals.
- Academic reporting pilot.

vii. Other planned/suggested educational sessions.
- NADIIIAA. The theme for the NADIIIAA sessions will be 'Models of Excellence' where attendees will look at ways in which institutions have built long standing models of success – both academically and athletically.
- Identity Activation: Best Practices. This session will specifically identify the educational benefits that come with participation in intercollegiate athletics.
- Financial Aid Review Process. While this process was covered in detail at the 2010 Regional Rules Seminars, there appears to be a continued need to educate the membership on what institutions can and cannot do with financial aid, how the overall review process supports the legislation, and the overall findings of the reporting process.
- Sports Wagering in Division III. This continues to be a significant issue in the Division III student-athlete community and the division ought to spend more time on sports wagering education. In the short term, Division III should be more aggressive in raising awareness of available educational materials from NCAA, and a discussion forum at Convention will help raise awareness of the behaviors of Division III student-athletes and resources available to address those behaviors.

Presidents Council. No action was necessary. The Council requested that athletics direct reports be invited to the Presidents Council hosted reception, and that the program highlight the six Division III attributes with relevant anecdotal stories, as well as the Division III honorees to be included in the Honors Celebration.

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

Council Reps: Baker, Bultman, Fulks, Joyce, Klika, Martin, Royer, Schmotter, Thomforde

(2) Strategic Planning and Finance Committee.

(a) 2010-12 Division III Strategic Plan.

Management Council. The Management Council approved the updated Strategic Plan for 2010-12 noting the addition of content from the Division III Strategic Positioning Platform and updated Division III priority list.

Presidents Council. The Presidents Council approved the Strategic Plan for 2010-12.

(b) Conference Presidential Meetings.

Management Council. The Management Council approved the recommendation that the Division III Presidents Council clearly communicate the expectation for all multi-sport conferences to conduct formal presidential meetings.

In response to the referral from Presidents Council to explore opportunities to support and incent, but not require, conferences to conduct presidential meetings, the committee expressed discomfort with providing financial incentives to support an activity that is already expected in the division via the constitutional requirement for presidential authority at the conference level and already occurs on a regular basis in most conferences. Rather, the committee determined that the most appropriate course of action would be to clearly establish and communicate the expectation of presidential meetings in all multi-sport conferences and monitor conference compliance with this expectation. If 100 percent compliance is not met in the first two years, the committee would consider action to implement an appropriate penalty, such as loss of membership benefits (e.g., conference grant funding).

In its approval, the Council requested that staff contact those conferences not currently conducting presidential meetings to inquire why these sessions are not occurring.

Presidents Council. The Presidents Council approved the recommendation and established the following implementation plan:

Send a letter to all Division III presidents and commissioners clarifying that the division expects presidential leadership to occur within every Division III conference; that regular in-person meetings or teleconferences of conference presidents take place, and that every conference appoint a representative to the President's Advisory Group, who will also serve as the main point of contact between the Presidents Council and the conference. The Council will monitor the division's adherence to the expectations outlined above, and may consider more punitive action (e.g., potential reductions in grant funding or loss of other membership benefits) if these expectations are not met.

A related communication plan will include distribution of a best practices guide for presidential leadership and conference governance models, as well as personal outreach by Council members to their conference peers.

(c) Officiating Improvement and ArbiterSports Budget Allocations.

Management Council. The Management Council approved a recommendation to reallocate $150,000 from the ArbiterSports subsidy to Tier Three of the Conference Grant Program and encourage, but not require, conferences to spend the funds on officiating improvement. Funds will be divided equally among the 43 grant recipients.

The division must discontinue the $150,000 allocation previously earmarked to subsidize Division III officials' participation in ArbiterSports because ArbiterSports will no longer accept divisional subsidies. On recommendation from the Division III Commissioner's Association Advisory Group on Officiating, the division should make funds available for officiating improvement, but not require that all conferences spend the funds on that topic. The committee noted that many conferences have already allocated conference grant dollars for officiating improvement, and some have greater involvement with officiating programs than others.

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

(d) Division III Academic All-America Program.

Management Council. The Management Council approved a recommendation to collaborate with the College Sports Information Directors Association (CoSIDA) to establish a Division III Academic All-America Program, effective 2011-12.

Currently, Division III student-athletes have access to CoSIDA's Academic All America program through a "college division," which supports Division II, Division III, the NAIA and NJCAA. CoSIDA reached out to Division III with the opportunity to partner on a new, division-specific award platform which would result in 1,000 Division III student-athletes earning "All District" status and approximately 400 earning "Academic All-America" distinction over the course of a full academic year. CoSIDA will manage the nomination and selection process for the program, as well as coordinate the full administration of the awards fulfillment process. Division III will benefit from a greater number of individuals earning Academic All-America Honors, the opportunity to further promote the division's emphasis on academic achievement, and potentially greater autonomy in establishing award criteria. Division II is establishing a similar program. The estimated annual financial impact is $44,000 in new spending for 2011-12 and 2012-13.

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

(e) Division III Inflationary Policy.

Management Council. The Management Council approved the committee's recommendation to amend the Division III championships and strategic initiative inflationary policies to establish an annual inflationary allocation equivalent to the percent increase in the division's annual budget.

Current policy dictates that the Division III championship budget receives a four percent inflationary increase on an annual basis. Of that four percent, it is recommended to maintain 25 to 30 percent for true inflationary increases (in travel and other market sensitive game expenses). The balance of the inflationary increase may be used for new initiatives related to championship maintenance (i.e., per diem increases, increases in official's fees, etc). The Division III strategic initiative budget receives a four percent inflationary increase every other year to cover the increasing costs of fees and expenses funded within the grant program. Because Division III will no longer receive a seven percent annual escalation in its budget under the Association's new broadcast agreement with CBS/Turner, inflationary allocations should be adjusted so they do not exceed the two to two and a half percent escalations expected under the terms of the new broadcast agreement. Tying the inflationary policy to the annual budgetary increase will maintain a consistent level of service in Division III programs.

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

(f) Division III Budget.

Management Council. The Management Council reviewed the division's budget report as of June 24, 2010. The results include $22,578,000 in revenue and $18,643,360 in expenses, which reflects a majority of the championship expenses, but excludes many spring events. The projected 2010-12 budget reflects new allocations to support the Strategic Initiative Conference Grant Program; Campus-based Student-Athlete Leadership Programming; FAR Institute; Academic Reporting Stipend; and the Division III Identity Program, with a reduction in the SWA Enhancement Grant Program and the Student-Athlete Regional Leadership Conference, now referred to as the Leadership Conference. The Division III reserve balance is expected to be $13,752,626 at year end. No action was necessary.

Presidents Council. The Presidents Council reviewed the division's budget report as of August 2 and commented that the division could now explore the addition of new initiatives that may be funded by the Division III reserve. No action was necessary.

(g) Drug Education and Testing Pilot.

Management Council. The Management Council reviewed the committee's report outlining the drug education and testing options available to the division, as well as relevant background and pilot findings.

The Council:

- Agreed with the committee that the status quo program does not seem adequate for the division moving forward based on the lack of reach to coaches and administrators, and the pilot finding that the current drug education program is less than desirable.

- Agreed with the committee that it supports spending Division III funds to enhance drug education efforts, especially if the division can make available a user-friendly program that institutions can easily access.

- Acknowledged that while it did not clearly support a required national testing program (because the use of performance enhancing drugs does not seem to be prevalent in the division, and conducting year-round testing for street drugs would treat student-athletes differently from the general student-body in a way not justified by the Division III philosophy), the Council was split on the issue. Some Council members saw testing as a way to ensure student-athlete health and safety and well-being and thus were less concerned about treating student-athletes differently from the general student body. Other Council members cited philosophical and practical concerns related to the establishment of such a program. The Council was also split on the substances that should be included in a national testing program, but a majority would prefer to test only for performance-enhancing drugs and not include street-drugs in a national program. Some Council members also expressed concern about the potential costs of the year-round testing program, especially as it relates to the number of individuals whose behavior may be impacted by such a program.

- Agreed with the committee that it supports making Division III funds available to support optional, local drug testing, especially as part of a hybrid model that allows conferences and institutions to determine the most appropriate level of education and testing. This option was supported by the full Council and viewed as a next best option by those who otherwise favored a division-wide mandatory, academic year-round testing program.

Finally, the Council requested institution-level drug testing information to assist in its continued analysis of drug education and testing programming.

Presidents Council. The Council reviewed the report of drug education and testing options available to the division, as well as relevant background, pilot findings, and feedback from various governance groups including the President's Advisory Group. Based on that review, the Council offered the following preliminary conclusions:

- Division III should support retention in its current form of championships testing for performance enhancing drugs and illegal street drugs.

- Enhanced educational programming is the most favored option for the future of the division's drug education and testing program. The programming should be inclusive of performance-enhancing substances, street drugs, and, especially alcohol. The division should seek to partner with student affairs professionals in the development of educational content and best practices.

- Mandatory, division-wide academic year-round drug testing (performance-enhancing and or street drugs) is not favored based on a lack of compelling evidence that there is a student-athlete specific substance abuse problem at this time. The findings related to performance-enhancing substances were not compelling to move beyond the existing championships testing program, and the street drug issues seem to be consistent with patterns found in the general student body. The Council will continue to monitor student-athlete drug use to assess the future need for a year-round testing program.

- Optional funding for campus based education and/or testing was supported as a way to assist institutions in establishing the deterrence program that is most appropriate for the institution.

(h) Student-Athlete Well-Being and Sports Wagering Resources.

Management Council. The Council accepted the information that the committee updated its Conference Grant Program policy to highlight sports wagering education as a best practice for Tier Two student-athlete well-being programming, and by creating a specific line for this topic in Tier Three. This change was made in response to the Management and Presidents Councils receiving a presentation during their April meetings on the results of the 2008 Study on Collegiate Wagering, and the need for the division to call attention to this significant student-athlete well-being issue.

Presidents Council. No action was necessary.

(i) Sports Information Director (SID) Institute.

Management Council. The Council accepted the information that the committee reviewed a letter received from CoSIDA regarding the possible establishment of an SID Institute. CoSIDA believes such an institute would make a clear statement about the importance of getting and keeping the overall Division III community "focused" on communications and branding initiatives, and be imperative for communication directors to be appropriately prepared to carry out and execute such initiatives at the campus and conference levels. The institute will be considered in more detail on a future teleconference, as it could not be implemented before the next budget biennium begins in 2012.

Presidents Council. No action was necessary.

Staff Liasons: Davey, Nesbitt

Council Reps: Ching, Downes, Ingold

b. Management Council Subcommittees.

(1) Academic Issues Subcommittee.

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

Presidents Council. No action was necessary.

Staff Liaisons: Nesbitt

Council Reps: Chapman, Fulks, Gunning, Robert, Rupert

(2) Subcommittee for Legislative Relief.

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

Presidents Council. No action was necessary.

Staff Liaisons: Huchthausen, Myers

Council Reps: Chapman, Klika, Lowe, Martin, Nelson, Oberbillig, Wotjkun

(3) Playing and Practice Seasons Subcommittee.

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

Presidents Council. No action was necessary.

c. Division III Committees.

Staff Liaisons: Suscha, Williams

Council Reps: Downes, Martin, Oberbillig

(1) Championships Committee.

(a) 2011 Convention Legislation – Bylaws 17.27.2 and 17.27.3 - Wrestling Preseason Practice and First Date of Competition.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2011 Convention specifying that, in wrestling, the first for practice would be October 10, and the first

date of competition (including open, unattached or intercollegiate competition would be November 1).

Bylaw 17.27.2 states that a member institution shall not commence practice sessions in wrestling prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. Bylaw 17.27.3 states further that a member institution shall not engage in its first date of competition (match or scrimmage) with outside competition in wrestling prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier.

The proposal to align start dates for practice and competition across all divisions is important for the health of the sport. The three divisions share a common interest to improve academic performance by participating student-athletes, minimize overuse and serious injuries, and implement weight management protocols to begin no earlier than October 10 each year for all institutions. The compacted window of opportunity for the season will favor the well-being of student-athletes involved in the sport, aid in the academic, social, and physical transition for first-year wrestling student-athletes, in particular, minimize injuries caused by an extended season which includes open and unattached competition, and limit the period that wrestlers will have to maintain the required weight. The committee notes that the change does not affect the length of the playing season (19 weeks).

Both the Division I Championships/Sports Management Cabinet and the Division II Championships Committee are proposing a similar legislative change.

Presidents Council. Agreed to sponsor legislation for the 2011 Convention.

(b) Noncontroversial Legislation – Bylaw 20.8.1 – Eligibility for National Collegiate Championships.

Management Council. The Management Council approved in concept noncontroversial legislation to amend Bylaw 20.8.1 – Eligibility for National Collegiate Championships to eliminate the requirement that, in those sports in which two-thirds or more of the institutions sponsoring the sport are members of the same division, an institution is required to meet that division's and its own division's institutional and individual eligibility requirements (or the more stringent rule if both divisions' rules address the same issue).

Practically speaking, the provisions of Bylaw 20.8.1 require that Divisions II and III institutions certify the eligibility of their student-athletes using Division I rules. The Championships Committee does not believe

that it is fair to hold Division III institutions to the same initial-eligibility standards as Division I members nor does it believe that a competitive advantage for Division III institutions will exist if the Bylaw is amended. Furthermore, the Championships Committee questions the feasibility of requiring Division III prospective student-athletes in National Collegiate sports to register with the NCAA Eligibility Center when it is not otherwise a requirement.

Both the Division I Championships/Sports Management Cabinet and the Division II Championships Committee are proposing a similar legislative change.

Presidents Council. No action was necessary.

(c) Noncontroversial Legislation – Bylaw 21.4.2 – Bowling Committee, Women's.

Management Council. The Management Council approved in concept noncontroversial legislation to amend Bylaw 21.4.2 – Bowling Committee, Women's to specify that the Women's Bowling Committee consist of seven members, including one non-voting secretary-rules editor (SRE).

The Women's Bowling Committee is comprised of six members, including one member who shall serve as the SRE. The SRE was initially included in the committee composition because an individual member of the committee was designated to serve in that role. That individual was selected first as a committee member and then as the SRE based on extensive knowledge of the sport and familiarity with the rules of other bowling entities. The expertise of the SRE continues to be a valuable and necessary resource to the committee, and the committee supports the SRE's continued attendance at the annual bowling committee meeting and at the National Collegiate Women's Bowling Championship. However, as the number of institutions sponsoring women's bowling continues to grow, a larger pool of administrators and coaches from which to draw committee members is available. With only five committee positions available due to one position being allocated to the SRE under current restrictions, it is challenging to meet the current legislation. Finally, an additional committee position will provide more opportunity for diverse representation on the committee.

Both the Division I Championships/Sports Management Cabinet and the Division II Championships Committee are proposing a similar legislative change. This would be effective August 1, 2010, contingent on adoption by all three divisions. The cost of an additional committee member would be absorbed by Division I and would have no financial impact on Division III.

Presidents Council. No action was necessary.

(d) Noncontroversial Legislation – Bylaw 21.4.2 – Bowling Committee, Women's.

Management Council. The Management Council referred back to the Championships Committee a recommendation to amend Bylaw 21.4.2 – Bowling Committee, Women's to specify that one of the two available at-large committee members be selected to represent Division III institutions sponsoring the sport.

While the committee cited a rationale that ten (10) Division III institutions currently sponsor women's bowling, constituting one-sixth of the total number of sponsoring institutions. One designated position would provide appropriate representation for Division III when considering the composition of sponsoring institutions. The effective date would be August 1, 2010, contingent on adoption by all three divisions.

The Management Council would prefer the committee consider this recommendation on behalf of all national collegiate championship sports, and examine an objective criterion on which to base divisional representation on national collegiate championship sport committees (e.g., determine committee composition requirements based on the proportion of institutions sponsoring the sport in each division.) The Council also noted that, as 21.4.2 is a common provision, and legislative change will need to be approved by all three divisions to become effective.

Presidents Council. No action was necessary.

(e) Administrative Regulation – Bylaw 31.1.12.1.2 – Restricted Advertising and Sponsorship Activities, Sponsorships.

Management Council. The Management Council agreed to recommend sponsorship of legislation for the 2011 Convention to amend Bylaw 31.1.12.1.2 – Restricted Advertising and Sponsorship Activities, Sponsorships to permit promotion of NCAA championship events and related activities by a professional sports team or organization, effective immediately. This recommendation replaces the Championships Committee original recommendation to limit such promotions to the professional sports team or organization whose home venue is the location of the NCAA Division III Championship.

The NCAA staff and/or local organizing committee, host institution(s) and/or conference(s) that administer a championship event occasionally has the opportunity to partner with a local professional sports team or organization to promote the NCAA championship event and related activities. However, Bylaw 31.1.12.1.2 limits the opportunities for the professional sports team or organization to assist in promoting the NCAA championship or related activities.

Earlier this year, the Championships Committee approved a waiver in order to permit the involvement of professional sports teams and organizations in sponsorship arrangements for championships that are combined with at least one other division for the remainder of the 2009-10 academic year.

The adoption of this proposal would extend consideration to all Division III championships. While the Championships Committee placed emphasis on permitting sponsorship activity only if the venue for the championships is the home of the professional sports team or organization, the Management Council was concerned about the logistical challenges that posed for combined NCAA championships, and therefore would prefer to have the full membership vote on a proposal that is consistent with the Division I and II position on such sponsorship activities.

Presidents Council. Agreed to sponsor legislation for the 2011 Convention.

(f) Core Requirement for Championships Automatic Qualification.

Management Council. The Management Council discussed the concept to amend Bylaw 31.3.2.1.4 – Core Institution to specify that an institution be core in only one conference, effective date to be determined.

The Council agreed with the committee's position that limiting institutions to be core in only one conference would establish stability in conference membership and requires institutions to think more strategically about alignments other than for the purpose of acquiring championships automatic qualification. In addition, the core designation could be used to assign accountability for conference requirements and benefits (e.g., grant money, voting privileges, SAAC representation, and Conference Self-Study Guide). Currently, the assignment of requirements and benefits is not precisely legislated for alternative conference models, specifically one that is structured under an "umbrella" (one large conference with two sub-conferences). The Bylaw amendment would eliminate the possibility of the "umbrella" conference model since it would not be possible for an institution to be considered core in one of the sub-conferences as well as the large umbrella. The committee notes that, if the amendment is adopted, consideration must be given to the "umbrella" conference that currently exists to minimize any negative impact if a change is eventually adopted by the membership.

In the course of its discussion, the Championships Committee also considered a model whereby a large conference (with membership of 16 institutions or more) receives two bids for automatic qualification in sports with sponsorship of 16 or more. However, the committee noted that such a model could cause membership challenges for smaller conferences, may encourage realignment solely for the purpose of automatic qualification, and could impact the meaning of conference competition.

The Management Council endorsed a plan to develop a comprehensive legislative package for the 2012 Convention that better aligns conference obligations and benefits, and includes the definition of a core institution as described in this recommendation. [Note: See related Membership Committee action on page 19.]

Presidents Council. No action was necessary.

(g) Men's Volleyball – Championship Proposal.

Management Council. The Council acknowledged that the Championships Committee reviewed a proposed timeline for action leading to an inaugural Division III Men's Volleyball Championship anticipating two conferences' intent to submit legislation for consideration at the 2011 NCAA Convention for the division to create a championship. If approved, the championship would be conducted in April 2012. The Championships Committee identified establishment of the sport committee, determination of policies and procedures for playing and practice seasons, creation of playing rules, and consideration for automatic qualification for existing and newly forming conferences sponsoring men's volleyball as key issues to address upon submission of the proposed legislation and before the 2011 NCAA Convention.

Presidents Council. No action was necessary.

(h) Analysis of Sport Region Alignments and Rankings Processes.

Management Council. The Council accepted the information that the committee further examined current sport regional alignments in an effort to create standardization wherever possible in the areas of region nomenclature and the number of sport regions (based on sport sponsorship). The committee reaffirmed that geographic proximity, conference affiliation, congruity between like sports (e.g., men's and women's lacrosse) along with implications for sport committee composition are important variables when considering any change. The committee asked NCAA staff to continue the analysis, placing primary importance on conference composition. Further discussion with the committee is anticipated prior to and during its September 2010, in-person meeting. The committee also agreed to explore whether or not the men's basketball method of determining the appropriate number of teams to rank per region can be applied to all team sports, specifically to divide the number of sponsoring institutions in each region by the bracket access ratio with no region ranking fewer than four teams.

Presidents Council. No action was necessary.

(i) Score Reporting Pilot Program.

Management Council. The Council acknowledged that the committee evaluated the 2009-10 score reporting pilot program designed to make more transparent the data the men's and women's soccer, men's and women's basketball, softball, and baseball committees use for selection purposes. The committee agreed that the program's implementation achieved the goal of transparency and was not burdensome for staff to execute. As a result, the committee agreed to extend the practice to the remaining team sports (field hockey, football, volleyball, men's and women's ice hockey, and men's and women's lacrosse) for 2010-11 and beyond.

Presidents Council. No action was necessary.

(j) Sport Committee Recommendations.

Management Council. The Management Council accepted the information that the Championships Committee approved appointments to several sports committees. All appointments will be effective September 1, 2010, unless otherwise noted:

- Division III Baseball Committee. Immediate vacancy replacing Tom Sheridan. Jeff Cleanthes, head baseball coach, Rhodes College.

- Division III Women's Basketball Committee. Chair: Robin Hamilton, associate athletics director and senior woman administrator, University of Puget Sound.

- Division III Field Hockey Committee. Great Lakes region: Brenda Meese, assistant director of athletics/field hockey coach, College of Wooster.

- Division III Football Committee. West region: Terry Horan, head football coach, Concordia College, Moorhead.

- Division III Men's Golf Committee. West region: Jeff Lindgren, head golf coach, California Lutheran University.

- Division III Rowing Committee. New York region: Eric Summers, head crew coach, Hamilton College.

- Division III Men's Soccer. Chair: David Kulik, associate director of athletics and head men's soccer coach, Clark University.

- Division III Women's Soccer. Chair: John Neese, director of athletics, Hardin-Simmons University.

- Division III Men's and Women's Swimming and Diving Committee. District 1: Kate Roy, head women's swimming coach, University of New England.

- Division III Men's and Women's Track and Field Committee. Immediate vacancy replacing Malcolm Dunn -- West region: John Goldhammer, head track/cross country coach/associate director of athletics, Claremont McKenna-Harvey Mudd Scripps Colleges. [Note: September 1, 2014 term end date.]

Presidents Council. No action was necessary.

Staff Liaisons: Hartung, Myers, Nesbitt

Council Rep: Rupert

(2) Financial Aid Committee.

Management Council. The Management Council received an oral report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Cooper, Elworth

Council Rep: Gunning

(3) Committee on Infractions.

Management Council. The Management Council received an oral report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Dantzler, Smith, Walters

Council Rep: Antonucci, Baldridge

(4) Infractions Appeals Committee.

(a) Legislative Authority and Process – Administrative Bylaws – NCAA Division III Infractions Appeals Committee Policies and Procedures.

Management Council. The Management Council approved in concept noncontroversial legislation to amend NCAA Bylaws 5.2.3.3 and 19.2.1 to establish the authority of the Infractions Appeals Committee to adopt or revise enforcement policies and procedures set forth in Bylaws 32.10 and 32.11 that relate directly to the infractions appeals process, subject to review and approval by Management Council.

The newly restructured Infractions Appeals Committee is requesting the authority and flexibility to continue to define, as needed, the enforcement policies and procedures related to appeals. As cases arise in the infractions process, it is possible that enforcement policy or procedural issues

related to appeals may arise which would need and should be immediately addressed by the Infractions Appeals Committee. This modification would provide the committee authority to handle these items and make appropriate changes for future cases, while maintaining review and approval by the membership through the Management Council. Additionally, this would create consistency among all three divisions for the authority to modify enforcement policies and procedures by the NCAA Divisions I, II and III Committees on Infractions (for which such authority already exists) and Divisions I, II and III Infractions Appeals Committees.

Presidents Council. No action was necessary.

(b) Enforcement Policies and Procedures – Appeal Procedures – Notice of Intent to Appeal – Appeal by Involved Individuals.

Management Council. The Management Council tabled a recommendation to amend Bylaw 32.10.1.2 to require individual appellants to disclose current or future employment at a member institution.

With the authority granted to the committee in action (a) above, the committee may authorize this amendment and submit a corresponding informational item in its October report to Management Council.

Presidents Council. No action was necessary.

(5) Membership Committee.

Staff Liaisons: Davey, Willett

Council Rep: Robert

(a) Noncontroversial Legislation – NCAA Division III Constitution 3.2.4.15 (Convention and Regional Rules Seminar Attendance), Constitution 6.3.1.2 (Failure to Conduct the Institutional Self-Study Guide) and NCAA Bylaw 20.2.5.1.2 (Failure to Meet Minimum Sports Sponsorship Criteria) – Membership Requirements Penalty Structure.

Management Council. The Management Council approved in concept noncontroversial legislation that modifies the membership requirements penalty structure such that a sport sponsorship requirement violation that occurs subsequent to an institution being placed on probation for any membership requirement violation shall result in an escalated, progressive penalty-designation (i.e., restricted status; dismissal from the division) within the penalty structure. The proposal shall be effective for any membership violation discovered after September 1, 2010. This recommendation maintains the current penalty structure, while adding an emphasis on the sports sponsorship requirement, such that an institution that triggers probationary status for either failure to complete an Institutional Self-Study Guide (ISSG) or attend the NCAA Convention or Regional

Rules Seminars is subject to an escalated penalty by failing to comply with either the membership requirement for which it was originally placed on probation (i.e., failure to complete an ISSG; failure to attend either NCAA Convention or Regional Rules Seminars once in-three years) or failure to adhere to sports sponsorship requirements.

Presidents Council. No action was necessary.

(b) Noncontroversial Legislation – NCAA Division III Constitution 3.3.1.2 and 3.3.4.2 (Composition of Conference) – Conference Composition.

Management Council. The Management Council approved in concept noncontroversial legislation to increase the conference composition active member requirement from six institutions to seven.

There is inconsistency between the minimum number of active members needed for a conference to satisfy the membership requirements and to be eligible for an automatic qualification berth for championships. In order for a conference to be eligible for an automatic qualification, it must have at least seven active members that sponsor the sport. In order for a conference to comply with its membership obligation and receive the associated benefits (e.g., vote at Convention, Division III grant funds), it must have at least six active members. The Championships Committee requested the Membership Committee consider increasing the conference composition requirement to seven to provide consistency and reduce confusion. The Membership Committee noted that all Division III conferences are currently comprised of at least seven active member institutions. Therefore, this change should not be detrimental to current conference composition. The effective date would be September 1, 2012, and the Membership Committee will participate in a comprehensive review of all benefits and obligations of conference membership (Note: See related item in the Championships Committee report on page 14).

Presidents Council. No action was necessary.

(c) Noncontroversial Legislation – NCAA Division III Constitution 3.6.3.1 (Application) and Bylaw 20.6.2.1 (Application).

Management Council. The Management Council approved in concept noncontroversial legislation to moves the exploratory and provisional/reclassifying application deadlines from May 15 to January 15.

The current May 15 deadline provides little time to prepare for institutional transition to the exploratory and provisional/reclassifying processes. The May 15 deadline dictates that the committee review applications during its June in-person meeting. Institutions are then informally notified of their recommended status, yet final, formal approval is not granted until the NCAA Division III Management Council convenes in July. The committee noted that by moving the deadline to January 15, institutions and the committee are afforded several additional months of preparation. This allows the committee and institutions the opportunity to further acclimate, release communications and enhance proposed and required Division III policies and procedures for the upcoming academic year.

The effective date would be September 1, 2011, for those institutions applying for the 2012-13 academic year and subsequent years.

Presidents Council. No action was necessary.

(d) Sports Sponsorship Waiver – Sports-Sponsorship Audit 2008-09 – New York City College of Technology Waiver Request of Bylaw 20.11.3 (Sports Sponsorship).

Management Council. The Council denied a sports sponsorship waiver per Bylaw 20.11.3.5.9.1 (Minimum Contests and Participants) and subsequent appeal from New York City College of Technology for the 2008-09 academic year.

The institution failed to produce sufficient documentation when attempting to verify sports sponsorship compliance for the 2008-09 academic year. The institution is currently on probation for failure to adhere to sports sponsorship requirements for the 2007-08 academic year. The institution cited difficulties maintaining records related to its men's and women's track and field programs. Specifically, the institution noted the 2008-09 academic year was the first year the institution conducted track and field team's since2003. The institution also cited communication difficulties with those who hosted the competitions. The committee noted that institutions are obligated to maintain records that detail when student-athletes participate; this is an obligation that both serves to verify sports sponsorship requirements adherence as well as eligibility requirements compliance. The committee also noted that City Tech is currently on probation and as such, has a heightened responsibility to comply with divisional rules and regulations, including sports sponsorship.

The institution will be placed on restricted status September 1, 2010, and will maintain its penalty designation until September 1, 2014. During this time, the institution will be ineligible to receive Division III grant and initiative funding during the 2010-11 academic year and lose its voting privilege at the 2011 NCAA Convention. The institution's student-athletes will be ineligible to compete in NCAA championships during the 2010-11 academic year.

Presidents Council. No action was necessary.

(e) Sports Sponsorship Waiver – University of California, Santa Cruz Waiver of NCAA Bylaw 20.11.3 (Sports Sponsorship).

Management Council. The Council approved a sports sponsorship waiver request from University of California, Santa Cruz. Specifically, the institution will sponsor five sports for males during the 2010-11 academic year, despite having a fulltime undergraduate enrollment greater than 1,000 which would require sponsorship of six sports for each gender. The waiver is granted for the period of September 1, 2010 – September 1, 2011.

In its approval, the Council and committee noted the institution demonstrated its financial hardship, inability to satisfy NCAA requirements despite pursuing potential solutions and presented a thorough plan for compliance with sports sponsorship requirements by the 2011-12 academic year.

Presidents Council. No action was necessary.

(f) Sports Sponsorship Waiver – College of New Rochelle Waiver of NCAA Bylaw 20.11.3 (Sports Sponsorship).

Management Council. The Council approved a sports sponsorship waiver request from College of New Rochelle per NCAA Division III Bylaw 20.11.3.6.1 (male-female enrollment ratio waiver) for a three-year period with the opportunity to reapply at the end of the three-year period.

In its approval, the Council and committee noted that New Rochelle cited its commitment and mission to maintain its status as a women's college. New Rochelle noted that it has a college of nursing and a college of arts and sciences. While New Rochelle is legally obligated to admit males to its nursing program, they are not required to do so in their arts and sciences college. As a result, the institution, while attempting to maintain its status as a women's college, technically has undergraduate males enrolled in its nursing program. The institution noted they have approximately 600 female undergraduates and 11 male undergraduates. The committee considered the uniqueness of the situation in recommending approval of this request. New Rochelle will be obligated to reapply for a waiver at the end of the three-year period or sponsor sports for males.

Presidents Council. No action was necessary.

(g) Provisional Member Annual Reports – Active Membership – NCAA Constitution 3.2.3.1 (Application).

Management Council. The Management Council approved the committee's recommendation to elect the following institutions to active Division III membership per NCAA Constitution 3.2.3.1 (Application):

- Lancaster Bible College;
- Lyndon State College;
- North Central University;
- Penn State, Harrisburg; and
- Saint Vincent College.

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

(h) Reclassification Election – Applicants – NCAA Bylaw 20.6.3 (Election) – Centenary College (Louisiana).

Management Council. The Management Council approved Centenary College's (Louisiana) application for the Division III reclassification process.

Based on its review of Centenary College's application, viability statement, compliance assessment and active Division III member sponsorship letter, the committee agreed that the institution should be approved for reclassification membership.

Presidents Council. No action was necessary.

(i) Reclassification Election – Applicants – NCAA Bylaw 20.6.3 (Election) – University of New Orleans.

Management Council. The Management Council conditionally approved the University of New Orleans's application for the Division III reclassification process.

Based on its review of the University of New Orleans' application, viability statement, compliance assessment and active Division III member sponsorship letter, the committee agreed that the institution should be conditionally approved for reclassification membership.

Specifically, the committee recommended the University of New Orleans serve a conditional year during the 2010-11 academic year, prior to commencing Year One of the regular reclassification process, during which the institution is required to satisfy the following conditions:

- Satisfaction of all educational programming affiliated with year one of the reclassification process.
- Adherence to the institution's sports sponsorship plan (i.e., sponsorship of six men's and six women's sports effective 2011-12) and any other plan submitted as part of its reclassification application;
- Development and modification of all institutional communications documents, handbooks or manuals, and any other internal or external communications and materials (e.g., Website, press releases) in order to demonstrate an understanding and comprehensive commitment to Division III. The institution must use the Division III Philosophy Statement and Strategic Platform when developing and revising its materials and communications;
- Regular dialogue with a Division III mentor institution, including implementation of relevant recommendations or best practices.

Additionally, the committee recommended the institution conduct a site visit to an "exemplary" Division III institution during the 2010-11 academic year with members of the athletics department (e.g., administrators, coaches, FAR) and individuals outside of athletics with rules compliance responsibilities (e.g., registrar, admissions, financial aid) in order to observe and learn best practices to facilitate its transition to Division III. The committee also encourages these same individuals participate in 2011 NCAA Regional Rules Seminars.

The committee noted that the institution currently sponsors four sports for females and five sports for males, but recognized the institution is operating under a waiver of Division I membership requirements through the 2011-12 academic year. In considering the institution's application, the committee noted the extraordinary impact of the recent natural disaster in combination with the national economic downturn. The committee also recognized that the institution is located in a geographic location that lacks Division III members. Accordingly, the committee believes the extreme and unusual circumstances presented warrants conditional approval. The conditions and timetable recommended by the committee was crafted to ensure that the institution is accountable and prepared for Division III membership while also maintaining a commitment to the quality of the division and its member institutions.

Presidents Council. No action was necessary.

(j) Provisional/Reclassifying Member Waiver to Accelerate – SUNY Cobleskill – NCAA Bylaw 20.3.3.1.1 (General).

Management Council. The Management Council denied SUNY Cobleskill's request to accelerate the four-year Division III provisional process.

Based on its review of SUNY Cobleskill's annual report and preliminary program assessment, the committee deemed that the institution did not satisfy all components of 20.3.3.1.1. Specifically, the committee cited SUNY Cobleskill's continuing compliance development and enhancements. The waiver is provided to those institutions that are fully prepared for active membership and should not be conferred on those institutions that are still developing and enhancing institutional policies and procedures. Requiring institutions that are still developing and implementing the division's philosophy and any related policies and procedures to fulfill the regular four year process is in the best interest of the institution.

Presidents Council. No action was necessary.

(k) **Accreditation Requirements.** The Management Council accepted the information that the committee considered the concept of expanding the current regional accreditation standard from a requirement that institutions be accredited by one of the six regional accreditation agencies to a standard that institutions be accredited by an accreditation agency recognized by the U.S. Department of Education. The committee noted that the six regional accreditation agencies have rigorous standards that hold institutions accountable and afford institutions an appellate process. The committee considered the student-athlete educational experience in conjunction with the Division III philosophy and its emphasis on integration and academic excellence and accountability. The committee was opposed to changing the current standards and noted that the current standard is appropriate.

Presidents Council. No action was necessary.

(l) **Corresponding and Affiliated Membership.** The Management Council accepted the information that the NCAA Executive Committee will receive preliminary recommendations regarding the membership categories of "corresponding" and "affiliated." The committee provided feedback related to possible elimination of the 'corresponding' membership category and supported the concept that the 'affiliated' membership category be further defined to limit membership to coaches and sports associations for sports sponsored by the NCAA and associations comprised of college/university administrators. This feedback will be provided to the NCAA Executive Committee for consideration in combination with the other divisions' input in order to determine a possible resolution.

Presidents Council. No action was necessary. The Council acknowledged that this issue may be presented to the Division III Administrative Committee to take action within the 2011 legislative cycle, pending results of the Executive Committee meeting.

(m) NCAA Constitution 3.2.4.15- Convention and Regional Rules Seminar Attendance

Management Council. The Council acknowledged that the committee reviewed the 2008, 2009 and 2010 Regional Rules Seminars attendance lists, noting 2010 is the final year of the first three-year attendance cycle. All active members satisfied the attendance requirement. In its review of this information, the Council requested that the Membership Committee examine electronic means for the membership to satisfy the Regional Rules Seminar attendance requirement, based on the financial challenges facing institutions, and the value that could be delivered to a wider audience with the use of electronic information delivery.

Presidents Council. No action was necessary.

(n) Provisional/Reclassifying Process and Advancement.

Management Council. The Council acknowledged that as a result of each respective institution's advancement in the provisional/reclassifying program, the following designations will take effect September 1, 2010:

- Year One to Year Two: Berry College; Covenant College; Penn State Abington.
- Year Two to Year Three: Spalding University; SUNY at Cobleskill.
- Year Three to Year Four: Birmingham-Southern College; Franciscan University at Steubenville; St. Joseph's College (Brooklyn).

Presidents Council. No action was necessary.

Staff Liaison: **Tufano**

Council Rep: Lowe

(6) Nominating Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons: **Conklin, Davey, Montgomery**

Council Reps: Royer, Wojtkun

(7) Student-Athlete Advisory Committee (SAAC).

(a) Noncontroversial Legislation – NCAA Division III Bylaw 13.02.10 (Electronic Transmissions) – Exception – After Receipt of a Financial Deposit.

Management Council. The Management Council approved in concept noncontroversial legislation to allow an institution to use any form of electronically transmitted correspondence when communicating with a prospective student-athlete on or after May 1, provided the institution has

received a financial deposit in response to the institution's offer of admission. The benefits of allowing electronic communication in the manner proposed will assist coaches and prospective student-athletes with arranging preseason logistics, team building and acclimatization. Prospective student-athletes that have sent a deposit to an institution will be able to correspond via electronic transmissions in addition to the current permissible means of communication (e.g., phone, email).

Presidents Council. No action was necessary.

(b) Sand Volleyball – Continued Study.

Staff Liaisons: **Barnhart, Holzman, Morrison**

Council Rep: Oberbillig

Management Council. The Management Council approved a request to conduct an enhanced study of the feasibility of sand volleyball to include student-athletes and prospective student-athletes. The study should include current volleyball student-athletes. The committee recognized that the NCAA conducted a study of the feasibility of an interest in sand volleyball for Division III. However, the study was directed to campus administrators and did not include student-athlete and prospective student-athlete input. Student-athlete and prospective student-athlete input would be valuable in reaching a decision regarding the advisability of adding sand volleyball to the list emerging sports for women for Division III.

Presidents Council. No action was necessary.

(c) Transgendered Student-Athlete Issues

Staff Liaisons: **Morrison, Wilfert, Vowels**

Council Reps: Martinez, Oberbillig

Management Council. The Management Council acknowledged that SAAC considered both policy and student-athlete well-being issues and considerations related to transgender student-athlete athletics participation. The committee discussed competitive equity and eligibility for NCAA championships concerns while also considering transgender student-athlete well-being.

The committee noted that gender reassignment is not a decision made without serious consideration, and it is unlikely that an individual would initiate the medical process for sexual reassignment simply to gain a competitive advantage. As a result, the committee noted that well-being and educational concerns should be a priority in any related discussions. The committee also discussed compassion for transgender student-athletes and focused on safety and anti-harassment concerns. In its discussion, the committee also focused on practical concerns such as locker room usage.

The committee requested further information and education regarding the science of gender reassignment, transgender issues policy considerations and the information relating to the specific issues affecting transgender student-athletes. The committee also requested transgender testimonials in an effort to better understand the personal experience associated with gender reassignment and concerns a transgender student-athlete may have with being both a student-athlete and transgender individual. Consultation with individuals that better understand transgender concerns will provide the committee a foundation to make sound policy and student-athlete well-being decisions.

Presidents Council. The Presidents Council referred to the Competitive Safeguards and Medical Aspects of Sport and Committee on Women's athletics a charge to raise awareness of the issues associated with, and resources available to protect, transgendered student-athlete well being, and to establish a timeline for the NCAA to develop a formal policy on transgendered student-athlete eligibility. The Council determined that the number of transgender students interested in athletics participation is likely to continue to rise, and the Association should offer its members more assistance and direction regarding how to best manage any associated eligibility and well-being issues.

(d) Student-Athlete Sport Wagering Issues.

Staff Liaisons: Creators, Newman-Baker

Management Council. The Management Council acknowledged that SAAC reviewed results of the most recent sports wagering survey. In its review, the committee discussed the concept that Division III student-athletes gamble more frequently than their Division I and II counterparts. The committee provided feedback related to why Division III student-athletes may gamble at higher rates. The committee noted this may be in part due to the perception that Division III student-athletes are not violating athletics integrity by wagering on athletics competition outside their division. The committee noted that Division III student-athletes may also believe that they are less susceptible to being caught or unaware of the potential consequences. The committee noted that Division III student-athletes are not in jeopardy of losing athletically-related financial aid and as such, may be more willing to gamble with only their athletic eligibility at stake. The committee also considered the social aspects of sports wagering.

The committee suggested exploring enhanced and alternative educational initiatives. The committee suggested using general student orientations to present sports wagering educational materials, pushing educational initiatives through collegiate coaches and repeating educational efforts throughout a student-athlete's academic career. In addition, Division III could use expert presentations on sports wagering at the conference SAAC level. The committee discussed creating an educational video involving Division III student-athletes.

Because the data showed that student-athletes begin gambling activities prior to initial collegiate enrollment, the committee recommended that gambling education occur prior to collegiate enrollment. The committee noted that educational efforts must also continue after enrollment.

Presidents Council. No action was necessary.

Staff Liaisons: **Bandy, Groddy**

Council Rep: Gunning

(8) Student-Athlete Reinstatement Committee.

(a) NCAA Division III Bylaw 16.5.1 – Preseason Practice Expenses.

Management Council. The Management Council approved in concept noncontroversial legislation to specify that violations of Bylaw 16.5.1-(a) be considered *de minimis* and not affect the eligibility of the student-athlete when the violation occurs based on miscalculation of permissible start date for preseason practice expenses. The institution would still be required to submit a secondary violation.

This proposal would remove the effect on eligibility when an institution impermissibly provides preseason practice expenses due to a miscalculation of the permissible start date for provision of such expenses. The NCAA Division III Committee on Student-Athlete Reinstatement believes student-athletes lack involvement and culpability in these cases and only a limited number of violations have occurred based on a review of case precedent. Further, such a change will reduce bureaucracy within the NCAA and lessen the burden on institutional personnel.

Presidents Council. No action was necessary.

(b) Application of Hardship Waiver Requirements Across Divisions.

Management Council. The Management Council reviewed the committee's report on the application of hardship waiver requirements across divisions. Based on a referral from the NCAA Division III Interpretations and Legislation Committee, the committee reviewed and reconsidered the current standard in Division III that dictates that the legislative requirements used for determining whether a transfer student-athlete qualifies for the hardship waiver be those in the division from which the student-athlete transferred (and was injured), rather than providing the opportunity for the student-athlete's circumstances to be considered under the requirements of the division to which the student-athlete has transferred. Unlike a student-athlete who transfers to Division III from an NCAA Division I or II institution having suffered an injury at his or her previous institution, in Division I and II, current legislation allows analysis of the hardship waiver for a transfer student-athlete to be based on the legislation most beneficial to the student-athlete (i.e., from the division where the injury occurred or the division of the student-athlete's current institution). After much discussion, the committee determined

that application of the existing standard remains appropriate within the context of Division III philosophy and avoids possible unfair competitive benefits for selected Division III institutions.

The Council noted disagreement between the Committee on Student-Athlete Reinstatement and the Interpretations and Legislative Committee (ILC), but did not recommend any action, thus maintaining the existing Division III rule and interpretations.

Presidents Council. No action was necessary.

Staff Liaisons: Huchthausen, Myers

Council Rep: Fulks

(9) Interpretations and Legislative Committee (ILC).

(a) Modification of Wording – Eligibility – Season of Participation – Hardship Waiver – Nature of Injury/Illness.

Management Council. The Management Council approved in concept a modification of wording to NCAA Division III Bylaw 14.2.5.2.1 (nature of injury/illness) to permit a student-athlete to file a hardship waiver, regardless of when the injury or illness occurred, provided the injury or illness is incapacitating based on contemporaneous medical documentation and prevents the student-athlete from competing during the applicable playing season.

Current legislation in Bylaw 14.2.5.2.1 permits a student-athlete to qualify for a hardship waiver provided the incapacitating, season-ending injury or illness occurs *after* the individual becomes a student-athlete by reporting on call for regular practice or after attending the first day of class. For example, an incoming football student-athlete would not be eligible for a hardship waiver if he sustained an incapacitating, season-ending injury one day before reporting for the first day of preseason practice at the institution. The implication on these individuals is that under the Division III seasons-of-participation rule in Bylaw 14.2.4.1 and the definition of an athletically related activity in Bylaw 17.02.1.1, they would trigger a season of participation simply by attending team meetings throughout the season even if they never engaged in physical practice or competition activities as a result of their injury or illness and, given the current wording of Bylaw 14.2.5.2.1, they are not eligible for a hardship waiver for that season.

NCAA Division III Proposal No. NC-2006-48, which was ratified during the 2006 NCAA Convention, eliminated a provision in the hardship waiver bylaw that required the injury or illness to have occurred *during* one of the four seasons of participation. The rationale for the proposal stated, in part, "It does not seem appropriate to bar a student-athlete from any participation with a team because the injury occurred in the days or

weeks prior to the season (as opposed to happening after the season started). The committee recognized that student-athlete well-being could be enhanced with an amendment."

The NCAA Division III Interpretations and Legislation Committee agreed that the principle from Proposal No. NC-2006-48 provides sufficient justification to modify Bylaw 14.2.5.2.1 to eliminate the requirement that the injury must occur after the individual has triggered student-athlete status. The membership determined it is reasonable that an injury occurring in the summer after a student-athlete's sophomore year is sufficient to qualify that student-athlete for a hardship waiver for his/her junior year. This permits that student-athlete to attend meetings and other athletically related activities without using a season of participation, while he/she is rehabilitating the injury. The committee agreed that extending this same principle, via modification of wording, to an injury that occurs during the summer prior to the individual becoming a student-athlete is likewise reasonable.

This proposal is student-athlete friendly as it permits an incoming student-athlete to be treated consistently with returning student-athletes by allowing them to be included in required team activities (e.g., team meetings, travel with team), even if the injury or illness prevents the individual from physically engaging in regular practice or competition, without using a season of participation.

Presidents Council. No action was necessary.

(b) Approval of Official Interpretation – Playing and Practice Seasons – Observation of Enrolled Student-Athletes in Organized Competition.

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

Observation of Enrolled Student-Athletes in Organized Activity. The NCAA Division III Management Council confirmed that a coach may not serve in an administrative capacity (e.g., tournament director, event manager) for an outside team, league, activity or event in which student-athletes from the coach's sport participate. [References: NCAA Division III Bylaws 17.02.1.1.1-(d) and 17._.8.1.1 and a staff interpretation (6/25/93, Item No. a)]

The committee considered the issue of whether it is permissible for an institution's coach to serve as tournament director or manager of a non-collegiate athletics event in which enrolled student-athletes participate. With the adoption of Proposal No. 2010-3, the tryout legislation was significantly deregulated. Accordingly, institutional coaching staff

members are now permitted to be more involved with noncollegiate events that involve prospective student-athletes. Because these events may also include student-athletes, institutions must determine to what extent, if any, their coaches may be involved in events that include student-athletes from their own institutions. While Proposal No. 2010-3 provided flexibility for a coach to be involved with these events from a recruiting perspective, the regulations for enrolled student-athletes and athletically related activities remain unchanged. Therefore, the committee agreed that a coach could not serve as a tournament manager or director under Bylaw 17.02.1.1.1-(d) in that such duties, regardless of title, are tantamount to directing or supervising the activity which is not permissible.

Presidents Council. No action was necessary.

(c) Approval of Official Interpretation – Recruiting – Contact at Practice or Competition Site – Institutional Camp or Clinic.

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

Camp or Clinic Considered Athletics Competition. The NCAA Division III Management Council determined that for purposes of the restrictions on contact at a prospective student-athlete's practice or competition site, a camp or clinic is considered an athletics event and subject to all provisions in the legislation except that contact may occur with a prospective student-athlete at any site before the contest on the day or days of competition. [References: Bylaw 13.1.4.2 (practice or competition site); staff interpretation (7/26/90, Item No. 1-d) and staff interpretation (10/2/92, Item No. b) which has been archived.]

The committee reviewed a staff interpretation [Reference: 10/2/92, Item No. b] which stipulates that camps and clinics are subject to the legislation in Bylaw 13.1.4.2 (practice or competition site). Practically, this means that a prospective student-athlete, who intends to take an official or unofficial visit to an institution in conjunction with his or her participation in an institutional camp or clinic, can only do so after the camp or clinic is finished and the campers have been released because Bylaw 13.1.4.2-(a) prohibits recruiting contact prior to the activity. In other words, the interpretation permits recruiting contact after a camp or clinic is complete, but not before it starts. The committee believed such a distinction is not substantial to preclude the sequence of activities desired by the institution. Further, the committee noted that participation in a camp or clinic is different than participation in practice or competition and warrants slightly different restrictions while still intending to minimize the intrusion to the prospective student-athlete as he or she prepares for and participates in an athletic activity.

Presidents Council. No action was necessary.

(d) Approval of Official Interpretation – Recruiting – Institutional Camp or Clinic.

Management Council. The Management Council referred back to ILC and SAAC the following official interpretation:

Recruitment at Institution's Sports Camps and Clinics. The NCAA Division III Management Council confirmed that institutional staff members are prohibited from engaging in recruitment activities during institutional sports camps or clinics. [References: Bylaws 13.1.4.2 (practice or competition site) and 13.12.1.1 (definition) and a staff interpretation (4/5/89, Item No. i) which has been archived]

In its referral, the Council noted that the reason many prospective aged individuals attend institutional campus is to learn about the athletics program at that institution. The committee should reconsider this interpretation in light of that practice.

Presidents Council. No action was necessary.

(e) Approval of Official Interpretation – Playing and Practice Seasons – Strength and Conditioning Activities – Out of Season – Exception – Football.

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

Team-Building Activities During Five-Week Period – Football. The NCAA Division III Management Council determined that, in football, an institution may conduct team-building activities (e.g., ropes courses) during the five-week period outside the playing season, provided the activity counts as one of the 16 days in which athletically related activity may occur. Further, an institution may provide expenses for participation in such activity. [References: Bylaws 16.8.1.1 (practice) and 17.9.6.1 (out-of-season athletically related activities – exception) and staff interpretation (8/23/96, Item No. b) which has been archived]

The committee reviewed Bylaw 17.9.6.1 (out-of-season athletically related activities – exception) which provides an exception to the restrictions on out-of-season athletically related activities in football. It permits an institution to participate in strength and conditioning activities and limited skill instruction during a consecutive five-week period, typically during the spring. The restriction on the type of athletically related activities that may be conducted is unique to football. In most other sports

there exists a nontraditional segment which may limit the number of days on which athletically related activities may occur, but there are no limits on the type of activity. The rationale is largely based on safety reasons unique to the sport; therefore, strength and conditioning and limited skill instruction are considered reasonable activities during a limited time period. There is, however, no specific definition of what constitutes a permissible strength and conditioning activity. Additionally, there is a staff interpretation [Reference: 8/23/96, Item No. b] that prohibits an institution from paying expenses for ropes courses or other team building activities during a period when only strength and conditioning may occur. Since Bylaw 16.8.1.1 (practice) permits institutions to pay for practice activities, which includes strength and conditioning activities, this staff interpretation implies that ropes courses are not considered a strength and conditioning activity since it states that an institution may not pay for the expenses. Accordingly, since football is restricted to conducting only strength and conditioning and limited skill instruction during the five-week period, it is not permissible to participate in ropes courses during this time period, regardless of who pays the expenses. The committee disagreed with the existing staff interpretation and believed it was reasonable to permit football student-athletes to participate in team-building activities during the five-week spring period provided it counted as one of the 16 days.

Presidents Council. No action was necessary.

(f) Review Presidential Leadership Concepts.

Management Council. The Management Council reviewed the committee's recommendation to clarify the designation of "athletics direct report (ADR)."

The committee reviewed the recommendation to add two individuals designated as ADRs to the Management Council and believes clarification is needed regarding the definition of ADR and whether that is intended to be an individual to whom the president or chancellor has assigned responsibility for athletics or an individual to whom the athletics director reports. The committee noted that while in many cases this individual is the same person (i.e., individual the president or chancellor has assigned responsibility for athletics is the same person to whom the athletics director reports), there are some situations in which these are two different people. Therefore, the committee recommends the Councils further discuss and more specifically define this designation before formally sponsoring legislation.

The Council clarified that this designation is intended for the individual to whom the president or chancellor has assigned responsibility for oversight of the athletics program.

Presidents Council. No action was necessary.

d. Association-Wide and Common Committees.

Staff Liaisons: **Klossner Wilfert**

Council Rep: Martinez

(1) Competitive Safeguards and Medical Aspects of Sports (CSMAS).

(a) Sickle Cell Trait Testing in Divisions II and III.

Management Council. The Management Council acknowledged that CSMAS reviewed sickle cell trait testing in Divisions II and III in light of the recent Division I legislative action. CSMAS continues its support for their 2009 recommendation that athletics departments confirm sickle cell trait status in all student-athletes during the medical examination period. Currently, there is insufficient data for the committee to take a position on legislation to mandate sickle cell trait testing in Division II or Division III.

The Council referred the issue back to CSMAS to produce a summary of the data currently available, including division-specific data that, if collected, may help Division III resolve the issue of mandatory testing for the sickle cell trait.

Presidents Council. No action was necessary.

(b) NCAA Drug Testing Plan.

Management Council. The Management Council reviewed CSMAS's proposed updates to the NCAA drug-testing plan that allows for flexibility in testing both in championships and in year-round testing. That flexibility will involve more weighted/targeted testing both by sports and substances. The proposed plan will be presented to the Executive Committee for approval. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison: **Tufano**

Council Rep: Klika

(2) Honors Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons: **Bracken, Ford, Rossello**

Council Rep: Ching

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

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

Presidents Council. No action was necessary.

Staff Liaison: **Calandro, Smith, Suscha**

Council Rep: Chapman

(4) Olympic Sports Liaison Committee.

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

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 action was necessary.

Presidents Council. No action was necessary.

Staff Liaison: Bracken

Council Rep: Ryerson

(6) Research Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons: **Ahlgren Bedics, Miller, Smith**

Council Rep: Ingold

(7) Committee on Sportsmanship and Ethical Conduct.

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

Presidents Council. No action was necessary.

Staff Liaison: Chichester

Council Rep: Thomforde

(8) Walter Byers Scholarship Committee.

Management Council. The Management Council reviewed the committee's report, noting the 2010 honorees: Katherine Theisen, University of St. Thomas and Joshua Mahoney, University of Northern Iowa. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: **Barnhart, Holzman, Morrison**

Council Rep: Oberbillig

(9) Committee on Women's Athletics (CWA).

(a) Membership – Definitions and Applications – Emerging Sports for Women – Squash.

Management Council. The Management Council approved in concept noncontroversial legislation to remove squash from the list of emerging sports for women and to eliminate other specified legislation associated with the sport (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements), effective August 1, 2011.

The emerging sports for women program began in 1994 as a result of recommendations from the Gender-Equity Task Force. NCAA regulations require that emerging sports for women gain championship status (minimum of 40 varsity-sponsored NCAA programs) within 10 years or show steady progress toward that goal to remain on the emerging sports for women list. Nine sports were on the original list, including squash. In the past 14 years, four of those sports became championship sports (rowing, women's ice hockey, women's water polo and bowling). In 2009, four sports were removed from the list due to not being able to demonstrate steady progress (archery, badminton, synchronized swimming and team handball). In 2009, the number of institutions sponsoring squash as a varsity program was 28, and this number has been constant since 2007. The committee has reached out to the sport contacts on several occasions since 2007 to offer feed-back on the sport's 2008 action plan and requested additional in-formation evidencing that there has been any progress made to-wards the goal of 40 varsity programs. Squash has not been able to meet this requirement. If squash is removed from the list, institutions can still sponsor the sports as varsity and include it in their gender equity efforts. Any sport can pursue renewal to emerging sport status by following committee procedures, including submission of a proposal and 15 letters of institutional commitment.

Presidents Council. No action was necessary.

(b) Amendment to emerging sports for women legislative timetable.

Management Council. The Management Council approved in concept noncontroversial legislation to amend NCAA Constitution 3.2.4.4.2 to remove the "phase in" period for application of NCAA legislation and require that all NCAA legislation be applied at the time of the effective date the sport appears on the emerging sports for women list, effective August 1, 2011.

NCAA legislation allows for a three-year phase-in period for application of specified NCAA legislation from the date a sport is added to the emerging sports for women list. In recent years, the delay in application of NCAA legislation has resulted in confusion in areas such as amateurism, recruiting and financial aid among institutions contemplating adding the sport once it is established on the list. Eliminating the phase in period for applying legislation to emerging sports for women supports competitive equity among institutions that sponsor the sport and will require that all legislation apply on the effective date the sport is recognized on the emerging sports list. Eliminating the phase in period also will require NCAA legislation (e.g., coaching limitations, financial aid) be in place by the effective date of the sport's addition to the emerging sports list. However, this approach will provide greater transparency and information with regard to budgets and resource allocation. As sports are recommended to be added to the emerging sports for women list, the committee will take into account (with input from the sport's sponsors) how much time may be necessary to develop the applicable legislation and will give careful consideration to the appropriate effective the date the sport would be recognized on the emerging sports for women list.

Presidents Council. No action was necessary.

4. *CHAIR AND VICE CHAIR ELECTIONS.*

Management Council. The Management Council elected Chris Martin, Commissioner of the College Conference of Illinois and Wisconsin, as chair for the 2011-12 term and Jeff Martinez, Director of Athletics, University of Redlands as vice-chair.

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

5. DIVISION III INITIATIVES.

a. Division III Identity Initiative.

Management Council. The Management Council was visited by Jo Jo Rinebold, NCAA Managing Director of Branding and Communications, and engaged in discussion regarding updates on the Identity Initiative, including progress on the new Division III Public Website, activation tool kit and purchasing Website. Ms. Rinebold emphasized the activation activities that campuses can engage in now, including using the new Division III logo lock-up, sharing the Division III video, and conducting a communications audit to examine where current campus materials may be inconsistent with the Division III platform.

Feedback from the Council included emphasizing the importance of continued collaboration with and outreach to the CoSIDA, additional opportunities to produce logoed apparel (either for Convention or in conjunction with conference shirts), and the continued need to communicate the expectation for local activation of the Identity Initiative.

Presidents Council. The Council, while meeting jointly with its Advisory Group, received an update on resources to be made available to the Division III membership to assist in local activation of the Division III Strategic Positioning Platform. The presentation was made by the following NCAA staff: Dennis Cryder, senior vice president of branding and communications; David Lovell, associate director of brand strategies and events; Ronnie Ramos, managing director of new media of strategies and content development; and Jo Jo Rinebold, managing director of brand strategies and events. Such resources include activation tool kits and promotional materials for institutions and conferences, and a new web site to explain Division III to the general public. Each of these materials will be launched for the start of the 2010-11 academic year.

b. Presidential Leadership.

Management Council. The Management Council endorsed the following presidential leadership concepts:

(1) Eliminate the need for the Presidents Council to serve as the sponsor for all of the governance-sponsored proposals for Convention vote. This change would allow the Management Council to develop and sponsor operational legislation and will provide a clear delineation of operational and strategic responsibilities within the governance structure.

(2) Add Athletics Direct Reports to the Management Council. The addition of these two individuals (non-presidents who oversee an athletic director) could broaden the perspective of the Council by including a voice that, while responsible for managing athletics on campus, has not historically been included in governance discussions. This may be particularly helpful in legislative discussions, and could smooth the transition of any greater legislative authority being given to the Management Council. It may be appropriate for these individuals to serve on the subcommittee described in the concept above. The Council discussed that this person is the person to whom the athletics department reports.

(3) Establish a joint subcommittee of the Presidents and Management Councils to determine which concepts warrant review by the Presidents Council and formalize the guidelines for such determinations. The subcommittee will establish objective review guidelines that focus on clear, fundamental tenets of the Division III Philosophy Statement and set the proper framework for identifying issues that warrant the Presidents Council's attention. Membership on the subcommittee would likely include the two presidents serving on the Management Council as well as the athletics direct reports, in additional to selected presidents from the Presidents Council.

(4) Establish an expectation for conferences to demonstrate presidential leadership. [Note: See page 5, the Strategic Planning and Finance Committee recommendations, for further information.]

Presidents Council. Agreed to sponsor the following two proposals for the 2011 Convention:

(1) Organization – Presidents Council and Management Council – Authority regarding Sponsorship and Adoption of Legislation and Regulations. Eliminate the requirement that the NCAA Division III Presidents Council adopt noncontroversial amendments, administrative bylaws and regulations and sponsor legislative proposals; further, to assign that authority to the NCAA Division III Management Council.

The current legislative process requires all governance-sponsored proposals to be sponsored by the NCAA Division III Presidents Council. Many proposals under consideration each year focus on operational issues relevant to athletics administrators' management of coaches, student-athletes and prospective student-athletes. Requiring the Presidents Council to dedicate time to these matters is inconsistent with its emphasis on enhanced presidential leadership across the division. Sufficient time must be afforded for the Presidents Council to focus on strategic matters in order to effectively lead and guide the division. Delegating responsibility for sponsoring legislation to the Management Council will permit the Presidents Council the opportunity to do this, yet it will retain the opportunity to sponsor and adopt legislation considered critical to the division at its discretion. In order determine those concepts and issues that require presidential review, a joint subcommittee will be established including members from the Management Council and Presidents Council. This subcommittee will include the presidential members and athletics direct reports of the Management Council along with representatives of the Presidents Council. The subcommittee's purpose will be to identify key issues that tie to the division's philosophy, strategic plan or strategic positioning platform to ensure the division consistently exercises presidential leadership.

(2) Organization - Management Council - Composition. Increase the composition of the NCAA Division III Management Council to 21 and to require at least two athletics direct reports (non-presidents with oversight of athletics). Based on results from a 2008 membership survey, it was revealed that approximately 80% of the Division III membership have institutional structures in which the president or chancellor has designated oversight of intercollegiate athletics to another individual (e.g., vice president). The NCAA governance structure, however, generally does not include such individuals in governance dialogue. Since these individuals are responsible for managing intercollegiate athletics at a majority of

Division III institutions, it is reasonable and important to include them within the governance structure. Adding at least two of these individuals to the NCAA Division III Management Council will ensure their input is provided on key operational and strategic issues for the division. Under this proposal, a definition of "athletics direct report" would be specified as the individual designated by the institution's president or chancellor for oversight of the intercollegiate athletics program.

Further, the Council endorsed the concept to establish a joint subcommittee of the Presidents and Management Councils to determine which concepts warrant review by the Presidents Council and formalize the guidelines for such determinations. Such an action will be implemented via policy, contingent on adoption of the related Convention Proposal. The Council also established its expectation for Division III conferences to demonstrate presidential leadership, as described on page 5 with the Strategic Planning and Finance Committee report.

c. Drug Education and Testing Pilot.

Management Council. The Council discussed future substance deterrence program for the division. [Note: See page 8, the Strategic Planning and Finance Committee recommendations, for further information.]

Presidents Council. The Council, in consultation with its Advisory Group, discussed future substance deterrence program for the division. [Note: See page 9, the Strategic Planning and Finance Committee recommendations, for further information.]

d. Academic Reporting Pilot.

Management Council. The Council received an update that 140 institutions have submitted data for analysis in this pilot. The Council will be provided with a preliminary report of findings at its October meeting. No action was necessary.

Presidents Council. The Council noted that the Management Council received an update and will receive a preliminary report during its October meeting. No action was necessary.

e. Virtual Focus Group Communication (VFG).

Management Council. The Management Council reviewed the VFG responses regarding Communication #19 and budget actions taken by Division III institutions and conferences in light of current economic conditions. The Council noted the importance of remaining cognizant of these challenges and being flexible with conference grant dollars and other NCAA resources.

Presidents Council. No action was necessary.

Staff Liaisons: **Davey, Dutcher, Huchthausen, Kareti, Myers**

6. PROPOSED LEGISLATION FOR THE 2011 CONVENTION.

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

a. Membership-Sponsored Legislation.

(1) Amateurism – Preferential Treatment – Exception – Designation of Fundraising Money.

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

Presidents Council. The Presidents Council approved the committee referral.

(2) Eligibility – Outside Competition – Exceptions – Triathlon.

Management Council. The Management Council reviewed the membership-proposal and forwarded it to SAAC, Playing and Practice Season Subcommittee (PPSS), Student-Athlete Reinstatement Committee (SAR), Academic Issues Subcommittee (AIS), the sport committees for track and field and swimming and diving.

Presidents Council. The Presidents Council approved the committee referral.

(3) Playing and Practice Seasons – Athletically Related Activities – Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts.

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

Presidents Council. The Presidents Council approved the committee referral.

(4) Playing Seasons – Number of Contests and Dates of Competition - Maximum Limitations – Reductions.

Management Council. The Management Council reviewed the membership proposal and forwarded it to the Championships Committee (including various sports committees), PPSS, ILC and SAAC to recommend an official position.

Presidents Council. The Presidents Council approved the committee referral.

(5) Postseason Events – Division III Championships – Men's Volleyball.

Management Council. The Management Council reviewed the membership proposal and forwarded it to the Championships Committee and PPSS to recommend an official position.

Presidents Council. The Presidents Council approved the committee referral.

(6) Executive Regulations – Administration of NCAA Championships – Squad Limits – Bench Size Limits – Sports Other Than Football.

Management Council. The Management Council reviewed the membership proposal and forwarded it to the Championships Committee (various sport committees) and SAAC to recommend an official position.

Presidents Council. The Presidents Council approved the committee referral.

(7) Executive Regulations – Administration of NCAA Championships – Squad Limits – Bench Size Limits – All Sports.

Management Council. The Management Council reviewed the membership proposal and forwarded it to the Championships Committee (various sport committees) and SAAC to recommend an official position.

Presidents Council. The Presidents Council approved the committee referrals.

b. Governance-Sponsored Proposals.

- **Amateurism – Exception for Prize Money for Enrolled Student-Athletes - Outside the Playing Season During the Institution's Official Summer Vacation Period – Individual Sports**.

Management Council. The Management Council approved in legislative format a proposal to permit a student-athlete in an individual sport to accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's playing season during the institution's official summer vacation period, the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event. The Council determined the proposal should have an immediate effective date.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2011 Convention and approved it in legislative format with an immediate effective date.

c. Noncontroversial Legislation.

(1) NC 2011-9 – Ethical Conduct – Unethical Conduct – Application to Institutional Staff.

Management Council. The Management Council adopted in legislative format a proposal to clarify that for purposes of the legislation governing unethical conduct, an institutional staff member includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work.

Presidents Council. No action was necessary.

(2) NC 2011-10 – Ethical Conduct – Unethical Conduct.

Management Council. The Management Council adopted in legislative format a proposal to specify that unethical conduct shall include: (1) failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores); (2) fraudulence or misconduct in connection with entrance or placement examinations; (3) engaging in any athletics competition under an assumed name or with intent to otherwise deceive; and (4) failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or the institutions athletics department regarding an individual's amateur status.

Presidents Council. No action was necessary.

(3) NC 2011-11 – Membership Categories – Restricted Membership – Revocation of Catastrophic Injury Insurance.

Management Council. The Management Council adopted in legislative format a proposal to specify that institutions placed in restricted membership are not subject to revocation of NCAA catastrophic-injury insurance.

Presidents Council. No action was necessary.

(4) NC 2011-12 – Multidivisional Classification Compliance with Criteria - Revocation of Multidivision Classification – Athletically Related Financial Aid Exception.

Management Council. The Management Council adopted in legislative format a proposal to specify that during the two-year compliance criteria period, a member institution that has revoked multidivision classification shall not award new

athletically related financial aid to incoming students (e.g., freshmen, transfers); further, to specify that a member institution may continue to award athletically related financial aid to a student who previously received athletically related financial aid provided the student no longer participates in intercollegiate athletics.

Presidents Council. No action was necessary.

(5) NC 2011-13 – Enforcement – Definitions – Secondary Violation.

Management Council. The Management Council adopted in legislative format a proposal to clarify the definition of a secondary violation as one that does not include any significant impermissible benefit, including but not limited to, extra benefits, recruiting inducements, preferential treatment or financial aid.

Presidents Council. No action was necessary.

(6) NC 2011-14 – Playing and Practice Seasons – General Playing Season Regulations – Missed Class Time – Practice – Exception – Practice in Conjunction with an NCAA Championship.

Management Council. The Management Council adopted in legislative format a proposal to permit student-athletes representing the host institution to miss class time for practice activities scheduled in conjunction with an NCAA championship.

Presidents Council. No action was necessary.

(7) NC 2011-15 – Playing and Practice Seasons – Playing Season – Five Weekday Limitation – Regular Final Examination Period – Fall and Spring Nontraditional Segment.

Management Council. The Management Council adopted in legislative format a proposal to specify that the nontraditional segment may not be conducted within five weekdays of the start of final exams for any regular academic term; further, to specify that if the academic year ends with a term other than a regular academic term, then the nontraditional segment shall end the day before the start of the final examination period.

Presidents Council. No action was necessary.

(8) NC 2011-16 – Playing and Practice Seasons – Golf, Rowing, Tennis - Elimination of the Designation of Segments of the Playing Season.

Management Council. The Management Council adopted in legislative format a proposal to eliminate the designation of traditional and nontraditional segments in golf, rowing and tennis and to establish a defined playing season for those sports, as specified.

Presidents Council. No action was necessary.

(9) NC 2011-17 – Playing and Practice Seasons – General Playing-Season Regulations – Waivers of Playing and Practice Season Regulations – Institutions with Nontraditional Academic Calendars.

Management Council. The Management Council adopted in legislative format a proposal to specify that an institution with a nontraditional academic calendar may apply to the Division III Management Council, or a committee designated by the Management Council to act for it, for a waiver of the general or sport-specific playing-season regulations; further, to specify that there shall be no waivers to extend an institution's playing season beyond the legislated maximum number of weeks.

Presidents Council. No action was necessary.

d. Modifications of Wording.

- **M-2011-2 – Playing and Practice Seasons – Athletically Related Activities – Observation of Student-Athletes in the Coaching Staff's Sport.**

Management Council. The Management Council adopted in legislative format a proposal to clarify that observation by an institution's coaching staff member of enrolled student-athletes in nonorganized sport-specific activities (e.g., pick-up games) in the coaching staff member's sport is considered an athletically related activity.

Presidents Council. No action was necessary.

e. Incorporations of Interpretations.

- **I-2011-2 – Recruiting – Publicity – High School, Preparatory School or Two-Year College Contest in Conjunction With Collegiate Competition Advertising Activities – Prospective Student-Athlete Appearance or Photographs.**

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

Presidents Council. No action was necessary.

7. ASSOCIATION WIDE ISSUES AND UPDATES.

a. Executive Committee Concussion Policy.

Management Council. The Management Council adopted in legislative format a noncontroversial proposal to amend 3.2.4 – Conditions and Obligations of Membership – Concussion Management Plan to require, as a condition and obligation of NCAA membership, that an institution have a concussion management plan on file.

The proposal outlines a consistent Association-wide approach to concussion management as recommended by the Executive Committee. This proposal demonstrates the NCAA's continued commitment to the prevention, identification, evaluation and management of concussions. The development of a concussion management plan at the institutional level that includes the protocol under the direction of a physician for responding to possible concussions is in the best interest of student-athlete well-being and can lessen the chances of further harm to a student-athlete's health. Further, a concussion management plan, in addition to the institution's sports medicine policies for the care of its student-athletes will assist with the continued evaluation and care for student-athletes who suffer concussions. Determination of appropriate care and treatment of a student-athlete's injuries and illness are best handled through an institutional medical model that has physician oversight and direction. This model should focus on appropriate access to healthcare providers with the unchallengeable authority to determine management and return to play following a concussion. Lastly, requiring each institution to engage student-athletes in understanding their risks and acknowledge that they understand these risks, as well as their responsibility for reporting their injuries and illnesses, including signs and symptoms of concussions, will help to ensure that student-athletes are keenly aware of the potential harmful effects of concussions on their health.

Presidents Council. The Presidents Council acknowledged the proposal. No action was necessary.

b. Litigation Update.

Management and Presidents Councils. The Councils accepted the Litigation Report. No action was necessary.

c. Government Relations Report.

Management and Presidents Councils. The Councils accepted the Government Relations Report. No action was necessary.

d. Executive Committee Meeting Update.

Management Council. Wendy Walters, along with the NCAA international interns, Maerang Koo and Younyoung Lee from South Korea, attended a portion of the meeting to update the Council on the Communications Task Force, Diversity and Gender Review, International Internship Pilot Program, and the upcoming Executive Committee agenda.

Presidents Council. Bernard Franklin and Delise O'Meally visited the Council to provide an update on the Executive Committee agenda and the work of the NCAA Task Force on Membership Issues.

8. OTHER BUSINESS.

a. Change of Conference Membership and Eligibility for Management Council and Committee Service.

Management Council. The Management Council adopted in legislative format noncontroversial legislation to specify that the NCAA Division III Management Council has the authority to waive the committee membership restriction of one member per playing conference, for a period of not more than one calendar year due to changes in conference membership and/or conference realignment.

Changes in conference membership and/or conference realignment may cause membership on a committee to conflict with current legislation that precludes a conference from being represented on a committee by more than one individual. The impact of this rule on existing committee membership may be detrimental to the work of the committee when a change or realignment would otherwise require that one individual resign or be removed from the committee. This proposal will provide the Management Council with limited flexibility to appropriately manage these situations in a manner that upholds the intent of the legislation. Given the timing of these instances, it is likely that the NCAA Division III Administration Committee will handle many of these requests in order to minimize disruption and maintain the efficiency and effectiveness of the governance structure.

Presidents Council. No action was necessary.

b. Presidents Report.

Presidents Council. The Council was visited by NCAA Interim President Jim Isch, NCAA President-Elect Mark Emmert, and the Senior Advisor to the President, Wally Renfro. Dr. Isch reflected on the NCAA's body of work in the last year, which was a product of the vision of the late President Brand. The NCAA has seen initiation of new building construction, continued progress in the areas of academic reform and student-athlete well-being, and significant work by Division III to clarify its values through its identity initiative. Isch commented on the overall financial picture in intercollegiate athletics, and the related work of the most recent Knight Commission on Intercollegiate Athletics. He updated the Council on the Association's Values Based Task Force, which is charged with creating a list of core values to guide the Association in its long term plans to sustain intercollegiate athletics.

President-Elect Emmert updated the Council on his transition timeline and vision for the Association.

9. ADJOURNMENT.

Management Council. The Management Council meeting adjourned at 9:46 a.m. Tuesday, July 20.

Presidents Council. The Presidents Council meeting adjourned at 11:55 a.m. Thursday, August 12.