REPORT OF THE NCAA DIVISION III MEMBERSHIP COMMITTEE

***ACTION ITEMS*.**

1. Legislative Item.

- Modification of Wording -- Provisional Institutions – Appointment of Faculty Athletics Representative and Student-Athlete Advisory Committee.

  (1) Recommendation. Approve in concept a modification of wording eliminating NCAA Division III Bylaws 20.3.2.1 (appointment of faculty athletics representative) and 20.3.2.2 (appointment of Student-Athlete Advisory Committee) from the NCAA Division III Manual.

  (2) Effective Date. September 1, 2009.

  (3) Rationale. The proposed eliminated bylaws are no longer applicable with the commencement of the new Division III provisional process on September 1, 2009. The aforementioned bylaws specify that the appointments must be made by the completion of provisional year one. The new provisional process requires institutions to comply with association rules immediately per NCAA Bylaw 20.3.4 (compliance with association rules), including establishment of an institutional Student-Athlete Advisory Committee (SAAC) and faculty athletics representative (FAR) appointment. Therefore, the appointments of the FAR and SAAC must be made on or before September 1 of a provisional institution's first year.

  (4) Estimated Budget Impact. None.

  (5) Student-Athlete Impact. None.

2. Nonlegislative Items.

a. Provisional Member Annual Reports – Active Membership.

(1) Recommendation. Grant the following institutions active Division III membership:

(a) Mitchell College;

(b) Mount Mary College;

(c) Presentation College; and

(d) SUNY at Morrisville.

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of the aforementioned institutions' annual reports, the committee agreed that the institutions should be moved into active membership.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Provisional Member Annual Reports – Fourth Year of Provisional Membership.

(1) Recommendation. Move the following institutions into the fourth year of Division III provisional membership:

(a) Lancaster Bible College;

(b) Lyndon State College;

(c) North Central University; and

(d) Saint Vincent College.

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of the aforementioned institutions' annual reports, the committee agreed that the institutions should be moved into the fourth year of provisional membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Provisional Member Annual Reports – Third Year of Provisional Membership.

(1) Recommendation. Move the following institutions into the third year of Division III provisional membership:

(a) Franciscan University, Stuebenville;

(b) Geneva College;

(c) Penn State Harrisburg; and

(d) St. Joseph's College, New York.

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of the aforementioned institutions' annual reports, the committee agreed that the institution should be moved forward into the third year of provisional membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

d. Reclassifying Member Annual Report – Third Year of Reclassifying Membership.

(1) Recommendation. Move Birmingham-Southern College into the third year of Division III reclassifying membership.

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of Birmingham-Southern College's annual report, the committee agreed that the institution should be moved into the third year of reclassifying membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

e. Provisional Member - Penn State Harrisburg - Four-Year Provision – Waiver Request per NCAA Bylaw 20.3.3.1.1.

(1) Recommendation. To accept Penn State Harrisburg's waiver request to accelerate the four-year Division III provisional process and move to the fourth year of provisional membership.

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of Penn State Harrisburg's annual report and preliminary program assessment, the committee deemed that the institution satisfied all components of 20.3.3.1.1.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Penn State Harrisburg student-athletes may be eligible for championships and NCAA services one year earlier than previously anticipated.

f. Provisional Member Annual Reports – Second Year of Provisional Membership.

(1) Recommendation. Move the following institutions into the second year of Division III provisional membership:

(a) Spalding University; and

(b) SUNY at Cobleskill.

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of the aforementioned institutions' annual reports, the committee agreed that the institution should be moved forward into the second year of provisional membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

g. Provisional Applicants – First Year of Provisional Membership.

(1) Recommendation. Grant the following institutions acceptance to Division III provisional membership:

(a) Berry College;

(b) Covenant College; and

(c) Penn State Abington.

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of the aforementioned institutions' applications, viability statements, compliance assessments and active Division III member sponsorship letters, the committee agreed that the institutions should be granted provisional membership.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

h. Provisional Member Annual Report – Dismissal from Provisional Membership.

(1) Recommendation. That La Sierra University not be advanced in the provisional process and effectively, be dismissed from provisional membership.

(2) Effective Date. Immediate.

(3) Rationale. Provisional institutions are afforded one repeat year in the provisional process. La Sierra University repeated one year of the provisional process in 2007-08 for failure to meet sports sponsorship requirements in 2006-07. The committee noted La Sierra has demonstrated weak compliance practices and institutional control throughout its provisional years. Specifically, the committee cited the failure to meet sports sponsorship in 2006-07 and the institution's history of no reported secondary violations. Further, the committee reviewed information forwarded from the Division III Financial Aid Committee demonstrating numerous financial aid violations over several years largely due to pressure exerted from a representative of athletics interests. The totality of compliance concerns and inability of the institution to apply NCAA Division III rules to the greatest extent possible, especially after the institution has already been required to repeat a year of provisional membership, warrant dismissing La Sierra from the Division III provisional process.

(4) Budget Impact. The institution will no longer be required to pay the costs associated with the provisional membership program (e.g., dues, Convention and Regional Seminar travel, etc.) nor will it receive any financial benefit from the Association.

(5) Student-Athlete Impact. La Sierra University student-athletes will not progress towards eligibility for NCAA championships, leadership conferences, or other benefits of NCAA membership.

i. Rosemont College Waiver Request per NCAA Bylaw 20.11.3.6.2 (Single-Gender Institution Transitioning to Coeducational Institution).

(1) Recommendation. Grant the waiver request from Rosemont College per NCAA Bylaw 20.11.3.6.2.

(2) Effective Dates. September 1, 2009 – September 1, 2012.

(3) Rationale. The committee noted the institution submitted a thorough, realistic plan for achieving sports sponsorship compliance by 2012. The institution demonstrated intent to add sports and coaches for men's sports every year and

demonstrated an ability to sponsor five sports for males and five sports for females by the 2012-2013 academic year. The committee will review the institution annually to track its progress.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

j. Wheelock College Waiver Request per NCAA Bylaw 20.11.3.6.1 (Male-Female Enrollment Ratio Waiver).

(1) Recommendation. Grant the waiver request from Wheelock College per NCAA Bylaw 20.11.3.6.1.

(2) Effective Dates. September 1, 2009 – September 1, 2010.

(3) Rationale. The committee granted the institution's original request for a male-female enrollment ratio waiver for the 2007-08 and 2008-09 academic years. The rationale for granting this waiver was the institution's low male enrollment (seven-percent) and a continued commitment to enhancing institutional enrollment, specifically, male enrollment.

The committee recognized the institution still faces similar challenges and demographics entering the 2009-10 academic year and should be afforded relief based on low male enrollment. The committee will require the institution to apply for waiver relief until the institution is able to meet sports sponsorship requirements for both genders.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

k. Wesleyan College (Georgia) Waiver Request per NCAA Bylaw 20.11.3.5.9.1 (Minimum Contests and Participants).

(1) Recommendation. Place Wesleyan College (Georgia) on probation for the 2009-10 academic year for failure to meet sports sponsorship requirements in the 2008-09 academic year.

(2) Effective Date. September 1, 2009.

(3) Rationale. The institution failed to meets sports sponsorship requirements due to challenges related to its tennis program. The institution cited personnel and roster size issues. The tennis coach did not recruit, failed to

conduct practices and did not schedule competition. The committee further noted the institution's low roster size was affected by student-athletes quitting for myriad reasons (e.g., academics, military enlistment). The committee did not feel these challenges were unique or unforeseen.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

l. Menlo College Waiver Request per NCAA Bylaw 20.11.3.5.9.1 (Minimum Contests and Participants).

(1) Recommendation. Deny Menlo College's sport sponsorship waiver request per NCAA Bylaw 20.11.3.5.9.1 and consequently place the institution in restricted status for the 2009-10 academic year.

(2) Effective Date. September 1, 2009.

(3) Rationale. Menlo College is deficient one sport for males and one sport for females. The committee considered the institution's affiliation with an NAIA conference that recently lost members to NCAA Division II. This transition created scheduling difficulties for the institution due to the smaller conference size. The committee further noted the institution's assertions that personnel turnover in cross-country affected the number of contests the institution attended, as well as the sports' small budget lines. The committee did not feel these challenges were unique or unforeseen.

(4) Budget Impact. Menlo College will lose Division III grant and initiative funding, championships access and catastrophic injury insurance. There will be no cost to the Association.

(5) Student-Athlete Impact. Menlo College student-athletes will lose access to championships and grant programs.

m. John Jay College of Criminal Justice – Failure to Comply with Terms of Probation.

(2) Recommendation. To place John Jay College of Criminal Justice in restricted status for failure to comply with the terms of probation.

(2) Effective Dates. September 1, 2009.

(3) Rationale. The committee noted the institution failed to submit its athletics program assessment. The athletics program assessment must be completed

by the end of the institution's probationary year per NCAA Constitution 3.02.3.1.2.1 (probation).

(4) Budget Impact. John Jay will lose Division III grant and initiative funding, championships access and catastrophic injury insurance. There will be no cost to the Association.

(5) Student-Athlete Impact. John Jay student-athletes will lose access to championships.

n. Massachusetts College of Liberal Arts Waiver Request.

(1) Recommendation. To conditionally accept the two-year sports-sponsorship request from Massachusetts College of Liberal Arts. Specifically, the institution will sponsor five sports for males and five sports for females during the 2010-11 and 2011-12 academic years, despite having a full-time undergraduate enrollment greater than 1,000 which would require sponsorship of six sports for each gender. The acceptance is conditioned on the institution adhering to and reporting on its plan to the committee by June 1, 2011.

(2) Effective Dates. September 1, 2010 – September 1, 2012.

(3) Rationale. The committee noted the institution demonstrated its financial hardship and presented a thorough plan for compliance with sports-sponsorship requirements by 2012. The committee recognized a two-year waiver is atypical and noted the institution should be afforded two years conditionally.

(4) Budget Impact. This will provide financial relief to the institution.

(5) Student-Athlete Impact. None.

o. Affirmation of Authority – General Sports Sponsorship Waiver Requests.

(1) Recommendation. To reaffirm the membership committee has the authority to review general sports sponsorship waiver requests and make related recommendations to Management Council.

(2) Effective Date. Immediate.

(3) Rationale. The Membership Committee is charged with reviewing issues related to Division III membership per NCAA Bylaw 21.9.6.8.2 (Duties).

However, sports sponsorship waiver legislation (Bylaw 20.11.3.6) specifies the types of waivers the committee may review (e.g., male-female enrollment ratio, single-gender institution transitioning to coeducational institution, three-season sport waiver). General sports sponsorship waiver requests are not specified in the sports sponsorship legislation. The committee has received sports sponsorship waiver requests that include unique mitigating circumstances that are not specifically addressed in the legislation. The committee will likely see more of this unique rationale as a result of the annual membership audit and the current financial environment. The committee believes the exercise of this waiver authority is consistent with its overall charge and in the best interest of the Division III governance structure and membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

p. Penalty Structure Review.

(1) Recommendation. To adopt a new membership requirements penalty structure where failure to meet sport sponsorship requirements would result in a five-year penalty and failure to complete the Institutional Self-Study Guide or to meet the attendance requirements for NCAA Convention or NCAA Regional Rules Seminars would result in a three-year penalty.

(2) Effective Date. September 1, 2009, and applied retroactively to all institutions currently subject to, or facing a related penalty.

(3) Rationale. The committee recommended a revised membership requirements penalty structure that reduces the penalty timetable yet gives top priority to the fulfillment of sports-sponsorship requirements. The committee considered the current ten-year penalty structure too punitive for any membership requirement infraction and subsequently noted sports sponsorship is the most important requirement. The committee further noted a clear three or five year penalty versus a scaled penalty is fairer and easily understood by those institutions entering the penalty structure. The committee recognized the value of the educational requirements that institutions must complete as part of their sanctions and noted these should remain requirements within the penalty structure. The committee finally noted that rather than institute a scaled penalty structure, it could utilize a limited waiver process, where appropriate, to further address penalized institutions.

(4) Budget Impact. N/A.

(5) Student-Athlete Impact. Student-athletes may be less likely to experience a loss of membership benefits in the case of their institution failing to meet membership requirements.

INFORMATIONAL ITEMS.

1. White Paper Discussion. The committee discussed recommendations referred to it from the White Papers on Membership Growth. The committee provided feedback related to the items it was charged with analyzing and discussing.

a. Membership Requirements.

(1) Use of technology to meet requirements – cost containment. The committee was charged with discussing potential technology opportunities through which institutions and conferences could fulfill educational obligations of membership (e.g. Regional Rules Seminar, ISSG and Convention). It was noted that requests for funding to attend Regional Rules Seminars are being met so the committee does not feel that attendance is currently a cost issue. The committee noted that by not attending in-person meetings such as seminars and the Convention, individuals would miss professional development opportunities and valuable interaction with staff and other institutional representatives. The committee supported the notion of incorporating and offering additional avenues through which to educate the membership such as video-conferencing, on-line streaming and on-line videos as well as other technological options; however the committee was against allowing institutions to use these methods to meet the in-person obligations of attendance. Enhancing current offerings should be done solely to allow for additional staff members and coaches on campus to benefit from educational initiatives.

(2) Review current conditions and obligations. The committee was charged with reviewing the current conditions and obligations of membership to determine what requirements are most appropriate for the division, and whether the specific activities or commitments should be added or removed from the current list. The committee feels the current requirements are adequate and on-point.

b. Presidential Leadership. It was noted that presidential leadership will be an on-going conversation and that there are items the committee will need to track moving forward.

c. Division II as a destination. The committee reviewed the recommendation for use of the Division II Financial Simulation tool or a similar exercise as a requirement for

those in the exploratory process. The simulation tool focuses on finances and creates a business model to be used in an assessment; it does not consider items such as philosophy. The committee currently does not endorse the requirement that the simulation tool must be completed as a requirement of the exploratory process. Rather, it can continue to be provided as additional tool for institutions to use. The committee asked staff to pursue the potential of developing a more comprehensive, multi-divisional educational program for exploratory members.

2. **Provisional/Reclassifying Education**. The committee developed a new educational program for those institutions entering the provisional/reclassifying process beginning September 1. The new program provides enhanced compliance education and a variety of professional development requirements for the FAR, senior woman administrator, athletics director and president/chancellor. Further, the program is more tailored to the institution's compliance needs and development and requires the institution to enhance its compliance practices annually.

3. **Exploratory Membership**. The committee reviewed the agenda for the exploratory educational session. It was noted that no institutions applied for exploratory membership for 2009-10. The next anticipated exploratory session will be September 2010.

4. **Participant Numbers and Satisfaction of Regional Rules Seminars Attendance Requirement**. The committee reviewed the list of institutions that attended the 2008 and 2009 Regional Rules Seminars, noting that this is the second year of the once-in-three-year attendance requirement. It was noted that 117 institutions have yet to attend a Regional Rules Seminar; as such those institutions will be required to attend in 2010. The committee supported the staff decision to draft and distribute notifications to these institutions regarding their attendance status. It was also noted that the Sport Sponsorship and Demographic Form requires institutions to note if they were represented at a Regional Rules Seminar.

5. **Athletics Program Assessment Review - 2008-09 Probation Institutions**. The committee reviewed athletics program assessments from those institutions that were on probation for the 2008-09 academic year. The assessment must be completed and submitted to the committee May 15 of the probation year. The committee reviewed assessments from the following institutions and noted each institution satisfied the terms of probation: Benedictine University; Finlandia University; MacMurray College; Menlo College; and College of New Rochelle.

6. **Failure to Comply with Probation Terms – 2008-09 Institutions on Probation**. The committee discussed the athletics program assessment and noted that completion of this

assessment is a requirement during probation, any institution failing to complete the assessment would be in violation of the terms of probation. The committee viewed this violation as a second strike in the membership requirements penalty structure. The committee further noted that a failed submission would be any submission submitted 30 calendar days past the due date, May 15.

The committee also addressed those institutions on probation that submitted the athletics program assessment after the required date, but prior to the failed submission date. The committee noted that giving an institution an additional strike for a late submission is too punitive and rather, suggested a letter of reprimand be sent to the institution's president.

7. **Sport Sponsorship Audit Update**. The committee noted that it was reasonable to choose the randomly selected institutions to be audited during the upcoming academic year, prior to the closure of the current academic year, in an effort to allow the contractors access to contemporary information. It was noted that this phase of the process does not include the institutions reviewed "for cause," as those will be added following the Sports Sponsorship and Demographic Form due date.

8. **NCAA Convention Attendance – E-mail Voting**. The committee reviewed a member institution's request to consider electronic voting in lieu of physical Convention business session attendance and voting. The committee agreed that physical attendance at the business session should be required and an e-mail vote would not suffice. The committee further noted that institutions should challenge themselves to find creative ways to cut costs and attend the Convention.

Committee Chair: *Mark Majeski, Willamette University*
Staff Liaison: *Azure Davey, Academic and Membership Affairs*
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