A G E N D A

The National Collegiate Athletic Association

Division III Presidents Council

NCAA National Office
Indianapolis, IN

August 6, 2009

1. Welcome and introductions.

2. General information.

   a. Roster. [Supplement No. 1]

   b. Committee/Subcommittee assignments. [Supplement No. 2]

   c. Policies and Procedures. [Supplement No. 3]

3. Minutes, summaries and agendas.

   a. Summary of Spring 2009 Quarterly Meeting. [Supplement No. 4]

   b. NCAA Executive Committee meeting minutes. [Supplement No. 5]

   c. NCAA Executive Committee draft agenda – August 6. [Supplement No. 6]

@* 4. Division III Identity Initiative. [Supplement No. 7] [Also see Supplement Nos. 3a and 3b]

   - Endorse draft communications platform.
   - Discuss preliminary activation plan.

@* 5. Presidential leadership. [Supplement No. 8]

@ * 6. Report of Division III Strategic Planning and Finance Committee. [Supplement No. 9]

@ * 7. Management Council report. [Supplement No. 10]

8. Governmental relations update. [Supplement No. 11]

9. Litigation update. [Supplement No. 12 will be distributed at the meeting]

10. Future meetings.

    a. October 29, 2009; Indianapolis – Presidents Council Meeting – 8 a.m. to approximately 1 p.m.

    b. January 14, 2010, Atlanta, Georgia in conjunction with the 2010 NCAA Convention. Updated information regarding the Convention to be forthcoming.

    c. April 29, 2010, Indianapolis – Presidents Council Meeting – 8 a.m. to approximately 1 p.m.

11. Other Business.

12. Adjournment.

@ Denotes key action items.

**** Denotes key discussion topics.***

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The National Collegiate Athletic Association
July 27, 2009 DTD/LNK:dsk

2009 PRESIDENTS COUNCIL
COMMITTEE/SUBCOMMITTEE ASSIGNMENTS

Alexander, Livingston *(January 2012)*
- Executive Committee Subcommittee on Gender and Diversity Issues

Antonucci, Robert *(January 2011)*

Baker, Kendall *(January 2013)*
- Executive Committee Subcommittee on Gender and Diversity Issues
- Strategic Planning and Finance Committee

Bortz, Walter *(June 2009)*
- Infractions Appeals Committee – [Need to replace]

Bultman, James *(January 2013)*
- Infractions Appeals Committee

F. Gregory Campbell *(January 2010)*
- Convention-Planning Subcommittee

Gann, Pamela *(January 2010)*
- Nominations Subcommittee
- AdHoc Subcommittee to Develop White Papers on Membership Growth and Diversity

Harris, James *(January 2011)*
- Strategic Planning and Finance Committee (Chair)
- Administrative Committee
- Executive Committee

Hill, Catharine *(January 2012)*
- Executive Committee Subcommittee on Gender and Diversity Issues

Joyce, David *(January 2011)*
- Strategic Planning and Finance Committee

Keizs, Marcia *(January 2012)*
- Executive Committee Subcommittee on Gender and Diversity Issues

Owens, Kathleen *(January 2011)*
- Convention-Planning Subcommittee (to replace)
- Nominations Subcommittee
- Ad Hoc Subcommittee to Develop White Papers on Membership Growth and Diversity

Schmotter, James *(January 2013)*
- Strategic Planning and Finance Committee

Thomas, Ron *(January 2013)*
- Nominations Subcommittee

Trible, Paul *(January 2010)*
- Executive Committee
- Nominations Subcommittee
- Administrative Committee

DIVISION III PRESIDENTS COUNCIL
Policies and Procedures

NCAA Structure

The Executive Committee establishes and directs the general policy of the Association (see NCAA Constitution 4.1).

The Division III Presidents Council establishes and directs the general policy of Division III (see Constitution 4.4).

The Division III Management Council implements policies adopted by the Association's Executive Committee and the Division III Presidents Council and manages the Division III governance structure (see Constitution 4.7).

The Division III Administrative Committee is empowered in the interim between meetings of the Division III Presidents Council and Management Council to conduct business necessary to promote the normal and orderly administration of Division III (see Constitution 4.10).

Division III Presidents Council Structure

The Presidents Council is a 15-member body, with at least two members from each of the four Division III geographical regions and seven shall serve "at large". The geographical regions are as follows: Region 1 – Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont; Region 2 – New York, Pennsylvania; Region 3 – Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, Puerto Rico, South Carolina, Tennessee, Virginia, West Virginia; and Region 4 – Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming.

Among the 15 members, at least two must be from institutions with full-time undergraduate enrollment of 4,000 or more; at least two must be from institutions with full-time undergraduate enrollment of less than 2,000; at least two must be from public institutions; at least two must be from private institutions; there must be at least three women and three men; at least two who are members of an ethnic minority; and at least two who are not ethnic minorities. Council members serve terms of four years and are not eligible for reelection to another term on the Council until two years have elapsed. A member may not serve on the Council more than two terms.

Presidents Council Election & Appointment 4.4.3

Council members appointed to serve half of a term or less (due to interim vacancies) will not be considered to have served a full term and, thus, would be eligible to serve two full terms beyond their interim service.

Nominations Process

The Council annually shall appoint a four-member nominations subcommittee. The Presidents Council nominations subcommittee identifies a slate of nominees to fill Presidents Council vacancies consistent with composition requirements (Bylaw 4.4.1) and forwards a slate to the Presidents Council for ratification. Council members are elected by mail vote of the chief executive officers of Division III institutions. Additional candidates must have the endorsement of at least 10 chancellors or presidents to be placed on the appropriate slate of nominees. Interim vacancies are filled by the Presidents Council, upon recommendations by the nominating subcommittee.

Waivers under the provisions of Bylaw 21.9.1.1.3 (waiver of replacement requirement – change in employment status) shall be granted only in unusual circumstances, only for a limited period of time and not more than once for any individual.

Officers

The chair and vice-chair of the Presidents Council are elected by the Presidents Council. A member must serve a minimum of one year on the Presidents Council prior to serving as chair or vice-chair. The terms of the chair and vice-chair shall not exceed two years. The chair and vice-chair shall not be eligible for immediate reelection to that position. The terms of office of the chair and vice-chair shall expire on a staggered basis. The term of office of the chair and vice-chair runs from January to January (term ends upon adjournment of the NCAA Executive Committee meeting at the annual Convention).

Duties

- Duties of the Chair

  a. Serve as a spokesperson for Division III;
  b. Preside at Division III Presidents Council meetings;
  c. Preside at the Division III business session at the annual Convention;
  d. Serve as chair of the Division III Administrative Committee;
  e. Attend Division III Management Council meetings, as available;
  f. Serve as a member of the Association's Executive Committee; and

g. Serve as a member of the Association's Executive Committee Administrative Committee and Finance Committee.

Note: The chair of the Presidents Council is always welcome, as a matter of right and privilege, to attend any Division III committee meeting or championship.

- Duties of the Vice-Chair

  a. Take the chair's place and perform the chair's duties if the chair is absent or incapacitated;
  b. Serve as a member of the Association's Executive Committee;
  c. Serve as a member of the Division III Administrative Committee;
  d. Serve as chair of the Division III Strategic Planning and Finance Committee; and
  e. Attend Division III Management Council meetings, as available.

Election Procedures

The election of the chair and vice-chair will be conducted to ensure staggered terms so that both positions are not vacated in the same year. Elected officer(s) will begin his or her official duties during the April Presidents Council meeting.

The process to elect the Presidents Council chair and vice-chair will begin during the August Presidents Council meeting. During this meeting, the responsibilities for the applicable position will be reviewed. All eligible members for the position of chair and vice-chair will be given the opportunity to decline the nomination by informing the national office staff by a predetermined date. The Presidents Council nominations subcommittee will review the candidates on a September teleconference and make a recommendation for each office, subject to approval by the Presidents Council at its October meeting. Over time, the Council should attempt to elect officers that reflect the diversity of the Council.

Special Circumstances

- In the event that the chair of the Presidents Council leaves the position of chair prior to expiration of his or her term as chair, there will be an election to fill the vacancy. The vice-chair of the Presidents Council will fulfill the duties of the chair on an interim basis (and also will continue to fulfill the necessary duties as vice-chair) until the chair vacancy has been filled. [Note: The election to fill the vacancy may be immediate and occur either by mail or electronic ballot or telephone conference of the Presidents Council if the Administrative Committee agrees to expedite the process. Otherwise, the election would occur at the next regularly scheduled Presidents Council meeting.]

- In the event that the vice-chair of the Presidents Council leaves the position of vice-chair prior to expiration of his or her term as vice-chair, there will be an election to fill the vacancy. [Note: The election to fill the vacancy may be immediate and occur either by mail or electronic ballot or telephone conference of the Presidents Council if the Administrative Committee agrees to expedite the process. Otherwise, the election would occur at the next regularly scheduled Presidents Council meeting.]

Role and Purpose/Responsibilities

The Division III Presidents Council serves as a leadership structure and forum for presidential interests in Division III intercollegiate athletics matters. The Presidents Council is empowered to:

a. Implement policies adopted by the Association's Executive Committee;

b. Establish and direct the general policy of Division III;

c. Establish a strategic plan for Division III;

d. Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division III;

e. Sponsor Division III legislation;

f. Identify, prior to the printing of the notice of any Convention, Division III proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;

g. Delegate the resolution of management issues to the Management Council and ratify those actions (see Constitution 4.7.3);

h. Ratify, amend or rescind the actions of the Management Council (see Constitution 4.7);

i. Assure that there is gender and ethnic diversity among its membership, the membership of the Management Council (see Constitution 4.7) and the membership of each of the other bodies in the Division III administrative structure;

j. Make budgetary recommendations to the Association's Executive Committee related to Division III matters, including championships and approve the use of funds allocated to Division III.

k. Approve regulations providing for the administration of Division III championships; and

l. Advise the Executive Committee concerning the employment of the NCAA president and concerning the oversight of his or her employment.

Responsibilities of Presidents Council Members

Attending the committee meeting

- Attendance and participation at all Presidents Council meetings, including the annual NCAA Convention, are expected. If a Presidents Council member must miss a meeting, the member should notify the office of the Division III vice-president.
- A Presidents Council member's absence from two consecutive Presidents Council meetings in a calendar year, regardless of the reason, shall constitute that member's resignation from the Presidents Council. The chair may waive the application of this policy in the case of extenuating circumstances.
- Presidents Council members are encouraged to be in attendance when the meeting is called to order and stay until the meeting is adjourned. Conflicts that require individuals to plan late arrivals or early departures should be communicated before the meeting to the office of the Division III vice-president.

Preparing for the Presidents Council meeting

- Presidents Council members should become knowledgeable on all agenda issues and be prepared to discuss items the Presidents Council will be asked to consider.
- A Presidents Council member will provide a report (with appropriate recommendations) when the individual's name appears next to an agenda item.
- The Presidents Council discourages the representative from reading the entire background of information to the Council. The Presidents Council has received a written report as part of the agenda/supplements and is responsible to be prepared for the report. You should highlight the key components related to the committee request, ask for a motion if necessary and then be prepared to answer questions regarding the issue. Knowledge of how Divisions I and II have acted or reacted may be helpful.

- Presidents Council members have an opportunity to serve on Division III committees and Task Forces. Presidents Council members are encouraged to accept such assignments, when possible.

Presidents Council Procedures

The Presidents Council procedures are intended to achieve three goals:

- Assure emphasis on major policy issues in Presidents Council meetings.
- Promote thorough discussion of significant issues while curtailing discussions that become unproductive or unnecessary.
- Enhance efficiency and communication in the Presidents Council-Management Council relationship.

Presidents Council Meetings

The Division III Presidents Council meets four times annually: at the NCAA Convention in January, in April, in early August and again in the fall (late October or early November). The meeting schedule is designed in part to assure that the Presidents Council is enabled to make decisions regarding legislative matters in time to meet its September 1 deadline for submission of legislative proposals. The Division I Board of Directors, the Division II Presidents Council and the Division III Presidents Council shall meet at the same site at the same time (but not together).

Meeting Information

The Presidents Council, as is the case with all entities in the NCAA, is bound by various Association meeting policies, including these:

- All meetings must be held in the contiguous 48 states.
- All meetings will be held on weekdays, with the possible exception of the Convention meeting, which is subject to scheduling of other major sessions.
- All meetings should be held in the metropolitan area where the national office is located, with the exception of the meeting held in conjunction with the NCAA Convention.
- For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council. For the Presidents Council to take action (including action to sponsor, cosponsor, support or oppose a legislative proposal), a simple majority of Presidents Council members present and voting shall be required, unless otherwise specified.

- Presidents Council meetings are considered closed business meetings and are not open to any interested chief executive officer. However, those chief executive officers who have been elected to join the Presidents Council at the conclusion of the Convention are invited to attend the President Council's Convention meeting as observers.

In the usual Presidents Council meeting format (except for the Convention meeting), the Presidents Council meeting begins at 8 a.m. and will conclude by noon. The Executive Committee meets on the same day as Presidents Council beginning at 4 p.m.

The Association's policies regarding meeting expenses are set forth in Bylaw 31.7.2 in the NCAA Manual. In short, the NCAA pays for transportation to and from Presidents Council meetings, hotel room and tax charges at the meetings, and a $75 per diem for each day or part thereof involved in traveling to and from and attendance at the meeting. The member may claim 51 cents per mile for the round trip based upon the most direct route between the two points if travel is by automobile.

Transportation and the hotel room and tax are billed directly to the NCAA; the member needs only to pay incidental charges to his or her room when leaving the meeting site. The Travel Expense System (TES) has been implemented for committee members to file their requests for per diem and travel expense reimbursement electronically. Also, early in each calendar year, each member will receive a Form 1099 reporting the amounts thus paid during the preceding year, if that amount exceeds $600. In such instances, the member then will declare that amount in filing his or her income tax return for that year, so members will want to record their Council-related expenses in order to deduct the appropriate amount. Some Presidents Council members prefer to have their expense reimbursement paid directly to their institutions to eliminate the need for such personal record keeping.

Membership Notification

Proper notification of Presidents Council actions shall occur through The NCAA News, an online publication. The Presidents Council also will use other notification vehicles, including the Division III homepage of NCAA On-line (www.ncaa.org) and the Division III quarterly Newsletter.

- Each Presidents Council member will receive a reminder notice of the next meeting about eight weeks in advance, with a request for desired hotel accommodations. The NCAA staff makes hotel reservations; the Presidents Council member makes his or her own travel arrangements through Short's Travel (888/655-9215), the NCAA travel service. Council members are required to use the NCAA travel service inasmuch as the NCAA pays travel expenses in full.

- Presidents Council members will receive an agenda and supplements approximately one week in advance of the meeting.
- In the meeting, therefore, generally there should be no need to review item by item what is stated in the report unless a member of the Presidents Council raises a question or an action needs to be clarified. The chair simply will call attention to the agenda item involved, ask if there are any questions and allow sufficient time for such questions. The chair declares the material approved if no questions arise.
- Presidents Council members must observe all customary NCAA procedures when issues arise involving student-athletes or the athletics programs at their own institutions (or in the case of conference issues, the institutions within their playing conference) and should not participate during consideration of such issues by the Administrative Committee, Management Council, Presidents Council or Executive Committee.
- All meeting information is available on the NCAA web site before the meeting.
- Presidents Council members receive a link to the Quarterly meeting summary document via e-mail within two weeks after the meeting.
- Following each Presidents Council meeting, The NCAA News will run a story about key discussion and action items.

Policies regarding Confidentiality and Speaking Agents of the Division and Association

- Presidents Council members may not report the actions of the Presidents Council to individuals outside the Presidents Council until the meeting adjourns.
- When an issue is extremely sensitive, the Council will determine specific policies to follow outside the meeting. These will include general "talking points" and key "spokespersons" (e.g., chair, staff).
- The president of the Association and the chair of the Executive Committee are the only individuals authorized to speak on behalf of the Association except as outlined below.

  An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Executive Committee of the Association as a speaking agent of the Association on that issue.

  The Presidents Council chair and vice-chair on behalf of the chair are hereby designated as speaking agents of the Council regarding issues within their jurisdiction on which there is consensus, except that positions of advocacy on behalf of the Presidents Council or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Executive Committee or the president of the Association.

  The president of the Association is hereby granted authority to designate additional speaking agents of the Association.

Presidents Council at Convention

The Presidents Council chair is the presiding officer and formally opens and closes the business session proceedings on Saturday (as well as the forum session on Friday). Beyond that, the Presidents Council chair can delegate the gavel to others during those sessions as he/she sees fit.

At the Convention, the current Presidents Council meets prior to the forum and business session. Meals are provided as appropriate for the time of day during which the meeting is conducted.

Presidents Council Operating Policies

Administrative Structure

The actions of the Management Council and Administrative Committee are subject to review and final approval by the Presidents Council. The Executive Committee has final authority over all Association-wide matters (e.g., the Association-wide budget).

The Presidents Council is committed to working closely with the Management Council to enhance the efficiency and administration of the Division III governance structure.

Presidents Council-Management Council relationship: Each receives the summary of the other's meetings, and the Management Council receives a report at each meeting on the activities of the Presidents Council. Both groups have authorized their respective chairs to communicate with each other between meetings. Two chancellors/presidents serve as members of the Management Council.

In addition, Presidents Council officers will attempt to attend Management Council meetings and Management Council officers will attempt to attend Presidents Council meetings as often as possible.

The Presidents Council and Management Council will conduct one joint meeting per year (NCAA Convention) to further the communication efforts between the two governing bodies.

Appeals, Appearances and Hearings

The Management Council shall review appeals by member institutions of decisions made by a Division III committee or the NCAA staff regarding the application of NCAA legislation to a particular situation when no other committee, subcommittee, or conference has the authority to act. Before a second or subsequent hearing (including any in-person appearance before the Management Council) is granted to a member institution on any issue, the presence of new information shall be required. All decisions shall be reported to the Presidents Council for ratification.

For all appearances before the Presidents Council, presentations shall be limited to 15-minutes, unless the Administrative Committee or Presidents Council officers specify a lesser time.

All appeals or appearances shall be based on the written record, unless approved by the Administrative Committee or the Presidents Council officers, and not more than three persons shall represent the appellant.

For purposes of parliamentary procedure, the Management Council shall constitute a "board," rather than a "committee," in applying the provisions of Robert's Rules of Order, Newly Revised; therefore, parliamentary procedures shall be those specified for boards by Robert's Rules in such matters as appeals, rehearing or other appearances before the Presidents Council. [Note: This affects such matters as motions to reconsider, amend or rescind earlier actions.]

Rehearing may be granted only on the basis of new, relevant and significant information directly related to the original findings. The Administrative Committee or the Presidents Council officers will review the submitted evidence to determine if it believes the new-evidence requirement has been met.

Requests by member institutions or others to appear in person before the Presidents Council to discuss proposed legislation will be denied as it would be logistically impossible for the Presidents Council to entertain all such requests for appearances on legislative matters.

The Presidents Council and Administrative Committee have adopted the following procedures to apply to appeals of any committee or Management Council action other than those by the Division III Committee on Infractions and the Committee on Student-Athlete Reinstatement:

1. In order to appeal a decision of the Management Council, the involved institution must submit a written notice of appeal to be received in the national office not later than 3 days after it has received notification of the committee's or subcommittee's decision. The appeal must be submitted by at least two of the following institutional representatives: chief executive officer, faculty athletics representative, director of athletics or senior

woman administrator and shall specify the reason the institution believes the Management Council's decision is erroneous.

2. In each appealed case, the Management Council and the involved Division III committee or subcommittee shall provide the Presidents Council with a written report setting forth the basis for its decision. The report shall identify the involved NCAA rules and interpretations and shall specify the information and precedent relied upon by the committee in reaching its decision. The report of the Management Council shall be submitted to the Presidents Council (and the appealing institution) at least three days prior to the Presidents Council review of the matter unless the appealing institution and the Administrative Committee or the Presidents Council officers approve a shorter period of time.

3. Each request for an appeal shall be reviewed by the Administrative Committee or Presidents Council officers and shall be placed on the appropriate agenda. The Administrative Committee or Presidents Council officers shall determine whether the appeal is to be handled on the basis of the written record or whether a personal appearance is necessary. The Presidents Council shall consider appeals based on the written record unless the Administrative Committee or Presidents Council officers conclude that compelling reasons exist to conduct an in-person meeting. If a personal appearance is thought necessary, both the institution and the appropriate committee or subcommittee shall be represented.

4. Review of appeals shall take place only in conjunction with regularly scheduled meetings of the Presidents Council or a meeting of the Administrative Committee.

5. When an institution is invited to appeal in person, it may be represented by its chief executive officer, faculty athletics representative, director of athletics or senior woman administrator, and it may be represented by other involved institutional staff members, student-athletes and/or legal counsel, as approved by the Administrative Committee or Presidents Council officers. A maximum of three individuals may represent the institution. A representative of the appropriate committee or subcommittee, as well as an appropriate member of the national office staff (usually the liaison to the committee or subcommittee); will also participate in the hearing.

6. Presidents Council members shall recuse themselves from participating in the appeals process if the appeal involves their institution or conference, or another member of their conference (on a sport-specific basis).

7. Presidents Council members shall recuse themselves from voting on an appeal of a decision by a committee or subcommittee on which they serve. However, these Presidents Council members may participate in discussions related to the appeal.

8. Once all parties participating in an in-person appeal have been introduced, the chair shall call on the representative of the involved committee or subcommittee and/or the national office staff to describe the current status of the matter, including the committee's or subcommittee's decision and the appeal. Institutional representatives shall be provided an opportunity to describe the situation and explain the reasons they believe the committee's or subcommittee's decision is erroneous. Presentations by the Presidents Council committee, subcommittee or institution may not exceed 15 minutes in length, unless the Administrative Committee or Presidents Council officers approve in advance a longer time period. All participants in the hearing will be permitted to ask questions of any other participants. Once an in-person hearing has concluded, representatives of the member institution involved, representatives of the Management Council involved and the national office staff member involved in the case shall leave the hearing.

9. Upon conclusion of an in-person hearing or a review of the written record, the Presidents Council or Administrative Committee shall deliberate and notify the national office staff of its decision. The national office staff shall notify the involved institution and shall provide a written confirmation of the decision. The notification should occur as soon as practical after the decision is reached and after adjournment of the meeting. No notification, formal or informal, should occur before adjournment. The appellant also should be notified of any additional procedures available. No public announcement shall be made until the meeting has adjourned.

10. If, in reviewing the appeal, the Presidents Council or Administrative Committee concludes that new information that was not made available to the involved committee or subcommittee at the time of its initial decision has been reported and that the information is of such importance, in the judgment of the Presidents Council or Administrative Committee, to make a different result reasonably probable, the case shall be redirected to the committee or subcommittee that initially considered it for further review.

11. The Presidents Council or Administrative Committee shall not alter the decision of the committee or subcommittee that initially decided the matter unless it concludes that the Management Council committee or subcommittee erred in its decision in a manner that, in the judgment of the Presidents Council or Administrative Committee, affected the decision of that committee or subcommittee. The finding of such an error shall be based upon a determination that the committee or subcommittee improperly applied NCAA legislation or official interpretations, that the committee or subcommittee took an action inconsistent with established precedent, that the committee or subcommittee deviated from its approved procedures or that the decision of the committee or subcommittee is clearly erroneous.

12. All actions by the Presidents Council or Administrative Committee taken on appeals of Management Council, Division III committee or subcommittee actions shall be reported

to the NCAA membership through The NCAA News. [Note: In accordance with Constitution 5.4.1.4, Presidents Council action on an interpretation, including an action that results from an appeal of an Interpretations and Legislation Committee action, may be reviewed at the next annual Convention, at the request of a member of Division III.]

An institution wishing to appeal a membership-classification action taken by the staff is to be informed in writing that any request for an appeal must be submitted in writing to the Administrative Committee or to the Presidents Council officers, which will determine if the request is in order, and, if so, if it is to be an in-person appeal or determined on the basis of the written record.

No request for a waiver of NCAA legislation shall be presented to the Presidents Council unless there is specific authority in NCAA legislation for the Presidents Council to grant a waiver of the involved rule. Per Bylaw 4.4.2(h), the Presidents Council has authority to ratify, amend or rescind the actions of the Management Council.

Conflict of Interest Policy

The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations, and governed through a membership-led committee structure. Within the governance structure, committee members must carefully balance their responsibilities to their respective institutions and/or conferences with the obligation to advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience. While the fiduciary obligations of committee members to their own institution, their conference, and to the Association ordinarily are not in conflict, it is recognized that as a representative membership organization, committee members' fiduciary obligations are first to their institution, second to their conference, and third to the Association. NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. NCAA committee members shall disclose any conflict or potential conflict between their respective personal, professional, institutional, conference, or business interests and the interests of the Association that may affect or otherwise threaten such integrity, in any and all actions taken by them on behalf of the Association, for committee evaluation under this Statement.

In addition to any fiduciary obligation to their institution and conference, committee members also have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a committee member shall not participate in the committee's discussion or vote on any action that might bring direct or indirect personal financial benefit to the member or any organization (other than the member's institution or conference) in which the

member is financially interested. A committee member should also not participate in a discussion or vote for which the member's institution or conference is to be accorded a special benefit beyond benefits shared with other institutions or conferences or is to receive a penalty or disqualification. A violation of either of the above rules by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the appropriate oversight body approves the action.

A committee member is responsible for advising the chair of any actual or potential conflicts of interest or obligations which he/she may have hereunder, and should recuse him/herself from participating in proceedings, as may be warranted by this policy. Abuse of one's position as a member of a committee may result in dismissal from that position. Where such abuse appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation. (August 2008 Executive Committee minutes)

Speaking Agent Policy

The president of the Association and the chair of the Executive Committee are the only individuals authorized to speak on behalf of the Association except as outlined below.

An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Executive Committee of the Association as a speaking agent of the Association on that issue.

Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Executive Committee or the president of the Association.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association. *(April 2001 Executive Committee minutes)*

Appointment of Special Committees/Consultants

Generally, no special committees shall be appointed by the Presidents Council. Rather than appointing special committees, subcommittees of the Management Council and/or existing committees should be used for special projects, with specialized consultants added as needed.

When an ad hoc or special subcommittee is appointed, a specific charge for each such committee should be established, as well as completion and dissolution dates for each. [Note: The Administrative Committee and/or Presidents Council will review all such committees, their charges and their "sunset" dates annually.]

Defense and Indemnification Policy

The Association shall defend and indemnify any present or former employee, committee member or agent of the Association who was or is a party or is threatened to be made a party to, or who is to be subpoenaed to be deposed or to give evidence in, any civil, criminal, administrative or investigative action or proceeding, including those brought by the Association, provided the conditions enumerated below are met. For purposes of this policy, "committee" shall include all Association committees, boards, cabinets, councils, subcommittees and panels.

Conditions for Defense and Indemnification:

1. The person requesting defense and indemnification is being named as a party or subpoenaed to be deposed or to give evidence by reason of the fact that the person was or is an employee, committee member or agent of the Association or is or was serving at the request of the Association as a director, officer, employee or agent of another association, corporation, partnership, joint venture, trust or other enterprise.

2. The person is determined to have been acting within the scope of the person's duties to the Association.

3. The person is determined to have been acting in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Association in the performance of the person's duties to the Association. In respect to any alleged criminal action or proceeding, the person must also be determined to have had no reasonable cause to believe the alleged conduct was unlawful.

   Note: The termination of any action or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption in regard to these determinations. However, if a person is adjudged to be liable for negligence or misconduct in the performance of the person's duty to the Association, there shall be no indemnification unless and only to the extent that the court in which such action or suit was brought shall determine that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

4. The person promptly and timely notifies the Association's general counsel of the actual or threatened service of process, subpoena, and notice of deposition or other legal process before incurring attorney fees or other expenses.

5. The person accepts counsel provided or approved by the Association and agrees to accede to the legal strategies approved by the Association's general counsel, including any settlement determinations. In the event that the person wishes to hire other counsel or not accede to the Association's legal strategies, the Association shall not be obligated to defend or indemnify the person, except when it is determined that a conflict of interest exists with the Association such that retaining separate counsel is warranted.

6. The person agrees to repay any expenses, including attorney fees, incurred in bringing or defending a civil or criminal action or proceeding paid by the Association in advance of the final disposition of such action or proceeding if it is ultimately determined that the person is not entitled to be indemnified by the Association as authorized in this policy.

For purposes of this policy, "indemnification" shall consist of payment against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with such action or proceeding.

Determinations as to whether indemnification is proper in the circumstances because the person has met the applicable standards of conduct set forth in this policy shall be made (1) by the NCAA Executive Committee by a majority vote of a quorum consisting of members who are not parties to such action or proceeding, or (2) if such a quorum is not obtainable, or, even if obtainable if a quorum of disinterested Executive Committee members so directs, by independent legal counsel in a written opinion, or (3) by the Association's president if so delegated by the Executive Committee.

The indemnification provided by this policy is not exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of members or disinterested Executive Committee members or otherwise, both as to action in the person's official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be an employee, committee member or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

The Association may purchase and maintain insurance on behalf of any person who is or was an employee, committee member or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee or agent of another association, corporation, partnership joint venture, trust or other enterprise against any liability asserted against the person and incurred by the person in any such capacity or arising out of the person's status as such, whether or not the Association would have the power to indemnify the person against such liability under the provisions of this policy.

Legislative Issues

The Presidents Council has final authority of all actions of the Management Council. The Executive Committee has final authority over all Association-wide matters (e.g., the Association-wide budget).

Proposed legislation may be submitted through the Legislative Services Database by the designated date and time as described in NCAA legislation.

The Interpretations and Legislation Committee should develop likely interpretations of proposed legislation for review by the Management and Presidents Council in its pre-Convention meeting. The Presidents Council is obligated to fill a leadership role in Association activities; therefore, it takes positions regarding legislative proposals, including opposition to some proposals, to fulfill that role, rather than to be "negative." The Management Council forwards recommended positions to the Presidents Council in that regard. Management Council members should support the assigned presenters of Presidents Council-sponsored legislation as needed during presentation and discussion of the proposals on the Convention floor; if the Management Council position differs from the Presidents Council position, Management Council members should avoid speaking on behalf of the governance structure regarding that proposal.

A majority vote of the Division III Presidents Council (present and voting) is required to recommend that the Presidents Council sponsor or oppose a specific legislative proposal. A majority vote of the Division III Management Council (present and voting) is required to recommend that the Presidents Council support or oppose a specific legislative proposal sponsored by the membership.

To meet the requirement that all proposed legislation must be reviewed by an appropriate NCAA committee before it can be considered at an NCAA Convention, such committees shall be required to conclude their review not later than October 7, thus assuring time for amendments-to-amendments to be submitted in accordance with the November 1 deadline.

Once all necessary legislative proposal review requirements have been met, the Presidents Council will approve the Convention groupings of proposals for publication in the Convention Official Notice. The groupings indicate the order in which the membership will vote on proposals. The Presidents Council will also designate all proposals for "roll call vote," which records institutional voting results for publication to the membership.

Other important legislative dates include:

- July 15: Initial deadline for submission of membership sponsored amendments.
- August 15: Internet Posting of Initial Publication of Proposed Legislation.

- September 1: Deadline for submission of amendments by the Presidents Council and final deadline for co-sponsorship of membership-sponsored amendments.
- September 15: Deadline for submission by all sponsors (with submission by the primary contact person) of any modification to their original amendments.
- September 23: Posting of Second Publication of Proposed Legislation.
- November 1: Deadline for all amendments-to-amendments to be received in the national office.
- November 15: Mailing of the Official Notice of the Convention.

SUMMARY OF SPRING 2009 QUARTERLY MEETINGS
The National Collegiate Athletic Association

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

1. WELCOME AND ANNOUNCEMENTS.

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

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

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

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

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

Presidents Council. No action necessary.

b. Presidents Council Meeting – January 15, 2009.

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

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

c. Executive Committee Meeting—January 17, 2009.

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

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

d. Administrative Committee Actions.

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

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

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

a. Association-Wide and Common Committees.

Staff Liaisons: **Klossner Wilfert**

Council Rep: Hall

(1) Competitive Safeguards and Medical Aspects of Sports.

- 2010 NCAA Convention – NCAA Bylaws 11.1.2 and 30.5.

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

  Presidents Council. No action was necessary.

Staff Liaison: **Tufano**

Council Rep: Klika

(2) Honors Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

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

Council Rep: Keeling

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

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

Presidents Council. No action was necessary.

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

Council Rep: Chapman

(4) Olympic Sports Liaison Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaison: Strum

Council Rep: Chapman

(5) Postgraduate Scholarship Committee.

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

Presidents Council. No action was necessary.

Staff Liaison: Bracken

Council Rep: Gulley

(6) Research Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: Halpin, Newman, Roe

Council Rep: Ingold

(7) Committee on Sportsmanship and Ethical Conduct.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaison: Vicente

Council Rep: Ohle

(8) Walter Byers Scholarship Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: Ford, Holzman, Morrison

Council Rep: Oberbillig

(9) Committee on Women's Athletics.

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

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

Presidents Council. No action was necessary.

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

Staff Liaisons: Dutcher, Kareti, Davey, Kresge

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

(1) Convention-Planning Subcommittee.

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

Presidents Council. No action was necessary.

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

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

(2) Strategic Planning and Finance Committee.

(a) Championship Budget Requests.

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

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

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

(b) Non-championship Budget Requests.

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

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

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

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

(c) Division III Drug Education.

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

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

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

(d) Division III Strategic Initiatives Conference Grant Program.

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

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

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

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

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

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

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

c. Management Council subcommittees.

Staff Liaisons: Davey, Nesbitt

Council Reps: Hall, Ingold, Martinez

(1) Academic Issues Subcommittee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: Fuchs, Nesbitt

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

(2) Subcommittee for Legislative Relief.

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

Presidents Council. No action was necessary.

Staff Liaisons: Jones, Myers,

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

(3) Playing and Practice Seasons Subcommittee.

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

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

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

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

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

(b) 2010 NCAA Convention Legislation – Eligibility – Criteria for Determining Season of Eligibility – Minimum Amount of Participation – Competition During the Nontraditional Segment - Baseball, Field Hockey, Lacrosse, Soccer, Softball and Women's Volleyball – Alumni Contest.

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

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

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

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

d. Division III Committees.

(1) Championships Committee.

(a) Bench Policy.

Staff Liaisons: Suscha, Williams

Council Reps: Martinez, Oberbillig, Sitterly

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

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

Presidents Council. No action was necessary.

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

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

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

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

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

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

(c) Sports Committee Appointments.

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

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

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

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

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

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

(d) Staff Presentation.

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

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

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

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

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

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

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

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

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

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

(2) Financial Aid Committee.

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

Council Rep: McKinney

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

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

(3) Committee on Infractions.

Staff Liaisons: **Cooper, Elworth**

Council Rep: Gunning

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

Presidents Council. No action was necessary.

(4) Interpretations and Legislation Committee. (ILC)

Staff Liaisons: **Jones Myers**

Council Rep: Fulks

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

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

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

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

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

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

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

(5) Membership Committee.

Staff Liaison: Davey,

Council Rep: Hall

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

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

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

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

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

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

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

Presidents Council. No action was necessary.

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

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

Presidents Council. No action was necessary.

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

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

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

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

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

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

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

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

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

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

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

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

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

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

Presidents Council. No action was necessary.

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

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

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

Presidents Council. No action was necessary.

(6) Nominating Committee.

Staff Liaison: **Tufano**

Council Rep: Keeling

- **Committee Appointments.**

Management Council. The Management Council approved the following appointments:

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

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

Staff Liaisons: **Davey, MacInnis Montgomery**

Council Reps: Stein Wojtkunf

(7) Student-Athlete Advisory Committee.

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

Presidents Council. No action was necessary.

(8) Student-Athlete Reinstatement Committee.

Staff Liaisons: **Groddy, Bandy**

Council Rep: Gunning

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

Management Council. The Management Council approved in concept noncontroversial legislation to modify NCAA Bylaw 14.2.3.5 to eliminate the existing 30 consecutive-calendar day limitation for practice once an institution has filed a 10-semester/15-quarter extension waiver request. The proposed change would enable a student-athlete to practice during the period that the extension waiver request is pending with NCAA student-athlete reinstatement staff or the NCAA Division III Committee on Student-Athlete Reinstatement without concern regarding the length of time the extension waiver request is pending. In addition, the committee recommends consideration of an editorial revision to incorporate within the Bylaw 30.6.1 language indicating permissibility of continued practice once an extension waiver has been filed by an institution.

As written, Bylaw 14.2.3.5 permits a student-athlete to practice after an institution has filed a 10-semester/15-quarter extension waiver request for a 30 consecutive-calendar day window, which generally provides sufficient time to resolve most requests. However, the committee and staff do not have authority to waive this 30-day limitation and in a small number of circumstances, the time period for a

final decision may extend beyond the 30 days. As a result, a student-athlete must discontinue practice activities pending final determination of the extension waiver request. Based on student-athlete well-being, the institution must submit a waiver request to allow continued practice and because, on limited occasions, practice beyond 30 consecutive-calendar days after expiration of the 10-semester/15-quarter period of eligibility will arise, the committee believes a legislated limitation is not necessary to prevent possible abuse of practice opportunity and unnecessarily penalizes the student-athlete.

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

Presidents Council. No action was necessary.

(b) Hardship Waiver Percentage Analysis.

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

Presidents Council. No action was necessary.

4. Proposed Legislation for the 2009 NCAA Convention.

- **Noncontroversial Legislation.**

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

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

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

Presidents Council. No action was necessary.

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

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

Presidents Council. No action was necessary.

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

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

Presidents Council. No action was necessary.

5. Litigation Update.

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

Presidents Council. No action was necessary.

6. Division III Issues.

a. 2009-10 Committee Meeting Requests.

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

Presidents Council. No action was necessary.

b. White Paper Timeline.

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

c. Division III Identity Initiative.

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

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

d. Academic Reporting.

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

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

e. Presidential Leadership.

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

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

Policy Changes Under Consideration:

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

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

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

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

Legislative Changes:

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

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

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

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

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

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

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

f. Drug Education and Testing Pilot Analysis Timeline.

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

Presidents Council. No action was necessary.

g. Virtual Focus Group Communication.

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

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

Presidents Council. No action was necessary.

h. Method of Appointment for Sport Committee Members.

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

Presidents Council. No action was necessary.

7. Association-wide Update and Issues.

a. Governmental Relations Report.

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

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

b. Staff Travel and Related Meeting Changes.

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

Presidents Council. No action was necessary.

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

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

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

d. Other Business.

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

8. ADJOURNMENT.

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

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

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

EXECUTIVE COMMITTEE

NCAA National Office
Indianapolis, Indiana

April 30, 2009

Participants:

Michael Adams, University of Georgia, chair
Charles Bantz, Indiana Univ.-Purdue Univ. at Indianapolis
James Barker, Clemson University
Damon Evans, Atlantic 10 Conference
Bruce Grube, Georgia Southern University
James Harris, Widener University
Stephen Jordan, Metropolitan State College of Denver
Robert Kustra, Boise State University
Lynn Oberbillig, Smith College
Harvey Perlman, University of Nebraska, Lincoln
John Peters, Northern Illinois University
Beverley Pitts, University of Indianapolis
Shirley Raines, University of Memphis
Edward Ray, Oregon State University
Tim Selgo, Grand Valley State University
Paul Trible, Christopher Newport University
Myles Brand, NCAA
Bernard Franklin, NCAA
Delise O'Meally, NCAA, recording secretary

Anthony DiGiorgio, Winthrop University; Thomas Powell, Mount St. Mary's University, and Nancy Zimpher, University of Cincinnati, were not able to participate.

Also in attendance were: Gary Brown, director of NCAA News; Elsa Cole, vice president of legal affairs/general counsel; Joni Comstock, senior vice president of championships/senior woman administrator; Dennis Cryder, senior vice president of branding and communications; Greg Shaheen, senior vice president of basketball and business strategies; Jim Isch, senior vice president of administration/chief financial officer; Kevin Lennon, vice president of academic and membership affairs; Keith Martin, managing director of finance and operations; Rachel Newman, director of agents, gambling and amateurism; Wallace Renfro, vice president and senior advisor to the president; Robert Vowels, vice president of educational affairs;

Charlotte Westerhaus, vice president of diversity and inclusion; Bob Williams, managing director of public and media relations; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Beth DeBauche, Leah Kareti, and Terri Steeb, NCAA governance directors.

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

The meeting was called to order at 3:38 p.m. by the chair, President Adams. All members were present as noted above.

1. Welcome and announcements. Adams welcomed all attendees and specifically welcomed James Harris, president of the Widener University and the incoming vice-chair of the Division III Presidents Council. Also, Adams presented Bruce Grube with an award for his service to the Executive Committee.

2. Approval of January 17, 2009, meeting minutes.

   It was VOTED

   "To approve the Executive Committee minutes of the January 17, 2009, meeting as distributed."

3. NCAA President's report. President Brand provided updates, discussed a series of initiatives and sought Executive Committee input.

   a. Championships issue. Brand called on Newman to provide an overview of an NCAA policy that precludes the hosting of championship events in metropolitan areas where sports wagering occurs. Newman noted that the policy originally applied only to Division I men's basketball but was later expanded to include other sports and other divisions. The policy currently makes no distinction between predetermined and nonpredetermined championship sites. Additionally, it was noted that the policy speaks to a "metropolitan area" within a state that conducts sports wagering. The Committee agreed to refer the policy to the divisional championships committees and cabinets, as well as the NCAA

Sportsmanship and Ethical Conduct Committee, for further discussion and recommended clarification on the predetermined/nonpredetermined issue, as well as the "metropolitan area" language.

b. NCAA pandemic plan. Shaheen provided an update on the NCAA's pandemic preparedness plan. Shaheen noted that the national office is closely monitoring the H1N1 flu outbreak and any impact the illness could have on spring championships and overall operations. Shaheen noted that the national office receives regular updates from federal agencies and is in communication with host institutions and conferences regarding ongoing planning. At this point, no changes are expected for spring championships but, depending on the progression of the outbreak, adjustments could be made.

c. NCAA conflict-of-interest policy. O'Meally provided an update on revisions to the NCAA conflict of interest policy. O'Meally noted that, while the revisions do not change the substance of the document, they clarify the unique responsibility associated with committee service within a membership organization and, specifically, the representative capacity in which committee members sit.

It was VOTED

"To approve the revised conflict of interest statement."

d. Update on new membership initiatives. Franklin provided an update on ongoing discussions with the National Association of Intercollegiate Athletics (NAIA) related to possible collaboration between both associations. Franklin noted that the NAIA recently adopted legislation to establish an eligibility center to be operated by a third party. This action opens the door for a possible programmatic relationship between the NAIA and the NCAA Eligibility Center if an appropriate business plan can be developed. The Committee agreed to appoint a working group of presidents representing all three NCAA divisions to work with a similar group of presidents from NAIA institutions to consider future collaboration opportunities.

e. Report from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. Brand called on Vowels to review the report from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. Vowels noted that the report included final results of the 2007-08 NCAA drug testing in championships events for all divisions, as well as year-round testing in Divisions I and II. Vowels noted a slight increase in positive tests for anabolic agents; however, the lab professionals believe this increase may be explained by advances in laboratory technologies, with analytical screening becoming more sensitive and

better able to detect. He also noted that future discussions will include possibilities for testing human growth hormone.

It was VOTED

"To approve the publication of the 2007-08 NCAA drug-testing results."

4. NCAA Executive Committee Finance Committee report.

a. Second quarter FY 2008-09 budget-to-actual. The Finance Committee reviewed the second quarter budget-to-actual statement and is satisfied that the Association is on target with its revenues and expenses. The second quarter budget reflects the $4.7 million budget reductions approved by the Executive Committee in January. The Association is on target to meet the savings goal.

b. Projected FY 2009-10 revenues and expenditures. The NCAA operates on a biennial budget process where programmatic increases are approved for a two-year period. This is the off-year of the biennium, and the recommended budget adjustments will maintain current programming levels and provide for the already agreed-upon divisional distributions.

c. FY 2009-10 maintenance budget requests. The Finance Committee recommended the following Fiscal Year 2009-10 budget initiatives to maintain current program levels. Considering the difficult financial times, the Committee took a very conservative posture with respect to allocating additional maintenance dollars for the upcoming fiscal year.

(1) Modest increases on general services and operations expenditures, such as consulting services; building management; overhead and utilities; drug testing; travel and insurance. Many of these increases are contractual in nature or are unavoidable.

(2) A two percent merit adjustment and an additional 0.5 percent for equity adjustments for staff. The Finance Committee unanimously decided to give Brand with the authority to provide up to the requested amount if projected revenues appeared to be stable for the upcoming year.

(3) Five hundred thousand dollars for research and assistance with the possible transition to a different media and marketing rights contract. These funds will only be expended as the process is undertaken.

(4) Funding to suspend dues for a one-year period and provide temporary reserve funds that will be distributed in accordance with the Association's year-end unallocated resources policies should the resources not be used.

It was VOTED

"To approve the fiscal year 2009-10 maintenance budget requests."

d. Cost savings. In January 2009, the national office implemented processes to save a minimum of $4 million from its FY 2008-09 operating budget. The savings represent an approximate three percent reduction of its operating budget. While only three months have passed since implementation, staff reports substantial progress has been made toward achieving the savings targets. Moreover, staff believes these savings can be achieved and, ultimately, money can be returned to the membership.

e. Committee meeting policy. The Committee recommends that, as a first option, all NCAA meetings be held in Indianapolis. When fully implemented, the policy will save the Association approximately $500,000 annually. Additionally, the NCAA national office will be reducing the number of staff traveling to out-of-town meetings, including committee meetings. These savings would be above and beyond what has already been discussed in Supplement No. 7 and will allow the national office to maximize its human and technology resources.

It was VOTED

"To approve the proposed meeting policy for holding committee meetings in Indianapolis.

"Request: The Executive Committee Finance Committee recommends that, as a first option, all NCAA meetings will be held in Indianapolis. The change in policy will help enhance the efficiency and effectiveness of NCAA operations. Furthermore, the adoption of the policy will save the Association approximately $500,000 annually when fully implemented.

"Rationale: Indianapolis is centrally located and has less expensive airline and hotel costs compared to other meeting locations. Moreover, the opportunity for meeting participants to access the full array of NCAA staff and services makes Indianapolis an attractive location for an efficient and effective meeting. The table below provides a summary of the estimated cost saving.

Committee and Staff Hotel	$ 230,000
Committee and Staff Airfare	$ 235,000
Staff Meals	$ 50,000

TOTAL **$ 515,000**

"Estimated savings for committee lodging are based on Indianapolis hotel expenses averaging 12 percent less per night than hotels in other cities. Estimated savings for committee air travel are based on flights to or from Indianapolis being 10 percent less than flights versus other meeting locations. Estimated savings for staff expenses are based on actual staff costs for the 2008 fiscal year that could be eliminated as a result of meetings being local. In addition, the national office can leverage their meeting space and other services, such as technology, that are more cost efficient if meetings are held in the national office.

"Policy: As a first option, all NCAA meetings will be held in Indianapolis. The change in policy will enhance the efficiency and effectiveness of Association operations.

"There will be a limited number of exceptions to the policy. For instance, all meetings that have a signed contract for a property outside of Indianapolis will be honored. Moreover, a request for an exception may be submitted when lodging rooms and meeting space are not available in Indianapolis or when meeting specifications indicate that a meeting can be conducted more efficiently and cost effective at a location other than Indianapolis.

"Request for exceptions to the policy should be submitted to the senior or executive vice president with budget responsibility for the committee. If approved by the senior or executive vice president, the approval shall be forwarded to the travel staff, along with the request rationale and the estimated meeting cost. Should the meeting outside of Indianapolis be approved, the committee liaison will provide Short's Travel with at least three options to determine the property and city that best meets cost-savings goals and the requirements of the meeting. Short's Travel will work with the liaison to determine the ultimate meeting location."

5. NCAA Division I Board of Directors and Divisions II and III Presidents Councils reports.

a. Division I Board of Directors. The Committee received an update on the actions of the Division I Board of Directors that included the following:

(1) Charged the Division I governance structure with examining its operational bylaws and policies to identify possible cost-savings initiatives.

(2) Received presentations on the following topics:

(a) Youth Basketball Initiative. The new chief executive officer of the Youth Basketball Initiative, Kevin Weiberg, provided an update on this joint NCAA/NBA initiative. The Board noted the importance of the relationship between this initiative and the work of the Men's Basketball Academic Enhancement Group.

(b) NCAA Bundled Rights Agreement. Shaheen led a discussion regarding the NCAA Bundled Rights Agreement.

(c) Empirical effects of intercollegiate athletics. Mark Israel, senior vice president at Compass Lexecon, LLC, and an NCAA economic consultant, presented on the empirical effects of intercollegiate athletics.

(d) NCAA financial dashboard indicators. Isch provided an update on the NCAA financial dashboard indicators program. He also discussed the national office cost-savings initiatives.

(3) Division I Committee on Academic Performance (CAP). Received a report from CAP and learned more about efforts to develop a coaches' rate portfolio. Additionally, the Board received a data presentation about recent Academic Performance Rate trends, which generally reflected good news regarding the academic performance of Division I student-athletes.

(4) Division I Legislative Council. Received a report from the April 20 meeting of the Legislative Council, which reflected the legislative actions taken by the body, and the Board offered no objection to the Legislative Council's actions.

(5) Division I Leadership Council. Asked the Leadership Council to thoroughly vet the issue of the level of appropriate representation in the governance structure of faculty to help ensure the academic view is heard throughout the structure.

b. Division II Presidents Council. The Committee received an update on the actions of the Division II Presidents Council that included the following:

(1) Sports wagering policy. Discussed the NCAA's sports wagering policy that Divisions I and III previously approved. After deliberate discussions

and consideration of the alternatives, the Presidents Council agreed to recommend the following policy for Division II effective June 1, which states:

"No session of an NCAA championship may be conducted in a metropolitan area with legal wagering that is based upon the outcome of any event (i.e., high school, college or professional) in a sport in which the NCAA conducts a championship."

(2) Presidents Council election. Elected Dorothy Leland, Georgia College and State University, as its newest representative from Region 2. President Leland will complete the rest of Tom Harden's term of office, which would have ended in January 2010, and serve an additional four-year term of office.

(3) Division II Strategic Positioning Platform. Spanish-speaking members of the Division II Management Council and the NCAA staff have collaborated on the translation of the Division II Strategic Positioning Platform into Spanish. The division is in the process of having the platform reproduced and made available to member schools in Puerto Rico, as well as others in the United States that customarily serve those whose primary language is Spanish. Additionally, Division II is looking into the feasibility of conducting a meeting in October between the Division II Presidents Council and presidents/chancellors of Hispanic-serving institutions to discuss other ways the division can assist in making their Division II membership more meaningful and useful to their students.

(4) NCAA Bylaw 17 (playing seasons). At its Wednesday evening meeting with Division II conference board chairs, the Presidents Council began deliberations on how Bylaw 17 can be better brought into alignment with the Division II strategic platform and, at the same time, develop better business practices to assist with institutional athletics department budgets. The Division II governance committees have begun their review of this bylaw, beginning with those areas that directly affect the strategic positioning of the division and are easily adaptable to change. Those issues that are more complex in nature will be scrutinized and adjusted for membership consideration at the 2011 NCAA Convention. All of these measures are aimed at allowing member institutions to help student-athletes live out the fundamental principle of Division II – balance. The division also will continue discussions this summer about travel policies and administrative costs for NCAA Division II championships.

(5) Central Washington softball video. Shared a video about three Division II student-athletes whose actions reflected the spirit of sportsmanship, respect, civility and honor that transcends intercollegiate athletics.

c. Division III Presidents Council. The Committee received an update on the actions of the Division III Presidents Council. These included:

(1) New members. Welcomed three new members to their first meeting: Ron Thomas from the University of Puget Sound, Jim Schmotter from Western Connecticut State University and Ken Baker from Ohio Northern University.

(2) 2009-10 budget. Approved recommendations from the Division III Strategic Planning and Finance Committee for inflationary adjustments and reallocations for the 2009-10 budget, highlighted by an inflationary increase to championships per diem and the allocation of funds to begin the Division III Identity strategic communication effort.

(3) Membership requirements and penalties. Agreed to place six institutions on probation for failure to meet conditions and obligations of membership. The Council asked the Division III Membership Committee to review the 10-year probationary period for the violation of membership requirements and develop a new sliding scale of two to five years, with greater flexibility to address mitigating circumstances. Changes to the penalty structure would be applied retroactively for any institutions currently on probation.

(4) Summary of financial aid reporting process. Received results of the first four years of the financial aid reporting process. In the reporting period including 2005-06 to 2008-09, 104 institutions underwent a comprehensive review of financial aid policies and outcomes, and 47 institutions were forwarded to enforcement services based on the Financial Aid Committee's conclusion of a financial aid violation. The vast majority of cases were deemed to be secondary violations by the enforcement services staff, but a handful of cases are under review as potential major violations.

(5) White papers and strategic considerations. Engaged in a series of strategic conversations based on recommendations in the Division III white papers issued last fall in response to membership growth. The Council focused on the following three issues:

(a) Presidential leadership. The Council endorsed, in concept, a series of recommendations that would allow it, and the broader commu-

nity of Division III presidents, to focus on more strategic issues, while empowering the Management Council to assume more leadership related to operational and administrative issues. The Council will review these concepts in August with the Presidents Advisory Group. The proposals are targeted for a membership vote at the 2011 Convention.

(b) Philosophy and identity of Division III. Division III is engaged in a comprehensive initiative to better articulate its identity, focusing on both the campus community and external constituents. The Council received a presentation on the preliminary findings of 61 interviews conducted by NCAA consultant Jeff Jacobs. The Council also conducted a valuable round table exercise to test some of those findings. The next phase of the effort is a series of surveys to be conducted in May and June. Summary findings and a communications platform will be shared with the Presidents Advisory Group in August, and an activation plan will be developed this fall. The Council intends to formally unveil its work at the 2010 Convention.

(c) Academic considerations. The Presidents Council approved the establishment of an academic reporting pilot related to student-athlete graduation rates. The division's philosophy statement calls for student-athlete academic performance to meet or exceed that of the overall student body, but the term "academic success" has not been defined nor have measures for success been established. Division III institutions are not required to calculate or submit separate student-athlete graduation rates because they do not award athletics aid. The pilot will use data for the general student body, which already is collected for federal graduation-rate calculations, and determine the additional burden, if any, of creating separate student-athlete rates. The end goal will not be punitive – the intention is not to establish minimum graduation rates or specific eligibility standards for the division or establish related penalties. Instead, the goal is to ensure that this information is available and relevant on each campus. The pilot was approved for 2010-11, but staff will explore whether implementation in 2009-10 is feasible.

6. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. The Committee received the subcommittee's report, which included updates from the NCAA Committee on Women's Athletics and the NCAA Minority Opportunities and Interests

Committee. The subcommittee also heard a report on the Association's diversity awards program and discussed how to use the award to create greater awareness by presidents and chancellors. The subcommittee received an overview of a research study designed to measure career aspirations and perceptions of careers in intercollegiate athletics among females. The study, Gender Equity in College Coaching and Administration – Perceived Barriers (Barriers 2007-08), seeks to outline the factors that continue to influence women's careers, motivate women to seek careers in intercollegiate athletics, and to identify potential obstacles institutions may face in recruiting and retaining women in coaching, administrative and officiating positions. The subcommittee will continue to discuss this issue at its next meeting.

7. NCAA Executive Committee Administrative Subcommittee. The Committee received a report on actions taken by the Administrative Subcommittee during its recent teleconference. It was noted that the Administrative Subcommittee adopted a resolution to extend the term of Adams as chair of the Executive Committee through April 2010.

8. Executive session. The Committee convened a brief executive session to discuss employment matters.

9. Future meetings. The Committee reviewed its future meetings schedule.

10. Adjournment. Adams adjourned the meeting at 5:10 p.m.

# # # # #

A G E N D A

National Collegiate Athletic Association

Executive Committee

NCAA National Office
Indianapolis, Indiana

August 6, 2009
3 to 6 p.m.

1. Welcome and announcements.

2. Approval of April 30, 2009, meeting minutes. (Action) [Supplement No. 1]

Anticipated Action. Approve the April 30, 2009, meeting minutes.

3. NCAA President's report.

   a. Building renovation and addition. (Action) [Supplement No. 2 will be available at the meeting.]

Anticipated Action. Approve next steps regarding NCAA's building renovation and addition.

   b. Update on new membership initiatives. (Information)

Informational. Receive an update regarding potential membership models for the NCAA.

   c. Anheuser-Busch marketing strategy. (Information)

Informational. Discuss the company's new marketing approach.

4. NCAA Executive Committee Finance Committee report.

Informational. Receive financial reports related to the NCAA budget cycle.

   - Third quarter FY 2007-08 budget-to-actual. (Information) [Supplement No. 3]

5. Litigation update. (Information) [Supplement No. 4 will be available at the meeting.]

Informational. Receive an update from the NCAA general counsel regarding litigation and settlement actions.

6. NCAA Division I Board of Directors and Divisions II and III Presidents Councils reports. (Action may be necessary from the reports.)

***Informational*. Receive oral reports from the chairs of the Division I Board of Directors and the Divisions II and III Presidents Councils regarding divisional issues that have Association-wide impact.**

7. NCAA drug-testing update. (Information) [Supplement No. 5]

***Informational*. In follow-up to discussion at the April Executive Committee meeting, receive an update regarding the frequency of NCAA drug testing.**

8. NCAA Executive Committee Subcommittee on Gender and Diversity Issues. (Information) [Supplement No. 6 will be available at the meeting.]

***Informational*. Receive a written report on the subcommittee's work.**

9. Future meetings. (Information)

***Informational*. Review dates of future Executive Committee meetings.**

a. October 29, 2009. Indianapolis, Indiana.

b. January 16, 2010. Atlanta, Georgia.

c. April 29, 2010. Indianapolis, Indiana.

10. Adjournment.

Presidential Leadership

White Paper No. 1, published in September 2008, identified greater presidential leadership as essential for Division III to successfully address the various challenges related to membership growth anticipated through 2020. Changes to the NCAA governance structure in 1997 established a greater emphasis on presidential leadership in the Association, placing presidents and chancellors in the ultimate leadership position within each division. However, the following factors remain relevant:

- The Division III Philosophy Statement currently is silent on the issue of presidential leadership.
- At 80% of Division III institutions, athletics reports directly to a senior administrator other than the president – typically a vice-president for student affairs or academic affairs.
- The Presidents Council and Chancellors and Presidents Advisory Group (PAG) have expressed a strong desire for the division to establish a more strategic and selective leadership role for presidents, while delegating more administrative and operational details to the expertise of the division's athletics administrators, especially those serving on the Management Council.

Based on these findings, the Presidents Council is actively considering the following initiatives.

I. 2010 Convention

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

The Management Council has reviewed and approved the following draft language for this proposal. The proposed language is subject to final approval by the Presidents Council.

DIVISION MEMBERSHIP – DIVISION III PHILOSOPHY STATEMENT – AFFIRMATION OF PRESIDENTIAL LEADERSHIP AT INSTITUTIONAL, CONFERENCE AND NATIONAL GOVERNANCE LEVELS OF DIVISION III

Convention Year: 2010

Effective Date: August 1, 2010

Source: NCAA Division III Presidents Council

Proposal Category: Presidents Council

Topical Area: Membership

Status: Submitted to National Office

Intent: Specify in the Division III Philosophy Statement the expectation for presidential leadership and authority over intercollegiate athletics at the campus, conference and national governance levels.

Bylaws:

20.11 Division III Membership Requirements

DIVISION III PHILOSOPHY STATEMENT

Colleges and universities in Division III place highest priority on the overall quality of the educational experience and on the successful completion of all students' academic programs. They seek to establish and maintain an environment in which a student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience, and in which coaches play a significant role as educators. They also seek to establish and maintain an environment that values cultural diversity and gender equity among their student-athletes and athletics staff.

To achieve this end, Division III institutions:

(a) **Expect that institutional presidents and chancellors have the ultimate responsibility and final authority for the conduct of the intercollegiate athletic programs at the institutional, conference and national governance levels;**

[20.11-(a) through 20.11-(n), renumbered as 20.11-(b) through 20.11-(o), unchanged.]

[Remainder of 20.11, unchanged.]

Rationale: Presidents and chancellors have the ultimate leadership responsibility within the NCAA's governance structure; however, the Division III Philosophy Statement currently contains no specific reference to the leadership expectations related to presidents and chancellors at the institutional, conference or national governance levels of the division. Specifically addressing this issue within the Division III Philosophy Statement will acknowledge and reinforce the ultimate authority that presidents and chancellors hold throughout Division III. The proposal is not intended to undermine institutional and conference autonomy in the exercise of this leadership role.

Estimated Financial Impact: None.

Review History:

April 30, 2009: Approved in Concept - Presidents Council Supplement No. 10.

II. 2011 Convention and Thereafter.

The Presidents Council also has endorsed in concept a series of recommendations that would allow it and the broader community of Division III presidents and chancellors to focus on more strategic issues, while empowering the Management Council to assume more leadership related to operational and administrative issues. The proposals are targeted for a membership vote at the 2011 Convention or thereafter.

Policy Changes Under Consideration:

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

(2) Establish a group to vet concepts and proposals in order to determine whether they are of a nature warranting review by the Presidents Council. Establish guidelines for what this group would use in determining which items the Council would ultimately review. Also, allow this group to approve the final legislative drafts of proposals endorsed by the Presidents Council. Establishing a separate group to vet concepts and proposals for review by the Presidents Council would eliminate the Council's current practice of reviewing all proposals and concepts and instead focus the Council's energies upon strategic initiatives and changes. Establishing objective review guidelines that focus on clear, fundamental tenets of the Division III Philosophy Statement would set the proper framework for identifying issues that warranted the Presidents Council's attention. Utilizing this group for approval of the draft legislative language for all proposals would also save time and make the

Presidents Council's agenda more efficient. (See also legislative recommendation No. 4, Page 5)

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

Legislative Changes:

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

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

(2) Utilize the existing 'division dominant' legislative designation in order to establish and maintain important divisional concepts. Placing the division dominant status upon legislative provisions directly and objectively linked to the division's philosophy statement would better establish and maintain important divisional concepts by requiring a two-thirds majority vote of the membership in order for that legislation to be amended. An example of such usage would be that Bylaw 15.1, prohibiting athletics aid. The authority to use this category of legislation already exists within the division's constitution; however, it has not been utilized by Division III. It should be noted that the initial designation of an existing legislative provision to 'division dominant' would require a two-thirds majority vote of the membership.

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

(4) Add Senior Administrators with Athletics Oversight to the Management Council. The Council discussed the addition of two senior administrators with athletics oversight to the Management Council roster, expanding total Management Council membership from 19 to 21. Such individuals, along with the two current presidents already serving on the Management Council, could broaden the prospective for legislative discussions, and could facilitate the exercise of greater legislative authority by the Management Council. The Council discussed the formation of a subcommittee to review legislation comprised of the two presidents that serve on the Management Council, two senior administrators with athletics oversight and two presidents from the Presidents Council. (See also policy recommendation No. 2, Page 3)

(5) Presidential leadership at the conference level. The Council discussed requiring conferences to submit proof of active presidential leadership. Despite the current legislative requirement for presidential oversight, it appears that presidents may not actively lead some Division III conferences. While the existing Conference Self-Study Guide (CSSG) addresses the importance of presidential leadership, the division may benefit from adopting a more specific standard of participation (e.g., minimum annual conference calls of conference's presidential leadership group) to permit presidents to exercise strategic leadership at the conference level.

REPORT OF THE NCAA DIVISION III STRATEGIC PLANNING AND FINANCE COMMITTEE

1. ACTION ITEMS.

a. 2009-10 Division III Strategic Plan. [Attachment A]

(1) Recommendation. Approve an updated Strategic Plan for 2009-10.

(2) Effective date. September 1, 2009.

(3) Rationale. The Division III Strategic Plan was developed to align to the NCAA biennial budget and reflect goals and resource allocations for a two-year period. However, due to the development of the White Papers, a mid-term adjustment revision is recommended. The revised plan includes White Paper recommendations and establishes specific priorities for 2009-10.

(4) Estimated Financial Impact. The plan reflects the previously approved 2008-10 budget, with no additional financial impact beyond reallocation.

(5) Student-Athlete Impact. None.

b. Conference Grant Program Structure of Tier Two for the Next Budget Biennium (2010-12).

(1) Recommendation. Minimize the prescriptive amounts that must be spent on each topical area and allow conferences to determine the amount to allocate to each of the current Tier Two priorities (sportsmanship, diversity and gender equity, and student-athlete well-being) plus a new Tier Two priority - integration institutes. The conference must include a statement about why it selected its chosen category (or categories) over the other available options and must exhibit support of each of these areas over a four year period, even if the funding comes from a source other than the grant program.

(2) Effective date. September 1, 2010.

(3) Rationale. This recommendation holds conferences accountable to Division III strategic priorities while also allowing greater flexibility for the amount of funding to be spent in each of the strategic priority areas. The addition of integration institutes as a Tier Two priority is consistent with the overall

theme of Tier Two - social responsibility and integration. It should be noted the College Sports Project has developed a "turn key" model for conducting these institutes. Finally, it will be imperative that the committee closely monitors each conference's attention to the full complement of Tier Two priorities. Staff will present the committee with detailed requisition and impact forms to facilitate such tracking during the committee's November teleconference.

(4) Estimated Financial Impact. None.

(5) Student-Athlete Impact. None.

c. FARA Proposal for a Pilot Fellows Institute.

(1) Recommendation. Earmark $75,000 in the 2010-11 budget for FARA to conduct a 2010-11 FARA Fellows Institute Pilot. The pilot will seek to include a faculty athletics representative (FAR) from one-half of the division's member conferences and the Association of Division III Independents.

(2) Effective date. September 1, 2010.

(3) Rationale. The institute will be modeled after the successful Division II program and is expected to increase the level of engagement of Division III FARs in NCAA issues, including service in the governance structure. The Strategic Planning and Finance Committee approved the pilot subject to receiving detailed plans and an evaluation mechanism for the institute prior to the committee's February 2010 teleconference. Long term funding commitments will be contingent on the Strategic Planning and Finance Committee's evaluation of the 2010-11 pilot.

(4) Estimated Financial Impact. Allocate $75,000 in the 2010-11 budget, with a similar allocation possible for 2011-12.

(5) Student-Athlete Impact. None.

d. Sports Information Director (SID) Request for Conference Grant Program.

(1) Recommendation. Modify Tier One of the conference grant program to require annual support of a professional development of sports information directors (SIDs) by each conference and the Association of Independents.

(2) Effective Date. September 1, 2010.

(3) Rationale. Currently, funding for the SID meeting/workshop is provided bi-annually. The committee noted the group's concern regarding the lack of

professional development funding currently available for SIDs, and agreed to offer greater support for SIDs through the grant program.

(4) Estimated Financial Impact. Approximately $20,000 annually to be added to the Conference Grant Program.

(5) Student-Athlete Impact. None.

e. Minority Opportunities Athletic Association (MOAA) – Opportunities for Tier One Funding.

(1) Recommendation. Introduce a new, biannual requirement in Tier One of the Conference Grant Program requiring conferences to send a minority athletics administrator to an event sponsored by MOAA, or another event whose purpose is to provide educational growth and professional development opportunities for minority athletics administrators.

(2) Effective Date. September 1, 2010.

(3) Rationale. After review of a proposal from the Minority Opportunities Athletic Association (MOAA) requesting the establishment of a partnership between the MOAA and Division III, and in light of the division's commitment to increase the level of diversity of Division III coaches and administrators, the committee endorsed a new required category in Tier One of the Conference Grant Program. Prior to the start of the 2010-11 grant year, the committee will publish a list of events that may be supported through this new category.

(4) Estimated Financial Impact. Approximately $20,000 annually to be added to the Conference Grant Program.

(5) Student-Athlete Impact. None.

2. INFORMATIONAL ITEMS.

a. 2008-09 Initiatives Summary. The committee reviewed the 2008-09 Division III Initiatives Summary noting the institutions and conferences that were awarded scholarships and grants through the Division III programs.

b. 2008-09 Annual Report. The committee received a verbal update regarding the Annual Report. A draft report will be distributed to the committee for review at a later date. Future reports will include specific progress updates regarding the priorities listed in the strategic plan.

c. **Strategic Initiative Conference Grant Program.** The committee approved staff recommendations regarding 2009-10 conference grant requisition requests. Staff will monitor impact form responses and alert committee leadership if it appears that any conference should be penalized for insufficient adherence to 2007-08 requisition plans.

The committee endorsed the following guidelines for 2009-10 requisitions:

- In the case of heavy spending on SAAC give-aways, the staff recommends a caveat that the give-aways must have a charitable purpose (e.g., pink ribbons) and the conference must already be funding an in-person SAAC meeting.
- In the event that a provisional or active member may be subject to a loss of grant funding for failure to meet membership requirements, staff will alert the conference.
- One conference requested Tier Three funding for signage to increase attention on a corporate sponsor. The staff recommended that the conference find alternate uses for the funds.

d. **Drug Education and Testing Pilot**. The committee reviewed the status of the drug education and testing pilot and related timeline.

e. **Presidential Leadership**. The committee reviewed a draft Presidents Council proposal for the 2010 Convention to add to the Division III Philosophy Statement the expectation that presidents and chancellors shall perform a leadership role in the administration of intercollegiate athletics at the institutional, conference and national levels.

The committee requested that future discussion of presidential leadership include greater detail from White Paper No. 1 expanding on the reasons to pursue such leadership. Details should include a list of topics that would be considered strategic, and therefore relevant to presidential-level debate, as well as a description of how those issues would be identified.

f. **Division III Identity Initiative**. The committee reviewed the timeline of the Division III Identity Initiative noting that a preliminary communications platform and activation plan should be released to the membership for discussion at the 2010 NCAA Convention. The committee noted that distribution of the survey was inclusive, and that over 3,000 individuals had completed and returned the survey.

g. **Academic Reporting**. The committee noted the Management and Presidents Councils approved for either 2009-10 or 2010-11 the establishment of an academic reporting pilot related to student-athlete graduation rates.

h. **Division III Budget**. [Attachment B] This schedule represents where Division III stands financially as of June 15, 2009. The results include $21,019,800 in revenue and $16,327,803 in expenses, which reflects a majority of the championship expenses, but do not reflect all spring events. The projected 2009-10 budget reflects new allocations to support the Division III Identity Initiative; however, the current six-year projection does not reflect new initiatives that may be approved for 2010-12. The Division III reserve balance remains especially relevant, pending the expiration (no later than 2012-13) of the Association's current broadcast agreements.

i. **Policies and Procedures Guide.** The committee reviewed and approved a Policies and Procedures Guide, effective immediately.

j. **Review of Association-wide Programs Targeting Diversity and Equity.** The NCAA is conducting a comprehensive review of all programs supporting diversity and equity. The review includes relevant Division III programs. A preliminary report will be shared with the Councils in October and with the Strategic Planning and Finance Committee on their November teleconference. A final report will be released in 2010, findings from which may be considered for the 2010-12 budget biennium.

Committee Chair: Jim Harris, Widener University
Staff Liaison: Beth Barnett, Finance
Dan Dutcher, Division III Governance
Jay Jones, Academic and Membership Affairs
Leah Kareti, Division III Governance
Andrea Worlock, Finance

REPORT OF THE NCAA DIVISION III MANAGEMENT COUNCIL

The Division III Management Council conducted its July 20-21, 2009, meeting in Denver, Colorado. Listed below are specific recommendations for review and consideration by the Presidents Council.

ACTION REQUIRED

The following Management Council recommendations require action by the Presidents Council:

1. 2010 Convention Legislation – Playing and Practice Seasons – Contest and Segment Limitations – End of the Fall and Spring Nontraditional Segments.

a. Recommendation. Sponsor legislation for the 2010 NCAA Convention to establish that all practice and competition conducted in the nontraditional segment (fall or spring) shall be completed no later than five weekdays before the first day of the institution's final examination period.

b. Effective Date. August 1, 2010.

c. Rationale. Currently, the end date for the spring nontraditional segment is the day before the institution's final examination period. The Student-Athlete Advisory Committee (SAAC), as well as the Management Council Academic Issues Subcommittee and the Faculty Athletics Representatives Association (FARA), reported that this date was not in the best interest of the student-athlete's academic pursuits and that there should be more time prior to final exams to focus on academics. Additionally, the end date for the fall nontraditional segment is not linked to the academic calendar but rather is a defined date (October 30th) which significantly limits institutions on a quarter academic calendar to conduct the fall nontraditional segment. This proposal would establish consistency between the end dates for the fall and spring nontraditional segments by linking the end of the fall nontraditional segment to the academic calendar instead of a defined date. By linking the fall end date to the academic calendar, institutions on a quarter academic calendar will have more flexibility to conduct the fall nontraditional segment. The subcommittee identified five weekdays as the appropriate timeframe before the final examination period for both fall and spring nontraditional segments because that amount of time permits the proper balance between the student-athlete's academic pursuits and the institution's flexibility to conduct the nontraditional segment.

d. Estimated Budget Impact. Potential cost savings for some institutions on the quarter system which currently bring their student-athletes back to campus early to conduct the nontraditional segment activities.

e. Student-Athlete Impact. This proposal would provide student-athletes more time to prepare for their final examinations. For student-athletes that attend quarter schools it could also create greater participation opportunities during the fall nontraditional segment.

2. 2010 Convention Legislation – NCAA Division III Bylaw 14.2.5-(c) – Hardship Waiver – Percent Calculation.

a. Recommendation. Sponsor legislation for the 2010 NCAA Convention to amend NCAA Bylaw 14.2.5-(c) (Hardship Waiver) to allow a student-athlete's eligibility for a hardship waiver to be determined by the maximum permissible number of contests or dates of competition set forth in NCAA Bylaw 17 for the applicable sport plus one competition. The one additional competition serves the same purpose as the current allowance for conference championship contests.

b. Effective Date. August 1, 2010.

c. Rationale. This proposal accommodates student-athlete well-being by allowing a consistent denominator for all NCAA Division III student-athletes, regardless of an institution's scheduling patterns. Because of conference, budgetary, philosophical and/or geographical constraints, Division III institutions currently schedule different numbers of contests or dates of competition. Since the student-athletes have no role in scheduling, this creates inequitable treatment of student-athletes from institution to institution. Further, since the scheduling practices of some institutions are incumbent on conference scheduling policies, even institutions cannot completely control the amount of scheduled contests. This proposal establishes a uniform standard that is equal to the largest possible number of contests permitted under current legislation.

d. Budget Impact. None.

e. Student-Athlete Impact. Allows all Division III student-athletes to be given the same benefit regarding the hardship waiver rule, regardless of their institution's scheduling patterns.

3. Sports Wagering and Championships Hosting Policies.

a. Recommendation. Forward to the NCAA Executive Committee a position that the NCAA policy precluding the hosting of championship events in areas where sports wagering occurs be limited to predetermined championships hosting opportunities. Further, that the relevant geographical area covered by the policy be defined as the state where the sports wagering occurs.

b. Effective Date. Immediate.

c. Rationale. In response to a referral from the NCAA Executive Committee, the Division III Management Council and Championships Committee endorsed the position that predetermined championships hosting opportunities should not be awarded in states that permit sports wagering. The Championships Committee believes it is important that the determination of NCAA championship sites be consistent with the core values of the NCAA, specifically an emphasis on integrity and sportsmanship. While acknowledging that the Committee on Sportsmanship and Ethical Conduct endorsed applying the policy to both predetermined and non-predetermined championships sites, the Management Council and Championships Committee made the distinction in an effort to protect hosting opportunities earned by institutions during the regular season. It was noted that a state decision to allow sports wagering should be treated as a decision beyond the institution's direct control, similar to a state decision to fly the confederate flag where the hosting ban also is applied only to predetermined sites. The Council and committee further believe that applying the policy to an entire state is the clearest way to apply the standard.

d. Estimated Budget Impact. None.

e. Student-Athlete Impact. None.

4. Consent Package. The Management Council recommends that the Presidents Council take the following actions concerning items in the consent package:

a. Successful Provisional and Reclassifying Member Status.

(1) Recommendation. Advance the following institutions in the provisional/reclassifying member program into the status designated below:

(a) Mitchell College (active membership);

(b) Mount Mary College (active membership);

(c) Presentation College (active membership);

(d) SUNY at Morrisville (active membership);

(e) Lancaster Bible College (year four);

(f) Lyndon State College (year four);

(g) North Central University (year four);

(h) Penn State Harrisburg (year four); and

(i) Saint Vincent College (year four);

(j) Birmingham Southern College (year three);

(k) Franciscan University Stuebenville (year three);

(l) Geneva College (year three);

(m) St. Joesph's College, New York (year three);

(n) Spalding University (year two); and

(o) SUNY at Cobleskill (year two).

(2) Effective Date. September 1, 2009.

(3) Rationale. Based on its review of the aforementioned institutions' successful annual reports, the committee agreed that the institutions should be moved forward into the designated year of membership. All institutions were
advanced one year on the process, except Penn State Harrisburg, which was effectively advanced two years by being granted a waiver of the third year of the provisional membership process.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Student-athletes' institutions are successfully progressing towards active Division III membership, which includes NCAA Championships, grant and other program access.

b. 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) Budget Impact. Provisional members pay dues and membership fees.

(5) Student-Athlete Impact. Student-athletes at these institutions may gain access to NCAA programs and services if their institutions advance through the provisional membership program.

c. Massachusetts College of Liberal Arts Waiver Request.

(1) Recommendation. 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 detailed compliance plan to the committee by June 1, 2011.

(2) Effective Date. September 1, 2010.

(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.

d. Membership Requirements Penalty Structure Review.

(1) Recommendation. Adopt noncontroversial legislation to amend the 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 to subsequently adjust the applicable five-year or three-year penalty, when appropriate.

(4) Budget Impact. None.

(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.

NO ACTION REQUIRED

The following Management Council actions do not require formal action by the Presidents Council and are being reported to the Presidents Council for informational purposes only.

5. Update on the Drug Education and Testing Pilot. The Management Council received an update on the Drug Education and Testing Pilot. A discussion of final pilot results and options to be considered shall occur through the spring of 2010, with a potential membership vote on a deterrence program to occur at the 2011 Convention. Options under consideration include enhanced education and academic year-round drug testing. The

guiding principles and resources for the pilot include study findings (pilot and division-wide surveys), student-athlete well-being, competitive equity, health and safety, cost, institutional autonomy, and administrative considerations (e.g. process, sanctioning). While final pilot results are not yet available, preliminary results indicate the following:

- 62%of the student-athletes stated that they would not use any substances whether testing was implemented or not.
- 20%of the student-athletes stated that testing by NCAA had discouraged them from using banned substances.
- Testing can act as a deterrent for one-fifth of the student athletes.
- Over 60%of the student-athletes agreed that students should either be tested by NCAA or their school.
- Over 60%agree that both testing at the college level and at the NCAA level has deterred them from using drugs.
- Students did not reach an agreement on whether disqualification of an entire team when one member tests positive is fair or appropriate.
- Findings from both experimental groups –drug testing and education-only –are consistent with the overall findings.
- Findings are consistent across the four survey administrations (Pre-and Post-Test in Year 1 and 2).

The Presidents Council will receive a more detailed presentation of preliminary pilot results in October.

6. Convention-Planning Subcommittee. The Management Council accepted the following tentative agendas for Division III Governance Sessions at the 2010 Convention:

a. Issues Forum.
   - 2010 legislative proposals.
   - Presidential leadership.
   - Drug education and testing pilot.

b. Chancellor/Presidents Luncheon and Forum.
   - 2010 legislative proposals.
   - Presidential leadership.
   - Division III identity initiative.
   - Academic reporting pilot.

c. Senior Administrator with Athletics Oversight.
- Presidential leadership.
- Division III identity initiative.
- Academic reporting pilot.
- Best practices review.

d. Presidents Council hosted reception.
- Emphasis on open informal dialogue with Division III presidents and chancellors, with an invitation to the national SAAC.

e. Business Session.
- Division III identity initiative.
- Voting – 2010 legislative proposals.
- Academic reporting pilot.

Regarding the identity initiative presentation, the committee expressed some concern with saving this item until the very end of the Convention, and requested that the issue of best timing for this session be raised with the Presidents Council.

7. Consideration of future Convention formats. The Convention-Planning Subcommittee considered future Convention formats that would further condense the presidential meeting schedule and better promote presidential engagement in the legislative process. Ideas raised by the committee include:

- Establish a 24-hour presidential schedule that may include a morning issues forum, afternoon conference meetings, and evening business session. It remains important to allow time for conference discussion of legislative matters, but if this idea is to move forward, conferences should be polled to determine how many are using the Convention meeting to establish or refine positions on legislative proposals, and how many are conducting other business. Further, as a related issue, it should be explored whether or not conferences would ever consider giving up their Convention meetings.
- Shortening the schedule may alleviate financial concerns for all delegates, especially noting the requirement for each Division III institution to be represented at the business session.
- The Convention schedule should be more flexible to allow later revision based on a larger or smaller legislative load.
- There may be an opportunity to encourage people to attend the honors dinner if it directly follows conference meetings.
- Conference meetings are a critical part of SAAC's communication and outreach effort with each members' own and partner conference.

8. **Championships Committee Review of White Paper Eight and Championships Bracket Size Projections for Team Sports.** In response to the charge of White Paper Eight, the Championships Committee reviewed a report from the NCAA research staff on the sponsorship projections and corresponding bracket sizes and access ratios for team sports, through 2015. The analysis adds perspective to the discussion of Division III membership growth, specifically that growth within the current constraints of bracket maximums and access ratios is more manageable than anticipated. The committee sees the importance of communicating with the membership on the implications of growth and will develop a coordinated communication strategy for the near term. The committee also paid special attention to the projection that three women's championships (basketball, soccer, and volleyball) will reach the maximum bracket of 64 by 2015, thereby altering the access ratios, before any men's championships (with the exception of football which is already capped at 32). In response, the committee will analyze the issue of gender equity in overall championship opportunities during its September 2009 meeting.

9. **2009 Proposal No. 8 – Selection Criteria – Availability of Data throughout the Season.** The Championships Committee continued discussion about making championships selection data available to the membership throughout the sports seasons, per 2009 Proposal No. 8. In addition to the procedural and educational steps it generated in February to address concerns about the accuracy of the data and education about the selection process, the committee will experiment during 2009-10 with making selection data publicly available via the NCAA Web site. The committee approved the implementation of a pilot program to provide snapshots of information from the NCAA score-reporting system. The snapshots will be provided in a PDF format during the four ranking periods leading up to selections in the sports of men's and women's soccer, men's and women's basketball, baseball, and softball. The Championships Committee, the relevant sport committees, and the national office championship staff will evaluate the one-year pilot program through feedback generated by surveying coaches and student-athletes and other interested parties in the selected sports.

10. **Relationship between SAAC and FARA.** SAAC met with representatives from FARA who indicated that FARA hopes to interact more with the SAAC in the future. It was noted that FARA and SAAC often arrive at the same conclusions and legislative positions. The committee provided feedback to FARA representatives regarding faculty athletics representatives/student-athlete interactions and how best to foster positive relations between faculty and student-athletes. The committee also discussed academic

reporting and whether it would be good for the division. It was noted that academic reporting may produce results that would be helpful when the division articulates its identity. The committee further noted these results may not be positive and could also result in administrative burden. The committee also discussed class attendance related difficulties with faculty when student-athletes request to miss class due to contests.

11. Social Networking and Electronic Transmissions with Prospective Student-Athletes. The Management Council adopted noncontroversial legislation establishing an exception to the electronic transmissions legislation that would allow an institution's athletics department, or a campus department acting on behalf of athletics, to send electronically transmitted correspondence in forms other than electronic mail and facsimiles to prospective student-athletes provided the following conditions are met:

a. Any electronic transmission that is being delivered to a public group that may include prospective student-athletes must be done through means that are available to any member of the general public;

b. All prospective student-athletes who choose to receive electronic transmissions through the electronic service must always maintain the ability to opt-out of the receipt of the communications;

c. The content of any electronic transmission that is being delivered to a public group that may include prospective student-athletes must be the same content for all members of the group (e.g., news alerts, admissions and alumni information, scores) and of a general nature; and

d. Electronic transmissions being sent by, or on behalf of, an institution's athletics department under the parameters of this exception cannot contain any information that is designed to solicit enrollment of prospective student-athletes.

Since the development of the electronic transmission legislation, software and Web sites have been developed that allow for Division III institutions to release information to the public in a variety of ways beyond electronic mail and facsimiles. The current legislation does not allow an athletics department to use these electronic means of communication in dealing with the public unless the school is able to verify that prospective student-athletes are not receiving the information. The current legislation creates practical issues for Division III schools that wish to release general media reports, scores and other public information using new technologies. In developing this proposal, the committee felt the type of information being made available on an institution's Web site should be permissible to send out through other delivery methods without the practical limitations resulting from the current legislation. This proposal is designed to address current technologies, such as Twitter and Face book groups that Division III schools wish to use; however, the proposal also lays a foundation for fundamental parameters that can be applied to

technologies developed in the future. The proposal does not allow direct person-to-person electronic communication with an individual prospective student-athlete sent by a member of the athletics department staff, or on their behalf, (e.g., instant messaging, comments via MySpace, Wall-to-Wall via Face book, direct messaging via Twitter) except via electronic mail or facsimile. Further, the proposal ensures the communications are being sent from the athletics department or the institution, and not from individual members of the athletics department acting on their own.

SAAC supported this proposal and noted that these communications provide an additional resource for prospective student-athletes (PSAs) and may be the preferred means by which PSAs receive information. The committee was comfortable with the proposed parameters, stressing the importance of the PSA maintaining control of the information flow.

12. Earmarking of Donated Funds During Team Fundraising. The Management Council waived the obligation for member institutions to seek reinstatement for student-athletes as a result of amateurism violations that occurred prior to July 21, 2009, related to team fundraising issues. Violations of the amateurism legislation that have occurred prior to July 21, 2009, would remain institutional violations and would need to be documented and filed appropriately; however, the student-athlete's eligibility shall not be affected. In addition to this recommendation, the committee noted it will further study the Division III legislation that impacts fundraising during its September in-person meeting. Finally, the committee noted that institutions should continue to apply the legislation in this area as it is currently written, which is best described in a January 2, 2007, educational column.

Based on feedback received following the release of a January 2, 2007, educational column and numerous calls and questions about fundraising through the years, the Division III staff taught an educational session on the rules surrounding team fundraising during the Regional Rules Seminar. The rules sessions led to several discussions from schools who admit to having incorrectly applied the legislation for some time surrounding team fundraising, particularly with respect to the failure to pool team funds and the impermissible activity of individually earmarked fundraised monies. This misapplication results in the reality that there are multiple violations of amateurism legislation among Division III members. The violations pose a larger concern because the violations at issue would require reinstatement of the student-athletes involved and the volume of those violations appears to be substantial.

In addition, there was some feedback and discussion about whether the legislation, as it currently applies, is appropriate for Division III. The committee agreed, due to the depth of the issue, that it should be further studied during an in-person meeting.

SAAC also reviewed this issue and concluded that earmarking should not be permissible in any scenario due to amateurism bylaws. The committee further noted that fundraising efforts should be team efforts and not individualized. In its discussion, the committee recognized that institutions currently earmarking monies raised should be able to adjust their policies and procedures with little administrative burden in order to be in compliance with Division III bylaws.

13. Membership Committee Review of White Papers Four and Five. 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:

- Membership Requirements: 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.

- Membership Requirements: 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.

- 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.

14. **2009-10 Exploratory Division III Membership.** No institutions applied for exploratory membership for 2009-10. The next anticipated exploratory session will be September 2010.

15. **Provisional Membership Status of LaSierra University.** The Management Council referred the case of La Sierra University's provisional membership status back to the Membership Committee. The committee had initially recommended that the institution be removed from the provisional membership process based on a failure to meet the requirements of provisional membership, including a failure to meet minimum sports sponsorship requirements in 2006-07, a history of demonstrating weak compliance practices and institutional control throughout its provisional years, and significant financial aid violations uncovered in the Financial Aid Reporting process. On review of the institution's appeal letter, the Management Council deemed that the information being presented by the institution was new information, therefore the case should be sent back to the Membership Committee for additional review. The Council also forwarded to the Membership Committee a recommendation that an appropriate penalty for the institution may be the addition of two years to the provisional membership process (2010-11 and 2011-12) and a requirement to respond to specific compliance concerns as part of the provisional member annual report. The Membership Committee will review the appeal information submitted by the institution and make a new recommendation about the institution's provisional membership status for Management Council approval.

16. **Membership Sponsored Proposals.** The Management Council reviewed the seven membership-sponsored proposals for the 2010 Convention and referred each to a Division III committee to develop a position statement and legislative recommendation for the Management and President Councils. The Presidents Council will review these recommendations on October 29. [See Attachment A]

17. Presidents Council Proposals. The Management Council reviewed in legislative format the five proposals already sponsored by the Presidents Council for the 2010 Convention. [See Attachment B]

18. Revised Playing Rules. The Management Council charged the staff with identifying the appropriate process and timetable to make a formal appeal to the Association's Playing Rules Oversight Panel (PROP). This appeal would include the scheduled implementation in 2010 of playing rules that would require a lighted backboard in basketball and a wireless microphone for the referee in football. The Council's primary concern related to the costs associated with these rule changes in light of the current economic environment.

19. Management Council Elections. The Management Council re-elected Lynn Oberbillig, director of athletics at Smith College to serve as chair and elected Chris Martin, commissioner of the College Conference of Illinois and Wisconsin to serve as vice chair, effective at the conclusion of the 2010 Convention.

NCAA Government Relations Report
(June 2009)

1. Congressional Overview.

As Congress heads into its final month before the annual August recess, there are a number of issues that were a part of an ambitious legislative agenda that have yet to be addressed. This is partly due to the amount of time and attention that has been directed toward the nation's ailing economy. Efforts to improve the economic conditions in this country have recently resulted in several measures being signed into law by President Obama. These include the Helping Families Save Their Homes Act, the Fraud Enforcement and Recovery Act, and the Credit Card Accountability, Responsibility and Disclosure Act. Each of these measures offer further assistance and protections for consumers from conditions and practices, which contributed to the current state of the nation's economy.

Prior to the August recess it is expected that Congress will spend a significant amount of time focusing on a variety of proposals aimed at reforming America's health care system. Other issues of priority include climate change, financial regulation reform and completing the appropriations process. Additionally, the Senate is expected to begin confirmation hearings for Supreme Court nominee Judge Sonia Sotomayor.

Despite an agenda filled with major legislative priorities, Congress has continued to display an interest in a variety of sports related issues. It is expected that a few of these matters will draw additional attention from Congress prior to its August recess.

2. Federal Issues.

a. Tax Exempt Status of College Athletics.

In May 2009, the Congressional Budget Office (CBO) released a report titled "Tax Preferences for Collegiate Sports," which was prepared in response to a 2007 request from Senator Charles Grassley (R-IA), ranking member of the Senate Finance Committee. The report examined the current tax treatment of colleges and universities and how intercollegiate athletics benefits from those tax preferences. More specifically, the report compared the revenue generated by athletic departments from commercial sources to that generated by the rest of the institution's activities to determine the degree of its commercialization.

The CBO report found that the athletic departments of NCAA Division I schools derive a considerably larger share of their revenue from commercial activities in

comparison to other segments of the higher education community. However, it found that removing the major tax benefits currently available to athletic departments would do little to change the nature of these programs or generate much tax revenue. To date, there has been no congressional follow-up on this CBO report.

b. Bowl Championship Series.

The current structure of the Bowl Championship Series (BCS) has continued to garner the attention of members of Congress and President Obama. To address what they have considered to be an inequitable postseason football structure, several members of Congress have continued to seek alternatives through congressional inquiry and policy.

During the early stages of the 111th Congress, several policy alternatives were introduced. These included H. Res. 68, which was introduced by Representative Neil Abercrombie (D-HI). H. Res. 68 rejects the current BCS structure as an illegal restraint of trade that violates the Sherman Anti-Trust Act and supports the establishment of an NCAA Division I Football Bowl Subdivision (FBS) championship playoff system. Representative Joe Barton (R-TX) introduced H.R. 390, the College Football Playoff Act of 2009, which would prohibit the promotion, marketing, and advertising of any postseason NCAA Division I football game as a national championship game unless the game is part of a fair and equitable playoff system. Finally, Representative Gary Miller (R-CA) introduced H.R. 599, the Championship Fairness Act of 2009, which would prohibit institutions of higher education from receiving federal funds if their football team participated in the NCAA Division I FBS, unless the national championship game is a culmination of a playoff system. Despite ongoing attention to this matter, these measures have received little if any additional legislative attention since introduction.

On May 1, 2009, Chairman Bobby Rush (D-IL) convened a hearing before the Energy and Commerce, Trade and Consumer Protection Subcommittee on the BCS. The hearing titled "The Bowl Championship Series: Money and Other Issues of Fairness for Publicly Funded Universities" examined a variety of issues, most notably, the issue of competitive fairness and whether the current BCS structure and distribution of revenue has an adverse impact on public colleges and universities. Witnesses included John Swofford, Commissioner, Atlantic Coast Conference; Craig Thompson, Commissioner, Mountain West Conference; Derrick Fox, President and

CEO, Valero Alamo Bowl; and Gene Bleymaier, Athletic Director, Boise State University.

In the Senate there have also been discussions among some prominent senators about the current structure of the BCS. Those expressing concerns have mostly focused on the competitive inequity created by the BCS structure and possible antitrust violations. On March 25, 2009, Senator Herb Kohl (D-WI), chair of the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights and Senator Orrin Hatch (R-UT), ranking member, released the subcommittee's agenda for the 111th Congress. Among the issues that the subcommittee plans to address during the 111th session is the Bowl Championship Series. Holding true to their proposed agenda, the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights has scheduled a hearing on the BCS for July 7, 2009, titled "The Bowl Championship Series: Is it Fair and In Compliance with Antitrust Law?" Reports suggest that Senator Hatch is considering introducing legislation following the hearing, which will address his concerns with the BCS structure and its perceived inequitable impact on many colleges and universities.

c. Internet Gambling.

On May 6, 2009, Representative Barney Frank (D-MA), chair of the House Financial Services Committee, introduced H.R. 2267, the Internet Gambling Regulation, Consumer Protection, and Enforcement Act. H.R. 2267 would establish legalized and regulated online wagering for American citizens. The Act would also create a federal regulatory and enforcement framework that would permit Internet gambling operators to obtain licenses, enabling them to accept bets from individuals located in the United States.

The bill contains a section, which reinforces the ban on sports wagering put in place by the Professional and Amateur Sports Protection Act (PASPA). However, PASPA only prohibits states and tribes from legalizing sports gambling and has no effect on sports gambling that is licensed by the federal government. Due to this important distinction, the NCAA and the professional sports leagues remain in opposition to H.R. 2267. While H.R. 2267 has received no legislative attention to date, it is expected that a hearing will be held on this matter prior to the August recess.

Chairman Frank also introduced H.R. 2266, the Reasonable Prudence in Regulation Act. This measure would delay the implementation of regulations established under the Unlawful Internet Gambling Enforcement Act until Congress has had a chance to decide national policy on this matter. H.R. 2266 has yet to receive any additional legislative attention.

3. State Issues.

a. Delaware- Sports Wagering.

Despite continued opposition from the NCAA and the NFL, the Delaware legislature approved legislation that will allow wagering on athletic contests including collegiate competitions. While the law allows betting on collegiate competitions, it will exclude wagering on games in which any Delaware college or university competes. Following an initial defeat by the Delaware House, an amended version of the legislation was passed by a vote of 30-4 and 17-2 by the Delaware House and Senate respectively.

Under the legislation, which was signed into law on May 14, 2009, by Delaware Governor Jack Markell, the state's three racinos will now add legalized sports wagering and at some point table games to the 8,200 slot machines and horse-betting operations that are currently being conducted. The law increases the state's share of slot-machine money and is expected to raise $50 million in revenue according to Governor Markell from its sports wagering scheme. While the revenue estimate from legalized sports betting continues to be disputed, Delaware leaders expect that revenue raised from this law will cut into the state's $778 million budget deficit.

Following the enactment of this legislation, the Delaware Supreme Court ruled that the law reenacting sports betting complied with the state's constitution. An advisory opinion signed by all five justices, explained that the sports betting law would constitute a lottery even though it involves an element of skill because chance is a predominate factor. Under the state constitution a lottery is the only form of sports gambling (besides wagering on horse races) allowed. While the Supreme Court decided that parlay games met constitutional muster, it did not rule on whether single game betting would constitute a lottery. To date the type of bets allowed under

Delaware's new sports wagering scheme has not been determined. Due to restrictions under PASPA, Delaware is limited in the type of betting it can conduct.

b. New Jersey – Sports Wagering.

As discussions have continued regarding the expansion of sports wagering in the United States, New Jersey elected officials have become more active in attempting to remove prohibitions put in place by PASPA. Under PASPA, New Jersey is currently prohibited from conducting any type of sports wagering. Despite this current impediment, New Jersey elected officials has moved forward in their effort to bring a sports wagering scheme to their state.

In an initial attempt, State Senators Raymond Lesniak (D) and Jeff Van Drew (D) introduced a resolution urging Congress to repeal the federal ban on sports betting. Following passage, SR 12 was filed with the Secretary of the New Jersey State Senate and a copy is expected to be transmitted to Congress. In addition, on March 23, 2009, State Senator Lesniak filed a federal lawsuit challenging PASPA on the grounds that the law treats four states differently than the rest of the country. In an effort to remain competitive with neighboring states, New Jersey Governor Jon Corzine has joined the federal lawsuit filed by State Senator Lesniak. Governor Corzine supports the rationale for the lawsuit and has voiced his displeasure with PASPA's current ban on sports wagering in all states but four and considers its current restrictions as being fundamentally unfair.

c. Hiring Practices at Oregon Colleges and Universities.

In January, Oregon State Representative Mitch Greenlick (D) introduced legislation that aimed to provide minority candidates with a fair shot at positions within the states college and university athletic departments. As introduced, HB 3118, which was modeled after the NFL's Rooney Rule, required public institutions of higher education to interview one or more minority candidates when hiring a head football coach. However, following consideration and debate by the Oregon Senate and House of Representatives, HB 3118 was amended to require public institutions of higher education to interview one or more minority candidates when hiring a head coach (for any sport) or athletic director unless the institution was unable to identify a qualified minority candidate willing to interview for the position. Also, HB 3118 did not specify any penalties for noncompliance.

The measure overwhelmingly passed the House by a vote of 42-4 on May 1, 2009, and on June 19, 2009, the Senate passed HB 3118 by a vote of 29-0. Once the measure is signed into law by Governor Ted Kulongoski, Oregon will become the first state to require state institutions to follow these rules when hiring a head coach or athletic director.

d. Uniform Athlete Agent Act.

The Uniform Athlete Agent Act (UAAA) is a state model act which, establishes uniform athlete agent registration procedures and provides safeguards for student-athletes and membership institutions. In addition, the act imposes criminal, civil and/or administrative penalties against unscrupulous agents. To date, the UAAA has been passed in 38 states, the District of Columbia and the U.S. Virgin Islands. Most recently, the UAAA has been signed into law in Iowa and Nebraska.

The NCAA government relations staff will continue to work with the National Conference of Commissioners on Uniform State Laws to seek passage of the UAAA in remaining states.

e. Higher Education Associations.

NCAA government relations staff continues to build strong relationships with various higher education associations. The American Council on Education (ACE), the Association of American Universities (AAU), the National Association of State Universities and Land Grant Colleges (NASULGC), and the National Association of Colleges and University Business Officers (NACUBO) among others, continue to provide guidance and support on issues of common interest. The NCAA government relations staff looks forward to continuing these mutually beneficial relationships to better formulate and further the NCAA's legislative goals.

SUPPLEMENT NO. 12

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MEETING

SUMMARY OF SUMMER 2009 QUARTERLY MEETINGS
The National Collegiate Athletic Association

Division III Management Council **July 20-21, 2009** **Denver, Colorado**	**Division III Presidents Council** **August 6, 2009** **Indianapolis, IN**
PARTICIPANTS	
Kitty Baldridge, Gallaudet University Susan Chapman, Worcester State College Daniel Fulks, Transylvania University [*vice chair*] Kristen Hall, Bard College Fredina Ingold, Pennsylvania State University, Altoona Rudy Keeling, Eastern College Athletic Conference Bill Klika, Fairleigh Dickinson University, Florham Lisa Marsh Ryerson, Wells College Chris Martin, College Conference of Illinois & Wisconsin Jeff Martinez, University of Redlands Lee McKinney, Fontbonne University Lynn Oberbillig, Smith College *[chair]* Jack Ohle, Gustavus Adolphus College Garnett Purnell, Wittenberg University Charlyn Robert, Nichols College Christopher (Brooks) Royer, Rhodes College Joan Sitterly, State University College at Cortland Erin Wojtkun, Christopher Newport University	Livingston Alexander, University of Pittsburgh, Bradford Kendall Baker, Ohio Northern University James Bultman, Hope College F. Gregory Campbell, Carthage College Daniel Fulks, Transylvania University *[vice chair of Management Council]* James Harris, Widener University *[vice chair]* Catharine Hill, Vassar College David Joyce, Ripon College Lynn Oberbillig, Smith College *[chair of Management Council]* Kathleen Owens, Gwynedd-Mercy College James Schmotter, Western Connecticut State University Ron Thomas, University of Puget Sound Paul Trible, Christopher Newport University *[chair]*
ABSENTEES	
Mary Jo Gunning, Marywood University (participated in portions of the meeting via teleconference) Jack Ohle, Gustavus Adolphus College – Tuesday, July 21 only	Robert Antonucci, Fitchburg State College Pamela Gann, Claremont McKenna-Harvey Mudd-Scripps Colleges Marcia Keizs, York College/CUNY
OTHER PARTICIPANTS	
Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Eric Hartung, NCAA Jeff Jacobs, Relish Jay Jones, NCAA Leah Nilsson Kareti, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Delise O'Meally, NCAA Jeff Myers, NCAA Mark Tschaggeny, NCAA	Rachel Newman Baker, NCAA Elsa Cole, NCAA Jack Copeland, NCAA Dennis Cryder, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Jeff Jacobs, Relish Jay Jones, NCAA Leah Nilsson Kareti, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Leilana McKindra, NCAA Delise O'Meally, NCAA Jeff Myers, NCAA Jo Jo Rinebold, NCAA Justin Sheridan, 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 Council members and Brooks Royer, the new Council representative from the Student-Athlete Advisory Committee (SAAC).

Presidents Council. The meeting was called to order at 8:03 a.m. by the chair, President Paul Trible. The chair welcomed Council members and acknowledged the work of the Presidents and Chancellors Advisory Group (PAG) the evening before.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meeting – July 20-21, 2009.

Management Council. The Management Council approved the summary of its April 20-21, 2009, meeting as presented.

Presidents Council. No action necessary.

b. Presidents Council Meeting – August 6, 2009.

Management Council. The Management Council reviewed the summary of the April 30, 2009, Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its April 30, 2009, meeting as presented.

c. Executive Committee Meeting—April 30, 2009.

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

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

d. Administrative Committee Actions.

Management Council. The Management Council approved the minutes of the May 26, 2009, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the May 26, 2009, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

a. Association-Wide and Common Committees.

Staff Liaisons: Klossner Wilfert

Council Rep: Hall

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

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaison: Tufano

Council Rep: Klika

(2) Honors Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons: Arthur, Bracken, Thompson

Council Rep: Keeling

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

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

Presidents Council. No action was necessary.

Staff Liaisons: Burrow, Calandro, Perez

Council Rep: Chapman

(4) Olympic Sports Liaison Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaison: Strum

Council Rep: Chapman

(5) Postgraduate Scholarship Committee.

Management Council. The Management Council reviewed the committee's report, noting the desire to see the breakdown of awards received by division. 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.

Presidents Council. No action was necessary.

Staff Liaisons: **Halpin, Newman, Roe**

Council Rep: Ingold

(7) Committee on Sportsmanship and Ethical Conduct.

Management Council. The Management Council reviewed the committee's report and acknowledged the committee's position on the NCAA's championships policy related to sports wagering. The Council took action on that policy in conjunction with the Championships Committee report. [See Page No. 12]

Presidents Council. No action was necessary.

Staff Liaison: Vicente

Council Rep: Ohle

(8) Walter Byers Scholarship Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons: **Ford, Holzman, Morrison**

Council Rep: Oberbillig

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

Management Council. The Management Council reviewed the committee's report and formally requested that CWA survey the interest of Division III members in sponsoring sand volleyball.

The Council received an update on the Woman of the Year Program and was reminded that the awards dinner is the night before the October Management Council meeting.

Presidents Council. No action was necessary.

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

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

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

(1) Convention-Planning Subcommittee.

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

(a) Delegates Reception. The Delegates Reception will be held Thursday from 5:30 to 7 p.m., following the opening Business Session.

(b) Honors Celebration. The Honors Celebration will be a formal program Friday evening following conference meetings.

(c) Scholarly Colloquim. The Council expressed concern about the colloquium meeting during the week where faculty attendees would incur missed class time, and noted that a weekend schedule would likely boost attendance.

(d) Consideration of future Convention formats. The Council reviewed the subcommittee's consideration of future Convention formats that would further condense the presidential meeting schedule and better promote presidential engagement in the legislative process. Ideas raised by the subcommittee include:

- Establish a 24-hour presidential schedule that may include a morning issues forum, afternoon conference meetings, and evening business session. It remains important to allow time for conference discussion of legislative matters, but if this idea is to move forward, conferences should be polled to determine how many are using the Convention meeting to establish or refine positions on legislative proposals, and how many are conducting other business. Further, as a related issue, it should be explored whether or not conferences would ever consider giving up their Convention meetings.
- Shortening the schedule may alleviate financial concerns for all delegates, especially noting the requirement for each Division III institution to be represented at the business session.
- The Convention schedule should be more flexible to allow later revision based on a larger or smaller legislative load.
- There may be an opportunity to encourage people to attend the honors dinner if it directly follows conference meetings.
- Conference meetings are a critical part of SAAC's communication and outreach effort with each member's own and partner conference.

The Council will poll the Division III Commissioners Association and the Presidents Council about the effectiveness of conference meeting time at the Convention.

(e) Division III Governance Sessions. The Council approved the tentative agendas for Division III Governance Sessions. (See Page No. 6 for revisions approved by the Presidents Council)

- Division III Issues Forum.
  - 2010 legislative proposals.
  - Presidential leadership.
  - Drug education and testing pilot.

- Presidents and Chancellors Luncheon and Forum.
  - 2010 legislative proposals.
  - Presidential leadership.
  - Division III identity initiative.
  - Academic reporting pilot.

- Senior Administrator with Athletics Oversight.
  - Presidential leadership.
  - Division III identity initiative.
  - Academic reporting pilot.
  - Best practices review.

- Presidents Council hosted reception.
  - Emphasis on open informal dialogue with Division III presidents and chancellors, with an invitation to the national SAAC.

- Business Session.
  - Division III identity initiative.
  - Voting – 2010 legislative proposals.
  - Academic reporting pilot.

The Council expressed concern about saving the identity initiative presentation until the very end of the Convention, and requested that the Presidents Council discuss the best timing for this topic.

Presidents Council. The Council reviewed the committee's report and recommended the following change to the schedule for Division III Governance Sessions, placing emphasis on discussion regarding the Division III identity initiative.

(a) Division III Issues Forum.
- Division III identity initiative.
- 2010 legislative proposals (Questions and Answers).

(b) Presidents and Chancellors Luncheon and Forum.
- Division III identity initiative.
- Presidential leadership.
- 2010 legislative proposals.

(c) Senior Administrator with Athletics Oversight.
- Division III identity initiative.
- Presidential leadership.
- Best practices review.

(d) Division III Business Session.
- Presidential leadership.
- Voting – 2010 legislative proposals.
- Drug Education and Testing Pilot.
- Division III identity initiative (tentative).

Staff Liaisons: Walters, Smith; Dantzler

Council Reps: Baldridge, McKinney, Hall, Bultman, Ryerson, Fulks

(2) Infractions Appeals Committee.

Management Council. The Management Council approved in concept noncontroversial legislation to change the committee composition and terms of the Infractions Appeals Committee, to include one member of the Management Council, one member of the Presidents Council, one public member and two additional individuals from the membership, at least one of whom must be an athletics director. Terms shall be three years with the opportunity for reappointment, with no individual serving more than nine years.

Currently, the committee is comprised of two members of the NCAA Division III Presidents Council and five members from NCAA Division III Management Council. The committee recommends the change in the composition and terms to one member of the Management Council; one member of the Presidents Council; one public member; and two additional individuals from the members. For the individuals who are not serving as the representatives from Management Council or Presidents Council, the recommended term would be a three-year term and the individual may be reappointed but shall not exceed nine years on the committee. For those who are serving as the representative of the Management Council or Presidents Council, service would coincide with service on those administrative bodies. It is also recommended that the initial terms are staggered to prevent a complete turnover of these positions.

In a related discussion, the Council formally directed the Nominating Committee ensure that a description of committee time commitments be included in the solicitation of nominees for all committees.

Presidents Council. No action was necessary.

(3) Strategic Planning and Finance Committee.

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

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

(a) 2009-10 Division III Strategic Plan.

Management Council. The Management Council approved the updated Strategic Plan for 2009-10, with the following changes: reorder the list of strategic priorities by placing diversity and gender equity issues before the drug education and testing program and remove the numbers from the list.

The Division III Strategic Plan was developed to align to the NCAA biennial budget and reflect goals and resource allocations for a two-year period. However, due to the development of the White Papers, a mid-term adjustment was made. The revised plan includes White Paper recommendations and establishes specific priorities for 2009-10. The plan reflects the previously approved 2008-10 budget, with no additional financial impact beyond reallocation.

Presidents Council. The Presidents Council approved the Strategic Plan for 2009-10.

(b) Conference Grant Program Structure of Tier Two for the Next Budget Biennium (2010-12).

Management Council. The Management Council approved a recommendation to minimize the prescriptive amounts that must be spent on each topical area and allow conferences to determine the amount to allocate to each of the current Tier Two priorities (sportsmanship, diversity and gender equity, and student-athlete well-being), and added a new Tier Two priority – integration institutes. The conference annually must include a statement about why it selected its chosen category (or categories) over the other available options and still must exhibit support of each of these areas over a four-year period, even if the funding comes from a source other than the grant program.

This recommendation holds conferences accountable to Division III strategic priorities while also allowing greater flexibility for the amount of funding to be spent in each of the strategic priority areas. The addition of integration institutes as a Tier Two priority is consistent with the overall theme of Tier Two – social responsibility and integration. It should be noted the College Sports Project has developed a "turn key" model for conducting these institutes but that model would not be mandatory.

Finally, it will be imperative that the committee closely monitor each conference's attention to the full complement of Tier Two priorities. Staff will present the committee with detailed requisition and impact forms to facilitate such tracking during the committee's November teleconference.

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

(c) FARA Proposal for Conference Grant Program.

Management Council. The Management Council approved earmarking $75,000 in the 2010-11 budget for FARA to conduct a 2010-11 FARA Fellows Institute Pilot. The pilot will seek to include a faculty athletics representative (FAR) from one-half of the division's member conferences and the Association of Division III Independents.

The institute will be modeled after the successful Division II program and is expected to increase the level of engagement of Division III FARs in NCAA issues, including service in the governance structure. The Strategic Planning and Finance Committee approved the pilot subject to receiving detailed plans and an evaluation mechanism for the institute prior to the committee's February 2010 teleconference. Long term funding commitments will be contingent on the Strategic Planning and Finance Committee's evaluation of the 2010-11 pilot.

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

(d) Sports Information Director (SID) Request for Conference Grant Program.

Management Council. The Management Council approved a recommendation, effective 2010-11, to modify Tier One of the Conference Grant Program to require and fund annual professional development support of an SID by each conference and the Association of Independents.

Currently, funding for the SID meeting/workshop is provided biannually. The committee noted the group's concern regarding lack of professional development funding currently available for SIDs, and agreed to offer greater support for SIDs through the grant program. Approximately $20,000 annually will be added to the Conference Grant Program.

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

(e) Minority Opportunities Athletic Association (MOAA) – Opportunities for Tier One Funding.

Management Council. The Management Council agreed to introduce a new, biannual requirement in Tier One of the Conference Grant Program, effective 2010-11, requiring conferences to send a minority athletics administrator to an event whose purpose is to provide educational growth and professional development opportunities for minority athletics administrators.

After review of a proposal from the Minority Opportunities Athletic Association (MOAA) requesting the establishment of a partnership between the MOAA and Division III, and in light of the division's commitment to increase the level of diversity of Division III coaches and administrators, the committee endorsed a new required category in Tier One of the Conference Grant Program. Prior to the start of the 2010-11 grant year, the committee will publish a list of events that may be supported through this new category (e.g., MOAA, NCAA, BCA). Approximately $20,000 annually to be added to the Conference Grant Program, to support this initiative.

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

(f) Division III 2008-09 Annual Report.

Management Council. The Management Council reviewed the draft of the 2008-09 Annual Report. No action was necessary.

Presidents Council. No action was necessary.

(g) Drug Education and Testing Pilot.

Management Council. The Management Council received an update on the Drug Education and Testing Pilot. A discussion of final pilot results and options to be considered shall occur through the spring of 2010, with a potential membership vote on a deterrence program to occur at the 2011 Convention. Options under consideration include enhanced education and academic year-round drug testing. The guiding principles and resources for the pilot include study findings (pilot and division-wide surveys), student-athlete well-being, competitive equity, health and safety, cost, institutional autonomy, and administrative considerations (e.g. process, sanctioning). While final pilot results are not yet available, preliminary results indicate the following:

- 62%of the student-athletes stated that they would not use any substances whether testing was implemented or not.
- 20% of the student-athletes stated that testing by the NCAA had discouraged them from using banned substances.
- Testing can act as a deterrent for one-fifth of the student-athletes.
- Over 60% of the student-athletes agreed that students should either be tested by the NCAA or their school.
- Over 60% agreed that both testing at the college level and at the NCAA level has deterred them for using drugs.
- Student-athletes did not reach an agreement on whether disqualification of an entire team when one member tests positive is fair or appropriate.
- Findings from both experimental groups – drug testing and education only – are consistent with the overall findings.
- Findings are consistent across the four survey administrations (Pre- and Post-Test in Year 1 and 2).

Presidents Council. No action was necessary.

c. Management Council subcommittees.

(1) Academic Issues Subcommittee.

Staff Liaisons: **Davey, Nesbitt**

Council Reps: Hall, Ingold, Martinez

- **Modification of Wording – Bylaw 14.1.8 – Full-Time Enrollment and 14.1.9 – Graduate Student/Postbaccalaureate Participation.**

Management Council. The Management Council approved in concept a modification of wording to establish one consolidated series of bylaws for full-time enrollment requirements for both practice and competition.

After reviewing the bylaws regarding the requirements for practice and competition, the subcommittee agreed that the legislation is duplicative. By combining the bylaws governing practice and competition, one series of bylaws for all full-time enrollment requirements will be created and

will make the Division III Manual easier to navigate. This proposed by-law consolidation will maintain the integrity of both the current practice and competition full-time requirements legislation. The subcommittee notes this revision mirrors a similar change made within the Division II legislation in 2003.

Presidents Council. No action was necessary.

Staff Liaisons: Jones, Myers,

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

(2) Playing and Practice Seasons Subcommittee.

a. 2010 NCAA Convention Legislation – Playing and Practice Seasons – Contest and Segment Limitations – End of the Fall and Spring Nontraditional Segments.

Management Council. The Management Council approved a recommendation to sponsor legislation for the 2010 NCAA Convention to establish that all practice and competition conducted in the nontraditional segment (fall or spring) shall be completed no later than five weekdays before the first day of the institution's final examination period.

Currently, the end date for the spring nontraditional segment is the day before the institution's final examination period. The Student-Athlete Advisory Committee (SAAC), as well as the Academic Issues Subcommittee, reported that this date was not in the best interest of the student-athlete's academic pursuits and that there should be more time prior to final exams to focus on academics. Additionally, the end date for the fall nontraditional segment is not linked to the academic calendar but rather is a defined date (October 30th) which significantly limits institutions on a quarter academic calendar to conduct the fall nontraditional segment. This change would establish consistency between the end dates for the fall and spring nontraditional segments by linking the end of the fall nontraditional segment to the academic calendar, institutions on a quarter academic calendar will have more flexibility to conduct the fall nontraditional segment. The subcommittee identified five weekdays as the appropriate timeframe before the final examination period for both fall and spring nontraditional segments because that amount of time permits the proper balance between the student-athlete's academic pursuits and the institution's flexibility to conduct the nontraditional segment.

The Council entertained a motion to amend the proposal to change the number of days prior to the final exam period by which the nontraditional segment must conclude from five to three. The motion failed.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2010 NCAA Convention.

b. Out of Season Athletically Related Activities.

Management Council. The Council accepted information that, as directed by Management Council, the subcommittee discussed the current state of out of season athletically related activities. After insightful conversation, the subcommittee decided that based upon the perceived conflict between the legislation and what is actually occurring, this discussion needs to occur on a much wider scale. The subcommittee discussed exploring the possibility that this issue be a breakout topic at Convention or a subject of a future virtual focus group questionnaire. Ultimately, the subcommittee directed staff to explore options to receive greater feedback from the membership on this issue.

Presidents Council. No action was necessary.

(3) Subcommittee for Legislative Relief.

Staff Liaisons: **Fuchs, Nesbitt**

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

- **Noncontroversial Legislation – Official Visit Legislation (NCAA Bylaw 13.6.2) – Exception for Extenuating Circumstances.**

Management Council. The Management Council approved in concept noncontroversial legislation to establish an exception to the 48-hour official visit limitation for reasons beyond the control of the prospective student-athlete and the institution. In such instances that the official visit extends beyond 48-hours, the institution must submit a report to the conference office (or, in the case of independent institutions, to the NCAA national office) detailing the circumstances.

Under the current official visit legislation, if extenuating circumstances occur that prevent a prospective student-athlete's immediate departure after the 48-hour period has elapsed, institutions are forced to either submit an urgent request for a legislative relief waiver, or to commit a violation of the rules. The subcommittee is supportive of this change because it will allow institutions more flexibility in dealing with unforeseen circumstances that arise in conjunction with official visits while maintaining accountability. The subcommittee notes this amendment mirrors a similar change in Division II.

Presidents Council. No action was necessary.

d. Division III Committees.

Staff Liaisons: Suscha, Williams

Council Reps: Martinez, Oberbillig, Sitterly

(1) Championships Committee.

(a) Sports Wagering and Championships Hosting Policies.

Management Council. The Management Council forwarded to the NCAA Executive Committee a position that the NCAA policy precluding the hosting of championship events in areas where sports

wagering occurs be limited to predetermined championships hosting opportunities. Further, that the relevant geographical area covered by the policy be defined as the state where the sports wagering occurs.

In a response to a referral from the NCAA Executive Committee, the Division III Management Council and Championships Committee endorsed the position that predetermined championships hosting opportunities should not be awarded in states that permit sports wagering. The Championships Committee believes it is important that the determination of NCAA championship sites be consistent with the core values of the NCAA, specifically an emphasis on integrity and sportsmanship. While acknowledging that the Committee on Sportsmanship and Ethical Conduct endorsed applying the policy to both predetermined and non-predetermined championships sites, the Management Council and Championships Committee made the distinction in an effort to protect hosting opportunities earned by institutions during the regular season. It was noted that a state decision to allow sports wagering should be treated similarly to the state decision to fly the confederate flag where the hosting ban is applied only to predetermined sites. The Council and committee believe that applying the policy to an entire state is the clearest way to apply the standard.

Presidents Council. The Presidents Council acknowledged the Management Council's recommendation but took no action, noting that the Executive Committee will review an alternative staff recommendation regarding this policy focusing on states that permit wagering on a specific contest.

(b) Championships Date Formula – Wrestling.

Management Council. The Management Council approved the date formula for the NCAA Division III Wrestling Championships to be defined as the "second full weekend in March (Thursday through Saturday), and the competition will occur the Friday-Saturday of this weekend."

The current date formula has similar language as stated above, except that the championships take place the first full weekend in March. This change would allow the opportunity to obtain more quality officials for the championships, as the current date formula for the championships conflicts with all of the Division I wrestling qualifying tournaments and numerous state high school tournaments. This change would also hopefully increase attendance and free up more venues that could be used as the host site for the championships as part of any future bid submissions.

Presidents Council. No action was necessary.

(c) White Paper Eight – Championships Bracket Size Projections for Team Sports.

Management Council. The Management Council accepted information from the Championships Committee that, in response to the charge of White Paper Eight, the committee reviewed a report from the NCAA research staff on the sponsorship projections and corresponding bracket sizes and access ratios for team sports, through 2015. The analysis adds perspective to the discussion of Division III membership growth, specifically that growth within the current constraints of bracket maximums and access ratios is more manageable than anticipated. The committee sees the importance of communicating with the membership on the implications of growth and will develop a coordinated communication strategy for the near term. The committee also paid special attention to the projection that three women's championships (basketball, soccer and volleyball) will reach the maximum bracket of 64 by 2015, thereby altering the access ratios, before any men's championships (with the exception of football which is already capped at 32). In response, the committee will analyze the issue of gender equity in overall championship opportunities during its September 2009 meeting. No action was necessary.

Presidents Council. No action was necessary.

(d) 2009 Proposal No. 8 – Selection Criteria – Availability of Data throughout the Season.

Management Council. The Management Council reviewed the committee's report regarding continued discussion about making championships selection data available to the membership throughout the sports seasons, per 2009 Proposal No. 8. In addition to the procedural and educational steps it generated in February to address concerns about the accuracy of the data and education about the selection process, the committee will experiment during 2009-10 with making selection data publicly available via the NCAA Web site. The committee approved the implementation of a pilot program to provide snapshots of information from the NCAA score-reporting system. The snapshots will be provided in a PDF format during the four ranking periods leading up to selections in the sports of men's and women's soccer, men's and women's basketball, baseball and softball. The Championships Committee, the relevant sport committees, and the national office championship staff will evaluate the one-year pilot program through feedback generated by surveying coaches and student-athletes and other interested parties in the selected sports. No action was necessary.

Presidents Council. No action was necessary.

(e) Requirement for Administrators at Team Championships.

Management Council. The Management Council accepted the information that the Championships Committee discussed enforcement of the policy that requires an administrator (other than a member of the particular sports coaching staff) attend the pre-championships administrative meeting and serve on the games committee as necessary. The Council requested that the definition of an administrator for this purpose be clearly communicated in championships handbooks and a first call after a team is selected to a championship.

Presidents Council. No action was necessary.

(f) Sport Committee Appointments.

Management Council. The Management Council accepted the information that the Championships Committee had approved the following recommendations for appointments to the following sports committees; all appointments will be effective September 1, 2009, unless otherwise noted:

- Division III Baseball Committee. New York region: Kris Doorey, head baseball coach/assistant to the director of athletics, Plattsburgh State University of New York.

- Division III Women's Basketball Committee. Great Lakes region (immediate vacancy replacing Roger Ingles): Suzanne Helfant, head women's basketball coach/senior woman administrator, Kenyon College.
- Division III Men's Soccer Committee. North region: Christian DeVries, head men's soccer coach, University of Minnesota, Morris.
- Division III Women's Softball Committee. West region: Kasey Blomquist, head softball coach, University of Mary Hardin-Baylor.
- Division III Men's Tennis Committee. Northeast region: Tracy King, commissioner, Skyline Conference.
- Division III Football Committee. Joy Solomon, director of athletics at Rowan University, be appointed chair of the football committee (effective immediately).
- Division III Men's Soccer Committee. Chris Apple, head men's soccer coach at the University of Rochester, be appointed chair of the men's soccer committee (effective immediately).
- Division III Women's Soccer Committee. Scott McKenzie, head women's soccer coach at Juniata College, be appointed chair of the women's soccer committee (effective immediately).

Presidents Council. No action was necessary.

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

Council Rep: McKinney

(2) Financial Aid Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: **Cooper, Elworth**

Council Rep: Gunning

(3) Committee on Infractions.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: **Jones Myers**

Council Rep: Fulks

(4) Interpretations and Legislation Committee (ILC).

(a) Noncontroversial Legislation – Campus Recruiting Visits - Programming or Benefits Available to Prospective Students Generally.

Management Council. The Management Council approved in concept noncontroversial legislation to specify that the official and unofficial visit limitations do not apply to programming and benefits (e.g., entertainment, meals, etc.) provided by the institution's admissions department and available to prospective students generally. Further to specify the official and unofficial visit limitations would apply if an institution's admissions department conducts a program or hosts a recruiting weekend designed exclusively for a group of prospective student-athletes or if funding for activities done by the admissions department is provided by the athletics department.

Through rule and interpretation, the current legislated limitations related to official and unofficial visits for prospective student-athletes are applicable to all campus visits in which any athletics recruitment occurs or in which the athletics department is involved in any of the arrangement for the prospective student's visit. Within Division III, admissions offices commonly host recruitment weekends for students generally and during these events, athletics department staff interact with prospective students. Under current legislation, it would be necessary to apply all official and unofficial visit limitations to those on-campus admissions events in which athletics recruitment occurs. This proposal would specify that a prospective student-athlete can receive the same on-campus benefits and programming as prospective students generally from the institution's admissions office without having to apply the official and unofficial visit limitations, even if athletics recruitment occurs during the admissions event. This issue was discussed during the 2009 NCAA Regional Rules Seminar and the membership was able to provide feedback and input. There was no resistance expressed to this recommendation at that time. As such, it is being recommended as noncontroversial legislation.

Presidents Council. No action was necessary.

(b) Noncontroversial Legislation – Social Networking and Electronic Transmissions with Prospective Student-Athletes.

Management Council. The Management Council approved in legislative format noncontroversial legislation establishing an exception to the electronic transmissions legislation that would allow an institution's athletics department or a campus department acting on behalf of athletics, to send electronically transmitted correspondence in forms other than electronic mail and facsimiles to prospective student-athletes provided the following conditions are met:

- Any electronic transmission that is being delivered to a public group that may include prospective student-athletes must be done through means that are available to any member of the general public;
- All prospective student-athletes who choose to receive electronic transmissions through the electronic service must always maintain the ability to opt-out of the receipt of the communications; and
- The content of any electronic transmission that is being delivered to a public group that may include prospective student-athletes must be the same content for all members of the group (e.g., news alerts, admissions and alumni information, scores) and of a general nature; and

The proposal shall apply retroactively to August 1, 2008, to accommodate all activity since the adoption of the ban on social networking in the recruiting process.

Since the development of the electronic transmission legislation, software and Web sites have been developed that allow for Division III institutions to release information to the public in a variety of ways beyond electronic mail and facsimiles. The current legislation does not allow an athletics department to use these electronic means of communication in dealing with the public unless the school is able to verify that prospective student-athletes are not receiving the information. The current legislation creates practical issues for Division III schools that wish to release general media reports, scores and other public information using new technologies. In developing this proposal, the committee felt the type of information being made available on an institution's Web site should be permissible to send out through other delivery methods without the practical limitations resulting from the current legislation. This proposal is designed to address current technologies, such as Twitter and Facebook groups that Division III schools wish to use; however, the proposal also lays a foundation for fundamental parameters that can be applied to technologies developed in the future. The proposal does not allow direct person-to-person electronic communication with an

individual prospective student-athletes sent by a member of the athletics department staff, or on their behalf, (e.g., instant messaging, comments via MySpace, Wall-to-Wall via Facebook, direct messaging via Twitter) except via electronic mail or facsimile. Further, the proposal ensures the communications are being sent from the athletics department or the institution, and not from individual members of the athletics department acting on their own.

SAAC supported this proposal and noted that these communications provide an additional resource for prospective student-athletes (PSAs) and may be the preferred means by which PSAs receive information. The committee was comfortable with the proposed parameters, stressing the importance of the PSA maintaining control of the information flow.

Presidents Council. No action was necessary.

(c) Interpretations – Specific Individual Workouts.

Management Council. The Management Council archived two official interpretations (5/3/07, Item Nos. 3 and 4) and approved the following official interpretation:

Providing Pre-enrollment Academic and Conditioning Information to Prospective Student-Athletes (III). ILC determined that any necessary pre-enrollment information not provided to all prospective students regarding orientation, academics, workout and conditioning activities may be provided to a prospective student-athlete after the prospective student-athlete's paid acceptance of the institution's written offer of admission and/or financial aid. Permissible workout and conditioning information to be provided to the prospective student-athlete may include an individual-workout program. [References: NCAA Division III Bylaws 13.4.1 (recruiting materials – general regulations) and 17.02.1.1 (athletically related activities); and official interpretation (5/03/07, Item No. 3), which has been archived]

The two interpretations to be archived provide details about general workouts. Based on the adoption of NCAA Division III Proposal No. 2009-2, which specified that an institutional staff member may design a voluntary individual-specific workout program for a student-athlete and the fact that individual workouts can now be tailored to the specific student-athlete, these interpretations should be archived. The interpretation related to prospective student-athletes still provides important details about the delivery of pre-enrollment information, and so it would be modified to remove the prescriptive language regarding the general workouts and reissued as detailed above.

Presidents Council. No action was necessary.

(d) Modification of Wording – Practice After Receipt of Hardship Waiver.

Management Council. The Management Council approved in concept a modification of wording to amend current Bylaw 14.2.5.3 (eligibility for practice after receipt of hardship waiver) to clarify that a student-athlete who is granted a hardship waiver may practice and/or participate in rehabilitative activities for the remainder of the season without using a season of participation, provided the student-athlete does not compete in that sport for the remainder of the season.

Current legislation states that a student-athlete who is granted a hardship waiver may practice and/or participate in rehabilitative activities for the remainder of the season without using a season of participation, provided the student-athletes does not compete in that sport for the remainder of the academic year. Based on the adoption of Division III Proposal 2009-6, it is now possible for student-athletes to compete in the one date of competition during the nontraditional segment without using a season of participation. As a result of this legislative change, the academic year language within the current rule regarding practice after receipt of a hardship waiver is no longer accurately stated and should be replaced with a reference to competition in the season (or traditional segment) instead of the academic year. This clarifies that student-athletes who receive a hardship waiver during the traditional segment can compete in the date of competition during the nontraditional segment without using a season of participation, in the same manner as all other students.

Presidents Council. No action was necessary.

(e) Recommendation for Handling of Issues Surrounding Earmarking of Donated Funds During Team Fundraising.

Management Council. The Management Council waived the obligation for member institutions to seek reinstatement for student-athletes as a result of amateurism violations that occurred prior to July 21, 2009, related to team fundraising issues. Violations of the amateurism legislation that have occurred prior to July 21, 2009, would remain institutional violations and would need to be documented and filed appropriately; however, the student-athlete's eligibility shall not be affected. In addition to this recommendation, the committee noted it will further study the Division III legislation that impacts fundraising during its September in-person meeting. Finally, the committee noted that institutions should continue to apply the legislation in this area as it is currently written, which is best described in a January 2, 2007, educational column.

Based on feedback received following the release of a January 2, 2007, educational column and numerous calls and questions about fundraising through the years, the Division III staff taught an educational session on the rules surrounding team fundraising during the Regional Rules Seminar. The rules sessions led to several discussions from schools who admit to having incorrectly applied the legislation for some time surrounding team fundraising, particularly with respect to the failure to pool team funds and the impermissible activity of individually earmarked fundraised monies. This misapplication results in the reality that there are multiple violations of amateurism legislation among Division III members. The violations pose a larger concern because the violations at issue would require reinstatement of the student-athletes involved and the volume of those violations appears to be substantial.

In addition, there was some feedback and discussion about whether the legislation, as it currently applies, is appropriate for Division III. The committee agreed, due to the depth of the issue, that it should be further studied during an in-person meeting.

Presidents Council. No action was necessary.

(5) Membership Committee.

Staff Liaisons: **Davey, Willett**

Council Rep: Hall

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

Management Council. The Management Council approved 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.

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 SAAC and 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.

Presidents Council. No action was necessary.

(b) Provisional Member Annual Reports – Active Membership.

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

- Mitchell College;
- Mount Mary College;
- Presentation College; and
- SUNY at Morrisville.

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

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

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

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

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

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

Management Council. The Management Council approved the committee's recommendation that the following institutions move into the third year of Division III provisional membership:

- Franciscan University, Stuebenville;
- Geneva College;
- Penn State Harrisburg; and
- St. Joseph's College, New York.

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

(e) Reclassifying Member Annual Report – Third Year of Reclassifying Membership.

Management Council. The Management Council approved moving Birmingham-Southern College into the third year of Division III reclassifying membership.

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

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

Management Council. The Management Council accepted Penn State Harrisburg's waiver request to accelerate the four-year Division III provisional process and move to the fourth year of provisional membership.

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

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

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

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

- Spaulding University; and
- SUNY at Cobleskill.

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

(h) Provisional Applicants – First Year of Provisional Membership.

Management Council. The Management Council granted the following institutions acceptance to Division III provisional membership program:

- Berry College (Georgia);
- Covenant College; and
- Penn State Abington.

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

(i) Provisional Member Annual Report – Dismissal from Provisional Membership.

Management Council. The Management Council referred the case of La Sierra University's provisional membership status back to the Membership Committee. The committee had initially recommended that the institution be removed from the provisional membership process based

on a failure to meet the requirements of provisional membership, including a failure to meet minimum sports sponsorship requirements in 2006-07, a history of demonstrating weak compliance practices and institutional control through its provisional years, and significant financial aid violations uncovered in the Financial Aid Reporting process. On review of the institution's appeal letter, the Management Council deemed that the information being presented by the institution was new information, therefore the case should be sent back to the Membership Committee for additional review. The Council also forwarded the Membership Committee a recommendation that an appropriate penalty for the institution may be the addition of two years to the provisional membership process (2010-11 and 2011-12) and a requirement to respond to specific compliance concerns as part of the provisional member annual report. The Membership Committee will review the appeal information submitted by the institution and make a new recommendation about the institution's provisional membership status for Management Council consideration.

Presidents Council. No action was necessary.

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

Management Council. The Management Council approved the waiver request from Rosemont College per NCAA Bylaw 20.11.3.6.2. 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 2012-13 academic year. The committee will review the institution annually to track its progress.

Presidents Council. No action was necessary.

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

Management Council. The Management Council approved the waiver request from Wheelock College per NCAA Bylaw 20.11.3.6.1. 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.

Presidents Council. No action was necessary.

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

Management Council. The Management Council approved placing Wesleyan College (Georgia) on probation for the 2009-10 academic year for failure to meet sports sponsorship requirements in the 2008-09 academic year.

The institution failed to meet 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.

Presidents Council. No action was necessary.

(m) Menlo College Waiver Request per NCAA Bylaw 20.11.3.1.1 (Waiver).

Management Council. The Management Council approved the waiver request from Menlo College per NCAA Bylaw 20.11.3.1.1, to recognize women's wrestling as an acceptable sport to meet sport sponsorship criteria.

Menlo College sponsors women's wrestling as a varsity sport, yet the sport is not an NCAA championship or emerging sport for women. Menlo College women's wrestling team is comprised solely of females, has a different coach than the men's team and has a different competition schedule and budget. The committee noted the institution's female wrestlers are afforded participation opportunities and adhere to the legislated sport sponsorship minimums for men's wrestling per NCAA Bylaw 20.11.3.5 (Minimum Contests and Participants Requirements for Sports Sponsorship). The committee also recognized that the institution competes against other four-year, varsity women's wrestling programs. The committee finally noted that this waiver is only applicable retroactively for the 2008-09 academic year.

Presidents Council. No action was necessary.

(n) John Jay College of Criminal Justice – Failure to Comply with Terms of Probation.

Management Council. The Management Council noted the Membership Committee's recommendation to place John Jay College of Criminal Justice in restricted status for failure to comply with the terms of probation was withdrawn due to new information and will be reconsidered by the committee. No action was necessary.

Presidents Council. No action was necessary.

(o) Massachusetts College of Liberal Arts Waiver Request.

Management Council. The Management Council conditionally accepted 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.

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.

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

(p) Noncontroversial Legislation – General Sports Sponsorship Waiver Requests.

Management Council. The Management Council approved in concept noncontroversial legislation to specify in Bylaw 20.11.3.6 the Membership Committee's authority to review general sports sponsorship waiver requests and make related recommendations to Management Council.

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 currently 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.

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

(q) Penalty Structure Review.

Management Council. The Management Council approved in concept noncontroversial legislation to amend the 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. The effective date is September 1, 2009, applied retroactively to all institutions currently subject to, or facing a related penalty.

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 to subsequently adjust the applicable five-year or three-year penalty, when appropriate.

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

(r) White Paper Discussion.

Management Council. The Management Council reviewed the committee's 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:

- Membership Requirements: 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.

- Membership Requirements: 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.

- 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.

No action was necessary by the Management Council.

Presidents Council. No action was necessary.

(s) 2009-10 Exploratory Division III Membership.

Management Council. The Management Council noted that no institutions applied for exploratory membership for 2009-10. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison: Tufano

Council Rep: Keeling

(6) Nominating Committee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

(7) Student-Athlete Advisory Committee.

Staff Liaisons: Conklin Davey, Montgomery

Council Reps: Royer Wojtkun

(a) Division III Identity.

Management Council. The Management Council accepted the information that the Student-Athlete Advisory Committee (SAAC) engaged in a strategic communications exercise with consultant Jeff Jacobs regarding the Division III identity. The SAAC remains engaged in this initiative.

Presidents Council. No action was necessary.

(b) Drug Education and Testing Pilot.

Management Council. The Management Council accepted the information that SAAC received an update on the Drug Education and Testing Pilot. The committee discussed potential drug testing models and distinguished testing for well-being purposes from testing for competitive equity purposes. The committee further considered whether testing would serve as a deterrent to drug use. Several education-related questions were raised and the committee requested that a medical and health expert meet with the committee at its November in-person meeting. The committee considered several drug testing models:

- The status quo which includes drug testing only during championships;
- The championships model plus academic year-round anabolic testing;
- The championships model plus academic year-round anabolic testing and an optional street drug testing program conducted by the institution; and
- The championships model plus academic year-round anabolic and street drug testing.

Presidents Council. No action was necessary.

(c) Relationship between the Student-Athlete Advisory Committee (SAAC) and the Faculty Athletics Representatives Association (FARA).

Management Council. The Management Council accepted the information that SAAC met with representatives from FARA who indicated that FARA hopes to interact more with the SAAC in the future. It was noted

that FARA and SAAC often arrive at the same conclusions and legislative positions. The committee provided feedback to FARA representatives regarding faculty athletics representatives/student-athlete interactions and how best to foster positive relations between faculty and student-athletes. The committee also discussed academic reporting and whether it would be good for the division. It was noted that academic reporting may produce results that would be helpful when the division activates its identity initiative. The committee further noted these results may not be positive and could also result in administrative burden. The committee also discussed class attendance related difficulties with faculty when student-athletes request to miss class due to contests.

Presidents Council. No action was necessary.

(d) Division III SAAC Appointments.

Management Council. The Management Council accepted the information that SAAC elected the following individuals to represent the committee:

- Olympics Sports Liaison Committee: Conor Simpson; Westminster College; swimming and diving student-athlete.
- Minority Opportunities and Interests Committee: Kirin Khan; Mills College, rowing student-athlete.
- NCAA Division III vice-chair: Nathan Studgeon; Keuka College, soccer student-athlete (one-year renewal).

Presidents Council. No action was necessary.

(8) Student-Athlete Reinstatement Committee.

Staff Liaisons: Groddy, Bandy

Council Rep: Gunning

a. 2010 NCAA Convention Legislation – NCAA Division III Bylaw 14.2.5-(c) - Hardship Waiver – Percent Calculation.

Management Council. The Management Council recommended the Presidents Council sponsor legislation for the 2010 NCAA Convention to amend NCAA Bylaw 14.2.5-(c) (Hardship Waiver) to allow a student-athlete's eligibility for a hardship waiver to be determined by the maximum permissible number of contests or dates of competition set forth in NCAA Bylaw 17 for the applicable sport plus one competition. The one additional competition serves the same purpose as the current allowance for conference championship contests.

This proposal accommodates student-athlete well-being by allowing a consistent denominator for all NCAA Division III student-athletes, regardless of an institution's scheduling patterns. Because of conference, budgetary, philosophical and/or geographical constraints, Division III institutions currently schedule different numbers of contests or dates of competition. Since the student-athletes have no role in scheduling, this creates inequitable treatment of student-athletes from institution to

institution. Further, since the scheduling practices of some institutions are incumbent on conference scheduling policies, even institutions cannot completely control the amount of scheduled contests. This proposal establishes a uniform standard that is equal to the largest possible number of contests permitted under current legislation. This proposal allows all Division III student-athletes to be given the same benefit regarding the hardship waiver rule, regardless of their institution's scheduling patterns.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2010 Convention.

b. Noncontroversial Legislation – NCAA Division III Bylaw 12.5.1.1-(i) Amateurism – Promotional Activities – Institutional, Charitable, Educational or Nonprofit Promotions.

Management Council. The Management Council approved in concept noncontroversial legislation to amend NCAA Bylaw 12.5.1.1 (Institutional, Charitable, Educational or Nonprofit Promotions) in order to expand situations when violations of Bylaw 12.5.1.1 are considered de minimis and, thus, do not impact the eligibility of the student-athlete for any permissible promotional activity where the legislative requirement not satisfied is the failure to obtain signatures of student-athletes and authorized representative of the charitable, educational or nonprofit agency on a release statement, ensuring that the student-athlete's name, image or appearance is used in a manner consistent with the requirements of this section. A violation of this bylaw shall remain an institutional violation but not impact the student-athlete's eligibility provided the discovery of the violation that had the release statement been presented, it would have been signed.

Many times when the student-athlete reinstatement staff is presented with reinstatement requests involving violations of this legislation, the promotional activity is otherwise permissible and the violation is only triggered based on a failure to obtain receipt of appropriate signatures. In all cases, the signatures are subsequently gathered once the violation is discovered and reinstatement is sought. In all such cases, the eligibility of the involved student-athlete has been reinstated without conditions by the staff. In addition to an effort to reduce bureaucracy, the recommendation is consistent with existing legislation involving a failure to obtain written approval from the institution's chancellor or president involving permissible promotional activities, which is currently de minimus.

Presidents Council. No action was necessary.

c. Noncontroversial Legislation – NCAA Division III Bylaw 13.1.1.2 – Four-Year College Prospective Student-Athletes.

Management Council. The Management Council approved in concept noncontroversial legislation to amend NCAA Bylaw 13.1.1.2 (Four-Year College Prospective Student-Athletes) in order to reflect that violations of Bylaw 13.1.1.2 are considered de minimis and do not impact the eligibility of the student-athlete when permission to contact is subsequently granted in situations where an athletics staff member or other representative of the institution's athletics interests makes contact with the student-athlete of another NCAA or NAIA four-year collegiate institution without first obtaining written permission to do so in accordance with legislation. A violation of this nature shall remain an institutional violation, but not impact the prospective student-athlete's eligibility provided permission to contact is subsequently granted.

Many times when the staff is presented with a reinstatement request involving violations of this legislation, permission to contact has been granted by the first institution as the prospective student-athlete has already transferred to the second institution. In such cases, the staff reinstates the involved prospective student-athlete's eligibility without conditions. In those cases where permission is not granted, existing legislation indicates the second institution should not encourage the transfer. As a result, and in an effort to reduce bureaucracy, the NCAA Division III Committee on Student-Athlete Reinstatement believes a violation of this legislation where permission to contact is subsequently granted should not impact the prospective student-athlete's eligibility, but should remain an institutional violation.

Presidents Council. No action was necessary.

d. Noncontroversial Legislation – NCAA Division III Bylaw 13.02.10 – Electronic Transmissions.

Management Council. The Management Council approved in concept noncontroversial legislation to amend NCAA Bylaw 13.02.10 (Electronic Transmissions) in order to reflect that violations of Bylaw 13.02.10 are considered de minimis and do not impact the eligibility of the prospective student-athlete in situations where the electronic communication is not by e-mail or facsimiles (e.g., instant messaging, text messaging and social networking Web sites). Violations of this nature shall remain institutional violations, but would not impact the prospective student-athlete's eligibility.

Violations of this legislation should not impact eligibility inasmuch as it is an attempt to decrease the number of circumstances in which an institution is required to declare a prospective student-athlete or enrolled student-athlete ineligible (as a result of the prospective student-athlete's or student-athlete's involvement in a violation of NCAA rules) in instances in which the prospective student-athlete or student-athlete did

not receive a benefit and little or no recruiting or competitive advantage occurs. Currently, request for reinstatements related to violations of this legislation always result in immediate restoration of eligibility by the staff without conditions imposed. It is important to note, however, that although violations of these provisions would have no individual eligibility ramifications, the institution still would need to self-report the violation to the NCAA enforcement staff at the NCAA national office and the NCAA Division III Committee on Infractions would remain responsible for assessing institutional responsibility.

Presidents Council. No action was necessary.

e. Modification of Wording – NCAA Division III Bylaw 14.2.5.2.2 – Hardship Waiver – Medical Documentation.

Management Council. The Management Council approved in concept a modification of wording within NCAA Bylaw 14.2.5.2.2 (Medical Documentation) to reflect that the medical documentation from a physician that establishes the student-athlete's inability to compete for the remainder of the traditional season as a result of an injury or illness shall be submitted by the physician who administered care at the time of the injury or illness.

In 2005, the NCAA Division III membership, through modification of wording, made several modifications to the language within the hardship waiver legislation regarding medical documentation. While the intent statement identified that contemporaneous medical documentation in support of a hardship waiver should be submitted by a physician (i.e., medical doctor) who administered care at the time of the injury or illness, the resulting and current legislative wording in Division III does not specifically include such language. In order to better clarify existing requirements and eliminate possible submission of medical documentation from individuals who did not treat the student-athletes during the period of injury or illness, the committee believes such changes are appropriate and consistent with intent of legislation.

Presidents Council. No action was necessary.

4. *PROPOSED LEGISLATION FOR THE 2010 NCAA CONVENTION.*

a. Membership-Sponsored Legislation.

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

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

(1) Recruiting – Electronic Transmissions – Exception – Using Social Networking for Public Information at Prospective Student-Atheltes Option.

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

Presidents Council. The Presidents Council approved the committee referral.

(2) Recruiting – Tryout Exception – Local Sports Club Mileage Radius.

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.

(3) Eligibility – Transfer Regulations – Residence Requirement – Disciplinary Suspension – Exception.

Management Council. The Management Council reviewed the membership-sponsored proposal and forwarded it to Academic Issues Subcommittee (AIS), ILC and SAAC for recommendations on an official position.

Presidents Council. The Presidents Council approved the committee referral.

(4) Playing and Practice Seasons – Athletically related activities – Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts.

Management Council. The Management Council reviewed the membership-sponsored proposal and forwarded it to Competitive Safeguards and Medical Aspects of Sports (CSMAS), Playing and Practice Seasons Subcommittee (PPS) and SAAC for recommendations on an official position.

Presidents Council. The Presidents Council approved the committee referral.

(5) Division III Membership Requirements and Playing and Practice Seasons – Minimum Contests Requirements for Sports Sponsorship and Maximum Contest Limitations – Baseball and Softball.

Management Council. The Management Council reviewed the membership-sponsored proposal and forwarded it to the Championships Committee (including the sports committees for baseball and softball), Membership Committee, PPS and SAAC for recommendations on an official position.

Presidents Council. The Presidents Council approved the committee referral.

(6) Playing and Practice Seasons – Football – Walk-Through Sessions During the Five-Day Acclimatization Period.

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

Presidents Council. The Presidents Council approved the committee referral.

(7) Division III Membership Requirements – Minimum Contests and Participants Requirements for Sports Sponsorship – Baseball and Softball.

Management Council. The Management Council reviewed the membership-sponsored proposal and forwarded it to the Championships Committee (including the sports committees for baseball and softball), Membership Committee, PPS and SAAC for recommendations on an official position.

Presidents Council. The Presidents Council approved the committee referral.

b. Governance-Sponsored Legislation.

(1) Recruiting and Playing and Practice Seasons – Tryout Exception – Recreational Activity – Exception for Facility Monitoring as Part of Normal Employment Arrangement.

Management Council. The Management Council approved in legislative format a proposal to permit an institution's coaching staff member to observe recreational activities of prospective student-athletes and nonorganized sport-specific activities of currently enrolled student-athletes, provided the coach observes these activities while monitoring an institutional facility for purposes of safety and facility security as part of normal employment duties and the facility is not restricted to specific users at the time.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2010 Convention and approved it in legislative format.

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

Management Council. The Management Council approved in legislative format a proposal in baseball, field hockey, lacrosse, soccer, softball and women's volleyball, to permit a student-athlete to participate in one date of competition and an alumni contest during the nontraditional segment without using a season of participation.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2010 Convention and approved it in legislative format.

(3) Playing and Practice Seasons – First Contest or Date of Competition – Exempted Alumni Contest.

Management Council. The Management Council approved in legislative format a proposal to permit institutions to conduct the exempted alumni contest at any time during the playing season including prior to the first permissible contest date.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2010 Convention and approved it in legislative format.

(4) Recruiting – Tryouts – Deregulation and Reformatting of Tryout – Permissible and Nonpermissible Tryouts.

Management Council. The Management Council approved in legislative format a proposal to deregulate and reformat the tryout legislation to specify that a tryout in which prospective student-athletes demonstrate their athletics abilities at a coach's direction, tryout events and varsity competition against high school or preparatory school teams are impermisible; further, to specify that other physical related activities involving prospects that are not specifically prohibited shall be permissible.

Presidents Council. The Presidents Council agreed to sponsor the proposal for the 2010 Convention and approved it in legislative format.

(5) Division Membership – Division III Philosophy Statement – Affirmation of Presidential Leadership at Institutional, Conference and National Governance Levels of Division III.

Management Council. The Management Council approved in legislative format a proposal to specify in the Division III Philosophy Statement the expectation for presidential leadership and authority over intercollegiate athletics at the campus, conference and national governance levels.

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

c. Noncontroversial Legislation.

(1) NC-2010-6 – Eligibility – Seasons of Participation: 10-Semester/15-Quarter Rule – 10-Semester/15-Quarter Extension Request – Practice While Waiver is Pending.

Management Council. The Management Council adopted in legislative format a proposal to eliminate the 30 consecutive-calendar day limitation for practice once an institution has filed a 10-semester/15-quarter extension waiver request.

Presidents Council. No action was necessary.

(2) NC-2010-7 – Recruiting – Contacts and Evaluations – Contact Restrictions at Prospective Student-Athletes Educational Institution – Contact After School Hours.

Management Council. The Management Council adopted in legislative format a proposal to specify that permission to contact a prospective student-athlete at the prospective student-athlete's eductional institution is not required if the contact is made outside of official school hours.

Presidents Council. No action was necessary.

(3) NC-2010-8 – Awards and Benefits – Expenses Provided by The Institution For Practice and Competition – Exceptions – Meal Provided by Parents of Student-Athletes or Representative of Institution's Athletics Interests.

Management Council. The Management Council adopted in legislative format a proposal to permit a representative of the institution's athletics intersts to pay for or provide a team meal to a team outside of the locale of the institution as long as the meal is in conjunction with, or en route to or from an away-from-home contest; further, to reformat the occasional meals from a relative legislation, as specified.

Presidents Council. No action was necessary.

(4) NC-2010-9 – Committees – Strategic Planning and Finance Committee – Composition – Student-Athlete Representative.

Management Council. The Management Council adopted in legislative format a proposal to increase the NCAA Division III Strategic Planning and Finance Committee from 11 to 12 members and to specify that one member shall be a member of the NCAA Division III Student-Athlete Advisory Committee.

Presidents Council. No action was necessary.

(5) NC-2010-10 – Division Membership – Membership Requirements – Minimum Participants Requirements for Sports Sponsorship – Track and Field – Multiday Meets.

Management Council. The Management Council adopted in legislative format a proposal in track and field, to specify that if the number of student-athletes participating in a multiday meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants, and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum contest requirement.

Presidents Council. No action was necessary.

d. Modification of Wording.

(1) M-2010-2 – Division Membership – Provisional Membership – Average Class Size and Assignment – Average of Four.

Management Council. The Management Council adopted in legislative format a proposal to specify that an average of four institutions may be accepted to the provisional or reclassifying membership program in any one year.

Presidents Council. No action was necessary.

(2) M-2010-3 – Awards and Benefits – Awards – Gift Cards That Cannot be Redeemed For Cash.

Management Council. The Management Council adopted in legislative format a proposal to clarify that it is permissible for student-athletes to receive gift cards that cannot be redeemed for cash.

Presidents Council. No action was necessary.

e. Incorporations of Interpretations.

(1) I-2010-1 – Recruiting – Contacts and Evaluations – Contact Restrictions at Practice or Competition Site – Contact With Prospective Student-Athlete's Relatives or Guardians.

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

Presidents Council. No action was necessary.

(2) I-2010-2 – Recruiting – Electronic Transmissions – Use of Service or Software to Convert Electronic Mail Into Text Message.

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

Presidents Council. No action was necessary.

(3) I-2010-3 – Eligibility – Criteria for Determining Season of Eligibility - Student Managers and Student Coaches Using a Season of Participation.

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

Presidents Council. No action was necessary.

5. CHAIR AND VICE-CHAIR ELECTIONS.

Management Council. The Management Council elected Lynn Oberbillig, director of athletics, Smith College, as chair for the 2010-11 term and Chris Martin, commissioner of the College Conference of Illinois and Wisconsin as vice-chair.

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

6. DIVISION III ISSUES.

a. Division III Identity Initiative.

Management Council. The Management Council received a presentation from strategic communications consultant Jeff Jacobs regarding the division's effort to more clearly articulate its identity, both in philosophy and practice. The Council engaged in a verbal positioning exercise to further inform the identity research effort.

Presidents Council. The President's Advisory Group and the Presidents Council received a presentation from strategic communications consultant Jeff Jacobs regarding the division's effort to more clearly articulate its identity, both in philosophy and practice. Mr. Jacobs summarized the process used to examine the Division III student-athlete experience, and shared results of both the qualitative and quantitative research conducted to facilitate this effort. The overall objective of the initiative is to articulate the positive values of the Division III experience, capturing the essence of the philosophy in a clear and concise manner.

(1) Highlights of the research findings include:

- Sports specialization is becoming much more pronounced in youth sport culture, and parents are much more involved in their child's life than they used to be.
- Athletics scholarships have a mythical importance in our culture, as they provide validation for the student-athlete and his or her family.
- Division III athletics is student-athlete focused; it develops a well-rounded individual and is integrated into the educational experience.
- Overwhelmingly, Division III internal audiences in total rate the Division III athletic experience for student-athlete to be very positive.
- There was overwhelming agreement that Division III institutions are fulfilling the division's philosophy. Presidents agreed more strongly than any other constituency (99%) and faculty the least (79%).
- Student-Athletes rate the quality of academics and the quality of academics program for their area of study highest in importance when considering their original decision to attend a college or university.

(2) The presidents reviewed identity themes, including the proper balance of academics and athletics, integration into campus life, opportunities for personal growth, creation of well-rounded individuals, playing for passion, the value of athletics participation, and the student-first philosophy.

(3) The Presidents Council endorsed a draft positioning statement based on those themes, requesting a final draft of the positioning statement and full communications platform to be approved in the next month, which will be followed by a preliminary activation plan for review during the October Presidents Council meeting.

b. Presidential Leadership.

Management Council. The Management Council reviewed and approved language in a draft 2010 Convention proposal to articulate the expectation or presidential leadership at the campus, conference and institutional levels.

Further, the Council reviewed a series of recommendations for future consideration that would allow the Presidents Council and the broader community of Division III presidents to focus on more strategic issues, while empowering the Management Council to assume more leadership related to operation and administrative issues.

Presidents Council. The Presidents Council approved language for a 2010 Convention proposal to specify in the Division III Philosophy Statement the expectation for presidential leadership and authority over intercollegiate athletics at the campus, conference and national governance levels. Further, the Council adopted a policy to establish a more focused 'presidential grouping' of proposals at each year's Convention and endorsed the establishment of a standing Wednesday night planning session in conjunction with each quarterly meeting of the Presidents Council. Adding additional planning sessions for the Presidents Council prior to its regular meetings will allow the group to focus on strategic concerns and key divisional issues and direct attention to working reports and other business items during the regular Thursday meetings. The Council also discussed additional legislative and policy changes to further presidential leadership than may be considered at the 2011 Convention.

c. Academic Reporting.

Management Council. The Management Council received an oral report regarding the Academic Reporting Pilot and desired implementation date of spring of 2010.

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

d. Virtual Focus Groups (VFG).

Management Council. The Council reviewed responses from VFG Communication #16, which focused on the role of the SWA. Based on low participation rates, the staff is researching alternative ways to engage the membership on important issues within the division.

Presidents Council. No action was necessary.

7. ASSOCIATION-WIDE UPDATE AND ISSUES.

a. Governmental Relations Report.

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

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

b. Litigation Report.

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

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

8. OTHER BUSINESS.

a. Division III Management Council Policies and Procedures Update.

Management Council. The Management Council approved the revision to its policies and procedures regarding the NCAA's conflict of interest policy.

Presidents Council. No action was necessary.

b. Playing Rules Oversight Panel (PROP).

Management Council. The Management Council reviewed a request from the Centennial Conference regarding a recent decision by PROP to implement a recessed shot clock, a tenth-of-a-second display and red light or backboard lights to be in place for the 2010-11 season; as well as mandating that football referees have a wireless microphone to announce penalties starting with the 2010 football season. The Centennial Conference feels that due to the economic uncertainty at the present time, implementation would be a financial hardship to both institutions and conferences and asked that the Councils make a formal request to PROP to repeat or postpone implementation of the rules changes. The Council directed staff to research appropriate steps regarding appeal.

Presidents Council. The Presidents Council approved forwarding a recommendation to PROP for a one year delay, until 2011, requiring a recessed shot clock, a tenth-of-a-second display and red light or backboard lights to be in place for the 2010-11 season; as well as mandating that football referees have a wireless microphone to announce penalties starting with the 2010 football season.

c. Management Council Meetings.

Management Council. The Management Council approved a trial structural change to their meeting schedule. As the October Management Council meeting includes the Woman of the Year Event on Sunday evening, the Council will test the new meeting format at its April 2010 meeting. The proposed change is an attempt to be cost effective, alleviate Sunday travel; and minimize travel time. Short's travel conducted research regarding the availability of flights for a more condensed schedule and noted only those on the West Coast would have difficulty arriving on Monday.

The proposed meeting schedule begins Monday afternoon and concludes at 9 p.m., with a working dinner. Tuesday's schedule would include meeting activities from 8 a.m. to 1 p.m.

Staff will pursue this model for the April 2010 meeting.

Presidents Council. No action was necessary.

d. Joint Meeting with NCAA/NAIA.

Presidents Council. The Presidents Council received an update on the ongoing communication between the NCAA and NAIA, noting the Executive Committee will discuss continued communications between the associations.

9. ADJOURNMENT.

Management Council. The Management Council meeting adjourned at 11:35 a.m.

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