A G E N D A

The National Collegiate Athletic Association

Division III Presidents Council

NCAA National Office
Indianapolis, IN

October 29, 2009

1. Welcome and introductions.

2. General Information.

   a. Roster. [Supplement No. 1]

   b. Committee/Subcommittee vacancies - 2010. [Supplement No. 2]

3. Minutes, summaries and agendas.

   a. Summary of Summer 2009 Quarterly Meeting. [Supplement No. 3]

   b. NCAA Executive Committee meeting minutes. [Supplement No. 4]

   c. NCAA Executive Committee draft agenda – October 29. [Supplement No. 5]

@* 4. Management Council report. [Supplement No. 6]

* 5. 2010 NCAA Division III Convention.

   a. Convention registration process. [Supplement No. 7a]

   b. Review schedule and agendas. [Supplement No. 7b]

   @ c. Approve proposal groupings. [Supplement No. 7c]

   @ d. Review proposed legislation and approve governance structure positions and speaker assignments. [Supplement No. 7d]

* 6. Division III Identity Initiative. [Supplement No. 8]

* 7. Drug Education and Testing Pilot. [Supplement No. 9]

@ 8. Report of the Presidents Council Nominations Subcommittee. [Supplement No. 10]

9. Division III budget update. [Supplement No. 11]

10. Governmental relations update. [Supplement No. 12]

11. Litigation update. [Supplement No. 13 will be distributed at the meeting]

12. Future meetings.

    a. January 16, 2010, Atlanta, GA., in conjunction with the 2010 NCAA Convention.

    b. April 29, 2010, Indianapolis, IN – 8 a.m. to Noon.

    c. August 11, 2010 Indianapolis, IN – Chancellors/Presidents Advisory Group Meeting – 5 to 9 p.m.

    d. August 12, 2010, Indianapolis, IN – 8 a.m. to Noon.

    e. October 28, 2010, Indianapolis, IN – 8 a.m. to Noon.

13. Adjournment.

@ Denotes key action items.

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

DIVISION III MANAGEMENT AND PRESIDENTS COUNCIL
FALL 2009 QUARTERLY SUMMARY
The National Collegiate Athletic Association

Division III Management Council **October 19-20, 2009** **Indianapolis, IN**		**Division III Presidents Council** **October 29, 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 Mary Jo Gunning, Marywood University 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 Robert Antonucci, Fitchburg State College Kendall Baker, Ohio Northern University James Bultman, Hope College 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 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

Lisa Marsh Ryerson, Wells College - Tuesday, October 20 only		Catharine Hill, Vassar College Marcia Keizs, York College/CUNY

OTHER PARTICIPANTS

Vicky Chun, Colgate University, NCAA Fellows Elsa Cole, NCAA Jack Copeland, NCAA Dennis Cryder, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Alexis Fink, NCAA Jamie Fluker, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Curtis Holloman, NCAA Amy Huchthausen, NCAA Jim Isch, NCAA Kiki Jacobs, Oberlin College, NCAA Fellows Leah Nilsson Kareti, NCAA		Elsa Cole, NCAA Jack Copeland, NCAA Dennis Cryder, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Jim Isch, NCAA Jeff Jacobs, Relish Leah Nilsson Kareti, NCAA Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* David Lovell, NCAA Delise O'Meally, NCAA

Jennifer Kearns, NCAA Debbie Kresge, NCAA, *recording secretary* Marta Lawrence, NCAA Leilana McKindra, NCAA Jeff Myers, NCAA Delise O'Meally, NCAA Ronnie Ramos, NCAA Jo Jo Rinebold, NCAA Darryl Sims, University of Wisconsin, Oshkosh, NCAA Fellows Marianne Vydra, Oregon State University, NCAA Fellows Carla Wilson, University of Missouri, Kansas City, NCAA Fellows		Jeff Myers, NCAA Jo Jo Rinebold, NCAA Noah Sarff, Sports Graphics

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The meeting was called to order at 8:03 a.m. by the chair, Lynn Oberbillig. The chair welcomed Council members, Amy Huchthausen, new Director of Academic and Membership Affairs for Division III and NCAA Fellows, Kiki Jacobs and Darryl Sims.

Presidents Council. The meeting was called to order at 7:02a.m. by the chair, President Paul Trible. The chair welcomed Council members, Amy Huchthausen, new Director of Academic and Membership Affairs for Division III and Robert Antonucci, president, Fitchburg State College. This was President Antonucci's first official meeting of the Presidents Council.

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 July 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 August 6, 2009, Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its August 6, 2009, meeting as presented.

c. Executive Committee Meeting – August 6, 2009

Management Council. The Management Council reviewed the minutes of the August 6, 2009, Executive Committee meeting. No action was necessary.

Presidents Council. The Presidents Council reviewed the minutes of the August 6, 2009, Executive Committee meeting. No action was necessary.

d. Presidents Council Teleconference – September 2, 2009.

Management Council. The Management Council reviewed the minutes of the September 2, 2009, Presidents Council teleconference. No action was necessary.

Presidents Council. The Presidents Council approved the minutes of the September 2, 2009, Presidents Council teleconference.

e. Administrative Committee Actions.

Management Council. The Management Council approved the minutes of the August 17, August 27 and September 14, 2009, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the August 17, August 27 and September 14, 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).

(a) Institutional Responsibility for Drug Use Deterrence.

Management Council. The Management Council referred back to committee a recommendation to sponsor legislation for the 2011 NCAA Convention to specify that athletics staff shall be held to the same level of accountability to which student-athletes are held pertaining to knowledge of NCAA banned substances, as specified:

- 11.1.2.2 Involvement for approving the use of a banned substance. All athletics staff who have regular interaction with student-athletes should be made aware that the NCAA has a banned substances list, that any nutritional supplement use may present risks to student-athlete health and eligibility, and that student-athletes with questions about nutritional supplements should be referred to the institution's designated athletics resource person or persons as noted in 30.5.d.
- 30.5.d Institutions must designate, educate and identify a person or persons to serve as the athletics resource for student-athletes' nutritional supplement questions or review.

In drug-test appeal cases heard by the Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS), student-athletes have been provided approval by athletics department staff to use a supplement product or medication that contained NCAA banned substances. NCAA

policy provides that student-athletes must be educated about NCAA banned substances and the products that may contain them, holds student-athletes responsible for anything they ingest, and advises student-athletes to check with appropriate athletics staff prior to ingesting any supplement or medication. The committee position is that staff be held to the same level of accountability to which student-athletes are held and that athletics departments provide an educated resource person or persons so that student-athletes are not ill advised and suffer a penalty for using a banned substance while the athletics staff bear no responsibility. CSMAS initially recommended legislation requiring that all staff be educated about NCAA drug policies, banned substances and the products that may contain them. The Division I Championships/Sports Management Cabinet felt the recommendation was too broad in its inclusion of all athletics staff and encouraged CSMAS to discuss limiting the scope of the recommendation to include only athletics staff that interact daily with student-athletes on such issues (e.g., coaches, sports medicine staff). Based on the cabinet's feedback, the committee revised the recommendation to specify that staff who have regular interaction with student-athletes should be made aware that the NCAA has a banned substances list, that any nutritional supplement use may present risks to student-athlete health and eligibility, and that student-athletes with questions about nutritional supplements should be referred to the institution's designated athletics resource person or persons. In addition, the revised recommendation requires that the institution designate at least one individual to serve as a resource for student-athletes who have questions about banned drug policies. All institutions will continue to receive information about NCAA banned drugs and contact information for the Resource Exchange Center (REC) an authoritative resource for staff and student-athletes to inquire about medications and supplement products and whether they contain banned substances on the ingredients label.

The Council requested that the committee clarify the following points prior to resubmitting the proposal for sponsorship:

- Who was intended to be the point person on campus?
- What is the mechanism for staff to be made aware of the banned substance list?
- What is the penalty for failure to comply with this requirement?

Presidents Council. No action was necessary.

(b) Drug Testing Frequency.

Management Council. The Management Council accepted the information that the CSMAS put forward in response to a question posed by the Executive Committee, "Do we test enough?"

- Drug testing is a part of a comprehensive approach to deter drug use, including strong written policy and effective education conducted at both the national and local level. The NCAA drug-

testing program strengths are its strict protocol, serious penalties, short notice year-round testing in Divisions I and II, and increased repeat testing;

- Frequency of testing events provides more of a deterrent effect than does increasing the number of tests at a testing event, and therefore deterrence can be increased through more year-round repeat testing and increased summer testing events; and
- The committee charged NCAA staff to provide a report at the December 2009 CSMAS meeting regarding the best allocation of current resources for deterrence of drug use.

Presidents Council. The Presidents Council accepted the information.

(2) Honors Committee.

Staff Liaison: **Tufano**

Council Rep: Klika

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

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

(a) Review of Women of Color (WOC) Symposium.

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

Council Rep: Keeling

Management Council. The Management Council accepted the information that the Minority Opportunities and Interests Committee (MOIC) received a staff report on NCAA demographics that reveal ethnic minority women make up only 2.2 percent of NCAA intercollegiate athletics directors at Divisions I, II and III. When excluding Historically Black Colleges and Universities (HBCUs), representation of female athletics directors of color decreases to 1.3 percent. Staff summarized the discussion that occurred during the WOC symposium. The participants in the symposium discussed some of the following suggestions to enhance the number of women of color in the organizational structure of intercollegiate athletics:

- Enhance the number of WOC by suggesting calls for legislative mandate that more WOC need to be designated as senior woman administrators (SWAs).
- Request more opportunities for WOC at all levels in intercollegiate athletics, particularly senior level positions.
- Enhances discussions with Title IX advocates regarding the positive effects of the legislation on WOC.
- Consider innovative ways to provide information about opportunities in intercollegiate athletic when positions become available.

No action was necessary.

Presidents Council. The Presidents Council accepted the information.

(b) Division III Diversity Award.

Management Council. The Management Council accepted the information that the MOIC heard a report on Diversity in Athletics: An Assessment of Exemplars and Institutional Best Practices. The committee discussed the plans for the 2010 NCAA Convention in Atlanta, Georgia and the Division III award winners for each of the identified categories and overall winners based on the research of Dr. George Cunningham and John Singer Laboratory for Diversity in Sport, Texas A&M University. No action was necessary.

Presidents Council. The Presidents Council accepted the information.

Staff Liaisons: Calandro, Perez, Suscha

Council Rep: Chapman

(4) Olympic Sports Liaison Committee.

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

Presidents Council. No action was necessary.

Staff Liaison: Strum

Council Rep: Chapman

(5) Postgraduate Scholarship Committee.

Management Council. The committee had no formal report.

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 committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaison: Chichester

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 (CWA).

Management Council. The Management Council accepted the following Emerging Sports for Women Program Update.

(a) Sand Volleyball. An override vote of the proposal to adopt sand volleyball as an emerging sport in Division I will occur during the NCAA 2010 Convention. The Committee on Women's Athletics noted its continued support for the addition of sand volleyball to the emerging sports for women list and plans to develop a "Q & A" document to help ensure that accurate information about the sport is available to the Division I membership prior to the over-ride vote.

(b) Competitive Cheer. The committee reviewed the history of competitive cheer as well as the U.S. Office for Civil Rights 1975 assessment of cheer-leading as a support activity and recent communication that competitive cheer can be recognized as a sport, in a case-by-case analysis and based on structuring a program in which participants dedicate 100 percent of their time to the competitive team (i.e., no sideline cheering activities). The committee was informed that a conference call occurred with institutions that offer competitive cheer as a varsity sport. The group indicated intent to develop a full proposal for CWA to consider adding competitive cheer to the emerging sport for women list.

(c) Triathlon. The committee reviewed a preliminary proposal relating to the addition of triathlon to the emerging sport for women list. Staff noted that the process and what is required for the committee to evaluate a formal proposal has been articulated to the triathlon representatives. It was noted that there is a strong amateur club infrastructure, including at the youth level. The committee was requested to review the initial proposal and submit questions/issues to be responded to such as cost implications, playing and practice season and financial aid issues and anticipated number of cross-over student-athletes, and including health and safety issues.

Presidents Council. The Presidents Council accepted the information.

Staff Liaisons: **Arthur, Bracken, Ford, Holzman, Morrison and Thompson**

Council Rep: Oberbillig and Keeling

(10) Joint Meeting of the Minority Opportunities and Interest Committee and the Committee on Women's Athletics.

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

Presidents Council. No action was necessary.

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

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

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

(1) Convention-Planning Subcommittee.

Management Council. The committee had no formal report.

Presidents Council. No action was necessary.

Staff Liaisons: **Dutcher, Kareti Barnett, Worlock, Huch-thausen, Kresge**

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

(2) Strategic Planning and Finance Committee.

Management Council. The committee had no formal report; however, the Management Council reviewed the 2008-09 Budget-to-Actual as of September 24, 2009, noting excess of $2,114,549. The Council also noted budget overages in men's golf, men's outdoor track, men's swimming and diving and women's golf. No action was necessary.

Presidents Council. The committee had no formal report; however, the Presidents Council reviewed the 2008-09 Budget-to-Actual as of September 24, 2009, noting excess of $2,114,549. The Council also noted budget overages in men's golf, men's outdoor track, men's swimming and diving and women's golf. No action was necessary.

c. Management Council subcommittees.

(1) Academic Issues Subcommittee.

Staff Liaisons: **Davey, Nesbitt**

Council Reps: Hall, Ingold, Martinez

- **Empowerment of NCAA Staff Liaisons for Limited Review of Waiver Requests.**

Management Council. The Management Council approved the recommendation to empower NCAA staff to review and decide waiver requests in limited circumstances involving clear subcommittee precedent.

Staff authority provides flexibility and speed to assist institutions with time-sensitive requests. Precedent for granting staff authority exists within another NCAA Division III Management Council subcommittee, the Division III Subcommittee for Legislative Relief. A regular report of any requests decided on staff authority will be provided to the subcommittee. Waiver requests regarding cases lacking clear subcommittee precedent will still be decided by the subcommittee per its standard policies and procedures. It will also enable greater student-athlete participation.

Presidents Council. No action was necessary.

(2) Playing and Practice Seasons Subcommittee.

Staff Liaisons: **Huchthausen, Myers**

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

- **Referral to the Championships Committee – Championships Exception to the Prohibition of Missed Class Time for Practice.**

Management Council. The Management Council approved the recommendation to charge the Championships Committee to review whether there should be an exception for a host team of an NCAA championship to miss class time for practice the day before the championship.

Allowing the NCAA championship exception would provide greater flexibility for championships scheduling with minimal impact on missed class time for student-athletes. Because championships staff schedules the practice times for NCAA championships, the subcommittee recommends that the Championships Committee is the appropriate committee to review the issue and propose legislation if it deems appropriate. While missed class time should still be a primary consideration when scheduling championship practices, there should be flexibility within the legislation to allow missed class time if the circumstances deem it appropriate. Division I currently has an exception to allow student-athletes of host institutions to miss class time for both conference and NCAA championships. The subcommittee does not recommend extending the exception for conference championships because that would provide too broad of an exception. Rather, the subcommittee would support only an exception for NCAA championships.

There is no budget impact associated with the referral; however, there could be a budget savings associated with greater scheduling flexibility if the exception is ultimately adopted. If the exception is implemented, it could result in additional missed class time in some limited circumstances.

Presidents Council. No action was necessary.

(3) Subcommittee for Legislative Relief.

Staff Liaisons: **Fuchs, Nesbitt**

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

- **Directive Regarding Waivers of NCAA Division III Bylaw 14.1.9 (graduate student/postbaccalaureate participation).**

Management Council. The Management Council approved a revision to the April 2008 graduate student transfer directive to specify that the directive includes any student-athlete transferring to an NCAA Division III institution to enroll in a graduate or professional school or to pursue a second baccalaureate or equivalent degree. In addition, the subcommittee recommended that the directive be clarified to specify that hardship waiver documentation must be submitted with any graduate student transfer waiver request that involves assertions related to one or more incapacitating injury or illness.

Consistent with the positions of the Presidents and Management Councils and the Division III Philosophy Statement, the subcommittee agreed that Division III intercollegiate athletics is primarily an undergraduate experience; however, the subcommittee believed that a transfer student-athlete who has earned an undergraduate degree and meets the requirements of the directive (i.e., graduates in less than four years without "breaks" in enrollment with a minimum 3.000 cumulative grade-point average) or who has been deprived of two or more years of undergraduate athletics participation due to incapacitating injury or illness (or other extenuating or extraordinary circumstances) should have the opportunity to continue athletics participation.

Additionally, the majority of the Division III membership is comprised of institutions that only award undergraduate degrees. Thus, the subcommittee believes that revising the directive to include student-athletes enrolled in a second baccalaureate or equivalent degree program would promote equity among all Division III institutions without undermining the Division III philosophy. Finally, the subcommittee noted that requiring documentation of a hardship waiver is consistent with previous subcommittee decisions and removes any appearance of subjectivity from the analysis of graduate transfer requests that involve incapacitating injuries or illnesses. The recommended clarification provides notification to student-athletes of review and documentation standards for graduate student/postbaccalaureate student transfer waivers.

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

d. Division III Committees.

(1) Championships Committee.

(a) Access Ratio for Individual-Team Sports.

Staff Liaisons: Suscha, Williams

Council Reps: Martinez, Oberbillig, Sitterly

Management Council. The Management Council approved in concept an administrative regulation to amend NCAA Bylaw 31.3.4.5 (Principles of Establishing Bracket Sizes) to allow the team portion of the bracket in the sports of golf and tennis to be based on an access ratio in the range of 1:7 to 1:7.5. The specific access ratio shall be recommended by the NCAA Division III Men's and Women's Golf and Tennis Committees and will be subject to approval by the NCAA Division III Championships Committee.

The committee believes that the access ratio should be modified to provide more access to deserving Pool C teams, particularly when the individual component of the championships is relatively small as compared to the overall number of team participants (e.g., golf). Automatic qualification was approved for the sports of golf and tennis beginning with the

2006-07 academic year, with the ratio for bracket determination established at 1:7.5 (vs. 1:6.5 for team sports). [Note: 1:7.5 is the same ratio that was used for all team sports when automatic qualification was implemented in 1999.] Although team sports moved to a ratio of 1:6.5, golf and tennis started at 1:7.5 as both championships have an individual component to the championship.

The estimated budget impact is $85,000 and will be referred to the Strategic Plan and Finance Committee to fund as a reallocation. This figure is a maximum estimate based on interest from all four sport committees and subsequent approval by the Championships Committee. The budget analysis considered bracket expansion based on 2008-09 sport sponsorship, as well as actual expense from the 2008-09 championship season with an inflationary adjustment looking toward 2010-11. The proposal will provide more access and, consequently, more teams the opportunity to compete at the championships.

Presidents Council. No action was necessary.

(b) Selection Criteria – Strength-of-Schedule.

Management Council. The Management Council approved in concept an administrative regulation to amend the strength-of-schedule (SOS) within the primary and secondary selection criteria (NCAA Bylaw 31.3.5.2 – Selection Criteria) by combining the opponents' average winning percentage (OWP) with the opponents' opponents' average winning percentage (OOWP) on a weighted scale (i.e., 2/3 weight for OWP and 1/3 weight for OOWP). This weighted scale will remain in place for a minimum of two championship seasons (2009-10 and 2010-11) and will apply to the following twelve team championships: baseball, men's and women's basketball, field hockey, men's and women's ice hockey, men's and women's lacrosse, men's and women's soccer, softball and volleyball.

The committee believes that SOS will be a more effective piece of selection criteria with the proposed changes. Specifically, the committee received input from the NCAA statistics group and agrees with the concept that more weight should be given to the portion of SOS for which the institution has greater control, the OWP. In other words, an institution can control the opponents it chooses to play, but cannot control the opponents' opponents.

Presidents Council. No action was necessary.

(c) Selection Criteria – Strength-of-Schedule.

Management Council. The Management Council approved in concept an administrative regulation to amend the SOS within the primary and secondary selection criteria (NCAA Bylaw 31.3.5.2 – Selection Criteria) on a sport-by-sport basis by attaching significance to games played at home and games on the road when calculating OWP and OOWP. The specific weight attached (e.g., 2/3 weight for an away victory and 1/3 weight for a home victory) must be proposed by the relevant sport committee and is subject to the approval of the Championships Committee.

Presidents Council. No action was necessary.

(d) Sports Wagering and Championships Hosting.

Management Council. The Management Council accepted the information that the Championships Committee reviewed the recently adopted policy (August 6, 2009) by the NCAA Executive Committee pertaining to legalized sports wagering and the location of championship competition which now states: "No predetermined or non-predetermined session of an NCAA championship may be conducted in a state with legal wagering that is based on single-game betting on the outcome of any event (i.e., high school, college or professional) in a sport in which the NCAA conducts a championship."

Presidents Council. The Presidents Council accepted the information.

(e) 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 are effective immediately, unless otherwise noted:

- Division III Baseball Committee. Jack McKiernan, associate director of athletics at Kean University, appointed chair of the baseball committee. In addition, Tom Sheridan, head baseball coach at the University of Mary Washington, appointed representing the South region.
- Division III Men's Basketball Committee. Charlie Brock, head men's basketball coach at Springfield College, appointed chair of the NCAA Division III Men's Basketball Committee.

- Division III Women's Ice Hockey Committee. Garnet Asmundson, head women's ice hockey coach at Hamline University, appointed chair of the NCAA Division III Women's Ice Hockey Committee.
- Division III Men's Lacrosse. James H. Lyons, head men's lacrosse coach at the State University of New York at Geneseo, appointed chair of the NCAA Division III Men's Lacrosse Committee.
- Division III Women's Lacrosse. Charlyn Robert, athletics director at Nichols College, appointed chair of the NCAA Division III Women's Lacrosse Committee.
- Division III Softball. Donna Newberry, assistant director of athletics and head softball coach at Muskingum University, appointed chair of the NCAA Division III Softball Committee.
- Division III Men's Tennis. Eric Rodgers, head tennis coach at Coe College, appointed chair of the men's tennis committee.
- Division III Women's Tennis. Ann Lebedeff, head women's tennis coach at Pomona-Pitzer Colleges, appointed chair of the women's tennis committee. In addition, Jeff Borengasser, head men's and women's tennis coach at Westminster College (Missouri) appointed representing the Central region.

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.

- **Issue/Subject. Amend Bylaw 10.1.**

Management Council. The Management Council approved in concept noncontroversial legislation to provide a basis of accountability and authority in ethical conduct violations that outline culpability as it refers to providing false or misleading information or influencing others to provide false or misleading information to the NCAA or member institutions designed to conceal a violation of NCAA legislation.

"**Bylaw:** Amend 10.1 as follows:

"10.1 UNETHICAL CONDUCT. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member (e.g., coach, professor, tutor, teaching assistant, student manager, and student trainer) may include, but is not limited to, the following:

[10.1-(a) through 10.1-(c) unchanged.]

"(d) Knowingly furnishing **or influencing others to furnish** the NCAA or the individual's institution false or misleading information concerning ~~the~~ **an** individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;"

[10.1-(e) through 10.1-(j) unchanged.]

This amendment is intended to codify current practice as it relates to ethical-conduct violation charges under Bylaw 10.1-(d). This amendment would be consistent with case precedent as evidenced in decisions by the Committee on Infractions. Under NCAA Bylaw 10.1-(d), if an individual (to whom the bylaw applies) provides false or misleading information concerning violations of NCAA legislation, such conduct can serve as the basis for an ethical-conduct violation. Under a strict reading or interpretation of 10.1-(d), the individual is seemingly only responsible for personally providing false or misleading information concerning his or her own involvement in or knowledge of matters pertinent to a violation of NCAA legislation. In practice, however, providing false information concerning one's involvement in or knowledge of violations, inducing another person to provide false or misleading information about their involvement in or knowledge of violations, or falsifying documentation (e.g., compliance monitoring forms) to conceal violations are areas of conduct that have fallen under the purview of Bylaw 10.1-(d). Although Bylaw 10.1 is not intended to be an exclusive list of the type of conduct constituting unethical conduct, the proposed changes more accurately incorporate current practice as it relates to charging violations of Bylaw 10.1-(d).

Presidents Council. No action was necessary.

(4) Interpretations and Legislation Committee (ILC).

Staff Liaisons: Huchthausen, Myers

Council Rep: Fulks

(a) Noncontroversial Legislation – 2010 Convention Proposal - 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 concept noncontroversial legislation, contingent on the adoption of 2010 Division III Convention Proposal No. 2-2, to eliminate the requirement that the exception would only apply if the observation of the prospective student-athlete occurred while the facility is open to the general public.

The intent of 2010 Convention Proposal No. 2-2, is to allow institutions to manage the oversight and safety concerns associated with the use of their facilities without violating NCAA out-of-season regulations and tryout prohibitions. The proposal would allow coaching staff members to exercise supervisory functions over institutional facilities as part of their employment duties and not be in violation of NCAA legislation if, in the course of those duties, they observe enrolled student-athletes or

prospective student athletes engaging in physical activities. With respect to prospective student-athletes, the proposal requires that the facilities be open to the general public at the time of the observation for the observation to be permissible. Many institutions, however, do not grant the general public access to their facilities, but allow prospective students visiting campus to use their facilities. Under this scenario, a coach, who observes a prospective student-athlete using facilities that are not open to the general public, but open to prospective students, violates the legislation despite making this observation in the course of the coach's monitoring duties. This noncontroversial legislation is necessary to allow institutions that don't grant the general public access to their facilities the same latitude to provide facility monitoring as those institutions that have facilities open to the general public. This noncontroversial legislation would bring 2010 Convention Proposal No. 2-2 more in line with its intended purpose of allowing institutions the discretion to provide appropriate facility monitoring.

Presidents Council. The Presidents Council accepted the information.

(b) Noncontroversial Legislation – Awards, Benefits and Expenses - Expenses Provided by the Institution for Practice and Competition - Departure/Return Expense Restrictions – Exceptions – Travel Following Championships Events.

Management Council. The Management Council approved in concept noncontroversial legislation to specify that return transportation following contests in NCAA championship events, or National Governing Body championships in emerging sports that take place during the institution's official vacation period during the academic year or between regular academic terms, are exempt from the requirement that a student-athlete remain no longer than 36 hours following the conclusion of the competition to receive actual and necessary expenses to return to campus.

Current legislation provides an exception to the 48-hour departure restriction for travel prior to contests in NCAA championship events or National Governing Body championships in emerging sports; however, there is no exception for departing the competition site more than 36 hours following the conclusion of a competition. When these events take place during institutional vacation periods and classes are not in session, many student-athletes and their families choose to stay in the locale of the competition for an extended period after the competition. However, under the current rule, if a student-athlete remains at the site more than 36 hours after the conclusion of the competition, the institution is not permitted to pay for that student-athlete's return transportation. Current legislation provides an exception to the 36-hour return restriction for regular-season competition that takes place during the institution's official vacation period during the academic year and between terms. This proposal would bring consistency to the application of the return restriction for regular-season and championship competition that occurs during

the institution's vacation period. The same rationale for an exception for regular-season competition would logically apply to championship competition.

There is a potential increase in costs to provide transportation expenses to student-athletes remaining in the locale of competition beyond 36 hours.

Presidents Council. No action was necessary.

(c) Noncontroversial 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 – Retroactive Effective Date.

Management Council. The Management Council approved in concept noncontroversial legislation making Bylaw 14.2.4.1.1(b), which was adopted at the 2009 Convention, effective retroactively to August 1, 2005.

By passing 2009 Convention Proposal No. 6, the membership determined that student-athletes should be allowed to participate in the one 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. However, the effective date of this proposal was August 1, 2009. This means that a student-athlete that participated in the one date of competition during the spring 2009 nontraditional segment would use a season of participation while the student-athlete that participated in the one date of competition during the fall 2009 nontraditional segment would not be charged a season of participation. The committee determined that this result was not equitable, and that all student-athletes should have the benefit allowed by 2009 Convention Proposal No. 6, as accomplished by this proposal.

Student-athletes that used a season of participation between August 1, 2005, and August 1, 2009, by only participating in the one date of competition during the nontraditional segment would have that season restored.

Presidents Council. No action was necessary.

(d) 2011 Convention Proposal – Recruiting – Recruiting Materials - Advertisements and Promotions – Nonathletics Institutional Advertisements.

Management Council. The Management Council approved in concept legislation for the 2011 Convention that would allow institutions to publish or produce nonathletics institutional promotional materials for use at high school or two-year college athletics events.

The proposal would permit Division III institutions to solicit potential students through nonathletics messages at high school or two-year college athletics events attended by a large number of prospective students and their parents. This proposal will align and create equity of Division III institutions with Division I and II institutions that are currently permitted to recruit students at high school or two-year college athletics events through advertisements and promotional materials.

Potential increase in advertising expenditures, and the potential benefit of increased enrollment as a result of the advertising.

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

(e) Approval of Official Interpretation – Discounts for Camps or Clinics.

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

"Discounts for Camps or Clinics (I/II/III). The Division III Interpretations and Legislation Committee (ILC) determined that an institution may offer discounted admissions to its camps and clinics based on objective criteria unrelated to athletics abilities (e.g., registration prior to a specific date, online registration, attendance at multiple sessions), provided such discounts are published and available on an equal basis to all who qualify.

This interpretation is currently a staff interpretation that Divisions I and II have elevated to an official interpretation. It is appropriate to elevate this staff interpretation to an official interpretation to be consistent with Divisions I and II.

The budgetary impact is contingent upon the extent institutions incorporate admissions discounts into camp and clinic operating policies.

Presidents Council. No action was necessary.

(f) Incorporation of Official Interpretation into the Division III Manual – Printed Promotional Materials for Conference or NCAA Championships.

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

Printed Promotional Materials for Conference or NCAA Championships (III). The Division III Interpretations and Legislation Committee (ILC) 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 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 host institution's athletics program.

The committee noted that under such circumstances, such an item would not be considered a recruiting item.

For purposes of educating the membership and giving the membership sufficient notice of promotional opportunities, this interpretation should be incorporated into the manual.

Because this is already an interpretation, the membership will not incur any additional budgetary consequences as a result of incorporating it into the manual. The interpretation itself allows for additional promotional opportunities, which if pursued would result in a budget impact.

Presidents Council. No action was necessary.

(g) Referral to the Committee on Student-Athlete Reinstatement for comment regarding Major Junior A ice hockey.

Management Council. The Management Council approved the recommendation to charge the Committee on Student-Athlete Reinstatement to review reinstatement guidelines, bylaws and cases regarding Major Junior A hockey, and provide comment back to ILC regarding whether the current legislation is reasonable, equitable and relevant.

The committee reviewed amateurism and eligibility bylaws relative to Major Junior A hockey and requests comment from the Committee on Student-Athlete Reinstatement regarding any reinstatement concerns involving cases of Major Junior A ice hockey participation. Specifically, the committee is concerned with how Major Junior A ice hockey cases

compare with cases involving participation in other comparable international ice hockey leagues. The committee questions whether the current legislation that is specific to Major Junior A ice hockey remains relevant.

Presidents Council. No action was necessary.

(h) Review of Fundraising Legislation.

Management Council. The Management Council noted that ILC reviewed existing fundraising rules and discussed the merits of the current legislation and related interpretations as they apply to student-athletes and the earmarking of funds. The committee directed staff to research and report back to the committee the potential implications of a proposal that would require that any donations received by the student-athlete would have to benefit the team as a whole, but any funds earned by the student-athlete could be earmarked for that student-athlete. As part of this process, the Management Council directed staff to seek legal counsel regarding not-for-profit fund raising and earmarking funds for individuals, and to review possible revisions to the underlying amateurism legislation.

Presidents Council. The Council directed staff to develop specific options for consideration by the Management and President Councils during their January 2010 meetings.

(5) Membership Committee.

(a) Massachusetts Maritime Academy Waiver Request per NCAA Division III Bylaw 20.11.3.1.1 (Waiver).

Staff Liaisons: **Davey, Willett**

Council Rep: Hall

Management Council. The Management Council approved the waiver request from Massachusetts Maritime Academy to use women's sailing as a countable sport toward Division III sports-sponsorship requirements. The waiver shall apply for the 2008-09 academic year.

The NCAA Division III Membership Committee reviewed the request from Massachusetts Maritime and noted Massachusetts Maritime has been granted similar waivers in the past. The institution's women's sailing team affords participation opportunities for female student-athletes. Further, the institution was able to demonstrate a commitment to NCAA sponsored sports and was simply unable to meet sports-sponsorship requirements for softball due to the unique nature of the institution. The committee finally noted Massachusetts Maritime's commitment to adding women's lacrosse and bolstering schedules for the remaining women's sports in order to meet sports-sponsorship requirements.

Presidents Council. No action was necessary.

(b) Rivier College Waiver Request per Bylaw 20.11.3.5.9.1 (Minimum Contests and Participants).

Management Council. The Management Council approved placing Rivier College on probation beginning in the 2010-11 academic year for failure to meet sports-sponsorship requirements during 2008-09.

The institution will be in a probationary period for five years (September 1, 2010 – September 1, 2015) for failure to meet sports sponsorship requirements. It will begin to serve some of the terms of probation (i.e., completion of athletics program assessment) during the 2010-11 academic year.

The institution failed to meet sports-sponsorship requirements due to challenges related to its men's cross country program. The institution cited personnel and roster issues. The cross country coach was hired immediately before the season and the program lacked a consistent coaching presence. The institution further noted the team's low roster size late in the season was due to the overlap with the basketball season since most cross country student-athletes were also basketball student-athletes. The committee did not feel these challenges were unique or unforeseen. The committee further noted the institution should have been able to ascertain it would be short of meeting the sports-sponsorship requirements early in the season and should have made more attempts to meet the sports-minimum requirements.

Presidents Council. No action was necessary.

(6) Nominating Committee.

Staff Liaison: **Tufano**

Council Rep: Keeling

(a) Committee appointment and reappointments.

Management Council. The Management Council approved the following committee appointments and reappointments. Terms begin at the close of the 2010 NCAA Convention unless otherwise noted:

- Division III Management Council. Christopher Thomforde, president, Moravian College; Timothy Downes, director of athletics, Emory University; and Portia Lowe, associate director of athletics/senior woman administrator, Lake Forest College.

- Division III Financial Aid Committee. Reappoint Margaret Mittuch, associate vice-president for student financial services, University of Puget Sound. Appoint Susan Gaylor, vice-president for planning, Lycoming College.

- Division III Interpretations and Legislation Committee. John Meany, assistant director of athletics, Worcester State College; and Amy Friedman, commissioner, Colonial States Athletic Conference.

- Division III Membership Committee. Dale Knobel, president, Denison University; Charles Harris, vice-president for student services, Averett University; and Stefanie Baker-Watson, assistant director of athletics/senior woman administrator, North Central College.

- Division III Strategic Planning and Finance Committee. Reappoint David Neilson, commissioner, Michigan Intercollegiate Athletic Association. Appoint Lisa Melendy, associate director of athletics/senior woman administrator, Williams College.

Presidents Council. The Presidents Council accepted the information.

(b) Committee service.

Management Council. The Management Council discussed ideas to encourage committee service. One idea was to produce and share a video about the nominations process and the time commitments of serving on a committee, and to offer a related session at the Regional Rules Seminars.

Presidents Council. No action was necessary.

Staff Liaisons: Conklin Davey, Montgomery

Council Reps: Royer Wojtkun

(7) Student-Athlete Advisory Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons: Groddy, Bandy

Council Rep: Gunning

(8) Student-Athlete Reinstatement Committee.

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

Presidents Council. No action was necessary.

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

a. 2010 NCAA Convention – Tentative Proposal Groupings.

Management Council. The Management Council approved a proposal grouping and voting order for the 2010 Convention that included proposals (2-9) and (2-5) in the presidents grouping, and the full docket to be voted on in the order presented below.

Presidents Council. The Presidents Council reviewed the proposal order and approved moving Proposal No. 2 (2-5) – Eligibility – Transfer Regulations – Residence Requirement – Disciplinary Suspension – Exception to the general grouping; thereby

increasing the general grouping to eight, with only one proposal in the Presidents Council grouping, as noted below.

Presidents Council Grouping (One Roll-Call Vote)

1 (2-9) Division Membership – Division III Philosophy Statement – Affirmation of Presidential Leadership at Institutional, Conference and National Governance Levels of Division III

General Grouping (Eight Non-Roll Call Votes)

2 (2-5) Eligibility – Transfer Regulations – Residence Requirement – Disciplinary Suspension – Exception

3 (2-1) Recruiting – Tryouts – Deregulation and Reformatting of Tryout – Permissible and Nonpermissible Tryouts

4 (2-2) Recruiting and Playing and Practice Seasons – Tryout Exception – Recreational Activiity – Exceptions for Facility Monitoring as Part of Normal Employment Arrangement

5 (2-6) Playing and Practice Seasons – Length of Playing Seasons – End of the Fall and Spring Nontraditional Segments

6 (2-8) Playing and Practice Seasons – Football – Walk-Through Sessions During the Five Day Acclimatization Period

7 (2-4) Eligibility – Seasons of Participation – Hardship Waiver – Percent Calculation. [Note: This proposal will be editorially revised between the printing of the Second Publication of Proposed Legislation and the Official Notice to clarify that the standardization of the denominator set forth in this amendment applies to the conditions set forth in both 14.2.5(a) and (b).]

8 (2-3) 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

9 (2-7) Playing and Practice Seasons – First Contest or Date of Competition – Exempted Alumni Contest

b. 2010 Division III Convention Proposal Positions and Speaker Assignments. The Councils reviewed responsibilities associated with Convention proposal speaking assingments and after review of committee statements, took formal positions on the following membership-sponsored proposals:

- **CON-2 – Eligibility – Transfer Regulations – Residence Requirement – Disciplinary Suspension – Exception.**

  Presidents Council. The Council supports this proposal.

  Management Council. The Council supports this proposal. The Council agreed with the sponsor's rationale and noted the proposal will bring consistency to both academic and disciplinary sanctrions. Further, the Council recognized that the philosophy of the NCAA and Division III is that athletics is an integral part of a student's education and it is inconsistent to provide an excessive penalty to a student-athlete by withholding opportunities that would benefit the growth of the individual.

  Academic Issues Subcommittee. The subcommittee supports this proposal. The subcommittee agreed with the sponsors' rationale and believes that this proposal is in the best interest of student-athlete well-being. The subcommittee noted the proposal will bring consistency to both academic and disciplinary sanctions.

  Interpretations and Legislation Committee. The subcommittee supports this proposal. The committee likewise noted that this proposal will bring consistency to both academic and disciplinary sanctions.

  The committee futher recognized that the philosophy of the NCAA and Division III is that athletics is an integral part of a student's education and it is inconsistent to provide an excessive penalty to a student-athlete by withholding opportunities that would benefit the growth of the individual. Finally, the committee recognized that disciplinary suspensions are neither uniform, nor uniformly disclosed, making implementation of the current rule difficult.

  Student-Athlete Advisory Committee (SAAC). The committee informally supports the proposal (official position not available until November).

  The committee noted that this affects very few student-athletes, two years of nonparticipation should suffice, and student-athletes should be afforded a second chance if they make the effort to return to school.

- **CON-6 – Playing and Practice Seasons – Football – Walk-Through Sessions During the Five-Day Acclimatization Period.**

  Presidents Council. The Council supports this proposal.

  Management Council. The Council supports this proposal. The Council indicated that allowing a one hour walk-through session during the five-day acclimatization period would provide an additional teaching method that would benefit the student-athlete experience. The Council also noted that allowing a

walk-through session, in most circustances, doesn't increase the time a student-athlete is involved in athletically-related activity since the five day acclimatization period typically occurs before classes are in session. Rather it would be used as a substitute for a film session which is already permitted. Therefore, it would not detract from the student-athletes academic or other interests.

Playing and Practice Seasons Subcommittee. The subcommittee supports the proposal. The subcommittee indicated that allowing a one hour walk-through session during the five-day acclimatization period would provide an additional teaching method that would benefit the student-athlete experience. The subcommittee also noted that the five day acclimatization period typically occurs before classes are in session and would not detract from the student-athletes academic or other interests.

CSMAS. The committee supports the proposal. The committee recognized that this is an educational session where practice or conditioning activities do not occur. Divisions I and II have allowed walk-through sessions and the data does not identify an increased risk but there will be continued monitoring of the football preseason through its injury surveillance system. The committee emphasized that attention should be paid to the local climate on any given day when considering adding a walk-through into the daily plan.

Championships Committee. The committee supports this proposal. The committee stated that allowing a walk-through session, in most circumstances doesn't increase the time a student-athlete is involved in athletically-related activity. Rather it would be used as a substitute for a film session which is already permitted. Furthermore, the walk-through session is a good teaching tool that will provide student-athletes a better experience.

SAAC. The committee informally supports this proposal (official position is not available until November). The proposal accounts for the concerns SAAC had in the past and there appears to be little room for abuse. The committee believed that the walk-through typically would be a substitute for other athletically-related activity and not involve additional time commitments. The committee finally noted that this would be a better way of learning for those first coming into camp.

c. Noncontroversial Legislation.

(1) NC-2010-12 – Amateurism – Promotional Activities – Institutional, Charitable, Educational or Nonprofit Promotions – De Minimis Violations – Release Statement.

Management Council. The Management Council adopted in legislative format a proposal to specify that a violation of the promotional activities legislation in which the only condition of the legislation not satisfied is the requirement that a student-athlete or an authorized representative of the charitable, educational or

nonprofit agency (or both) sign a release statement shall be considered an institutional violation, but the student-athlete's eligibility shall not be affected, provided the release statement would have been signed if such a request had been made.

Presidents Council. No action was necessary.

(2) NC-2010-13 – Committees – General Committees – Infractions Appeals Committtee – Composition – Term of Office.

Management Council. The Management Council adopted in legislative format a proposal to specify that the Infractions Appeals Committee shall consist of five members, composed of one member from the Presidents Council, one member from the Management Council, one from the general public who shall not be associated with a collegiate institution, conference, professional or similar organization or represent coaches or athletes in any capacity, and two positions shall be from the membership. Further, the council amended the previously approved term of office to establish a maximum limit of two, three-year terms.

Presidents Council. No action was necessary.

(3) NC-2010-14 – Membership – Responsibility of Membership – Penalty Structure.

Management Council. The Management Council adopted in legislative format a proposal to reduce the penalty timetable for failure to meet sports-sponsorship requirements from a 10-year period to a five-year period and to reduce the penalty timetable for failure to complete the Institutional Self-Study Guide or to meet the attendance requirements for NCAA Convention or NCAA Regional Rules Seminars from a 10-year period to a three-year period.

In its review of this proposal, the Management Council referred to the Membership Committee a request that it examine the impact on institutions and student-athletes of losing catastrophic injury insurnace during the restricted membership category.

Presidents Council. No action was necessary.

(4) NC-2010-15 – Recruiting – Contacts and Evaluations – Four-Year College Prospective Student-Athletes – De Minimis Violations – Permission to Contact.

Management Council. The Management Council adopted in legislative format a proposal to specify that a violation of the permission to contact legislation in which an athletics staff member or a representative of the institution's athletics interests makes contact with a student-athlete of another NCAA or NAIA four-year collegiate institution without first obtaining written permission shall be considered an institutional violation, but shall not affect the student-athlete's eleigibility, provided permission to contact is subsequently granted by the first institution.

Presidents Council. No action was necessary.

(5) NC-2010-16 – Recruiting – Definitions and Applications – Electronic Transmissions – De Minimis Violations.

Management Council. The Management Council adopted in legislative format a proposal to specify that a violation of the electronic transmission legislation in which an athletics staff member sends a prospective student-athlete electronic communication other than e-mail or facsimiles shall be considered an institutional violation; however, such violations shall not affect the prospective student-athlete's eligibility.

Presidents Council. No action was necessary.

(6) NC-2010-17 – Recruiting – Official Visit – Length of Official Visit – Exception for Extenuating Circumstances.

Management Council. The Management Council adopted in legislative format a proposal to establish an exception to the 48-hour official visit for reasons beyond the control of the prospective student-athlete and the institution and to specify that in such instances, the institution shall submit a report to the conference office following the visit (or, in the case of independent institutions, to the NCAA national offive) noting the details of the extenuating circumstances.

Presidents Council. No action was necessary.

(7) NC-2010-18 – Recruiting – Official and Unofficial Visits – Institutional Admissions Departments – Programming or Benefits Available to All Prospective Students Generally.

Management Council. The Management Council adopted in legislative format a proposal to specify that the official and unofficial visit limitations do not apply to programming or benefits (e.g., entertainment, meals) provided by the institution's admissions department and available to prospective students generally.

Presidents Council. No action was necessary.

(8) NC-2010-19 – Division III Membership Requirements – Sports Sponsorship – Waivers of Sport-Sponsorship – Additional Waivers.

Management Council. The Management Council adopted in legislative format a proposal to specify that the Management Council, on recommendation of the Membership Committee, may waive all other sports-sponsorship requirements based on objective evidence that demonstrates circumstances warranting a waiver of the normal application of those regulations.

Presidents Council. No action was necessary.

d. Modification of Wording.

(1) M-2010-4 – Division Membership – Provisional Institutions – Appointment of Faculty Athletics Representative and Student-Athlete Advisory Committee.

Management Council. The Management Council adopted in legislative format a proposal to eliminate Bylaws 20.3.2.1 (appointment of faculty athletics representative) and 20.3.2.2 (appointment of Student-Athlete Advisory Committee).

Presidents Council. No action was necessary.

(2) M-2010-5 – Eligibility – General Eligibility Requirements – Full-Time Enrollment.

Management Council. The Management Council adopted in legislative format a proposal to establish one bylaw for full-time enrollment requirements for practice and competition.

Presidents Council. No action was necessary.

(3) M-2010-6 – Eligibility – Hardship Waiver – Practice After Receipt of Hardship Waiver.

Management Council. The Management Council adopted in legislative format a proposal to clarify that the limitation on competition for a student-athlete who is granted a hardship waiver only applies to those competitions that cause a student-athlete to use a season of participation.

Presidents Council. No action was necessary.

(4) M-2010-7 – Eligibility – Hardship Waiver – Criteria for Administration of Hardship Waiver – Medical Documentation – Documentation from Physician at Time of Injury or Illness.

Management Council. The Management Council adopted in legislative format a proposal to specify that medical documentation for any hardship waiver request shall be submitted from a physician who administered care at the time of the student-athlete's injury or illness.

Presidents Council. No action was necessary.

5. 2010 SOLICITATION OF ASSOCIATION-WIDE AND DIVISION III COMMITTEE/SUBCOMMITTEE ASSIGNMENTS.

Management Council. The Management Council reviewed a draft of the Committee/Subcommittee assignments and vacancies for 2010. A conference call will be held in November to determine new assignments.

Presidents Council. The Presidents Council reviewed a draft of the Committee/Subcommittee assignments for 2010. Presidents Harris and Bultman determine the new assignments via e-mail.

6. MEMBERSHIP COMMUNICATION.

Management Council. The Management Council reviewed the Conference Meeting schedule and requested that staff prepare bullet points on hot topics to be shared.

Presidents Council. No action was necessary.

7. DIVISION III ISSUES.

a. New Format of Division III Leadership Conferences.

Management Council. The Council received a report from NCAA staff Curtis Hollomon and Jamie Fluker describing updates being made to NCAA student-athlete leadership conferences.

(1) Beginning in 2010-11, the previous format of five divisional leadership conferences is being replaced by one Super-Regional Conference, where student-athletes from all divisions will be invited to engage in personal development and leadership programming in a collective setting. While some sessions will be conducted jointly between all three divisions, portions of the conference will retain a divisional focus. The new format will generate greater efficiency and cost savings. The annual Super-Regional Conferences will be supplemented by the establishment of opportunities for related campus-based programming.

(2) Also, the National Student-Athlete Development Conference is changing its name to the Career in Sports Forum beginning in 2010. The forum, which is sponsored by the educational affairs department, will be conducted May 11-14, 2010, in Indianapolis and will expose student-athletes to careers in sports, specifically collegiate athletics.

(3) The shift in programming is an effort to diversify the experience of NCAA student-athletes during their time in college. While previous programming focused on personal development, (life during college) the forum will focus on career development (life in college and beyond). The forum will teach foundational skills such as communication, networking resume writing, interviewing skills, recruiting, managing culture change, transitioning and budgeting. Participants will develop action plans for personal growth, learn realistic views of the roles of coaches and administrators, and will discuss careers in college athletics.

Presidents Council. The Presidents Council accepted the information.

(4) Drug Education and Testing Pilot.

Management Council. The Management Council received an update by Eric Hartung, associate director of research for Division III, regarding the Drug Education and Testing Pilot.

Presidents Council. The Presidents Council received a similar update by Eric Hartung regarding the Drug Education and Testing Pilot.

The Council decided to delay the release of the Drug Education and Testing Pilot results until after the 2010 Convention for the following reasons:

- More time is needed to explore the results of the report, including the comparability of findings to students generally.
- Discussion related to the report should include the identification of specific policy options.
- The report should include an Executive Summary that captures the main points of the report.
- The Council wants to avoid diverting the primary focus at 2010 Convention from the Division III Identity Initiative.

The Council intends to review the results of the report, with additional information described above, during its January meeting, as well as throughout 2010. Detailed discussions of the report and specific options will be presented to the Division III membership for feedback at the 2011 NCAA Convention.

(5) ArbiterSports.

Management Council. The Management Council received an update on ArbiterSports. The NCAA acquired a majority ownership of The Arbiter, IIL and eOfficials, LLC in September 2008. The Arbiter has been the most widely used online assigning, roster management and payroll system for officials in amateur sports; eOfficials has been the official Web site for NCAA basketball and baseball officiating improvement programs since 2005. The combined operations of the two companies are reflected in the brand "ArbiterSports" and on the new single Web site www.ArbiterSports.com. This investment was made to further expand and enhance the officiating improvement initiatives of the NCAA including:

- Training and continuing education for officials;
- Encouraging national and inter-level consistency;
- Recruiting and development; and
- Improving the student-athlete experience.

The NCAA recognized the long standing concern that officiating was a challenge and wanted to take a more uniform approach to improve the status of officiating at the collegiate level. For 2009-10, football, men's and women's basketball, baseball and softball will use this initiative on a trial basis.

Presidents Council. No action was necessary.

(6) Academic Reporting Pilot.

Management and President Councils. The Councils received an update noting the pilot program will be embedded in the annual collection of graduation data in the spring of 2010. Division III schools will access the Graduation Rates Data Collection System and along with the input of required graduation data for all students, will have the option to input information specific to student-athletes within the graduation cohort requested. The depth and breadth of the student-athlete data request will parallel what is already requested for students overall (e.g., gender, ethnicity group). The inclusion of student-athlete data is completely voluntary. The report will include a traditional graduation rate, as well as an adjusted rate to account for student-athletes who leave in good academic standing. Reporting of student-athlete graduation rates from the pilot program will be done in aggregate through a report to the NCAA Division III Presidents Council and Management Council. There will not be a school-by-school reporting of student-athlete graduation rates via ncaa.org, as is done for Divisions I and II. The traditional graduation rates for students overall in Division III will continue to be reported for individual schools. The division will provide a financial honorarium to each participating institution to help defray administrative expenses.

(7) Division III Identity Initiative.

Management Council. The Management Council received an update on the Division III Identity Initiative and reviewed the Strategic Positioning Platform. The official release of the platform will be during the Issues Forum at the NCAA 2010 Convention.

Presidents Council. The Presidents Council received an update on the Division III Identity Initiative and reviewed its communication plan leading up to the 2010 Convention, which includes direct outreach to all Division III presidents and other key constituents. The Council will review creative materials developed to support the initiative prior to the Convention, and will continue to formulate plans for effective activation of the strategic positioning platform.

8. ASSOCIATION-WIDE UPDATE AND ISSUES.

a. Governmental Relations Report.

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

b. Litigation Report.

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

c. NCAA's Online Strategy.

Management and President Councils. The Councils received an update from NCAA staff Marta Lawrence, associate director of new media and Ronnie Ramos, managing director of new media strategies and content development on the NCAA's current online strategy. The NCAA is creating a new, public side of its Web site, and will also maintain a private password protected site on which to conduct the Association's business. The public site will be a platform to strategically communicate the NCAA's key messages to the general public. The membership side of the Web page will contain the same content as the current ncaa.org. There will be no change in membership access to information, other than requiring members to log on to the membership page. Members will be allowed to personalize their home page according to their institutional role and affiliation. Changes to the NCAA's online strategy will be communicated via the NCAA News, direct e-mails and Convention programming. The initiative will be launched around the 2010 Convention.

d. Interim President's Report.

Management and President Councils. Jim Isch, interim president of the NCAA, updated the Councils on the priorities of the Association over the next several months.

(1) Support the Executive Committee in selecting a permanent president for the NCAA.
(2) Maintain the momentum each division has built towards Academic reform.
(3) Ensure financial stability of the Association regarding the extension of the media rights agreement, better business practices and cost management, and limiting commercialism of intercollegiate athletics.
(4) Better integrate academics and athletics in all divisions.
(5) Focus on diversity and inclusion within the Association.

e. Update on NAIA.

Management and President Councils. The Councils received an update from Bernard Franklin on discussions between the NCAA and NAIA. Presidential representatives from all divisions of the NCAA and representatives from the NAIA have been engaged in meetings to discuss possible collaboration regarding both programmatic and structural opportunities. The report from these meetings was shared with the Executive Committee at their August meeting. As the committee noted that each division was currently dealing with its own challenges related to membership growth, it felt that the Association needed to resolve divisional membership issues before moving forward with any collaboration with the NAIA. There will be an Association-wide session scheduled at the 2010 Convention to discuss how to approach growth management strategically.

f. Diversity and Gender Programs.

Management and President Councils. Delise O'Meally updated the Councils on an internal review of all diversity and gender programs. The goals of this internal review are to ensure programs are aligned strategically to meet Association goals, to establish a definition of diversity, and to develop a vision statement to guide and inform the development of future programs.

The NCAA plans to develop data gathering tools to adequately measure realigned objectives and the vision statement, and will also develop a periodic evaluation of the Association's entire portfolio of related diversity and gender programs.

9. OTHER BUSINESS.

- **Increase Minority Representation.**

Management Council. The Council referred to MOIC a request to consider introducing a Senior Ethnic Minority Administrator designation into the NCAA governance structure. Such a designation could be structured similar to the senior woman administrator. An individual would then be eligible for committee service even if that individual's job title would not otherwise make him or her eligible for specific committee service. The Council noted that MOIC's previous conversations on this topic included concern about having a large enough population of administrators in Division III to draw from for such a designation. The Council noted that MOIC could consider allowing, as opposed to requiring, such a designation. Individuals holding entry level positions could receive some kind of training to be certified to serve on committees normally requiring senior level titles for service. Such training could be conducted in conjunction with previously approved Division III professional development opportunities.

10. ADJOURNMENT.

Management Council. The Management Council meeting adjourned at 10:35 a.m.

Presidents Council. The Presidents Council meeting adjourned at 12:13 p.m.