REVISED AGENDA

A G E N D A

The National Collegiate Athletic Association

Division III Presidents Council

The Westin
Indianapolis, IN

October 28, 2010

1. Welcome and introductions.

2. General information.

   a. Roster. [Supplement No. 1]
   b. Committee/Subcommittee assignments. [Supplement No. 2]

3. Minutes, summaries and agendas.

   a. Summary of Summer 2010 Quarterly Meeting; and August 12, August 30, and September 29, 2010, Administrative Committee actions. [Supplement No. 3]
   b. NCAA Executive Committee meeting minutes. [Supplement No. 4]
   c. NCAA Executive Committee draft agenda – October 28. [Supplement No. 5]

4. Review Division III Strategic Positioning Platform and discussion of Division III Identity Initiative. [Supplement No. 6]

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

6. 2011 NCAA Division III Convention.

   a. Convention registration process. [Supplement No. 8a]

   b. Review schedules. [Supplement No. 8b]

   @ c. Approve proposal groupings. [Supplement No. 8c]

   @ d. Review proposed legislation and approve governance structure positions and speaker assignments. [Supplement No. 8d]

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

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

9. Litigation update. [Supplement No. 11]

@ 10. Report of the Presidents Council Nominating Subcommittee. [Supplement No. 12 will be distributed at the meeting]

* 11. Academic Reporting. [Supplement No. 13]

12. Future meetings.

    a. January 13 - 15, 2011, San Antonia, Texas in conjunction with the 2011 NCAA Convention.

    b. April 27, 2011; Indianapolis – Presidents Council Dinner Meeting – 6 to 9 p.m.

    c. April 28, 2011; Indianapolis – Presidents Council Meeting – 8 a.m. to noon.

    d. August 10, 2011; Indianapolis – President's Advisory Group (PAG) Meeting – 5 to 9 p.m. [Annual meeting of conference presidents]

    e. August 11, 2011; Indianapolis – Presidents Council Meeting – 8 a.m. to noon.

    f. October 26, 2011; Indianapolis – Presidents Council Dinner Meeting – 6 to 9 p.m.

    g. October 27, 2011 – Indianapolis – Presidents Council Meeting – 8 a.m. to noon.

13. Other Business.

14. Adjournment.

@ Denotes key action items.

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

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

Division III Management Council **October 18-19, 2010** **Indianapolis, IN**	**Division III Presidents Council** **October 27-28, 2010** **Indianapolis, IN**
PARTICIPANTS	
Kitty Baldridge, Gallaudet University Stan Ching, Connecticut College Tim Downes, Emory University Dan Fulks, Transylvania University Mary Jo Gunning, Marywood University Portia Lowe Hoeg, Lake Forest College Fredina Ingold, Pennsylvania State University, Altoona Kirin Khan, Mills College Lisa Marsh Ryerson, Wells College Chris Martin, College Conference of Illinois & Wisconsin [*vice chair*] Jeff Martinez, University of Redlands Steve Nelson, University of Wisconsin, Superior Lynn Oberbillig, Smith College [*chair*] Charlie Robert, Nichols College Christopher (Brooks) Royer, Rhodes College Terry Rupert, Wilmington College (Ohio) Chris Thomforde, Moravian College	Livingston Alexander, University of Pittsburgh, Bradford Robert Antonucci, Fitchburg State College Kendall Baker, Ohio Northern University James Bultman, Hope College [*vice chair*] James Harris, Widener University [*chair*] Catharine Hill, Vassar College Chris Martin, College Conference of Illinois & Wisconsin [*vice chair of Management Council*] Jack Ohle, Gustavus Adolphus College Fred Ohles, Nebraska Wesleyan University Kathy Owens, Gwynedd-Mercy College Rosalind Reichard, Emory and Henry College James Schmotter, Western Connecticut State University
ABSENTEES	
Susan Chapman, Worcester State College Bill Klika, Fairleigh Dickinson University, Florham – participated by teleconference Monday afternoon and Tuesday morning. Lisa Marsh Ryerson, Wells College and Chris Thomforde, Moravian College – Tuesday only	David Joyce, Ripon College; Brian Levin-Stankevich, University of Wisconsin, Eau Claire; and Lynn Oberbillig, Smith College *[chair of Management Council]*all participated by teleconference on Thursday only. Marcia Keizs, York College/CUNY Ron Thomas, University of Puget Sound
OTHER PARTICIPANTS	
Scott Bearby, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Leah Kareti, NCAA, *recording secretary* David Klossner, NCAA Debbie Kresge, NCAA Karen Morrison, NCAA Delise O'Meally, NCAA Jeff Myers, NCAA Jennifer Royer, NCAA Greg Shaheen, NCAA	Scott Bearby, NCAA Betsy Crane, Widener University Azure Davey, NCAA Daniel T. Dutcher, NCAA Mark Emmert, NCAA Kim Ford, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Leah Kareti, NCAA, *recording secretary* Debbie Kresge, NCAA, Karen Morrison, NCAA Jeff Myers, NCAA Ed Ray, Oregon State University, *Chair of Executive Committee* Wally Renfro, NCAA Jennifer Royer, NCAA Greg Shaheen, NCAA Mary Wilfert, NCAA

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The meeting was called to order at 8:00 a.m. by the chair, Lynn Oberbillig. The chair welcomed Council members and reviewed the agenda for the meeting.

Presidents Council. The meeting was called to order at 6:10 p.m. by the chair, President Jim Harris. The chair welcomed Council members and reviewed the agenda for the meeting.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meeting – July 19-20, 2010.

Management Council. The Management Council approved the summary of its July 19-20, 2010, meeting as presented.

Presidents Council. No action necessary.

b. Presidents Council Meeting – August 12, 2010.

Management Council. The Management Council reviewed the summary of the August 12, 2010, Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its August 12, 2010, meeting as presented.

c. Executive Committee Meeting – August 12, 2010.

Management Council. The Management Council reviewed the minutes of the August 12, 2010, Executive Committee meeting. No action was necessary.

Presidents Council. The Presidents Council reviewed the minutes of the August 12, 2010, Executive Committee meeting. No action was necessary.

d. Administrative Committee Actions.

Management Council. The Management Council approved the minutes of the August 12, August 30 and September 29, 2010, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the August 12, August 30 and September 29, 2010, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

Staff Liaisons: Dutcher, Kareti, Davey, Kresge

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

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

(1) Convention-Planning Subcommittee.

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

Presidents Council. No action was necessary.

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

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

(2) Strategic-Planning and Finance Committee.

Management Council. The committee had no formal report; however, the Management Council reviewed the 2009-10 and 2010-11 Budget-to-Actual as of September 28, 2010, noting that the 2009-10 budget will not close until the November meeting of the Strategic Planning and Finance Committee. The Council also reviewed the latest six-year projection of revenues and expenses, which reflects the new inflationary policy and new NCAA broadcasting agreements. No action was necessary.

Presidents Council. No action was necessary.

b. Management Council Subcommittees.

Staff Liasons: Davey, Nesbitt

Council Reps: Ching, Downes, Ingold

(1) Academic Issues Subcommittee.

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

Presidents Council. No action was necessary.

Staff Liaisons: Brooks, Willett

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

(2) Subcommittee for Legislative Relief.

Management Council. The Management Council upheld the subcommittee's denial of a waiver seeking relief of Bylaw 14.1.9 (Graduate Student/Postbaccalaureate Participation).

The case involved a student-athlete who attended his first Division III institution for four years where he competed in basketball for three years. The student-athlete sustained an injury at the end of his third season of participation, and was not medically cleared to participate until the conclusion of the playing season in his fourth year of collegiate enrollment. He graduated in four years from this first institution with a 3.100 cumulative grade-point average. The student-athlete

then enrolled at a second Division III Institution where he was not recruited, and selected the institution based on its graduate program offerings and geographic location. The staff and subcommittee both denied the case based on the intent of the legislation, circumstances not warranting relief of the legislation and the Division III directive on regarding graduate student transfers.

In its decision, the Council citied a lack of compelling mitigating circumstances and the desire to maintain the original Presidents Council directive regarding waivers to permit postbaccalaureate participation.

Presidents Council. No action was necessary.

(3) Playing and Practice Seasons Subcommittee.

Staff Liaisons: Huchthausen, Myers

Council Reps: Chapman, Khan Klika, Lowe Hoeg, Martin, Nelson, Oberbillig

- **Noncontroversial Legislation – Playing and Practice Seasons – Men's Volleyball.**

Management Council. Approved in concept noncontroversial legislation, contingent upon the passage of 2011 Convention Proposal No. 2-11, that would make the Bylaw 17 playing and practice seasons regulations for men's volleyball consistent with the playing and practice seasons legislation for other sports with a spring championship, as well as consistent with women's volleyball, effective August 1, 2011.

If the membership passes 2011 Convention Proposal No. 2-11, men's volleyball will go from a national collegiate championship sport to a Division III championship sport. Currently, the Bylaw 17 playing and practice seasons legislation for men's volleyball is more reflective of Division I regulations. Accordingly, if 2011 Convention Proposal No. 2-11 passes, the Bylaw 17 playing and practices season regulations should also change.

The subcommittee noted the following areas that should be changed: (1) the dates of competition limits should be reduced from 28 to 22 in the traditional segment and from four to one in the nontraditional segment; (2) the nontraditional segment should have the same structure as baseball, field hockey, lacrosse, soccer, softball and women's volleyball; (3) the contest exemptions should be the same as women's volleyball; and (4) the playing season exemption for the Division III Men's Volleyball Invitational Championship tournament should be eliminated.

The subcommittee recognized that while these changes may not be without some controversy, they are clearly necessary to promote the normal and orderly administration of the division's legislation. Specifically, if 2011 Convention Proposal No. 2-11 passes, then the Division III national championship would be established for the 2011-12 academic year. The proposal outlined the playing and practice season regulations that men's volleyball would be subject to as a Division III championship sport.

The reduction in the permissible number of dates of competition may result in budget savings for those institutions that scheduled the maximum number of contests, and the reduction in the permissible number of dates of competition may result in less missed class time. While this would result in fewer competitive opportunities it would put the men's volleyball student-athletes on par with women volleyball student-athletes.

Presidents Council. No action was necessary.

c. Presidents Council Subcommittees.

Staff Liaisons: Dutcher, Kareti Tufano

Council Reps: Harris, Owens, Reichard, Thomas

- **Nominations Subcommittee.**

(a) Presidents Council Appointments.

Presidents Council. The Council approved the following nominations to the Presidents Council for four year terms (January 2011 – January 2015):

i. Bob Antonucci, president, Fitchburg State College (Massachusetts State College Athletic Conference).

ii. Sharon Herzberger, president, Whittier College, (Southern California Intercollegiate Athletic Conference).

iii. Lisa Marsh Ryerson, president, Wells College, (North Eastern Athletic Conference).

iv. Charles Edmundson, president, Alfred University, (Empire 8 Conference)

(b) 2010 Presidents Council Chair and Vice Chair Appointments.

Presidents Council. The Council appointed James Bultman and James Schmotter to serve as chair and vice chair, respectively, of the Division III Presidents Council, effective January 2011 to January 2012.

d. Division III Committees.

(1) Championships Committee.

Staff Liaisons: Gentry, Suscha, Williams

Council Reps: Downes, Martin, Oberbillig

(a) 2011 Convention Resolution – Bylaw 31.1.5 – Executive Regulations – Administration of NCAA Championships – Squad Limits – Bench Size Limits.

Management Council. The Management Council approved a recommendation to sponsor a resolution for the 2011 Convention to determine appropriate squad and bench size limits for NCAA championships competition through study by the NCAA Division III Championships Committee with relevant recommendations to be forwarded to the governance structure (and membership if necessary) no later than July 1, 2011. The study will place emphasis on sport-specific logistical concerns, gender equity considerations, and average squad sizes among institutions selected to participate in NCAA championships competition, as opposed to all institutions sponsoring the sport, to determine which sports, if any, merit an increase in the number of student-athletes allowed in the bench area.

In contrast to two 2011 membership-sponsored legislative proposals to allow for unlimited bench sizes at the discretion of participating institutions [Nos. 2-12 and 2-13], the committee believes that a review is necessary to establish workable limits. The committee also notes that championship policy already provides institutions a range of flexibility to bring additional student-athletes under existing bench-size limits.

The current membership-sponsored proposals will apply undue pressure on institutions to permit additional student-athletes to travel, with significant expense, at a time when many institutions are facing budget challenges. Consequently, teams that have to fly to a championships site, for instance, are not likely to have the same bench size as the home team or those institutions within driving distance. Furthermore, additional related championship expenses must be considered, including hotel expense, banquet attendance, and the purchase of additional awards and participant mementos. Logistics and facility constraints also concern the committee. For instance, most baseball and softball dugouts cannot accommodate a significant increase to the current limits and golf venues can only manage a limited number of athletes on the course and driving range. A data-based review is a reasonable approach that will address whether or not increases are warranted in some sports. Those changes could be implemented directly by the governance structure or proposed for the 2012 Convention, if necessary, and could come with increases in the travel party at the

division's expense since the NCAA reimburses expenses for the travel party. Other ancillary benefits include that the expanded number of student-athletes would be included in other aspects of the championship experience such as the pre-event banquet, awards and being included in the game program.

(b) Noncontroversial Legislation – Bylaw 21.9.6.2 – Committees with Only Championships Administration Responsibilities – Committee Membership.

Management Council. The Management Council approved in concept noncontroversial legislation to establish a four-person sport committee representing two regions to govern the administration of the men's volleyball championship. The effective date would be immediate, pending adoption of the related championship at 2011 Convention.

Once the relevant championship is established, institutions sponsoring men's volleyball will be divided into two sport regions for the purpose of defining in-region competition and evaluating teams; two committee members will be assigned to each of the two regions. The assignment of two sport committee members to each of the two regions is consistent with sport committee composition in sports with a similar sponsorship level. Further, a minimum of four members is necessary to allow for effective committee work and championships administration.

This recommendation is presented for approval in concept so that the membership can review key areas regarding the administration of the championship prior to voting on its establishment. During its post-Convention meeting, the Management Council will consider the recommendation for final adoption so that the committee may begin its work shortly after the adoption of the championship.

(c) Men's Volleyball – Championship Administration.

Management Council. The Management Council accepted the information that the committee referred a request to the Interpretations and Legislation Committee to evaluate the waiver authority of the Championships Committee related to issues of automatic qualification, specifically the application of the two-year waiting period for conference automatic qualification eligibility for new Division III championships. Upon receipt of the interpretation, the Championships Committee will generate a specific recommendation related to the establishment of automatic qualification in the sport of men's volleyball. (See related ILC action on page 15) No action was necessary.

Presidents Council. No action was necessary.

(d) Analysis of Sport Region Alignments.

Management Council. The Management Council accepted the information that the Championships Committee further explored sport regional alignment to create standardization wherever possible in region nomenclature and the number of sport regions (based on sport sponsorship). The committee emphasized that geographic proximity, conference affiliation and congruity between like sports (e.g., men's and women's lacrosse); along with implications for sport committee composition, remain important variables when considering any change. Initial plans for the project were received favorably by sport committee chairs. Additional discussion with sport committees and the Division III Commissioners Association will take place in the coming year. In the immediate term, the committee asked NCAA staff to further refine the analysis to ensure that the agreed-upon principles of conference placement are properly reflected and presented to allow for further discussion. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Hartung, Myers, Nesbitt

Council Rep: Rupert

(2) Financial Aid Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons: Cooper, Elworth

Council Rep: Gunning

(3) Committee on Infractions.

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

Presidents Council. No action was necessary.

Staff Liaisons: Dantzler, Smith, Walters

Council Reps: Antonucci, Baldridge

(4) Infractions Appeals Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons:
Davey, Willett

Council Rep:
Robert

(5) Membership Committee

(a) Modification of Wording – Financial Aid – Financial Aid Reporting Process – Failure to Submit – Penalty Structure.

Management Council. The Management Council approved in concept and legislative format a penalty timetable reduction for failure to meet the financial aid reporting requirement from a 10-year period to a three-year period. The proposal shall be effective immediately, and applied retroactively to all institutions currently subject to or facing a related penalty.

The July 2009 NCAA Division III Membership Committee report reflected that fulfillment of the sports-sponsorship requirement is the top membership priority, and therefore, should be a violation of this requirement occur, the penalty time period should be longer than any other membership requirement penalty period. The report further stipulated violations of the sports-sponsorship requirement would result in a five-year penalty period, while other membership requirement violations would result in a three-year penalty period. These changes were ultimately revised via noncontroversial legislation in October 2009. The Membership Committee inadvertently left the financial aid reporting requirement out of its report and, consequently, it was not included in the proposal. This modification of wording resolves that oversight.

(b) Sports-Sponsorship Waiver – Wells College – Waiver of NCAA Division III Bylaw 20.11.3 (Sports Sponsorship).

Management Council. The Management Council upheld the Membership Committee's action to place Wells College on five years' probation for failure to meet sports sponsorship requirements for the 2009-10 academic year, and also provided the institution the opportunity to reduce the term from five to three years if the institution meets all membership requirements during the first three years of probation. The main mitigating factors cited by the Management Council included the institution's recent transition to co-educational status and the fact that the institution self reported the violation. The Council strongly encouraged the institution to send its compliance officer to the Regional Rules Seminar on an annual basis, noting that the basis of the failure to fulfill sports sponsorship requirements was an erroneous rules interpretation.

The institution failed to properly sponsor five sports for males. The institution sponsored six sports for males, yet failed to meet sports-sponsorship minimums in men's swimming and diving and mixed golf. While the institution has a policy of proactively reviewing its sports-sponsorship profile mid-academic year, this review is largely conducted by one individual. In this case, the individual misinterpreted how to

calculate multiteam events (e.g., conference tournaments) per Bylaw 20.11.3.8.4 (counting multiteam events in individual sports). For example, the institution believed a two-day conference meet could count as two contests toward sports-sponsorship minimums, yet the conference tournament only counted as one contest toward the minimums. The committee noted the institution should have exhausted all of its institutional and NCAA resources in January when the institution first reviewed its sports sponsorship compliance rather than conducting a thorough review at the conclusion of the academic year.

As a result of this action, the institution will be placed on probationary status September 1, 2011, and will maintain its penalty designation until September 1, 2016, unless the institution meets all membership requirements during the period of 2011-12 through 2013-14, when the probationary status could be lifted September 1, 2014.

Presidents Council. No action was necessary.

(6) Nominating Committee.

Staff Liaison: **Tufano**

Council Rep: Lowe Hoeg

- Committee appointments and reappointments.

Management Council. The Management Council approved the following committee appointments and reappointments. Terms begin at the close of the 2011 NCAA Convention unless otherwise noted:

i. Division III Management Council. Janine M. Hathorn, director of athletics, Washington and Lee University, Old Dominion Athletic Conference; Kurt Beron, faculty athletics representative, University of Texas at Dallas, American Southwest Conference; Marjorie Hass, president, Austin College, Southern Collegiate Athletic Conference.

ii. Division III Championships Committee. Sue Lauder, director of athletics and recreation services, Fitchburg State University, Massachusetts State Collegiate Athletic Conference; Holly Gera, director of athletics, Montclair State University, New Jersey Athletic Conference.

iii. Committee on Competitive Safeguards and Medical Aspects of Sports. Immediate vacancy replacing Susan Davis – Christopher Ummer, director of athletics/head men's and women's cross country coach, Lyndon State College, North Atlantic Conference.

iv. Division III Financial Committee. Michele Perkins, president, New England College, The Commonwealth Coast Conference.

v. Division III Committee on Infractions. Amy Hackett, director of athletics, University of Puget Sound, Northwest Conference.

vi. Division III Interpretations and Legislation Committee. Reappoint Darryl Sims, director of athletics, University of Wisconsin, Oshkosh, Wisconsin Intercollegiate Athletic Conference.

vii. Division III Membership Committee. Karen Tompson-Wolfe, faculty athletics representative, Westminster College (Missouri), St. Louis Intercollegiate Athletic Conference.

viii. Division III Nominating Committee. Charles Yrigoyen, commissioner, Iowa Intercollegiate Athletic Conference.

ix. Division III Student-Athlete Reinstatement Committee. Donald Brooks, assistant director of athletics, Williams College, New England Small College Athletic Conference.

Staff Liaisons: Davey, Montgomery, Wright

Council Reps: Khan, Royer

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

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

Presidents Council. No action was necessary.

Staff Liaisons: Bandy, Groddy

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.

Staff Liaisons: Huchthausen, Myers

Council Rep: Fulks

(9) Interpretations and Legislative Committee (ILC).

(a) 2011 NCAA Convention Proposal No. 2-9 – Amendment-to-Amendment – Playing and Practice Seasons – Athletically Related Activities - Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts – Available to All Students.

Management Council. The Management Council took no action on a recommendation to sponsor an amendment-to-amendment to 2011 NCAA Convention Proposal No. 2-9 to permit certified strength and conditioning personnel to conduct voluntary workouts for all student-athletes only if the service is available to all students in general.

The Council determined that the general student body was unlikely to seek assistance with conducting workouts as described in the proposal.

Presidents Council. No action was necessary.

(b) 2011 Convention Proposal No. 2-9 – Amendment-to-Amendment – Playing and Practice Seasons – Athletically Related Activities – Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts – Regular Academic Year.

Management Council. The Management Council agreed to recommend that the Presidents Council sponsor an amendment-to-amendment to 2011 Convention Proposal No. 2-9 to permit certified strength and conditioning personnel to conduct voluntary workouts for all student-athletes only during the institution's regular academic year.

This amendment presents a compromise position by considering the sponsor's rationale regarding the need to ensure proper training, balanced against the potential increased pressure on student-athletes to participate in these workouts. This recommendation strikes at the core of "proportion" which is a key Division III attribute. It expands the current time period permitted to conduct these workouts thereby supporting student-athletes in their efforts to reach high levels of athletics performance, consistent with the Division III philosophy statement. It also provides student-athletes with appropriate time to pursue other interests and passions during the summer vacation period.

Presidents Council. The Presidents Council agreed to sponsor the amendment-to-amendment.

(c) Noncontroversial Legislation – Recruiting – Four-Year Prospective Student-Athletes – Permission to Contact – Response to Request and Hearing Opportunity.

Management Council. The Management Council approved in concept noncontroversial legislation to modify the deadlines by which an institution must respond to a student-athlete's request to permit another institution to contact him or her about transferring to require the institution to grant or deny a request within seven business days of receipt of the request; further, to specify that if the request is denied, the institution shall conduct a hearing and provide written results within 15 business days of receipt of the student-athlete's written request and the student-athlete shall be provided the opportunity to appear in-person or via telephone and actively participate in the hearing; further, to specify that if the institution fails to respond to the student-athlete's written request or fails to conduct a hearing or provide written results within the specified time period, permission to contact shall be granted by default and the institution shall provide the written permission to the student-athlete.

While Proposal No. NC-2007-37 added 14-day deadlines requiring institutions to respond to a student-athlete's request for permission to contact and to be notified of a hearing opportunity, those deadlines do not fully protect a student-athlete's best interests. For example, an institution may choose to not respond to a student-athlete's request which

would be considered a denial of the request. Furthermore, current rules do not include a specific time period by which to conduct an appeal hearing, stating only that it is prompt. This proposal would narrow the timeline for institutions to initially respond from 14 days to seven business days and it would require an institution that denies permission to contact to conduct a hearing within 15 business days. Further, it promotes student-athlete well-being by defaulting in the student-athlete's favor if an institution fails to respond or conduct a hearing in the legislated timeframe.

Presidents Council. No action was necessary.

(d) Noncontroversial Legislation – Playing and Practice Seasons – Limit on Number of Student-Athletes on an Outside Team – Outside Team Tours – Women's Rowing.

Management Council. The Management Council approved in concept noncontroversial legislation to specify that the number of student-athletes from any one institution who may participate in international competition as a member of an outside team on a foreign tour shall not exceed four.

When women's rowing moved from emerging sport status to championship sport status, placing a limit on the number of student-athletes who may compete for an outside team was inadvertently overlooked. This proposal corrects that oversight.

Presidents Council. No action was necessary.

(e) Recruiting – High School All-Star Contests – Involvement of Coaches – Administrative and Operational Duties.

Management Council. The Management Council approved in concept noncontroversial legislation to permit a coach to serve in an administrative or operational capacity (e.g., ticket administration, concessions, scoreboard operator) for a high school all-star event on its campus, but to prohibit a coach's involvement in coaching, officiating or player selection.

ILC reviewed the impact of the tryout deregulation on high school all-star contests, which were not addressed in Proposal No. 2010-3. The committee noted that regulations regarding all-star contests are somewhat at odds with the recent legislation that has allowed an institution greater flexibility to conduct other events involving prospective student-athletes on campus. Currently, coaches and athletics staffs are prohibited from serving in any capacity (e.g., coach, official, player selection, operational or administrative duties) for or during high school all-star contests, even operating the scoreboard. This is in conflict with the new tryout rules which permit institutional coaches to serve as coaches and administrators for sport clubs teams that include

prospective student-athletes regardless of where the club team is located. Furthermore, coaches involved with club teams may be involved in player evaluation and selection for members of the club team. In addition, coaches and athletics staff may invite high school or club teams to participate in scholastic and nonscholastic competition on its campus, even on an invitational-only basis. The committee agreed that some flexibility was warranted for a coach's involvement in a high school all-star contest on its campus given the new tryout deregulation and this recommendation provides opportunities to do so in a reasonable manner.

Presidents Council. No action was necessary.

(f) Modification of Wording – Eligibility – Transfers – Two-Year and Four-Year Transfers – Eligibility at Previous Institution.

Management Council. The Management Council approved in concept a modification of wording to NCAA Division III Bylaws 14.5.4.1-(c) and14.5.5.1.1-(b) to clarify that a student-athlete's eligibility is determined by whether the student-athlete was academically and athletically eligible for competition at his or her previous institution at the time the student-athlete transferred from the previous institution (see Bylaw 14.5.2).

ILC reviewed information regarding transfer legislation, specifically the point at which the analysis should take place to determine whether a student-athlete "would have been academically and athletically eligible had he or she remained" at the previous four-year institution. The committee noted the legislative history of Proposal No. 1997-72. In the proposal's statement of intent, the NCAA Division III Steering Committee, NCAA Division III Academic Requirements Committee and the NCAA Division III Subcommittee of the Presidents Commission explained the proposal's purpose of permitting a transfer student-athlete to be immediately eligible "only if the student-athlete was academically and athletically eligible for competition at his or her previous institution at the time the student-athlete transferred from that institution." Therefore, the committee confirmed that the point in time at which the question should be answered is when a student-athlete triggers transfer status per Bylaw 14.5.2 (conditions affecting transfer status) based on the legislation's intent. Clarification of this will assist the membership in applying the transfer rules.

Presidents Council. No action was necessary.

(g) Incorporation of Official Interpretation – Executive Regulations – Automatic Qualification – Definition of Single-Sport Conference.

Management Council. The Management Council approved in concept the incorporation of the following interpretation (Reference: 3/25/10, Item No. 6):

Definition of a Single-Sport Conference. The NCAA Division III Management Council confirmed that a single-sport conference is a conference that only sponsors one sport. A conference that sponsors one sport, but sponsors both men's and women's competition in that sport is a multisport conference and would not qualify for a single-sport conference waiver for purposes of automatic qualification for either the men's or women's competition. It would be permissible, however, to establish two separate single-sport conferences (i.e., men's sport conference, women's sport conference) for purposes of requesting a single-sport conference waiver in each sport.

[Reference: Division III Bylaw 31.3.4.3.2 (single-sport conference waiver)]

This official interpretation was published March 25, 2010, to clarify the definition of a single-sport conference. The budget impact is minimal if conferences choose to establish two separate single-sport conferences (i.e., men's sport conference, women's sport conference).

Presidents Council. No action was necessary.

(h) Approval of Official Interpretation – Waiver of Automatic Qualification Requirements for New Championships.

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

Waiver of Automatic Qualification Requirements for New Championships. ILC confirmed that the NCAA Division III Championships Committee may determine appropriate conditions for conferences (single or multisport) to receive automatic qualification to a new championship as it deems necessary to administer that championship. This may include, but is not limited to, waiving the existing automatic qualification requirements for a period of time, including that a conference be in existence for two years prior to receiving automatic qualification privileges. Further, ILC confirmed that for all other championships the Championships Committee may waive any of the requirements for a conference to receive automatic qualification, except for the requirement that a conference be in existence for two years.

[References: Bylaws 18.1 (regulations and authority for conduct of championships), 31.1.1 (authority of championships committees and sports committees), 31.1.1.1 (authority of championships committees and sports committees – waivers), 31.3 (selection of teams and individuals for championships participation) and 31.3.2.1.1 (additional requirements – multisport conference)]

Bylaw 31.1.1.1 (authority of championships committees and sports committees – waivers) states that the Championship Committee has final waiver authority on all championships issues, which includes automatic qualification decisions. There is one provision within Bylaw 31; however, that specifically precludes any waivers. This provision requires that a conference be an NCAA member conference for two years before receiving an automatic qualification [Bylaw 31.3.2.1.1-(a)-(1)]. While this limitation seems appropriate for an established championship it does not directly translate for the establishment of a new championship. Historical practice indicates this was not intended to apply to newly established championships, which serves as precedent on this issue. The official interpretation merely codifies this authority for future newly established championships.

Presidents Council. No action was necessary.

(i) Noncontroversial Legislation – Awards and Benefits – Awards – Expenses to Receive Noninstitutional Awards – Established Regional, National or International Awards – Actual and Necessary Expenses Provided by Institution.

Management Council. The Management Council approved in concept noncontroversial legislation to permit an institution to provide actual and necessary expenses for a student-athlete and his or her relatives or individuals of a comparable relationship to travel to a banquet designed to recognize the student-athlete's accomplishments as an athlete as part of an established regional, national or international award that is permitted by NCAA legislation.

Current legislation permits an outside organization to provide actual and necessary expenses for a student-athlete and the student-athlete's relatives or individuals of a comparable relationship to attend an event at which the student-athlete will receive an established regional, national or international award. An institution, however, may not cover these costs even when the outside organization will not. This puts the financial burden on the student-athlete and his or her relatives or individuals of a comparable relationship should they wish to attend the event. This proposal promotes student-athlete well-being by providing an opportunity for institutions to pay these costs. It also brings equity to the

source of funds for noninstitutional awards since institutions can already pay actual and necessary expenses for student-athletes to be recognized by the federal, state or local government and to receive conference awards.

Presidents Council. No action was necessary.

(j) Noncontroversial Legislation – Eligibility – Transfer – Four-Year Transfers – Academic Requirements – Exception.

Management Council. The Management Council approved in concept noncontroversial legislation to modify the four-year transfer exception to permit a student-athlete to be immediately eligible at the certifying institution if the student transfers from a four-year collegiate institution that did not sponsor the student-athlete's sport. The student-athlete must have successfully completed at least 24 semester or 36 quarter hours of transferable-degree credit and spent at least two full-time semesters or three full-time quarters of attendance at the previous institution. The proposal shall become effective on January 12, 2011, for transfers occurring on or after that date.

ILC reviewed the issue of whether Division III should consider legislating an exception to the transfer regulations for situations involving nonsponsored sports. The committee noted that a student-athlete in this situation has no legislative recourse simply because his or her previous institution did not sponsor his or her sport, whereas if he or she had transferred from an institution that did sponsor his or her sport the existing exceptions would apply. After reviewing Bylaw 14.5.4.1-(c) which provides two opportunities for a 4-2-4 transfer to be immediately eligible at the certifying institution, ILC agreed that similar flexibility should be afforded a 4-4-4 transfer. The academic requirements demonstrate a student-athlete's academic commitment to ensure he or she is not attempting to circumvent the rules.

Presidents Council. No action was necessary.

(k) Voting Method for 2011 Convention Proposals.

Management Council. The Management Council recommended that the Presidents Council designate that votes for all proposals at the 2011 Convention to be taken by roll call method, regardless of proposal grouping (Presidents Council or general).

ILC discussed voting methods, noting that roll-call voting has historically only been designated for the presidential grouping. While a mechanism exists for the membership to consider changing the voting method on the Convention floor, the committee agreed that since the

electronic voting units and technology permit the recording of all votes in an expeditious manner; votes for all proposals (Presidents Council and general grouping) should be taken using the roll call method, as it provides transparency for the membership.

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

(l) Review Division II Proposal No. NC-2011-14.

Management Council. The Management Council referred Membership Committee NCAA Division II Proposal No. NC-2011-14 for further examination.

In its review of Division II legislative actions, this proposal was noted by the committee given its interaction between membership requirements and the enforcement process. Therefore, ILC believes it is appropriate for the Membership Committee to consider.

Presidents Council. No action was necessary.

(m) Application of Hardship Waiver Legislation to Transfers.

Management Council. The Management Council referred to the Student-Athlete Advisory Committee (SAAC) the issue regarding application of hardship waiver legislation to transfers.

ILC received an update on the application of hardship waiver legislation to transfers noting that the Management Council took no action at its July meeting, thereby leaving the current official interpretation (9/17/97, Item No. 3) in place. ILC discussed this issue in greater detail and agreed to refer it to SAAC in order to gain student-athlete input.

Presidents Council. No action was necessary.

(n) Recruitment Activities for Enrolled Student-Athletes.

Management Council. The Management Council referred to SAAC the issue of whether enrolled student-athletes should be permitted to e-mail prospective student-athletes for recruitment purposes.

ILC considered whether enrolled student-athletes should be permitted to e-mail prospective student-athletes for recruitment purposes. Current legislation permits enrolled student-athletes to participate in the recruitment process in Bylaw 13.02.4.1 (permissible recruitment activities for enrolled student-athletes) through telephone calls, official visits and unofficial visits. The committee noted that coaches are permitted to e-mail prospective student-athletes and that it generally seemed reasonable to extend this method of communication to enrolled student-athletes as

well. The committee agreed, however, it was important to have the student-athlete perspective on this issue. Specifically, the committee is interested in SAAC's input on whether e-mail is more or less intrusive than text messaging and general feedback on any differences between the two forms of communication in light of advancements in technology and accessibility.

Presidents Council. No action was necessary.

e. Association-Wide and Common Committees.

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

Staff Liaisons: **Klossner Wilfert**

Council Rep: Martinez

- **Sickle Cell Trait Updates.**

Management Council. The Management Council received an update on the Sickle Cell Trait from David Klossner, health and safety staff of the NCAA. CSMAS responded to the Management Council referral requesting that it produce a summary of the data currently available, including division-specific data that, if collected, may help Division III resolve the issue of mandatory testing for the sickle cell trait.

The CSMAS responded with an overview of currently available data and a list of questions to which the NCAA currently does not have an answer (e.g., Why are the sudden death cases predominately at the Division I level and within football conditioning? What are the screening practices among Division II and Division III institutions? What are the most effective universal precautions for preventing not only sudden death but collapse in student-athletes with sickle cell trait?) The committee also submitted a plan to conduct further research and promote the best practices already highlighted in the NCAA Sports Medicine Handbook.

The Management Council accepted the committee's plan as satisfactory, noting that continued monitoring remains important.

Presidents Council. No action was necessary.

(2) Honors Committee.

Staff Liaison: **Tufano**

Council Rep: Klika

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

Presidents Council. No action was necessary.

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

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

Council Rep: Ching

(a) Restructuring of the Executive Committee Subcommittee on Gender and Diversity Issues (ECSGD) and the national office.

Management Council. The Management Council accepted the information that the committee received an overview of the recent national office executive staff changes and overall restructuring. Focused efforts around increasing efficiencies and the elimination of redundancies led to the most recent staffing changes that affected the NCAA diversity and inclusion and gender initiatives areas and staff. In light of the recent changes affecting the national office, the committee asked that staff provide an update on the impact, if any, the staffing changes may have had on the diversity of the overall national office staff. No action was necessary.

Presidents Council. No action was necessary.

(b) Division III Senior Minority Officer.

Management Council. The MOIC discussed the proposed Division III designation of a senior minority administrator. The designated administrator would be recognized within the governance structure in a manner similar to the senior woman administrator; however, the administrator would not necessarily need to be a designated individual within the athletics department. This proposed effort is intended to assist in diversifying the Division III committee structure. The MOIC raised questions regarding whether it was a good practice to consider allowing an administrator not directly involved in athletics to participate in the committee structure and make decisions on issues with which they may be unfamiliar.

The Management Council determined that the most appropriate next steps to enhance the diversity of the Division III committee member nominations pool is to focus on participants of the programs that are already designed to develop women and ethnic minorities as athletics professionals (e.g., Strategic Alliance Matching Grant and the Division III Internship Program) and not pursue further action to amend who is eligible for committee service at this time. A potential future action would be to add coaches who have successfully completed relevant educational, training or certification programs to the list of individuals eligible for committee service.

Presidents Council. No action was necessary.

(4) Olympic Sports Liaison Committee (OSLC).

Staff Liaisons: **Calandro, Smith, Suscha**

Council Rep: Chapman

- **Reaction to the Capital One Cup**

Management Council. The OSLC discussed the recent establishment of the Capital One Cup, a program created by NCAA Corporate Champion Capital One to recognize and reward high performance among Division I athletics programs as measured by final rankings and championship place finishes. In particular, the committee expressed concern that the program places weighted emphasis on a tiered structure of sports and consequently devalues any sports and its participating student-athletes that are not listed, or simply those not categorized as Tier 1.

Furthermore, the committee expressed concern that the Capital One Cup does not align with the ideals of collegiate athletics, notably broad-based sport sponsorship and the value of the student-athlete experience, and is in direct conflict with the Directors' Cup, an accepted and established program of National Association of Collegiate Directors of Athletics, an organizational partner of the NCAA. The absence of NCAA Football Championship Subdivision football and national collegiate sports, sports included in the NCAA championship program, along with a lack of consideration for Division II and III athletics also concerned the committee. The committee emphasized the need for greater deliberation when considering initiatives that affect the entire NCAA membership and recommended a reevaluation of the Capital One Cup program.

The Management Council received an update on this program, noting that Capital One has been building its sports marketing platform for several years and only recently committed to partnering with the NCAA. It was noted that Capital One's significant financial commitment as a corporate champion benefits the entire Association, and that it is within the corporation's purview to tailor this awards program in a manner consistent with its goals for the partnership. Membership concerns over the structure of the awards program have been expressed through various channels and shared with Capital One.

Presidents Council. No action was necessary.

(5) Postgraduate Scholarship Committee.

Staff Liaison: **Strum**

Council Rep: Chapman

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

Presidents Council. No action was necessary.

(6) Research Committee.

Staff Liaison: Bracken

Council Rep: Ryerson

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

Presidents Council. No action was necessary.

(7) Committee on Sportsmanship and Ethical Conduct.

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

Council Rep: Ingold

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

Presidents Council. No action was necessary.

(8) Walter Byers Scholarship Committee.

Staff Liaison: Chichester

Council Rep: Thomforde

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

Presidents Council. No action was necessary.

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

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

Council Rep: Oberbillig

(a) Postseason Bowl Sponsorship.

Management Council. The Management Council recommended that the Presidents Council formally endorse the position of the Committee on Women's Athletics (CWA) opposing the selection of GoDaddy.com as a bowl title sponsor. Further, Council requested that the NCAA Executive Committee review the concerns expressed by the CWA in order to determine how best to ensure that future bowl sponsors are aligned with the image, values and integrity of the Association. The CWA is concerned by the approval of GoDaddy.com as a football bowl sponsor as its advertisements do not correlate with espoused NCAA values and the respectful representation of women, particularly women in sport. CWA requests that focused efforts are made to ensure GoDaddy.com's advertisements and activities surrounding the postseason football bowl game will maintain the integrity and image of the NCAA and its student-athletes.

Presidents Council. The Presidents Council formally endorsed the position of the Committee on Women's Athletics (CWA) opposing the selection of GoDaddy.com as a bowl title sponsor, and requested that the NCAA Executive Committee review the concerns expressed by the CWA to determine how best to ensure that future bowl sponsors are aligned with the image, values and integrity of the Association.

(b) NCAA advertising policies.

Management Council. The Management Council recommended that the Presidents Council formally endorse the position of the Committee on Women's Athletics (CWA) to recommend to the NCAA Executive Committee that it review and consider directing the divisions to amend the Association's current advertising policies noted in NCAA Division I Bylaw 31.1.14.1 and Divisions II and III Bylaw 31.1.12.1.

The current advertising policies of the Association are designed to exclude those advertisements that do not appear to be in the best interest of higher education with NCAA presidential authority to rule in cases where doubt exists. Advertising associated with alcoholic beverages, cigarettes and other tobacco products, professional sports organization or personnel and organizations promoting gambling are expressly prohibited. The committee recommends that the list of expressly prohibited advertisements be expanded to exclude advertisements not in line with the values of higher education, including but not limited to sexually explicit or suggestive materials, discriminatory content or that content which condones violence. Further, the committee recommends that these policies be included not only as part of advertisers and advertising copy of game programs, broadcasts and telecasts, and other controlled aspects of NCAA championships but, in Division I, as part of the postseason bowl licensing criteria and process. The committee noted that explicitly stating such advertisements are not appropriately associated with NCAA championships or a postseason opportunity is in the best interest of the student-athletes and the Association, and in keeping with the Association's status as an institution of higher education.

Presidents Council. The Presidents Council formally endorsed the position of the Committee on Women's Athletics (CWA) and noted that such policies should cover all NCAA media outlets, including the new NCAA digital platform.

(c) Emerging Sports for Women Program Updates.

i. Competitive Cheer.

Management Council. The Management Council accepted the information that the committee received an update on recent Quinnipiac University litigation regarding competitive cheer and its status as a "sport" under the Office for Civil Rights (OCR) definition. There are currently two organizations developing two different competitive models that they believe would meet the OCR definition and consequently garner enough support to be considered as an emerging sport for women. The committee preliminarily discussed potential issues Stunts or Acrobatics and Tumbling could encounter in meeting the requirements to be considered an emerging sport for women, as well as developing association legislation. No action was necessary.

Presidents Council. No action was necessary.

ii. Triathlon.

Management Council. The Management Council accepted the information that the triathlon organizers have completed their proposal, and are currently in the process of collecting ten letters of support. The NCAA communicated information about the sport to every NCAA institution and conference. The committee discussed various ways to assist the education and communication efforts of triathlon organizers, including presenting to Presidents Council, Divisions I, II and III Student-Athlete Advisory Committees, and using former collegiate female student-athletes who have now become professional triathletes. No action was necessary.

Presidents Council. No action was necessary.

(d) Lesbian, Gay, Bisexual and Transgender (LGBT) Issues.

Management Council. The Management Council accepted the information that the committee received an update from the NCAA staff on issues surrounding transgender student-athletes. The Division III governance staff received several requests for resources to help the membership address issues with transgender student-athletes, both from an eligibility standpoint and student-athlete well-being standpoint. The Division III Presidents Council requested the committee raise awareness of the issues associated with, and identify available resources that

address transgendered student-athletes' well-being, and to develop a timeline to create NCAA policy on transgendered student-athlete participation. CWA noted that the primary need of resources is to protect student-athlete well-being, with competitive equity issues being a secondary but necessary issue to also be addressed. The national office is creating Association-wide resources to educate the membership by defining terms, outlining potential issues, and setting forth best practices until a formal policy is created. It was stressed that this is an Association-wide membership issue, even though the issue was first raised in Division III.

CWA discussed the need to build a foundation of educational resources to initiate membership discussion prior to developing a membership wide policy. The committee noted its support of the efforts to address LGBT issues and supported the provision of funding to support the development of a transgender student-athlete participation resource. No action was necessary.

Presidents Council. No action was necessary. See page 35 for a related update on Transgender issues.

Staff Liaisons: Barnhart, Bracken, Ford, Holzman, Morrison, Rossello

Council Reps: Ching Oberbillig

(10) Joint meeting of the MOIC and CWA.

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

Presidents Council. No action was necessary.

4. *2011 NCAA CONVENTION.*

a. Non-Athletics Institutional Advertisements.

Management Council. On recommendation of the Division III Administrative Committee, the Management Council considered the potential withdrawal of the Convention Proposal regarding nonathletics recruiting advertisements as that committee questioned the overall advisability of the proposal. The Management Council reviewed the proposal and did not take any action to withdraw, noting that the proposal permits Division III schools to advertise in the same manner as Divisions I and II institutions, and withdrawal would put Division III institutions (particularly those in areas that have a number of competing schools nearby) at a disadvantage in communicating the Division III identity to prospective students. The Management Council also noted that these requests are already being received by institutions, and this proposal only reflects a difference in where the advertisement may ultimately be placed.

Presidents Council. The Presidents Council approved the Management Council recommendation and took no action on this proposal; thus it remains on the 2011 Convention docket.

b. NCAA Championships – Sponsorship by Professional Sports Organizations.

Management Council. The Management Council recommended that the Presidents Council withdraw Convention Proposal No. 2-6 to allow the newly restructured championships alliances staff to work cooperatively with the governance and legislative staffs on issues regarding professional sports advertising and sponsorship. Further, the Council extended the waiver originally provided by the NCAA Division III Championships Committee for spring 2010 combined championships (i.e., more than one division) to apply for all 2010-11 championships while this examination occurs.

The initial issues which served as the impetus for the proposal focused solely on marketing and promotional activities and did not fully contemplate other financial arrangements that are typically associated with various contracts used in the overall championships process. For example, elements such as control of concession revenue, operation of suites and assignment of tickets are often negotiated as part of the overall agreement with a stadium or venue and host institution or conference. Inherent to these contractual issues is a mutual agreement between the NCAA, host institution or conference and facility regarding any number of operational and financial considerations that flow in both directions. Consequently, it is clear that a deeper examination of the overall championships process is necessary prior to modifying any legislation, as it is evident the issue extends beyond only marketing and promotional considerations.

The waiver provision is necessary so that the 2010-11 championships can continue to operate as planned. For example, this would permit the combined men's lacrosse championship to use existing promotional efforts (e.g., mailing to season ticket holders). It would also permit divisional championships to function without concern that elements may be contrary to existing legislation if a professional sports entity is involved. Implied in this waiver request is that no professional sports team or organization would be an identifiable advertiser or sponsor of a specific Division III championship.

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

c. 2011 NCAA Convention – Proposal Groupings.

Management Council. The Management Council recommended the following proposal grouping and voting order for the 2011 Convention:

Presidents Council Grouping (Five Roll-Call Votes).

1 (2-3) Organization -- Presidents Council and Management Council -- Authority of Presidents Council and Management Council.

2 (2-2) Organization -- Management Council -- Composition -- Athletics Direct Report and Increase in Members.

3 (2-7) Recruiting -- Recruiting Materials -- Advertisements and Promotions -- Nonathletics Institutional Advertisements.

4 (2-4) Amateurism -- Preferential Treatment -- Exception -- Designation of Fundraising Money.

5 (2-11) Postseason Events -- Division III Championships -- Men's Volleyball.

General Grouping (Eight Roll-Call Votes).

6 (2-1) NCAA Membership -- Definitions and Applications -- Affiliated and Corresponding Membership -- Requirements for Affiliated Membership and Elimination of Corresponding Membership.

7 (2-9) Playing and Practice Seasons -- Athletically Related Activities -- Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts.

7-1 Playing and Practice Seasons – Athletically Related Activities – Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts- Academic Year.

8 Resolution- Executive Regulations – Administration of NCAA Championships – Squad Limits – Bench Size Limits.

9 (2-12) Executive Regulations -- Administration of NCAA Championships -- Squad Limits -- Bench Size Limits -- All Sports.

10 (2-13) Executive Regulations -- Administration of NCAA Championships -- Squad Limits -- Bench Size Limits -- Sports Other Than Football.

11 (2-8) Eligibility -- Outside Competition -- Exceptions – Triathlon.

12 (2-10) Playing and Practice Seasons -- Wrestling -- First Date of Practice and Competition.

13 (2-6) Executive Regulations -- Administration of NCAA Championships -- Restricted Advertising and Sponsorship Activities -- Professional Sports Organizations or Teams. **(To be Withdrawn)**

14 (2-5) Amateurism -- Exception for Prize Money for Enrolled Student-Athletes -- Outside the Playing Season During the Institution's Official Summer Vacation Period -- Individual Sports.

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

d. 2011 Division III Convention Proposal Positions. The Councils reviewed responsibilities associated with Convention proposal speaking assignments and after review of committee statements, took formal positions on the following membership-sponsored proposals:

- **CON-2-4 – Amateurism – Preferential Treatment – Exception – Designation of Fundraising Money.**

  Presidents Council. The Council noted that while this provides increased flexibility and autonomy for institutions to manage fundraising activities within reasonable parameters, it detracts from the team aspect of intercollegiate athletics and may have other unintended consequences. Further, it was noted the current rules do not appear to unnecessarily restrict the ability of teams to fundraise and participate in athletics activities.

  Management Council. The Management Council took no position on this proposal. It noted that while it provides increased flexibility and autonomy for institutions to manage fundraising activities within reasonable parameters, the distinction between earned and unearned funds may have unintended consequences and it may shift emphasis to individuals rather than the team itself. Consequently, the Council believed that the membership should engage in the debate and vote without a specific recommendation from the governance structure.

  Interpretations and Legislative Committee. The committee supports this proposal noting that it provides increased institutional autonomy to manage fundraising activities within reasonable parameters to prevent abuse.

  Student-Athlete Advisory Committee. The committee informally opposes this proposal (official position not available until November). The committee based its informal position on its belief that funds should be divided equally among all team members due to the emphasis on the team itself. Further, it was noted that it would be difficult to determine earned vs. unearned and it forces a student-athlete into fundraising when he or she may have another greater commitment (e.g., heavy class load in nontraditional semester).

- **CON-2-8 – Eligibility-Outside Competition-Exceptions-Triathlon.**

  Presidents Council. The Presidents Council supports the proposal, agreeing with the Management Council's rationale.

  Management Council. The Management Council supports the proposal, agreeing with the sponsor's rationale and the intent that student-athletes would be expected to participate in all three legs of a triathlon competition.

Academic Issues Subcommittee. The subcommittee supports the proposal. In reaching its position, the subcommittee noted that participating in a triathlon would have no greater impact on a student-athlete's academic performance than would participation in any other co-curricular or extracurricular activity. The subcommittee additionally noted that requiring a student-athlete's participation in each element of a triathlon event would prevent any additional competitive advantage and, therefore, should not constitute outside competition.

Playing and Practice Seasons Subcommittee. The subcommittee supports the proposal. It agrees with the sponsor's rationale and the intent that student-athletes would be expected to participate in all three legs of a triathlon competition. The subcommittee also noted that triathlon is a separate sport from swimming and diving, track and field and cross country and should be treated as such for outside competition purposes.

Championships Committee. The committee supports the proposal. It agreed with the sponsor's rationale and the intent that student-athletes would be expected to participate in all three legs of a triathlon competition.

Student-Athlete Advisory Committee. The committee informally supports the proposal (official position not available until November). The committee based its information position on its belief that student-athletes should be allowed the choice to participate in the events and that no competitive advantage is gained.

- **CON-2-9 – Playing and Practice Seasons – Athletically Related Activities – Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts.**

Presidents Council. The Presidents Council supports the proposal, agreeing with the Management Council's rationale.

Management Council. The Management Council supports this proposal. The Council believes this proposal would provide student-athletes a safer environment in which to engage in voluntary workouts by permitting certified strength and conditioning coaches to conduct the workouts, rather than just monitor them. The Council noted that strength and conditioning coaches are already permitted to monitor voluntary workouts and that student-athletes may be provided with a workout plan so expanding the legislation to permit certified individuals to conduct the workouts is not a significant change. Further, the Council noted the SAAC's support of the proposal.

Playing and Practice Seasons Subcommittee. The subcommittee opposes this proposal, noting that institutions are already permitted to provide the students with a workout and to monitor their workouts for safety purposes. Therefore, this proposal would not provide anything of significantly greater value to the student-athlete. The student-athlete however could feel increased pressure to engage in out of season workouts with their coach, if there coach was permitted to conduct the workout. This risk is not worth the minimal value that the proposal provides.

Interpretation and Legislation Committee. The committee took no position on this proposal, but recommended the Management Council sponsor two amendments-to-amendments as noted in its report.

Student-Athlete Advisory Committee. The committee informally supports the proposal (official position not available until November). The committee based its informal support on its belief that this supports student-athlete endeavors to prepare for the season. It also provides education and safety for student-athletes by permitting these individuals to be more involved in voluntary workouts.

- **CON-2-11 – Postseason Events – Division III Championships – Men's Volleyball.**

Presidents Council. The Presidents Council supports the proposal, agreeing with the Management Council's rationale.

Management Council. The Management Council supports the proposal, agreeing with the sponsor's rationale.

Playing and Practice Seasons Subcommittee. The subcommittee supports the proposal, agreeing with the sponsor's rationale.

Championships Committee. The committee supports this proposal. The committee agreed with the sponsor's rationale.

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

- **CON-2-12 – Executive Regulations – Administration of NCAA Championships – Squad Limits – Bench Size Limits – All Sports.**

Presidents Council. The Presidents Council opposed this proposal, agreeing with the Management Council's rationale.

Management Council. The Management Council opposes this proposal. It believes that regulations are necessary to establish workable limits for bench size due to a number of practical and logistical concerns. The Council instead has recommended a resolution to more thoroughly examine and address this issue.

Championships Committee. The committee opposes this proposal. The committee believes that regulations are necessary to establish workable limits for bench size due to a number of practical and logistical concerns (Note: Refer to related action on Page No. 6 – 2011 Convention Resolution.)

Student-Athlete Advisory Committee. The committee informally supports this proposal (official position not available until November). The committee's informal position is based on its position that opportunities for student-athletes outweigh all else and that this truly supports the student-athlete experience. The committee noted any numbers of areas are not always competitively equitable, yet support of proposal provides additional opportunities for student-athletes which are paramount.

- **CON-2-13 – Executive Regulations – Administration of NCAA Championships – Squad Limits – Bench Size Limits – Sports Other Than Football.**

  Presidents Council. The Presidents Council opposes this proposal, agreeing with the Management Council's rationale.

  Management Council. The Management Council opposes this proposal. It believes that regulations are necessary to establish workable limits for bench size due to a number of practical and logistical concerns. The Council instead has recommended a resolution to more thoroughly examine and address this issue.

  Championships Committee. The committee opposes this proposal. The committee believes that regulations are necessary to establish workable limits for bench size due to a number of practical and logistical concerns (Note: Refer to related action on Page No. 6 – 2011 Convention Resolution).

  Student-Athlete Advisory Committee. The committee informally supports this proposal (official position not available until November). The committee's informal position is based on its position that opportunities for student-athletes outweigh all else and that this truly supports the student-athlete experience. The committee noted any numbers of areas are not always competitively equitable, yet support of proposal provides additional opportunities for student-athletes which are paramount.

e. Review of Noncontroversial Legislation Adopted by the Management Council per Constitution 5.3.1.1.1.

- **NC-2011-20 – Division Membership – Definitions and Applications - Emerging Sports for Women – Removal of Squash.**

  Management Council. The Management Council adopted in legislative format a proposal to remove squash as an emerging sport for women and to eliminate other specified legislation associated with the sport (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).

  Presidents Council. No action was necessary.

- **NC-2011-21 – NCAA Membership – Active Membership – Conditions and Obligations of Membership – Application of Rules to All Recognized Varsity Sports – Elimination of Emerging Sports Timetable.**

  Management Council. The Management Council adopted in legislative format a proposal to eliminate the timetable for application of legislation to emerging sports for women.

  Presidents Council. No action was necessary.

- **NC-2011-22 – Division Membership – Eligibility for National Collegiate Championships – Elimination of Two-Thirds Majority Eligibility Requirement.**

  Management Council. The Management Council adopted in legislative format a proposal to eliminate the requirement that, in those sports in which two-thirds or more of the institutions sponsoring the sport are members of the same division, an institution is required to meet that division's and its own division's institutional and individual eligibility requirements (or the more stringent rule if both divisions' rules address the same issue).

  Presidents Council. No action was necessary.

- **NC-2011-23 – Committees – Common Committees – Committees with Playing Rules and Championships Administration Responsibilities – Women's Bowling Committee.**

  Management Council. The Management Council adopted in legislative format a proposal to increase the number of members of the Women's Bowling Committee from six to seven, including a non-voting secretary-rules editor.

  Presidents Council. No action was necessary.

- **NC-2011-24 – Enforcement – Appeals Committee – Authority of Infractions Appeals Committee – Establish Policies and Procedures.**

  Management Council. The Management Council adopted in legislative format a proposal to establish the authority of the Infractions Appeals Committee to adopt or revise enforcement policies and procedures that relate directly to the infractions appeals process, subject to review and approval by Management Council.

  Presidents Council. No action was necessary.

- **NC-2011-25 Membership – Conditions and Obligations of Membership – Failure to Meet Requirements – Penalty Period.**

  Management Council. The Management Council adopted in legislative format a proposal to modify the penalty structure as specified for the membership requirements of NCAA Convention and Regional Rules Seminar attendance, Institutional Self-Study Guide, Annual Financial Aid Report and minimum sports sponsorship; further, to revise the definition of restricted membership to clarify that an institution shall lose eligibility for membership privileges and that such an institution must comply with all requirements involved with the associated penalty period.

  Presidents Council. No action was necessary.

- **NC-2011-26 -- NCAA Membership – Eligibility – Composition of Conference – Seven Active Members.**

  Management Council. The Management Council adopted in legislative format a proposal to increase the conference composition active member requirement from six to seven institutions, and added language justifying the September 1, 2012, effective date of this proposal, as the standard date for the NCAA to recognize changes in institutional or conference membership status is September 1.

  Presidents Council. No action was necessary.

- **NC-2011-27 -- NCAA Membership – Provisional and Reclassifying Membership – Election Procedures – Application Deadlines**

  Management Council. The Management Council adopted in legislative format a proposal to amend the provisional and reclassifying application deadlines from May 15 to January 15, and added language justifying the September 1, 2011, effective date of this proposal, as the standard date for the NCAA to recognize changes in institutional or conference membership status is September 1.

  Presidents Council. No action was necessary.

- **NC-2011-28 – Recruiting – Definitions – Electronic Transmissions – Exception – After Receipt of Financial Deposit.**

  Management Council. The Management Council adopted in legislative format a proposal to specify that on or after May 1 of a prospective student-athlete's senior year in high school, there shall be no limit on the forms of electronically transmitted correspondence that may be sent by an institution to a prospective student-athlete, provided the institution has received a financial deposit in response to the institution's offer of admission.

  Presidents Council. No action was necessary.

- **NC-2011-29 – Awards and Benefits – Housing and Meals – Exceptions – Preseason Practice Expenses – De Minimis Violation.**

  Management Council. The Management Council adopted in legislative format a proposal to specify that a violation of the preseason practice expenses legislation due to a miscalculation of the permissible start date for preseason practice shall be considered an institutional violation; however, the violation shall not affect the student-athlete's eligibility, except that knowingly providing impermissible expenses shall affect the eligibility of the student-athlete.

  Presidents Council. No action was necessary.

f. Review of Modifications of Wording Adopted by the Management Council per Constitution 5.3.1.1.1.

- **M-2011-3 – Eligibility -- Hardship Waiver – Criteria for Administration of Hardship Waiver – Nature of Injury/Illness – When Incapacitating Injury or Illness Was Sustained**

  Management Council. The Management Council adopted in legislative format a proposal to permit an individual who sustained an incapacitating injury or illness prior to becoming a student-athlete to qualify for a hardship waiver during his or her initial year of collegiate enrollment.

  Presidents Council. No action was necessary.

- **M-2011-4 – Financial Aid – Financial Aid Reporting Process – Failure to Submit**

  Management Council. The Management Council adopted in legislative format a proposal to reduce from 10 to three the number of years an institution shall be on probation for failure to submit its annual financial aid report.

  Presidents Council. No action was necessary.

5. *DIVISION III INITIATIVES AND UPDATES.*

a. Division III Identity Initiative.

Management Council. The Council received an update on recent identity activation initiatives, including the launch of a public website describing Division III, the distribution of a tool kit to aid key membership constituents in telling the Division III story, and the launch of the Division III purchasing website, which makes banners, print ads and other similar resources available to campuses and conferences. The Council also discussed the plans to conduct a Convention session describing the best practices of those institutions and conferences that have begun local activation of this initiative.

Presidents Council. The Council received an update on the identity initiative, and approved an overall allocation of $10,000 to provide $500 credits to each single sport conference in Division III to access materials on the Division III identity purchasing website.

b. Division III Revenues and Expenses.

Presidents Council. The Council received a report on selected findings from the 2010 Division III Revenues and Expenses Report and acknowledged the value of institutions having fact-based financial data with which to compare institutions and understand relative expenses. The Presidents Council directed the staff to continue to develop this information for further review in January 2011 with the President's Advisory Group, toward the possible establishment of dashboard indicators or a similar mechanism. The Council will encourage Division III members to fully participate in the data collection efforts to best support any tools developed.

c. Transgender Update.

Presidents Council. The Council received a presentation on transgender students after issuing a summer referral to the Committee on Competitive Safeguards and Medical Aspects of Sport, and Committee on Women's Athletics, to raise awareness of the issues associated with transgendered student-athlete well being, and to establish a timeline for the NCAA to develop a formal policy on transgendered student-athlete eligibility. As part of the educational effort, the Council heard from an academic expert, Professor of Human Sexuality Betsy Crane from Widener University and from NCAA inclusion and health and safety staff, to learn about the sociological and practical implications of serving transgender college students, and particularly student-athletes. The Council recommended that colleagues in Divisions I and II consider a similar educational session. The Council remains committed that student-athlete well-being should be the primary consideration in addressing this complex issue. It expects to receive updated educational materials and a policy development timeline from the relevant committees in April 2011, at which time it will review relevant recommendations to the NCAA Executive Committee regarding Association-wide action on this topic.

d. Drug Education and Testing.

Management Council. The Council continued to discuss the results of its Drug Education and Testing Pilot, conducted during 2007-09. The Council acknowledged the importance of including coaches in this educational effort, and noted that acknowledgement of campus drug education policies could be added to coaches' performance evaluations. The Council suggested that one area very open to \collaboration with coaches is the development of team conduct rules. The Council also acknowledged the advice received from the NCAA Student-Athletes Affairs Advisory Board, that bystander intervention may be one of the most effective ways to influence student-athlete behavior. Ultimate success of the division's drug education and testing initiatives could be measured by participation rates in education programs, the NCAA quadrennial study regarding drug use and abuse, and potential new Division III studies. The Council also offered suggestions for the Convention Issues Forum, indicating that the format could include a review of pilot results, options for future consideration, available education programs, and roundtable discussions.

Presidents Council. The Council continued to discuss the results of the pilot and focused on four options to present for full membership discussion at the January Convention. The Presidents Council has endorsed options to retain the existing championships drug testing program, and provide the division with additional resources to conduct enhanced drug education, and optional, campus-based drug testing. Such programs would, target alcohol, emphasize collaboration with the student-affairs community and identify for the membership those deterrence programs with proven records of success. The Council also has endorsed the concept of funding to support optional drug testing programs at the institutional level.

e. Academic Reporting.

Management and Presidents Councils. The Councils received a preliminary update on the division's academic reporting pilot. This is a first attempt at gathering national data to compare the academic performance of Division III students and student-athletes. Preliminary results will be shared during the Division III Business Session at the 2011 Convention. Future analysis will look at trends across sport, gender, and other demographic categories. If the two year pilot yields useful data and effectively manages the administrative burden on member institutions, the division may seek to implement required reporting in the future. There are no plans to establish national initial or continuing eligibility standards in Division III. The purpose of the reporting is to help institutions assess adherence with the expectation that student-athletes perform at least as well as their student-body peers, and to provide additional data to support the Division III Identity platform.

f. Virtual Focus Group Communication.

Management Council. The Council reviewed the results of its recent virtual focus group (VFG) communication which focused on transgendered student-athletes. The Council's next VFG will be about rules education methods.

Presidents Council. No action was necessary.

g. Conference/Independent Meetings Update.

Management Council. Members commented on recent conference meeting visits, and requested that staff distribute a PowerPoint presentation to Council members to accompany the fall governance booklet.

Presidents Council. No action was necessary.

h. Sand Volleyball Survey Update.

Management Council. The Management Council approved a recommendation from NCAA staff that it not pursue conducting a survey of interest in sand volleyball amongst current student-athletes, current students and prospective students. This action was due to significant issues related to the feasibility of obtaining representative samples from

these populations that would lead to useful information on which to base decisions. The staff presented to the Council projections of interest from the Sporting Goods Manufacturing Association study of participation to provide a reasonable estimate of the current level of participation in this sport among secondary-school age girls. The Council accepted this and noted that its original objection to supporting sand volleyball was based not on a lack of interest, but rather on the likelihood that it would create a year-round playing season for volleyball student-athletes, and the sports historical exploitation of women.

Presidents Council. No action was necessary.

6. *ASSOCIATION-WIDE UPDATES AND ISSUES*

a. NCAA Digital Agreement.

Management and Presidents Councils. The Councils heard an update on the formation of NCAA Digital, a web-based partnership between the NCAA and Turner Sports. No action was necessary.

b. Litigation Update.

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

c. Governmental Relations Report.

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

d. National Office Restructuring.

Management and Presidents Councils. The Councils heard an update on national office restricting and reviewed updated organizational charts. No action was necessary.

e. Student-Athlete Affairs Advisory Committee Report.

Management Council. The Council accepted the report of the Student-Athlete Affairs Advisory Committee. No action was necessary.

Presidents Council. No action was necessary.

f. Executive Committee Meeting Update.

Management Council. The Council was visited by Bernard Franklin, Executive Vice President of Membership and Student-Athlete Affairs/ Chief Inclusion Officer/Liaison to the Executive Committee, Delise O'Meally, Director of Membership and Student-Athlete Affairs, and Karen Morrison, Director of Gender Inclusion Initiatives. Ms. O'Meally updated the group on the Executive Committee's Membership Working Group, and entity charged six months ago to study membership growth. The group is composed of seven

representatives, including Division III members Chris Graham, commissioner of the Midwest Conference, and Jim Bultman, President of Hope College. The group's first meeting was held in August 2010 and examined divisional issues, trends in higher education, including for-profit schools, and community colleges. The group's next meeting is October 27 and will included an expanded discussion regarding trends in sport sponsorship, participation and growth opportunities for the NCAA, and any related issues from a legal perspective. Ms. O'Meally also updated the Council on potential restructuring that could occur within the governance structure related to diversity and inclusion and gender initiatives. There has been a desire to achieve greater presidential involvement with gender and diversity issues concurrent to an internal review of staff structure and organization. As a result, the Executive Committee will discuss the possible change in committee structure related to MOIC, CWA, and the Executive Committee Subcommittee on Gender and Diversity (ECSGD); three groups which seem to have some overlap in committee charge. The governance structure will consider three models to streamline, increase effectiveness and add presidential involvement to the management of inclusion initiatives.

One model includes an Inclusion Cabinet, with subgroups managing race/ethnicity, gender and other dimensions of diversity (physical disability, LGBT, transgender). The second model is similar to the current structure in that it would maintain MOIC and CWA and collapse ECSGC into both MOIC and CWA, by adding presidential representatives to those two committees. The study of this structure is on a one year timeframe with a report due to the Executive Committee in the summer of 2011.

Karen Morrison updated the group on CWA's review of GoDaddy.com as a Division I FBS bowl sponsor. (See page 22 for related Council action). Bernard Franklin updated the Council on national office restructuring. President Emmert has established a new senior management group to enable the national office to be more efficient and effective in its service to membership. President Emmert created the position of Chief Operations officer, and named Jim Isch to that post. In this role, Isch has established a theme of collaboration, communication and accountability for the national office staff. President Emmert also updated the national office's staff support of diversity and inclusion, elevating the top post to that of an Executive Vice President serving as the NCAA's chief inclusion officer. Bernard Franklin now holds this role, and is supported by a staff that includes directors of inclusion initiatives focuses on gender and minority issues.

g. Presidents Report.

Presidents Council. The Council was visited by NCAA President Mark Emmert, who reviewed with the group his focus for the future of the Association:

(1) Enhance the student-athlete experience.

(2) Demonstrate leadership with members to keep strengthening the platform that governs national intercollegiate athletics.

(3) Engage the world beyond higher education to further support and sustain the collegiate model.

President Emmert also reviewed the national office organizational structural changes, including the reasoning for establishing a more vertical reporting structure and reorganizing various departments within the office that resulted in an approximate six percent decrease in staff.

9. ADJOURNMENT.

Management Council. The Management Council meeting adjourned at 11:20 a.m. Tuesday, October 19.

Presidents Council. The Presidents Council meeting adjourned at 11:55 a.m. Thursday, October 28.